

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
September 1, 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
Pres. Mielke

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

3. APPROVAL OF MINUTES OF AUGUST 18, 2009 REGULAR COUNCIL MEETING

The minutes of the August 18, 2009 regular Council meeting were approved by consent.

Pres. Mielke informed those present that an item will be added to this Council agenda as item 9-c, which is a request for a variance to the Airport Height Limitation Ordinance. Cm. Zastrow, seconded by Cm. Gray, moved to approve the addition of the above item to the Council agenda.

4. PUBLIC HEARINGS

- a. PUBLIC HEARING ON REQUEST TO REZONE DWIGHT FOSTER PUBLIC LIBRARY PROPERTY AT 102 EAST MILWAUKEE AVENUE FROM C-2 (CENTRAL BUSINESS) TO C-5 (DOWNTOWN BUSINESS).

Pres. Mielke opened the public hearing on the rezoning request for the property at 102 East Milwaukee Avenue, 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

a. ORDINANCE PERTAINING TO RESTRICTIONS ON RIVER WALKWAY.

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

ORDINANCE NO. 678

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of bicycles, skates, skateboards, roller blades, motorized and non-motorized vehicles on the River Walkway, be repealed in its entirety and replaced with the following: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. 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 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, 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, notably on the narrowest portions along the River Walkway where railing exists, with the exception of cantilevers.

(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 said this is the second reading of this Ordinance. He also said since the first reading of the Ordinance, he has not heard any comments on its adoption.

Cm. Gray, seconded by Cm. Zastrow, moved to suspend the rules and send the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Gray, moved to adopt the Ordinance. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cm. Lescohier, moved to accept and file the minutes of the Dwight Foster Public Library Building Committee meeting held February 9, 2009; the minutes of the Dwight Foster Public Library Building Committee meeting held May 11, 2009; the minutes of the Traffic Review Committee meeting held August 21, 2009; the minutes of the License Committee meeting held August 24, 2009; the minutes of the Joint Review Board meeting held August 25, 2009; the minutes of the Planning

Commission meeting held August 25, 2009; and the minutes of the Historical Society Board meeting held July 16, 2009. The motion carried on a voice vote.

Cm. Gray asked for a clarification on an item in the Traffic Review Committee minutes. He said his concern is the parking on Main Street and the right-hand turn arrows. City Engineer Woods said the purpose of the right-turn arrows is to get drivers to pull off to the right-hand side so they can make a turn from what used to be the parking area, thereby keeping the through lanes clear. Cm. Gray said the right turn arrows at Milwaukee Avenue when going south and also at South Third Street, there isn't room in that space before the first parking spot to get a car off the through lane and into the right turn lane without going through a parking spot. The City Engineer said he has done the maneuver at South Third Street and it seemed to work for him. He indicated the two locations mentioned would be looked at. Cm. Gray and Cm. Schultz said they would hate to lose more parking stalls and the right-turn arrows should possibly be removed.

Cm. Schultz requested a correction to the Traffic Review Committee minutes where he was referenced as saying the City should take away time on the turn arrows to add to the north-south flow. He suggested that we add time during the busiest times to the north-south flow. Cm. Schultz also said at North Main Street and Madison Avenue, going southbound, arrows should be painted on the lanes giving drivers direction on which lanes to be in to go a certain direction. The City Engineer said this will be done when the North Main Street painting project is completed.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE REQUEST TO REZONE DWIGHT FOSTER PUBLIC LIBRARY PROPERTY AT 102 EAST MILWAUKEE AVENUE FROM C-2 (CENTRAL BUSINESS) TO C-5 (DOWNTOWN BUSINESS), AND ORDINANCE.

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

ORDINANCE NO. 679

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

That Chapter 15, ZONING ORDINANCE, Section 15.6.5, ZONING MAP, be amended so as to change the zoning of the following described property from C-2 (Central Business) to C-5 (Downtown Business).

Lots 5 and 6, except the eastern 11.1 feet, Lot 4 and the western 14 feet of Lot 3, Block 18, Dwight Foster ET AL Addition.

Said parcel is located at 102 East Milwaukee Avenue.

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.

Cm. Zastrow, seconded by Cm. Schultz, moved to suspend the rules and pass the ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Gray, seconded by Cm. Lescohier, moved to adopt the Ordinance amending the zoning of the Dwight Foster Public Library at 102 East Milwaukee Avenue from a C-2 to a C-5 zoning. On call of the roll, the motion carried unanimously.

- b. FEEDBACK FROM PUBLIC INFORMATIONAL MEETING AND CONSIDER ADOPTION OF AN ORDINANCE FOR CREATION OF A STORMWATER UTILITY.

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

ORDINANCE NO. 680

**CITY OF FORT ATKINSON, JEFFERSON COUNTY, WISCONSIN
AN ORDINANCE OF THE CITY OF FORT ATKINSON
CREATING CHAPTER 98, ARTICLE V.
PERTAINING TO THE CREATION OF A STORMWATER UTILITY**

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

WHEREAS, the Common Council of the City of Fort Atkinson makes the following findings and determinations:

1. The management of stormwater and other surface water discharges within and beyond the City is a matter that affects the health, safety and welfare of the City, its residents and businesses.
2. Surface water runoff may cause erosion of lands and threaten businesses and residences, and other facilities with water damage. Stormwater and other surface water discharge may create environmental damage to the rivers, streams and other bodies of water within and near the City.
3. New federal and state regulations are being adopted which will require the City to improve its management of stormwater to reduce pollution to the area's streams, rivers and wetlands.
4. In order to effectively manage stormwater and other surface water discharges, the City operates and maintains a stormwater management system, made up of natural and man-made facilities, and provides other services to manage the quantity and quality of stormwater and other surface water discharges in the City. The City also maintains compliance with all regulatory requirements for stormwater.

5. The cost of the stormwater management system, providing stormwater management services, and maintaining regulatory compliance are costs incurred due to the discharge of stormwater and surface water from properties in the City. It is appropriate for these costs to be reasonably allocated to those properties which result in stormwater and surface water discharges.

6. In order to protect the health, safety and welfare of the public, the Common Council hereby exercises its authority to establish a stormwater utility and establish the rates for stormwater management services.

7. In promulgating the regulations contained in this section, the City is acting pursuant to authority granted by Chapters 62 and 66 of the Wisconsin Statutes, 2007-2008, including, but not limited to, Sections 66.0621, 66.0809, 66.0821, and 66.0627.

SECTION 1. That Chapter 98, UTILITIES, Article V, Stormwater Utility, of the City of Fort Atkinson Municipal Code, pertaining to the creation of a stormwater utility is created to read as follows:

ARTICLE V. Stormwater Utility.

Sec. 98-601. Creation.

There is hereby established a stormwater utility in the City of Fort Atkinson. The operation of a stormwater utility shall be under the supervision of the Director of Public Works.

Sec. 98-602. Authority.

The City, acting through the stormwater utility, may without limitation due to enumeration, do the following:

(a) Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, manage and finance such facilities and equipment, as are deemed by the City to be proper and necessary for storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, pollution control practices, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other natural or man-made facilities as will support a stormwater management system.

(b) Undertake any operations or activities, or provide any services deemed by the City to be proper and necessary for storm and surface water management.

(c) Maintain compliance with all regulatory requirements for storm and surface water management.

Sec. 98-603. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

City Credit Policy. The City Credit Policy is a written document prepared by the Director and approved by the City which sets forth the criteria under which customers may be eligible for a credit to reduce stormwater charges. The City Credit Policy shall be available through the Department of Public Works prior to the initial billing.

Developed Property. The term “developed property” means property that is developed by the addition of an improvement such as a building, structure, grading, other impervious surface, or substantial landscaping, but excluding publicly-owned rights of way. A new improvement shall be considered complete upon issuance of a Certificate of Occupancy, or if no such certificate is issued, upon completion of construction or final inspection. A new improvement shall also be considered complete if the construction project is at least fifty percent (50%) complete, and then is halted for a period of three (3) months or more.

Director. The term “Director” means the Director of Public Works, or his/her designee.

Equivalent Runoff Unit (ERU) means 3,096 square feet, which is approximately the statistical average impervious area of one single family residential housing unit within the City. This definition only applies to this chapter, and not to any other City of Fort Atkinson Ordinance.

Impervious Area or Impervious Surface. The terms “impervious area” or “impervious surface” means a horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, streets, roofs, sidewalks, parking lots, compacted gravel surfaces, as well as other similar surfaces.

Customer. The term “customer” means the owner or non-owner user of a property with impervious area in the City.

Non-Residential Property. The term “non-residential property” means any developed property not defined as “residential property”, including, but not limited to, transient rental (such as hotels and motels), multifamily apartment buildings or condominiums more than four units, commercial, industrial, institutional, governmental property, and parking lots.

Residential Property. The term “residential property” means any developed property developed exclusively for residential purposes with four or fewer residential housing units.

Sec. 98-604. Rates and Charges

(a) User charges shall be imposed on all developed property with impervious area in the City to recover all or a portion of the costs of the stormwater utility. The amount of such charges shall be based on a rate per equivalent runoff unit (ERU). The rate per ERU shall be established pursuant to further resolution of the City of Fort Atkinson Common Council and shall be fair and reasonable. A schedule of current rates shall be maintained and on file in the office of the City Clerk.

(b) All developed property with impervious area shall be assigned ERUs. Each single family residential property shall be assigned one (1) ERU. Each two family residential property shall be assigned 0.7 ERUs/dwelling unit. Each three and four-family residential property shall be assigned 0.5 ERUs/dwelling unit. Non-residential property shall be assigned ERUs based upon the amount of impervious area on the property divided by 3,096 square feet, however shall not be less than one (1) ERU.

(c) In the event the owner and non-owner users of a particular property are not the same, the liability for the charges attributable to that property shall be joint and several.

(d) The Director shall prepare a City Credit Policy which sets forth available credits to reduce stormwater charges for customers with riparian lands, and for customers who have taken additional stormwater management steps which reduce the City's stormwater management costs (i.e. does not include credits for rain barrels, rain gardens or minor stormwater management steps).

(e) Undeveloped and agricultural – no stormwater charge shall be assigned.

Sec. 98-605. Payments

(a) Stormwater charges will be billed to the utility customer and shall be payable at the same time and in the same manner as water and wastewater charges. A stormwater utility bill will be established for those properties that do not receive a water /wastewater bill. These bills will be payable at the same time as the other water/wastewater bills. Such charges shall not be payable in installments.

(b) The owner of any property, which is occupied by tenants, shall have the right to examine during normal business hours the appropriate records of the City to determine whether such fees and charges have been paid by such tenants.

(c) Delinquent stormwater charges may be placed as a lien upon the property as provided in Sections 66.0821(4)(d) and 66.0809, Wisconsin Statutes.

Sec. 98-606. Adjustments and Credits

- (a) A non-residential customer may apply for an adjustment to the ERUs assigned to his, her or its property if the customer believes the impervious area measurements on which the ERU calculation is based are inaccurate.
- (b) Residential and non-residential customers may apply for a credit to their stormwater charge if the property is eligible for a credit pursuant to the City Credit Policy.
- (c) Procedure to apply for adjustments or credits.
 - (1) A customer may submit a request for an adjustment or credit at any time. All such requests shall be submitted to the Director on forms provided by the City.
 - (2) The Director shall have the authority to develop and administer the procedures and standards for adjustment of ERUs or granting of credits as established in this section.
 - (3) The non-residential customer requesting the adjustment may be required, at his, her or its own expense, to provide supplemental information to the Director.
 - (4) Once a completed request and all required information is fully submitted, the Director shall have thirty (30) calendar days within which to render a written decision. The Director shall notify the requester in writing of the decision by first class mail addressed to the individual at the address listed within the request. Service is conclusive upon mailing.
 - (5) If a request is granted, stormwater charges shall be adjusted on a going forward basis.

Sec. 98-607. Appeals Process

- (a) The City of Ft. Atkinson elects not to be subject to the administrative review procedure provisions contained within Chapter 68 of the Wisconsin Statutes, and established this Section as its municipal review procedure. As a condition precedent to challenging any stormwater utility charge, the charge must be timely paid in full under protest to the City.
- (b) Within thirty (30) calendar days after the date of mailing the Director's decision, the customer may appeal the Director's decision to the Board of Public Works (Board) by filing a written appeal with the City Clerk. The written appeal shall specify all grounds for the challenge and shall state the amount of stormwater charge that the appellant considers to be appropriate. The appeal must specifically address the Director's conclusions and not merely repeat the bases for

the initial request. Failure to timely and properly appeal shall deprive the Board of jurisdiction to hear the appeal.

(c) The Board shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of five (5) business days notice to the appellant. In considering an appeal, the BOARD shall determine whether the stormwater charge is fair and reasonable. The decision shall be based upon the evidence presented at the hearing. The Board shall notify the appellant in writing of its determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

(d) Within thirty (30) calendar days after the date of mailing the Board decision, the customer may appeal the Board's decision to the Common Council following the process set forth in subsection E of this section. Failure to timely and properly appeal shall deprive the Common Council of jurisdiction to hear the appeal.

(e) The Common Council shall consider the appeal in the same manner as a new resolution, pursuant to its rules for procedure in existence at the time of consideration. The City Clerk shall provide written notice no later than five (5) business days to the address listed within the appeal of the time and place of the Common Council's consideration of the appeal. In considering an appeal, the Common Council shall determine whether the stormwater charge is fair and reasonable. The Common Council shall base its decision upon the information presented at its meeting. The City Clerk shall notify the appellant in writing of the Common Council's determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

(f) As a condition precedent to any adjustment or credit request, or any appeal, a customer must have paid in full all stormwater charges to the City.

(g) If an adjustment request is granted, stormwater charges shall be adjusted on a going forward basis.

Sec. 98-608. Alternative Method to Collect Stormwater Charges.

In addition to any other method for collection of the charges established under this section, or subsequent resolution, such charges may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to Section 66.0627, Wisconsin Statutes. The mailing of the bill for stormwater charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of Section 66.0627, Wisconsin Statutes. The procedures contained in Section 66.0627, Wisconsin Statutes, shall govern such notice and further collection procedures.

Sec. 98-609. Budget Excess Revenues.

The stormwater utility finances shall be accounted for in a separate Stormwater Utility Fund by the City. The Finance Director or his/her designee, shall prepare an annual budget, which is to include all operation and maintenance costs, debt service, capital, and other costs related to the operation of the stormwater utility. The budget is subject to approval by the Common Council. Any excess of stormwater utility revenues over expenditures in a year will be retained by the Fund for subsequent years' needs of the stormwater utility.

This ordinance shall be interpreted liberally to secure the ends sought hereby. If any provision of this ordinance is found to be illegal, the remaining provisions shall remain in full force and effect.

The City Manager said an update was submitted to the Council on the public informational meeting which was held on August 6, 2009. There were approximately 35 people in attendance at the meeting which included representatives from residential, commercial and industrial properties in the City.

Cm. Gray, seconded by Cm. Zastrow, moved to suspend the rules and move the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

The City Manager said that City Staff did speak to representatives that were at the public informational meeting to review their fee calculations with them. He said some of them had actually miscalculated what their fees would be, and a lot of the objections went away after their review with the staff. Cm. Gray asked the City Manager what he thought the general consensus of the business owners present was. The City Manager said their main comments were that they don't want to pay another fee. Cm. Schultz said by creating a stormwater utility and not placing the costs of the utility on the tax roll, it wouldn't fall under the levy limits.

Pres. Mielke asked if the City is under a time constraint in the adoption of this Ordinance. The City Manager said we are under a time limit because we need to physically measure buildings, and need to get everything in place for the utility to become effective January 1, 2010, and it would change all of the budget assumptions as well.

The City Manager said part of the concern at the public informational meeting was there is a need for the utility, but they didn't want it to explode from year to year. The City will only be off-loading the street sweeping, storm sewer cleaning, catch basin cleaning and items that are directly related to the storm sewer.

Cm. Lescohier said he didn't feel there was any mistrust by those present as to what the City will be doing with the fees collected through the utility, and felt comfortable with moving forward with the utility.

Pres. Mielke said he has not heard either pro or con comments from anyone as to the creation of the stormwater utility.

The City Manager said one of the biggest fees will be for the School District, and they have already budgeted for the fee.

The City Manager said there are two items that need to be completed yet for the stormwater utility, which are to establish a credit policy and rate structure. Those items will be coming back to the Council for approval. It was indicated that rain barrels, rain gardens, etc. would not be included in any credits because it would be too difficult to monitor their installation, maintenance, etc.

Cm. Lescohier said he would like to see the City explore opportunities for homeowners to realize some type of credit for those who undertake their own mitigation efforts. The City Manager said the City will be reviewing a number of credit policies from other communities.

Cm. Zastrow, seconded by Cm. Schultz, moved to adopt the Ordinance creating a stormwater utility. On call of the roll, the motion carried unanimously.

- c. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO RESTRICT THE FIRST PARKING STALLS EAST AND WEST OF MECHANIC STREET ON THE SOUTH SIDE OF WEST SHERMAN AVENUE TO COMPACT CARS ONLY, AND TO RESTRICT PARKING ON THE EAST SIDE OF MECHANIC STREET SOUTH OF WEST SHERMAN AVENUE, ADDITIONAL FIVE-FEET SOUTH, AND ORDINANCE.

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 VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision I, In General, Sec. 94-433 be created as follows:

Sec. 94-433. Compact cars only.

Only compact vehicles may park in the following areas:

West Milwaukee Avenue.

From its intersection with Grant Street at the northwest, northeast and southeast corners for the first parking stalls in each of those locations.

East Sherman Avenue.

From its intersection with Edward Street at the northwest and southwest corners, for the first parking stalls in each of those locations.

West Sherman Avenue.

On the south side at its intersection with Mechanic Street, for the first parking stall east and west of this location.

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision I, In General, Sec. 94-432, be amended as follows:

Move paragraphs (d) and (e) from this Section to the Section created above (Sec. 94-433). Renumber the paragraphs in this Section after moving said paragraphs.

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision II, Parking Prohibited, Sec. 94-457, No parking areas, be amended as follows:

Mechanic Street

The east side of the street from its intersection with West Sherman Avenue to a point 10-feet south, and from a point 63 feet south of West Sherman Avenue, south to the intersection with North Water Street West.

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 said at this point he would request this recommendation be tabled because the term compact car is referenced in the ordinance and the City Attorney believes we need to get a definition of compact cars prepared before this Ordinance is adopted.

Cm. Schultz, seconded by Cm. Zastrow, moved to table this item. The motion carried on a voice vote.

- d. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO CHANGE “BUS PARKING OKAY” TO “NO PARKING EXCEPT FOR DROP-OFF AND PICK-UP” OF STUDENTS ON THE EAST SIDE OF GROVE STREET, AND TO ELIMINATE THE “NO PARKING” ON THE WEST SIDE OF GROVE STREET (LUTHER SCHOOL AREA), AND ORDINANCE.

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

ORDINANCE NO. 681

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

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision III, School Parking Regulations, Sec. 94-481, Prohibitions, (a), *Grove Street*, be repealed and replaced with the following:

Grove Street.

The east side of the street, adjacent to Luther Elementary to allow for picking up and dropping off of students.

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 said the Traffic Review Committee had a number of requests from the School District on parking around their facilities.

Cm. Zastrow, seconded by Cm. Lescohier, moved to suspend the rules and move the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Schultz, moved to adopt the Ordinance. On call of the roll, the motion carried unanimously.

- e. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO ELIMINATE THE PARKING RESTRICTION ON THE SOUTH SIDE OF HARRIETTE STREET ADJACENT TO BARRIE SCHOOL, AND ORDINANCE.

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

ORDINANCE NO. 682

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

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision III, School Parking Regulations, Sec. 94- 481, Prohibitions, (c), *Harriette Street*, be repealed.

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.

Cm. Schultz, seconded by Cm. Zastrow, moved to suspend the rules and move the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Lescohier, moved to adopt the Ordinance. On call of the roll, the motion carried unanimously.

- f. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO RESTRICT PARKING ON THE SOUTH SIDE OF HILLCREST DRIVE FROM MONROE STREET TO ROBERT STREET FROM 7:30 A.M. TO 8:30 A.M. AND 2:30 P.M. TO 3:30 P.M. ON SCHOOL DAYS, AND ORDINANCE.

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

ORDINANCE NO. 683

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

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision III, School Parking Regulations, Sec. 94-481, Prohibitions, (c), *Hillcrest Drive*, be added as follows:

Hillcrest Drive.

The south side of the street, from Monroe Street to Robert Street.

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.

Cm. Gray asked if this is restricting parking on both sides of the street, where will people park to pick-up or drop-off students. The City Engineer said they would have to either get there earlier and park on the north side, or park farther away. He said the School's concern was in the afternoon when the parents are arriving 15-25 minutes early and parking on both sides of the street, causing traffic problems.

Cm. Schultz, seconded by Cm. Zastrow, moved to suspend the rules and move the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Lescohier, moved to adopt the Ordinance. On call of the roll, the motion carried unanimously.

- g. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO ELIMINATE THE "NO PARKING DURING SCHOOL ACTIVITIES" ON THE WEST SIDE OF EAST STREET, FROM SOUTH FOURTH STREET TO CRAIG STREET, AND ORDINANCE.

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

ORDINANCE NO. 684

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

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision III, School Parking Regulations, Sec. 94- 481, Prohibitions, (b), *East Street*, be repealed.

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.

Cm. Zastrow, seconded by Cm. Schultz, moved to suspend the rules and move the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Gray, moved to adopt the Ordinance. On call of the roll, the motion carried unanimously.

- h. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO CHANGE YIELD SIGN TO A STOP SIGN ON HICKORY STREET AT MONROE STREET.

Cm. Zastrow, seconded by Cm. Schultz, moved to change the yield sign to a stop sign on Hickory Street at Monroe Street. The motion carried on a voice vote.

i. RECOMMENDATION TO AMEND PARKING RESTRICTION ON MAIN STREET FROM NORTH THIRD STREET TO SOUTH THIRD STREET.

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 VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision II, Parking Prohibited, Sec. 94-457, No parking areas, *Main Street*, be repealed and replaced with the following:

Sec. 94-457. No parking areas.

Main Street.

The west side of the street, northerly 100 feet from Madison Avenue

The east side of the street, northerly 300 feet from North Third Street.

The west side of the street, southerly 50 feet from Park Street.

The east side of Main Street, northerly 57 feet from East Sherman Avenue.

The east and west side of North Main Street from the intersection of North Fourth Street north to the north City limits.

The east side of North Main Street from the intersection of North Third Street to a point 188 feet south.

The west side of North Main Street from the intersection of Madison Avenue to a point 207 feet south.

The east side of South Main Street from the intersection of South Third Street to a point 333 feet south.

The west side of South Main Street from the intersection of South Third Street to a point 288 feet south, and from a point 330 feet south to a point 416 feet south.

The west side of North Main Street, northerly 57 feet from West Sherman Avenue.

The east side of North Main Street, southerly 60 feet from East Sherman Avenue.

The west side of North Main Street, southerly 15 feet from West Sherman Avenue.

The east side of North Main Street, northerly 16 feet from North Water Street East.

The west side of the North Main Street, northerly 55 feet from North Water Street West.

The east side of North Main Street, southerly 110 feet from North Water Street East.

The west side of North Main Street, southerly 155 feet from North Water Street West.

The east side of South Main Street, northerly 175 feet from South Water Street East.

The west side of South Main Street, northerly 100 feet from South Water Street West.

The east side of South Main Street, southerly 24 feet from South Water Street East.

The west side of South Main Street, southerly 20 feet from South Water Street West.

The east side of South Main Street, northerly 32 feet from East Milwaukee Avenue.

The west side of South Main Street, northerly 30 feet from West Milwaukee Avenue.

The east side of South Main Street, southerly 56 feet from East Milwaukee Avenue.

The west side of South Main Street, southerly 20 feet from West Milwaukee Avenue.

The east side of South Main Street, northerly 66 feet from South Third Street East.

The west side of South Main Street, northerly 48 feet from South Third Street West.

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision V, Two-Hour Limit, Sec. 94-526, Specific limitations, (a), *Main Street*, be repealed and replaced with the following:

Section 94-526. Specific limitations.

Main Street

North Main Street – East side:

From 188 feet south of North Third Street to 57 feet north of East Sherman Avenue.

From 60 feet south of East Sherman Avenue to 16 feet north of North Water Street East.

From 110 feet south of North Water Street East to 175 feet north of South Water Street East.

North Main Street – West side:

From 207 feet south of Madison Avenue to 57 feet north of West Sherman Avenue.

From 15 feet south of West Sherman Avenue to 55 feet north of North Water Street West.

From 155 feet south of North Water Street West to 100 feet north of South Water Street West.

South Main Street – East side:

From 24 feet south of South Water Street East to 32 feet north of East Milwaukee Avenue.

From 56 feet south of East Milwaukee Avenue to 66 feet north of South Third Street East.

South Main Street – West side:

From 20 feet south of South Water Street West to 30 feet north of West Milwaukee Avenue.

From 20 feet south of West Milwaukee Avenue to 48 feet north of South Third Street West.

From a point 288 feet south to a point 330 feet south of South Third Street West.

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 said this Ordinance is to conform the parking with the current layout. It eliminates the parking by the intersections where it has been moved back; eliminates parking in front of 311 South Main Street (former Virchow, Krause building); and adds parking on the Main Street Bridge.

Cm. Gray asked if there have been any issues with the parking on the bridge. The City Manager said he hasn't observed any problems. Cm. Gray said the Ordinance as proposed is the way the parking is laid out at this time, so if the parking layout were changed, we would have to amend the Ordinance. He then asked if it were possible to table this matter until City staff has had an opportunity to review the entire layout.

Cm. Schultz asked if people are violating City Ordinances if parking on the bridge since there is no Ordinance allowing it. City Engineer Woods said not only does an Ordinance need to be in force, but it must also be posted with a sign to enforce it.

Cm. Schultz said he wonders if the City is gaining anything by having the right-turn arrows and losing parking stalls. The City Engineer feels the right turn lane will work, but will take an education period to get people to use it.

Cm. Gray, seconded by Cm. Schultz, moved to table consideration of the Ordinance. The motion carried on a voice vote.

j. **RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO INSTALL A FOUR-WAY STOP AT LINDEN STREET AND ADAMS STREET.**

Cm. Zastrow, seconded by Cm. Gray, moved to approve the recommendation to install a four-way stop at Linden Street and Adams Street. The motion carried on a voice vote.

- k. RECOMMEDATION FROM TRAFFIC REVIEW COMMITTEE TO RESTRICT PARKING ON ROCKWELL AVENUE FROM ERICK STREET TO GROVE STREET FROM DECEMBER 1 THROUGH MARCH 15, AND ORDINANCE.

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

ORDINANCE NO. 685

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

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision IV, Winter-Time Parking, Sec. 94-503, Specific limitations, be repealed and replaced with the following:

No person shall park any vehicle upon the following described streets or portions thereof between December 1 and March 15:

Rockwell Avenue.

On both sides of the street, from its intersection with Janesville Avenue to its intersection with Grove Street.

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.

Cm. Lescohier, seconded by Cm. Gray, moved to suspend the rules and move the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Lescohier, moved to adopt the Ordinance. On call of the roll, the motion carried unanimously.

- l. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE TAVERN DANCE HALL LICENSE FOR THE FILLING STATION AT 130 NORTH MAIN STREET.

The City Clerk indicated the application has been reviewed for accuracy and the building has been inspected by the Building Inspector to make sure all Code and safety requirements are met.

Cm. Schultz, seconded by Cm. Lescohier, moved to approve the Tavern Dance Hall License for the Filling Station at 130 North Main Street. The motion carried on a voice vote.

9. NEW BUSINESS

- a. ADOPT CITY POLICY FOR FLOOD RESPONSE AND ACTION GUIDELINE AS A RESULT OF 2008 FLOODING.

The City Manager said this guideline would give City Department Heads a heads-up when river levels get to a certain height. City staff monitored how river levels impacted the City, and how far it came into the City in 2008. Maps are included in the policy which indicate the areas that can be susceptible to flooding at various heights.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the City Flood Response and Action Guideline as a result of the 2008 flooding. The motion carried on a voice vote.

- b. REQUEST TO AMEND WINTER-TIME PARKING ORDINANCE FOR JAMES PLACE.

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

ORDINANCE NO. 686

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

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision II, Parking Prohibited, Sec. 94-457, No parking areas, *James Place*, be repealed and replaced with the following:

James Place.

The north side of the street from Talcott Avenue to Janesville Avenue, except for four parking stalls in front of the park and recreation shop.

That Chapter 94, TRAFFIC AND VEHICLES, Article VIII, Traffic Schedule, Division 6, Stopping, Standing and Parking, Subdivision II, Parking Prohibited, Sec. 94-053, Specific limitations, be amended to include the following:

James Place

The north side of the street from a point 43 feet east of Janesville Avenue to a point 158 feet east.

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 this Ordinance is being presented to correct an error in an existing Ordinance.

Cm. Zastrow, seconded by Cm. Lescohier, moved to suspend the rules and move the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Gray, seconded by Cm. Schultz, moved to adopt the Ordinance. On call of the roll, the motion carried unanimously.

c. REQUEST FOR VARIANCE TO AIRPORT HEIGHT LIMITATION ORDINANCE.

The City Manager said the cranes are on their way for the construction of the Hwy. 26 bypass structures and we don't want to delay the project. The City was waiting for all four structures to be reviewed and approved by the Federal Aviation Administration prior to our addressing the request, however they would like to proceed with sites 2, 3 and 4 at this time and wait for future approval on site 1.

Cm. Zastrow, seconded by Cm. Gray, moved to grant a variance to the Airport Height Limitation Ordinance for sites 2, 3 and 4 for the duration of the construction of the Hwy. 26 bypass project. The motion carried on a voice vote.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

Regular:

Jorge A. Alvarado	El Patron
Amy M. Dinkle	Stop-N-Go
John P. Feery	The Filling Station
Laura T. Gaworski	Paddy Coughlins
Heather L. Haas	Kwik Trip
Judi K. Krebs	The Filling Station
Andrew M. Worden	Rock River Lanes

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Zastrow, seconded by Cm. Gray, moved the bills in the amounts of \$283,676.70 for the City (Fund 1); \$88,454.00 for the Sewer Utility (Fund 2); \$159,803.21 for the Water Utility (Fund 3); and \$157,411.51 for Payrolls #17 and #17A as per Schedule O-02 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 September 1, 2009 regular City of Fort Atkinson Council meeting at 7:56 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer