

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
September 15, 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
Mark Zastrow
Pres. Mielke

Cm. Schultz was excused.

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

3. APPROVAL OF MINUTES OF SEPTEMBER 1, 2009 REGULAR COUNCIL MEETING

The minutes of the September 1, 2009 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

None.

6. RESOLUTIONS AND ORDINANCES

a. RESOLUTION AUTHORIZING APPLICATION FOR URBAN FORESTRY GRANT.

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

RESOLUTION NO. 1156

WHEREAS, the City of Fort Atkinson hereby requests financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. Code, for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 20.370(5)(bw) and (1)(mv), Wis. Stats.,

THEREFORE, BE IT RESOLVED, that the City of Fort Atkinson

HEREBY AUTHORIZES Department of Public Works Superintendent Thomas C. Kramp,

An official or employee, to act on its behalf to:

- Submit an application to the Department of Natural Resources for financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. Code;
- Sign necessary documents, and;
- Submit a final report.

The City Manager said this Grant would enable the City to plant approximately 150 trees in 2010, which is double what is normally planted. There is \$17,500 budgeted next year for tree planting, and that is the amount requested through the Grant.

Cm. Zastrow, seconded by Cm. Gray, moved to approve and adopt the Resolution authorizing the application for an Urban Forestry Grant. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Gray, seconded by Cm. Lescohier, moved to accept and file the minutes of the Historic Preservation Commission meeting held August 4, 2009; the Electrical, Building and Plumbing Permit Reports for August, 2009; the minutes of the Historic Preservation Commission meeting held September 1, 2009; and the minutes of the Jefferson County Economic Consortium meeting held August 12, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. CREATION OF TAX INCREMENT DISTRICT #8 AND ADOPT PROJECT PLAN AND RESOLUTIONS.

The following Resolutions were displayed on the overhead projector at this time:

RESOLUTION NO. 1157

**RESOLUTION CREATING TAX INCREMENT DISTRICT NO. 8
CITY OF FORT ATKINSON, WISCONSIN**

WHEREAS, Wis. Stats. Section 66.1105, provides the authority and procedure for creation of Tax Increment Districts; and

WHEREAS, a public hearing was properly noticed and held by the Plan Commission on August 25, 2009, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a Tax Increment District and the proposed boundaries thereof; and

WHEREAS, the Chief Executive Officers of the Madison Area Technical College, Jefferson County, and other entities having the power to levy taxes on the property located within the proposed Tax Increment District have been notified, including the School Board of any School District which includes property within the proposed District pursuant to Wis. Stats. Section 66.1105(4)(e); and

WHEREAS, pursuant to such procedure and after due reflection and consideration, the Plan Commission has favorably recommended to the City Council of the City of Fort Atkinson the creation of a Tax Increment District, the lands of which are shown on a map on the attached Exhibit A, which is entitled "City of Fort Atkinson TID No. 8 Map 1: Proposed Boundary";

NOW, THEREFORE, BE IT RESOVLED by the City Council of the City of Fort Atkinson as follows:

1. The City Council deemed the creation of the proposed Tax Increment District to be in the public interest and a property public purpose.
2. The City Council adopts as the boundaries of the Tax Increment District, those boundaries recommended by the Plan Commission and attached hereto as Exhibit A.
3. The City Council resolves that January 1, 2009, be and hereby is the date of creation of said Tax Increment District No. 8, City of Fort Atkinson.
4. The name of the District shall be "Tax Increment District No. 8, City of Fort Atkinson".
5. The City Council hereby finds that:

- a. Not less than 50% by area, of the real property within such District is suitable for mixed use development within the meaning of Wis. Stats., Section 66.1105(4)(gm)4.a.;
- b. The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in such District;
- c. The project costs relate directly to eliminating blight, directly serve to rehabilitate or conserve the area or directly serve to promote industrial development, consistent with the purposes for which the Tax Increment District is being created;
- d. The equalized value of taxable property in the District, plus the value increment of all existing tax incremental districts in the City, does not exceed 12% of the total equalized value of taxable property within the City of Fort Atkinson; and
- e. The District is a mixed use district based on the identification and classification of the predominant land uses located in the District.

The above and foregoing Resolution was duly adopted by the City Council of the City of Fort Atkinson at a regular meeting held on September 15, 2009.

RESOLUTION NO. 1158

**RESOLUTION APPROVING TAX INCREMENT DISTRICT NO. 8
BOUNDARY AND PROJECT PLAN
CITY OF FORT ATKINSON, WISCONSIN**

WHEREAS, the City of Fort Atkinson Plan Commission has prepared and adopted a Boundary and Project Plan for Tax Increment District No. 8 (“TID No. 8”) which:

1. Includes a statement listing the kind, number and location of all proposed public works or improvements within such District;
2. Contains an economic feasibility study;
3. Contains a detailed list of estimated project costs;
4. Contains a description of the method of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
5. Includes a map showing existing uses and conditions of real property in such District;
6. Includes a map showing proposed improvements and uses in such District;
7. Shows proposed changes of zoning ordinances, comprehensive plan, Building Codes and City Ordinances;
8. Contains a statement listing potential non-project costs currently being considered in connection with TID No. 8;
9. Contains a statement of a proposed method for the relocation of any person to be displaced;

10. Indicates how creation of TID No. 8 promotes the orderly development of the City of Fort Atkinson; and

WHEREAS, the Plan Commission held a public hearing on the proposed Boundary and Project Plan on August 25, 2009, and has notified the Chief Executive Officers of all local government entities having the power to levy taxes on property within the proposed district, including the School Board of any School District which includes property within the District, pursuant to Wis. Stats. Section 66.1105(4)(e); and

WHEREAS, the Plan Commission has approved and submitted such Boundary and Project Plan to the City Council of the City of Fort Atkinson.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Atkinson expressly finds that:

1. The Boundary and Project Plan for Tax Increment District No. 8, City of Fort Atkinson, is feasible; and
2. Such Boundary and Project Plan is in conformity with the Comprehensive Plan of the City of Fort Atkinson.

BE IT FURTHER RESOLVED that the City Council hereby approves the Boundary and Project Plan for Tax Increment District No. 8 pursuant to the provisions of Wis. Stats. 66.1105(4)(g).

The above and foregoing Resolution was duly adopted by the City Council of the City of Fort Atkinson at a regular meeting held on September 15, 2009.

The City Manager said this project began in May, 2009 and that a number of work sessions have been held. The Joint Review Board was created on August 25, 2009. A public hearing was held with the Joint Review Board and Planning Commission on August 25, 2009 as well. At this time, the action required is to create the District and to adopt the Project Plan. If these items are approved, the next step is approval by the Joint Review Board on October 6, 2009. After that approval, the Department of Revenue will make their determination to ensure the City complied with all the requirements. After final approval, the T.I.F. District would be created retroactively to January 1, 2009.

Susan Hoeft of Vandewalle & Associates addressed the Council at this time. She said the District encompasses the boundary near the intersection of Highway 12 and the Highway 26 Bypass. The main project will be infrastructure improvements and infill development. The cost expenditure of this project is just over \$7,000,000. With development increment assumptions, this District is quite feasible if the City spends at the rate that is anticipated. A 1% inflation rate and

6% interest rate were used, which is very conservative. A lot of the development was pushed out ten years to give the economy a chance to bounce back.

Ms. Hoeft said one of the questions raised at the Planning Commission public hearing was about going on the other side of the Bypass. This District was prepared for the City to have the ability to potentially amend the boundaries once that is a reality and properties are annexed into the City. The Project Plan was prepared so that if eventually the development does jump the Bypass those are extensions of the original project costs. We have also taken into consideration connection to bike trails and bike-pedestrian intermodal connectivity.

Cm. Lescohier asked how long the existing T.I.F. Districts have remaining, to which the City Manager said they had a good 20 years left.

Cm. Zastrow, seconded by Cm. Gray, moved to accept and adopt the Resolution Creating Tax Increment District No. 8. On call of the roll, the motion carried unanimously.

Cm. Gray, seconded by Cm. Zastrow, moved to accept and adopt the Resolution approving the Tax Increment District No. 8 Boundary and Project Plan. On call of the roll, the motion carried unanimously.

- b. 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. 687

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, as defined as a vehicle with a wheelbase less than 105 inches and a height less than 61 inches.

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.

Cm. Zastrow, seconded by Cm. Gray, moved to remove this item from the table. The motion carried on a voice vote.

The City Manager said after reviewing several samples of the definition of a compact car, the City Engineer came up with the language which defines compact cars as having a wheel base of less than 105 inches and a height of less than 61-inches.

The City Engineer indicated they will be putting a mark on the pole at 61-inches high to assist the Police Department in enforcement of this Ordinance.

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

- c. REVIEW AND APPROVE CHANGE ORDER NO. 1 FOR WATERMAIN REPLACEMENT PROJECT ON TALCOTT AVENUE AND HALCYON PLACE.

The City Manager said this will be the only change order for this project, as the project has been completed. The main item causing the change order was the additional 229.5 feet of 8-inch main that was installed to have better connection locations with the existing mains, to allow for the installation of two air (expansion) tanks and to replace mains that had failed at Talcott Avenue and Adrian Boulevard. The total change order is an additional \$8,820.60.

Cm. Zastrow, seconded by Cm. Gray, moved to approve Change Order No. 1 for the watermain replacement project on Talcott Avenue and Halcyon Place and authorize payment in the amount of \$8,820.60. On call of the roll, the motion carried unanimously.

- d. REQUEST FOR VARIANCE TO AIRPORT HEIGHT LIMITATION ORDINANCE FOR SITE #1 FOR HIGHWAY 26 BYPASS.

The City Manager said the City did receive the determination from the Federal Aviation Administration (F.A.A.) indicating this site has been approved for the use of cranes for the construction of the Highway 26 Bypass structures. The F.A.A. did place three contingencies on the approval for this site, which are as follows:

1. The crane is marked or lighted in accordance with F.A.A. Advisory Circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, Flags/Red Lights – Chapter 3 (Marked), 4, 5 (Red) and 12.
2. The crane be lowered to the ground when not in use and during the hours between sunset and sunrise.
3. Notification of the F.A.A. and the City five days prior to the crane being erected and removed.

Cm. Gray, seconded by Cm. Lescohier, moved to grant a variance to the Airport Height Limitation Ordinance for site 1 for the duration of the construction of the Hwy. 26 bypass project, with the three contingencies given by the F.A.A. The motion carried on a voice vote.

9. NEW BUSINESS

a. REVIEW AND APPROVE 2010 RECYCLING GRANT APPLICATION.

The City Manager said the City received approximately \$57,000 last year and about \$51,000 this year.

Cm. Lescohier, seconded by Cm. Zastrow, moved to approve the 2010 Recycling Grant Application. The motion carried on a voice vote.

b. REVIEW AND APPROVE REVISED EASEMENT WITH ENBRIDGE ENERGY COMPANY.

Robert Turner of Enbridge Energy Company addressed the Council at this time. Mr. Turner said there are four pipelines on their current easement. They are not seeking any more pipelines. On this tract they are out of compliance after construction of the most recent pipeline; there is 56-feet of encroachment. They try to maintain a buffer of ten feet. He said there was a huge curve in the area of the encroachment. Their company has been authorized to pay \$4,500/acre for this new easement area.

The City Manager said this easement would be on Outlots 2 and 5 and Lot 6 in the Klement Business Park, but would not have impact on the build-ability of those lots.

Cm. Gray asked what can be done in the easement area. Mr. Turner said you can do virtually anything other than put a building over the area. The City Manager said the easement cuts through the corners of the lots where setbacks would not allow building. This would not impede the City's ability to sell the lots.

Cm. Zastrow, seconded by Cm. Gray, moved to approve the revised Easement with Enbridge Energy Company. The motion carried on a voice vote.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

Regular:

Tiffany A. Bretl	Filling Station
Nicholas J. Reynolds	Stop-N-Go

Provisional:

Clayton T. Laird	Cozumel & Lions Quick Mart
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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 \$245,737.02 for the City (Fund 1); \$18,400.18 for the Sewer Utility (Fund 2); \$26,959.42 for the Water Utility (Fund 3); \$97.51 for Stormwater Management (Fund 10); \$220.00 for Downtown Economic Development (Fund 13); \$896.06 for Northwest Corridor Development (Fund 14); and \$136,431.70 for Payroll #18 as per Schedule O-03 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. Lescohier, moved to adjourn the September 15, 2009 regular City of Fort Atkinson Council meeting at 7:26 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer