

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
August 18, 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
Pres. Mielke

Cm. Zastrow was excused.

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

3. APPROVAL OF MINUTES OF AUGUST 4, 2009 REGULAR COUNCIL MEETING

The minutes of the August 4, 2009 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON ORDINANCE PERTAINING TO RESTRICTIONS ON RIVER WALKWAY.

Pres. Mielke opened the public hearing on the Ordinance pertaining to restrictions on the River Walkway, 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.

b. PUBLIC HEARING ON IMPROVEMENTS AT FORT ATKINSON MUNICIPAL AIRPORT.

Pres. Mielke opened the public hearing on the improvements at the Municipal Airport, 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

None.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Gray, seconded by Cm. Lescohier, moved to accept and file the minutes of the Riverwalk Ad Hoc Committee meeting held July 30, 2009; the minutes of the Planning Commission meeting held August 11, 2009; the Electrical, Building and Plumbing Permit Reports for July, 2009; the minutes of the Historic Preservation Commission meeting held August 4, 2009; the minutes of the Jefferson County Economic Development Consortium meeting held June 10, 2009; the minutes of the Jefferson County Economic Development Consortium meeting held July 15, 2009; the minutes of the Foster Growth Capital Campaign Committee meeting held August 10, 2009; and the minutes of Tourism Committee meeting held May 14, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM RIVERWALK AD HOC COMMITTEE TO ADOPT ORDINANCE PERTAINING TO RESTRICTIONS ON RIVER WALKWAY.

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

ORDINANCE NO. _____

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

That Chapter 94, TRAFFIC AND VEHICLES, Article VI, Bicycles, and Play Vehicles, Sec. 94-244, Prohibitions of bicycles, skates, skateboards, roller blades, motorized and non-motorized vehicles on the River Walkway, be repealed in its entirety and replaced with the following:

~~**Sec. 94-244. Prohibition of bicycles, skates, skateboards, roller blades, motorized and non-motorized vehicles on the River Walkway.**~~

Sec. 94-244. Prohibitions on River Walkway.

- (1) Prohibitions on River Walkway shall be as follows:
- (a) It shall be unlawful to drive, ride or use bicycles (bicycles may be walked), skates, skateboards, roller blades, and motorized or non-motorized vehicles on the tracks or trails on the ~~Downtown~~ River Walkway. An exception to this will be granted for the use of motorized and non-motorized vehicles by City personnel while performing their job duties, and motorized wheelchairs, ~~and~~ handicapped scooters, and strollers.
 - (b) No person shall block any portion of the riverwalk, either personally or with any boxes, personal belongings or other materials.
 - (c) The River Walkway shall be for the use of persons on foot or in a wheelchair.
 - (d) No person shall scale, gut, eviscerate, clean or engage in any other process of or partial process of cleaning fish at, on or upon any portion of the River Walkway.
 - (e) No person shall leave any fish carcasses on any portion of the River Walkway.
 - (f) No person shall have an open fire on any portion of the River Walkway.
 - (g) There shall be no overnight camping allowed on any portion of the River Walkway.
 - (h) No person shall, while on any portion of the River Walkway, take any action which unreasonably endangers the safety of the public.
 - (i) No fishing shall take place on any portion of the River Walkway that is prohibited by appropriate signage.
 - (j) Any person violating this section while signs are in place prohibiting such use of the River Walkway shall be punished in accordance with Sec. 94-243 of this Code.
- (2) The River Walkway, for the purpose of this Ordinance, shall be described as the public easement that lies along the south side of the Rock River starting from the Robert Street Bridge east to the end of the paved portion of said Walkway. It also includes the public lands owned by the City on the western portion of the River Walkway.

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 indicated the items that are stricken out are proposed to be deleted and the items in italics and underlined is new language recommended by the Committee.

Pres. Mielke said he appreciated the work that the Ad Hoc Committee members put into the draft Ordinance. The Committee met three times to reach the draft presented to the Council, and it was unanimously supported by the Committee members.

Cm. Lescohier said he could attest to the spirit of compromise that the Committee members brought to the table on the issue. The final product strikes a good balance between both sides. It preserves the right to fish along most of the public walkway while acknowledging the safety and compatibility concerns.

Cm. Schultz said it is a testament to the willingness of both sides of the issue to reach an agreement by there not being any opposition to the proposed Ordinance.

Cm. Gray said that he has no disagreement with what came out of the Committee, however the Ordinance is not very specific as to where, when or how appropriate signage might appear on the riverwalk. He would like to see it incorporate some of the intent of the Ad Hoc Committee's recommendation as to where it might be so everyone has an idea in terms of the Ordinance.

Pres. Mielke suggested that some additional wording be added to the Ordinance regarding the specific areas where fishing will not be allowed.

Cm. Gray suggested that the wording in paragraph (i) be as follows: "no fishing shall take place on any portion of the River Walkway that is prohibited by appropriate signage, notably on the narrowest portions along the River Walkway where railing exists, with the exception of cantilevers." Cm. Gray asked if there was any intent to add more railing along the existing portion of the River Walkway, to which the City Manager said there is not.

Cm. Gray, seconded by Cm. Schultz, moved to amend the wording in the proposed Ordinance under paragraph 1.(i) as discussed. The motion carried on a voice vote.

Cm. Gray, seconded by Cm. Lescohier, moved to move the Ordinance to its first reading. The motion carried on a voice vote.

Cm. Schultz asked why this Ordinance wasn't being moved through all its

readings and adopted at this time. Cm. Gray said since this has been such a big issue in the past, he would like to see the public given more time to comment on the adoption of the Ordinance.

b. **RECOMMENDATION FROM AIRPORT COMMITTEE TO APPROVE THE AIRPORT IMPROVEMENT PROGRAM, AND RESOLUTION.**

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

RESOLUTION NO. 1155

**RESOLUTION PETITIONING
THE SECRETARY OF TRANSPORTATION
FOR AIRPORT IMPROVEMENT AID
BY
Common Council of the City of Fort Atkinson
Jefferson County, Wisconsin**

WHEREAS, the City of Fort Atkinson, Jefferson County, Wisconsin hereinafter referred to as the Sponsor, being a municipal Body Corporate of the State of Wisconsin, is authorized by law (sec. 114.11, Wis. Stats.) to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the Sponsor desires to develop or improve the Fort Atkinson Municipal Airport, Jefferson County, Wisconsin,

"PETITION FOR AIRPORT PROJECT"

WHEREAS, the foregoing proposal for airport improvements has been referred to the City Plan Commission for its consideration and report prior to council action as required by Wisconsin Statutes Chapter 62.23(5), and

WHEREAS, airport users have been consulted in formulation of the improvements included in this Resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Chapter 114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and

THEREFORE, BE IT RESOLVED, By the Sponsor that a petition for Federal and (or) State Aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with Federal and State Aid or State Aid only, in accordance with the applicable State and Federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a General Aviation type airport as defined by the Federal Aviation Administration.

2. The character, extent, and kind of improvements desired under the project are as follows: crack fill and sealcoat airport pavements; lighting for ramp and parking lot; reconstruct Runway 3/21, connecting taxiways and ramp; rehabilitate/replace runway lighting; clear and maintain runway approaches as stated in Transportation Administrative Code Chapter 55; and any necessary related work.
3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons: to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the Sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the Sponsor by the Secretary; the Sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the Sponsor does not provide the same; and

WHEREAS, the Sponsor is required by law (sec. 114.32(5), Wis. Stats.) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

**"DESIGNATION OF SECRETARY OF TRANSPORTATION
AS SPONSOR'S AGENT"**

THEREFORE, BE IT RESOLVED, by the Sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under chapter 32 of the Wisconsin Statutes; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the Sponsor requests that the Secretary provide, per Section 114.33(8)(a) of the Wis. Stats., that the Sponsor may acquire certain parts of the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

"AIRPORT OWNER ASSURANCES"

AND BE IT FURTHER RESOLVED that the Sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Chapter Trans 55, Wisconsin Administrative Code, or in accordance with Sponsor assurances enumerated in a Federal Grant Agreement.

AND BE IT FURTHER RESOLVED THAT THE CITY MANAGER and CITY CLERK be authorized to sign and execute the Agency Agreement and Federal Block Grant Owner Assurances authorized by this Resolution.

A drawing was presented to the Council showing the proposed improvements at the Airport, including runway improvements and taxiway construction. These projects would address the most pressing issues at the Airport. Funding for the projects would be Federal and State funding at approximately 95%, with the City's share being between 2-1/2% and 5%. The City's share would come from an amount budgeted as well as from the fuel tax collected from the pilots.

Cm. Lescohier, seconded by Cm. Gray, moved to approve the recommendation from the Airport Committee to approve the Airport improvement program, and adopt the Resolution. On call of the roll, the motion carried unanimously.

- c. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE RELIMINARY CERTIFIED SURVEY MAP CREATING ONE NEW PARCEL AT 160 WEST BLACKHAWK DRIVE.

The Planning Commission unanimously approved the Preliminary Certified Survey Map as presented.

Cm. Gray, seconded by Cm. Schultz, moved to approve the Preliminary Certified Survey Map creating one new parcel at 160 West Blackhawk Drive. The motion carried on a voice vote.

9. NEW BUSINESS

- a. REVIEW AND APPROVE IDENTITY THEFT PREVENTION PROGRAM.

The Federal Trade Commission's Red Flag Rule requires any entity where there is a risk of identity theft to develop and implement an Identity Theft Prevention Program. The primary purpose of this rule is to protect against the establishment of false accounts, and to insure the existing accounts with the utility aren't being manipulated. The City Clerk said City employees have already been trained on the Program. This Program will also be reviewed annually by the Council.

Cm. Schultz, seconded by Cm. Lescohier, moved to approve the Identity Theft Prevention Program. The motion carried on a voice vote.

10. MISCELLANEOUS

- a. CITY, SEWER AND WATER FINANCIAL STATEMENTS AS OF JULY 31, 2009.

The City Manager said the City is between 2%–6% under budget. The revenue shortfalls are interest income and permit fees. Snow removal and utility costs are in good shape. Cm. Gray asked the Clerk where the City's funds are invested, to which the Clerk said they are in local banks, mainly in money market accounts and are earning between 1% and 2% interest.

Cm. Schultz, seconded by Cm. Gray, moved to accept and file the City, Sewer and Water Financial Statements as of July 31, 2009. The motion carried on a voice vote.

- b. REQUEST TO DESIGNATE SATURDAY, OCTOBER 31, 2009 FROM 2:00 TO 5:00 P.M. FOR TRICK-OR-TREAT.

The Police Chief is recommending that Saturday, October 31, 2009 from 2:00 to 5:00 p.m. be designated as the time for Trick-or-Treat in the City.

Cm. Lescohier, seconded by Cm. Schultz, moved to approve the date and time for Trick-or-Treat as recommended. The motion carried on a voice vote.

- c. APPOINTMENT OF THOMAS STROINSKI TO FILL UNEXPIRED TERM TO 2012 ON PLANNING COMMISSION.

The City Manager said a letter was received from Thomas Stroinski to serve on the Planning Commission.

Cm. Gray, seconded by Cm. Schultz, moved to appoint Thomas Stroinski to the Planning Commission to fill an unexpired term to 2012. The motion carried on a voice vote.

- d. GRANTING OPERATOR LICENSES.

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

Regular:

Chrystal J. Dent	Stop-N-Go
Jessica L. Rosenthal	The Filling Station
John M. Trader	The Filling Station

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Gray, seconded by Cm. Lescohier, moved the bills in the amounts of \$870,914.68 for the City (Fund 1); \$76,091.68 for the Sewer Utility (Fund 2); \$46,464.04 for the Water Utility (Fund 3); \$80,313.76 for Long-Term Borrowing (Fund 4); \$53,163.75 for Klement Business Park (Fund 12); \$53,592.13 for Downtown Economic Development (Fund 13); \$809.85 for Northwest Corridor Development (Fund 14); \$153,753.55 for Payroll #16; \$30,923.01 for Sewer Utility Debt Service; and \$44,312.63 for Water Utility Bond Redemption Fund as per Schedule O-01 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. Gray, seconded by Cm. Schultz, moved to adjourn the August 18, 2009 regular City of Fort Atkinson Council meeting at 7:31 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer