

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
SEPTEMBER 4, 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, City Assistant Engineer and City Police Chief.

President Mielke thanked President Pro Tem Tesmer for filling in for him at the last Council meeting on such short notice.

3. APPROVAL OF MINUTES OF AUGUST 21, 2007 REGULAR COUNCIL MEETING.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the minutes of the August 21, 2007 regular Council meeting. The motion carried on a voice vote.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. REQUEST BY CHAMBER OF COMMERCE TO CLOSE VARIOUS STREETS FOR ANNUAL HOLIDAY PARADE ON NOVEMBER 10, 2007.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the request by the Chamber of Commerce to close various streets for the annual holiday parade on November 10, 2007. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

a. **ORDINANCE CREATING SECTION FOR CRIMINAL HISTORY RECORD INFORMATION SEARCH AUTHORIZATION.**

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

ORDINANCE NO. 652

**ORDINANCE CREATING CHAPTER 2, Sec. 2-377
CRIMINAL HISTORY RECORD INFORMATION
SEARCH AUTHORIZATION**

The City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, does hereby ordain as follows:

That Chapter 2, ADMINISTRATION, Article V., Public Records, Sec. 2-377, Criminal History Record Information Search Authorization, be created as follows:

Sec. 2-377. Criminal History Record Information Search Authorization.

General Provisions.

A. State Requirements. The City of Fort Atkinson is a municipal corporation which provides government services to its citizens and the general public, and in order to efficiently provide services, it is necessary to conduct criminal history record searches concerning certain persons. This ordinance is enacted in order to comply with a State of Wisconsin requirement that provides that a municipality that requests the State provide them with criminal history record information concerning an individual under certain circumstances have an ordinance enacted authorizing such requests.

B. Purpose. This ordinance is adopted for the purpose of providing the City of Fort Atkinson Police Department with the authority to request criminal history record information from the State of Wisconsin if requested by the City Manager or a City Department head.

Authority.

If requested by the City Manager or any City Department head, the City of Fort Atkinson Police Department may conduct a criminal history records information search concerning the following persons:

- A. Alcohol license and permit applicants;
- B. Transient merchant license applicants;
- C. Applicants for city employment;
- D. Firefighter applicants;
- E. Rescue squad applicants;
- F. Hunting permit applicants;

- G. Applicants for all other licenses and permits which may be issued by the City of Fort Atkinson
- H. An officer or partner of any corporate or partnership applicant for licenses or permits;
- I. Any other person for whom a department head or city manager requests criminal history information. A request under Section 2-377 must be based on a reasonable belief that the criminal history information is necessary to assist in the safe and efficient operation of city government.

Fees

The cost of the search shall be paid as provided by ordinance, or if not specifically addressed in an ordinance, as directed by the City Manager.

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 Police Chief stated as a result of a recent audit the City needs to change its ordinance relating to criminal history record information searches if it wishes to stay in compliance with the Wisconsin Crime Information Bureau (CIB) and continue to use the Bureau's records.

Cm. Zastrow, seconded by Cm. Tesmer, moved to suspend the rules and pass the ordinance creating a section for criminal history record information search authorization through its second and third readings. The motion carried on a voice vote.

Cm. Zastrow, seconded by Cm. Tesmer, moved to approve and adopt the ordinance creating a section for criminal history record information search authorization. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Tesmer, seconded by Cm. Simdon, moved to accept and file the minutes of the Comprehensive Plan Steering Committee meeting held August 20, 2007; the minutes of the Board of Zoning Appeals meeting held August 16, 2007; the minutes of the Tourism Committee meeting held May 31, 2007; and the minutes of the Water Tower Committee meeting held August 23, 2007. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. REVIEW AND APPROVE CHANGE ORDER NO. 1 FOR 2007 STREET

PROGRAM – ALLEYS IN THE AMOUNT OF \$3,499.38.

The City Manager stated there were additional costs in the amounts of around \$900 in quantities and about \$2,500 in trucking. The change order would complete the alley portion of the street program.

Cwmn. Behrens, seconded by Cm. Tesmer, moved to approve Change Order No. 1 for the 2007 Street Program – Alleys in the amount of \$3,499.38. On call of the roll, the motion carried unanimously.

- b. **REQUEST TO OVERLAY ROCKWELL AVENUE FROM JANESVILLE AVENUE TO ERICK STREET, STREET WEDGING FROM ERICK STREET TO GROVE STREET, AND TO CHARGE IT TO THE STREET PROGRAM BUDGET.**

The City Manager stated the City has received many complaints about the current condition of Rockwell Avenue. The City has the ability in this year's Street Program funding to extend the life of the street for another five to ten years and to make it drivable, while the City continues to attempt to secure State funding to help pay for the reconstruction.

The City approached the contractor paving Sherman Avenue this year and he felt that with an overlay and some wedging the City could have a pretty smooth driving surface for another five to ten years. The overlay would be conducted by the contractor at approximately \$29,000 and the wedging would be undertaken by City staff for about \$15,000.

Cm. Simdon, seconded by Cm. Zastrow, moved to approve the request to overlay Rockwell Avenue from Janesville Avenue to Erick Street, street wedging from Erick Street to Grove Street and to charge it to the Street Program budget in amounts not to exceed \$29,000 for the overlay work and \$15,000 for the wedging work. On call of the roll, the motion carried unanimously.

- c. **REQUEST TO MAKE IMPROVEMENTS TO PARKING LOT AT THE INTERSECTION OF NORTH MAIN STREET AND EAST SHERMAN AVENUE.**

The City Manager stated the City was planning on doing this in conjunction with the Sherman Avenue project while everything is pretty much shut down in that area. \$61,000 was allocated for the parking lot restoration and the cost estimate is \$45,000 for the proposed plan. With the contractor on site the City is expecting to get some good pricing on this job.

Cwmn. Behrens stated that Sherman Avenue is part of the City's "old town" and she would like to see some of that "old town" character restored on Sherman

Avenue and feels this project would be a good opportunity to do that. The use of more aesthetics such as trees and decorative irons was suggested.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the request to make improvements to the parking lot at the intersection of North Main Street and East Sherman Avenue, and to instruct City staff to review various options for visual aesthetics. On call of the roll, the motion carried unanimously.

9. NEW BUSINESS

a. REVIEW AND APPROVE 2008 RECYCLING GRANT APPLICATION.

The City Manager stated the City is again applying for a recycling grant for 2008. The recycling costs for the City will be about \$97,000 and the City is expecting to receive about \$45,000 in funding from the State.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the 2008 Recycling Grant application. On call of the roll, the motion carried unanimously.

b. REVIEW AND APPROVE SUBORDINATION AGREEMENT WITH VERIZON WIRELESS AND F&J NEGUS MANAGEMENT TRUST.

The City Manager stated Verizon Wireless has come to an agreement with the Negus family and Wisconsin Packaging to put a cellular tower in their proximity. The City has a revolving loan with Wisconsin Packaging, so the subordination agreement acknowledges the City has a mortgage and that in the event of foreclosure or any kind of action brought by the City against Wisconsin Packaging, Verizon Wireless would still be allowed to remain and operate on the property, subject to them complying with the terms and conditions of the lease agreement.

This type of subordination agreement has been done in the past with other companies that have a revolving loan with the City.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to approve the Subordination Agreement with Verizon Wireless and F&J Negus Management Trust. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

REGULAR: Amy S. Neitzel for use at Rock River Lanes

Carol A. O'Brien	“	“	Rock River Lanes
Amanda D. Rector	“	“	Rock River Lanes
Lisa M. Schroeder	“	“	Rock River Lanes
Chanel L. Smith	“	“	Blackhawk Tavern

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Simdon, seconded by Cm. Tesmer, moved the bills in the amounts of \$226,466.43 for the City (Fund 1); \$9,544.56 for the Sewer Utility (Fund 2); \$20,926.14 for the Water Utility (Fund 3); \$210.75 for 1901 Water Tower (Fund 8); \$10,591.82 for Klement Business Park (Fund 12); \$4,871.17 for Downtown Economic Development (Fund 13); and \$139,689.12 for Payrolls 17 and 17A as per Schedule N-53 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 Cwmn. Behrens, moved to adjourn the September 4, 2007 regular City of Fort Atkinson Council meeting at 7:34 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer