

**CITY COUNCIL MINUTES  
FORT ATKINSON, WISCONSIN  
JUNE 5, 2007**

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 City Wastewater Utility Supervisor.

3. APPROVAL OF MINUTES OF MAY 15, 2007 REGULAR COUNCIL MEETING.

Cm. Tesmer, seconded by Cm. Zastrow, moved to approve the minutes of the May 15, 2007 Regular Council meeting. The motion carried on a voice vote.

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON LIQUOR LICENSE APPLICATIONS FOR PERIOD FROM JULY 1, 2007 TO JUNE 30, 2008.

President Mielke opened the public hearing on Liquor License applications for the period from July 1, 2007 to June 30, 2008 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.

Rick Rector – 1010 Larsen Road, asked if the banquet hall was included in the premise description of his license application for Rock River Lanes. The City Clerk/Treasurer stated it was not. Mr. Rector requested this be added to the application.

After three calls and hearing no further comments, President Mielke closed the public hearing on Liquor License applications for the period from July 1, 2007 to June 30, 2008.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

a. PRESENTATION OF CERTIFICATES OF APPRECIATION.

President Mielke recognized the following individuals for their dedicated service on various City boards and committees: Joan Jones, Roger Sherman, Mark Mittag, Terry Arliskas, Bill Flood, Jill Ottow, Daniel Roloff, Paul Brady, Mike Rusch and John Ottow.

b. REQUEST TO BLOCK ALLEY BEHIND 522 ADAMS STREET FROM 4:00 P.M. FRIDAY, JUNE 15, 2007 TO 4:00 P.M. SATURDAY, JUNE 16, 2007 FOR GRADUATION PARTY.

The City Manager stated the abutting neighbors have signed the request.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the request to block the alley behind 522 Adams Street from 4:00 p.m. Friday, June 15, 2007 to 4:00 p.m. Saturday, June 16, 2007 for a graduation party. The motion carried on a voice vote.

c. REPORT BY VIRCHOW, KRAUSE & CO. ON CITY'S FINANCIAL STATEMENTS AS OF DECEMBER 31, 2006, AND REPORT ON INTERNAL CONTROLS.

Julie Swingle, Virchow, Krause & Co. stated she knows the Council receives good information throughout the year, so nothing in the statements is a big surprise and very few journal entries need to be made by the company when they come in to do the audit.

The Auditor's Opinion is similar to past years and the only note is the Historical Society information is not a part of the audit, however everything else is included, so the Council can feel pretty comfortable with the numbers in the statements.

Ms. Swingle encouraged the reading of the Management's Discussion and Analysis, because it is easy to understand and gives a good idea of what the entire report is talking about. Most operations of the City flow through the General Fund and at year end the fund was budgeted to have a \$694,000 deficit, which would come from Fund Balance. The General Fund actually had a \$207,000 deficit, so when comparing budgeted to actual the City actually had a \$487,000 positive variance.

Fund Balance at year end was just over \$2.6 million with approximately \$1.3 million unreserved and undesignated, which is about 12% of the City's annual operating expenditures. The general rule is to have between 8 and 16 percent of operating expenses in Fund Balance.

As of December 31, 2006 the City was at about 37% of its statutorily set borrowing capacity, which is \$43 million or 5% of the City's equalized valuation. Between 50% and 60% seems to be average for municipalities in Wisconsin.

Ms. Swingle concluded by answering questions from the Council and reviewing some of the new auditing standards and requirements coming up in the future that will affect municipalities.

Cm. Simdon, seconded by Cm. Zastrow, moved to accept and file the report by Virchow, Krause & Co. on the City's Financial Statements as of December 31, 2006 and Report on Internal Controls. The motion carried on a voice vote.

- d. REQUEST BY CHAMBER OF COMMERCE TO CLOSE STREETS, PARKING LOTS, AND PARKING STALLS IN THE AREA OF SOUTH WATER STREET EAST AND EAST MILWAUKEE AVENUE FOR ANNUAL RHYTHM ON THE RIVER EVENT ON SATURDAY, AUGUST 25, 2007.

Cm. Simdon mentioned there had been a problem last year with taverns adjacent to the grounds having people coming in and out of their establishments with open intoxicants. Joyce York stated the Police Chief has instructed the owners of their license responsibilities and that she will also contact the taverns in the area to resolve the issue.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the request by the Chamber of Commerce to close streets, parking lots and parking stalls in the area of South Water Street East and East Milwaukee Avenue for the annual Rhythm on the River event on Saturday, August 25, 2007. The motion carried on a voice vote.

- e. REQUEST BY CHAMBER OF COMMERCE TO HOLD CARNIVAL DAYS ON JULY 27-28, 2007, AND TO HAVE BRAT STAND IN FRONT OF THE PLAZA ON SOUTH WATER STREET EAST.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the request by the Chamber of Commerce to hold Carnival Days on July 27-28, 2007 and to have a brat stand in front of the plaza on South Water Street East. The motion carried on a voice vote.

## 6. RESOLUTIONS AND ORDINANCES

- a. RESOLUTION GRANTING VARIANCE TO AIRPORT HEIGHT LIMITATION ORDINANCE ALLOWING SHERIFF'S DEPARTMENT TO LOCATE A COMMUNICATION TOWER IN JEFFERSON.

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

## RESOLUTION NO. 1122

WHEREAS, on June 5, 2007, the Fort Atkinson City Council met to consider the request by the Jefferson County Sheriff's Department to locate a communication tower within the City of Jefferson, which would be 1,145-feet in elevation, or 185-feet above the City of Fort Atkinson's Airport Height Limitation Zoning Ordinance of 960-feet.

WHEREAS, the Federal Aviation Administration has submitted a determination dated April 24, 2007, indicating that said request by the Jefferson County Sheriff's Department would not be a hazard to air navigation.

NOW THEREFORE, BE IT RESOLVED, that the Fort Atkinson City Council, at their regularly scheduled meeting of June 5, 2007, moved to approve the request for a variance by the Jefferson County Sheriff's Department to the Airport Height Limitation Zoning Ordinance.

The City Manager stated the Federal Aviation Administration has submitted a determination dated April 24, 2007, indicating that the tower would not be a hazard to air navigation.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve and adopt the resolution granting a variance to the Airport Height Limitation Ordinance allowing the Sheriff's Department to locate a communication tower in Jefferson. On call of the roll, the motion carried unanimously.

### 7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cm. Simdon, moved to accept and file the minutes of the Police & Fire Commission meeting held May 10, 2007; the minutes of the License Committee meeting held May 21, 2007; the minutes of the Planning Commission meeting held May 22, 2007; the minutes of the Historic Preservation Commission meeting held May 1, 2007; the minutes of the Historical Society Board meeting held April 19, 2007; the minutes of the Special Historical Society Board meeting held May 10, 2007; the minutes of the Historical Society Weekly Core Construction meetings held April 16, 2007, April 23, 2007, April 30, 2007 and May 7, 2007; the minutes of the Water Tower Committee meeting held May 17, 2007; the minutes of the Board of Zoning Appeals meeting held May 17, 2007; the minutes of the Public Works Committee meeting held May 24, 2007; and the minutes of the Climate Protection Ad Hoc Committee meeting held May 29, 2007. The motion carried on a voice vote.

### 8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE RENEWAL OF "CLASS B" COMBINATION LICENSE FOR YUK KWON WONG FOR USE AT 120 NORTH MAIN STREET, D/B/A CANTON

CHINESE RESTAURANT, WITH A REVIEW OF THE LICENSE ON OCTOBER 1, 2007.

The City Clerk/Treasurer stated the reason for review is due to the restaurant being closed since mid October, 2006. The Wong's are currently in the process of seeking a new business to lease out and continue a Chinese restaurant at this location. They have advertised via the internet to other Chinese restaurants in a 45 mile radius who may be interested in expanding their business. The Wong's have had interest from a party wanting to open a Mexican restaurant, however they would prefer to keep it a Chinese restaurant since it has been in the Downtown for so long.

The Committee recommended renewal of the license with the condition that it be reviewed October 1, 2007.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the renewal of the "Class B" License for Yuk Kwon Wong for use at 120 North Main Street, d/b/a Canton Chinese Restaurant, with a review of the license on October 1, 2007. The motion carried on a voice vote.

- b. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE REQUEST FROM A.D.R. ENTERPRISES, INC., D/B/A ROCK RIVER LANES, FOR A PREMISE DESCRIPTION CHANGE TO INCLUDE MINI GOLF COURSE AND SPECIAL EVENTS BEHIND THE BUSINESS AT 1010 LARSEN ROAD BASED ON THE FINDING THAT IT FITS THE DEFINITION OF A RECREATIONAL PREMISE.

Rick Rector stated he would have a licensed operator in the mini golf area at all times.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to approve the request from A.D.R. Enterprises, Inc., d/b/a Rock River Lanes, for a premise description change to include mini golf course, special events behind the business and banquet hall at 1010 Larsen Road based on the finding that it fits the definition of a recreational premise. The motion carried on a voice vote.

- c. RECOMMENDATION FROM LICENSE COMMITTEE TO DENY REQUEST FOR A CLASS "C" WINE LICENSE FOR NOVERINO, L.L.C., D/B/A CRIMSON SALON & SPA FOR USE AT 33 SOUTH WATER STREET EAST, BECAUSE IT DOESN'T MEET THE STATUTORY REQUIREMENT OF BEING A RESTAURANT.

Cm. Tesmer, seconded by Cwmn. Behrens, moved to deny the request for a Class "C" Wine License for Noverino, L.L.C., d/b/a Crimson Salon & Spa for use at 33 South Water Street East, because it does not meet the statutory requirement of being a restaurant. The motion carried on a voice vote.

- d. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE LIQUOR LICENSE APPLICATIONS FOR PERIOD FROM JULY 1, 2007 TO JUNE 30, 2008.

The City Clerk/Treasurer explained each license type and reviewed their respective quotas and current holders with the Council.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the Liquor License applications for the period from July 1, 2007 to June 30, 2008 as submitted. The motion carried on a voice vote.

- e. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE TAVERN DANCE HALL LICENSES.

Cm. Tesmer, seconded by Cwmn. Behrens, moved to approve the Tavern Dance Hall Licenses as submitted. The motion carried on a voice vote.

- f. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE ARCADE LICENSES FOR ROCK RIVER LANES AND FAMILY FUN BARN.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the arcade licenses for Rock River Lanes and Family Fun Barn. The motion carried on a voice vote.

- g. RECOMMENDATION FROM PUBLIC WORKS COMMITTEE THAT CITY GO TO AUTOMATED COLLECTION SYSTEM FOR GARBAGE/ RECYCLING PICKUP, THAT THREE CONTAINER SIZES BE OFFERED (35, 65 AND 95 GALLONS), AND THAT THE 65 GALLON CONTAINER BE THE DEFAULT/STANDARD SIZE.

The City Manager stated the Public Works Committee has met twice regarding this issue and that the automated collection system would create savings for both the City and Veolia. The new method would actually save the City \$.09 per unit per month and also produce landfill charge cost savings.

Single-stream (commingled) Recycling would be picked up every other week and garbage would continue to be collected weekly with a City-wide bulk pickup once a month. With the single-stream recycling there will be no need to separate recyclable materials, they will all be placed in the same bin. Three size containers (35, 65, and 95 gallons) will be offered for recycling and garbage collection. Each residential unit will receive one bin for recycling and one for trash with the default or standard size being 65 gallons. Citizens may request different size bins by contacting the City. The totes will be provided and distributed by Veolia. One additional bin for recycling and one for garbage may be purchase if the 95 gallon containers are not enough for approximately \$5.00/bin/residential unit/month.

The City will be advertising the program via news media, grocery stores, banks, City website and City Hall. The new collection system is scheduled to begin in September or October of this year.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the City go to an automated collection system for garbage/recycling pickup, that three container sizes be offered (35, 65 and 95 gallons), and that the 65 gallon container be the default/standard size. The motion carried on a voice vote.

- h. RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO APPROVE RECONSTRUCTION OF ALLEYS #9, 15, 21, 30, 31 AND 34 IN THE 2007 ALLEY RECONSTRUCTION PROJECT, THAT THE ASSESSMENT FOR JAMES WOLLANGK AT 404 SOUTH MAIN STREET BE CALCULATED AT 50%, AND FINAL RESOLUTION.

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

RESOLUTION NO. 1123

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

**FINAL RESOLUTION AUTHORIZING STREET 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 5, 2007, 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. Alley Reconstruction for the following named alleys:

Alley from 600 block of Roosevelt St.	to	600 block of Cloute Street
Alley from 800 block of Charles St.	to	800 block of Harriette St.
Alley from 800 block of W. Sherman Ave.	to	800 block of Van Buren St.
Alley from 0 block of Rankin Street	to	0 block of Shirley Street
Alley from 500 block of Taft Street	to	500 block of Garfield St.
Alley from 500 block of Madison Ave.	to	500 block of Barrie Street
Alley from 500 block of Barrie St.	to	500 block of W. Sherman Ave.
Alley from 400 block of Madison Ave.	to	400 block of Barrie Street
Alley from 300 block of Hickory St.	to	300 block of Linden Street
Alley from 0 block of S. Fourth St.	to	0 block of S. Fifth Street
Alley from 0 block of S. Fifth St.	to	0 block of S. Sixth Street
Alley from 600 block of S. Main St.	to	600 block of Whitewater Ave.
Alley from 1100 block of Whitewater Ave.	to	1100 block of East Street

Proposed assessment for alley reconstruction shall be \$7.74 per parcel alley 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 66.0701, Wisconsin Statutes of 2005-2006 to levy special assessment.

The City Manager stated the Public Works Committee toured the alleys, and based on the tour, recommended that three alleys be deleted from the program. The alleys deleted were Cloute Street to Roosevelt Street, Van Buren Street to Shirley Street and Rankin Street to the dead end. The Committee also recommended that the assessment for James Wollangk at 404 South Main Street be calculated at 50% due to previous work done by the resident.

The new cost after eliminating the three alleys is \$7.74 per parcel alley frontage foot.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to adopt the final resolution authorizing street improvements and levying special assessments against benefited property and that the assessment for James Wollangk at 404 South Main Street be calculated at 50%.

Robert Bell stated he didn't believe the alleys between Barrie Street and Madison Avenue, between Sherman Avenue and Madison Avenue, between Robert Street and Monroe Street, between Barrie Street and Madison Avenue and between Lincoln Street and Robert Street require anything more than patching at this point.

President Mielke thanked Mr. Bell for his comments and added that he believes the Public Works Committee tried to do its due diligence by touring the alleys and looking at each individual alley before making its decision.

Cm. Simdon stated he would like to have the Traffic Review Committee explore the possibility of some type of speed control on the alley located behind the Senior Center.

On call of the roll, the motion carried unanimously.

i. **RECOMMENDATION FROM CLIMATE PROTECTION AD HOC COMMITTEE TO ADOPT POLICY ON REDUCTION OF EMISSIONS OF GREENHOUSE GASES.**

The City Manager stated many of the items in the policy are already being practiced by City departments and that the policy reinforces these things and gives further direction. The policy shouldn't be a budget buster, but will come up in future budgeting and purchasing.

Cm. Tesmer pointed out that most of the items in the policy came from the various City departments and so shouldn't catch them off guard.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve and adopt the policy on Reduction of Emissions of Greenhouse Gases. The motion carried on a voice vote.

j. **REQUEST FROM CLIMATE PROTECTION AD HOC COMMITTEE TO EXTEND SUNSET DATE OF COMMITTEE TO AUGUST 7, 2007.**

The City Manager stated the Committee is working on its last goal, which is to identify and collect means and methods available for local businesses and citizens to evaluate and reduce their negative environmental impacts in our community, and present the findings and methods of distribution to the City Council.

The Committee has run into a stumbling block in that a lot of the Committee members are on vacation in the month of June and the next meeting is not scheduled until July 2<sup>nd</sup>. For this reason, the Committee is unsure whether it can complete its work on July 2<sup>nd</sup> or if it will need an additional meeting or two to finish. The Committee is requesting a 30-day extension to complete its work.

Cm. Simdon, seconded by Cm. Tesmer, moved to extend the sunset date of the Climate Protection Ad Hoc Committee to August 7, 2007. The motion carried on a voice vote.

9. **NEW BUSINESS**

a. **REVIEW AND APPROVE 2006 COMPLIANCE MAINTENANCE ANNUAL REPORT FOR WASTEWATER UTILITY, AND RESOLUTION.**

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

RESOLUTION NO. 1124

BE IT RESOLVED that the City Council of the City of Fort Atkinson does hereby authorize the filing of the Compliance Maintenance Annual Report as required by Ch. NR208, Wisconsin Administrative Code, and DNR Facility Permit 0022489-6 for the year 2006.

The City of Fort Atkinson being the owner and the operator of the Wastewater Utility does hereby inform the Department of Natural Resources that the following actions were taken by the City Council:

- A. This Resolution does acknowledge that the governing body has reviewed the C.M.A.R.
- B. This Resolution further documents that all actions necessary to maintain effluent requirements contained in the WPDES Permit are being adhered to.

The Wastewater Supervisor presented and reviewed the report with the Council. The grade point average for the Utility is 4.0 with all A's in 2006, which indicates that overall the plant is in good condition and is operating at a high level.

Cm. Zastrow, seconded by Cm. Tesmer, moved to approve the 2006 Compliance Maintenance Annual Report for the Wastewater Utility and to adopt the resolution. On call of the roll, the motion carried unanimously.

b. **REQUEST BY ENBRIDGE PIPELINES TO MODIFY EASEMENT IN KLEMENT BUSINESS PARK.**

The City Manager stated Enbridge miscalculated and will need an additional 15 feet for its easement. The easement will not impact any of the sellable lots and the company will pay the City \$115.00 for it.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to approve the request by Enbridge Pipelines to modify their easement in the Klement Business Park. On call of the roll, the motion carried unanimously.

10. **MISCELLANEOUS**

a. **APPOINTMENT OF TERRY TUMBARELLO TO PARK & RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM.**

Cm. Tesmer, seconded by Cm. Simdon, moved to approve the appointment of Terry Tumbarello to the Park & Recreation Advisory Board for a three-year term. The motion carried on a voice vote.

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:	Anne M. Kotz	for use at	Blackhawk Tavern
	Patricia A. Engen	“ “	Lions Quick Mart
	Megan M. Wendt	“ “	Bug House
REGULARS:	Trisha L. Alexander	for use at	Blackhawk Tavern
	Susan A. Koepke	“ “	Ft. Generals Baseball
	Kevin M. Roberts	“ “	Salamone’s
	Nicole J. Mode	“ “	Bienfang’s

The motion carried on a voice vote.

c. SPECIAL BEER AND WINE LICENSE FOR CHAMBER OF COMMERCE RHYTHM ON THE RIVER ON AUGUST 25, 2007.

Cm. Tesmer, seconded by Cm. Simdon, moved to approve the Special Beer and Wine License for the Chamber of Commerce for Rhythm on the River on August 25, 2007. The motion carried on a voice vote.

d. SPECIAL BEER LICENSE FOR CHAMBER OF COMMERCE CARNIVAL DAYS BRAT STAND ON JULY 27-28, 2007.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the Special Beer License for the Chamber of Commerce for the Carnival Days Brat Stand on July 27-28, 2007. The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cwmn. Behrens, seconded by Cm. Zastrow, moved the bills in the amounts of \$285,959.47 for the City (Fund 1); \$57,619.05 for the Sewer Utility (Fund 2); \$47,497.82 for the Water Utility (Fund 3); \$2,462.32 for Downtown Economic Development (Fund 13); and \$250,696.76 for Payrolls 9, 10A and 11 as per Schedule N-47 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. Tesmer, moved to adjourn the June 5, 2007 regular City of Fort Atkinson Council meeting at 8:32 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski  
City Clerk/Treasurer