

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
OCTOBER 2, 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, and City Clerk/Treasurer.

3. APPROVAL OF MINUTES OF SEPTEMBER 18, 2007 REGULAR COUNCIL MEETING.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the minutes of the September 18, 2007 regular Council meeting. The motion carried on a voice vote.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. REQUEST TO WAIVE 2,500-FOOT SEPERATION AND 1% OF POPULATION REQUIREMENTS FOR A COMMUNITY BASED RESIDENTIAL FACILITY (C.B.R.F.) TO BE LOCATED AT 918 AND 918-1/2 GAIL PLACE.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the request to waive the 2,500-foot separation and 1% of population requirements for a Community Based Residential Facility (C.B.R.F.) to be located at 918 and 918-1/2 Gail Place, contingent on receiving required State and County licensing and compliance with City Zoning Ordinances. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

- a. ORDINANCE AMENDING SOLID WASTE CHAPTER OF THE CITY
ORDINANCE TO REFLECT NEW AUTOMATED PICKUP AND DISPOSAL
PROGRAM.

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

ORDINANCE NO. 654

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

That Chapter 86, SOLID WASTE, be amended as follows:

ARTICLE II, Collection Disposal, Sec. 86-38, Collection of garbage and refuse:

(d) Residential customers shall be limited to one 35, 65 or 95 gallon can, and all other customers shall be limited to two 20-gallon cans. Any additional garbage, refuse, commercial or industrial wastes may be collected by the payment to the collector of a mutually agreed upon fee for that extra service. Residential buildings containing one to four units will be allowed to place excess refuse outside of the containers provided by the collector once per month, on a day to be designated by the collector.

(e) All refuse for residential buildings containing one to four units, to be collected by the City shall be placed in the 35, 65, or 95 gallon container provided by the collector. The commercial and industrial waste shall be placed in cans that shall not exceed 20 gallons in capacity.

(f) Residential garbage shall be well drained and wrapped and deposited in the garbage cans provided by the collector, or as provided in subsection (e) of this section. Commercial and industrial garbage containers shall be equipped with a suitable handle or handles and shall not exceed 20 gallons in capacity. Broken glass should not be wrapped. All garbage cans shall be kept closed with a tight-fitting cover except when being filled or emptied and shall be vermin- and fly-proof and kept in a sanitary condition.

(g) Residential garbage shall be conveniently placed for collection directly at the curb with the unit facing the street to enable the automatic arm on the garbage truck to utilize the bar on the front of the container. All containers shall be placed for collection on the collection day not earlier than 3:00 p.m. preceding the day of collection. All containers shall be moved from the curb by 6:00 p.m. on the day of collection.

ARTICLE III, Recycling, Division 2, Separation of Recyclables, Sec. 86-116,
Required:

Delete line “(15) waste tires” in its entirety.

ARTICLE III, Recycling, Division 2, Separation of Recyclables, Sec. 86-118,
Care of separated recyclable materials:

To the greatest extent practicable, the recyclable materials separated in accordance with Sec. 86-116 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions, and in a container as set forth in Sec. 86-38 (d) herein.

ARTICLE III, Recycling, Division 2, Separation of Recyclables, Sec. 86-119:

Sec. 86-119, Management of lead acid, batteries, major appliances, waste oil and yard waste.

Occupants of single family and two to four unit residences, multifamily dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(2) Major appliances shall be placed at roadside separated from solid waste collection by the City’s solid waste contractor. Appliances shall be upright and empty. Freezers and refrigerators must have their doors removed. Microwaves must have the capacitors removed. City residents must contact the City’s solid waste contractor to arrange for pickup, disposal and required payment for all such appliances.

(3) Waste oil shall be placed at roadside separated from solid waste for collection by the City’s solid waste contractor. This waste oil will be picked up on the designated days for recycling only (twice per month) and shall be placed at the curb next to the recycling container. Common engine oil only will be collected. Such oil must be in leak-proof containers of a maximum size of one gallon.

ARTICLE III, Recycling, Division 3, Preparation and Collection, Sec. 86-146,
Method, (a) be amended as follows:

(a) Except as otherwise directed by the City, occupants of single family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in Sec. 86-116 (5) – (14).

(3) Corrugated paper or other container board shall be flattened and placed in the recycling container for collection.

(5) Magazines shall be placed within the recycling container for collection.

(6) Newspaper shall be placed within the recycling container for collection.

(7) Office paper shall be placed within the recycling container for collection.

ARTICLE III, Recycling, Division 4, Sec. 86-171, Proper disposal of garbage and recyclables, (b) No dumping, (1), shall be amended as follows:

(1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the City or in any receptacles or on private property without the owner's consent unless it is placed in containers in the manner and at the time specified by this article.

ARTICLE III, Recycling, Division 4, Disposal, Sec. 86-172, Prohibitions on disposal of recyclable materials separated for recycling, shall be amended as follows:

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility, any of the materials specified in Section 86-116 (5) – (14) that have been separated for recycling. Waste tires may be burned for energy recovery in a solid waste treatment facility.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. All other provisions of Chapter 86 are hereby affirmed.

This ordinance shall take effect and be in force from and after the date of its passage and publication.

The City Manager stated these changes are necessary to match the contract between the City and Veolia.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to suspend the rules and pass the ordinance amending the Solid Waste Chapter of the City Ordinances to reflect the new automated pickup and disposal program through its second and third readings. The motion carried on a voice vote.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to adopt the ordinance amending the Solid Water Chapter of the City Ordinances to reflect the new automated pickup and disposal program. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Simdon, seconded by Cm. Tesmer, moved to accept and file the minutes of the Park & Recreation Advisory Board meeting held September 17, 2007; the minutes of the Planning Commission meeting held September 25, 2007; the minutes of the Transportation Advisory Committee meeting held September 27, 2007; the minutes of the Historical Society Board meeting held August 16, 2007; and the minutes of the Historical Society Weekly Core Construction meetings held August 13, 2007, August 27, 2007 and September 5, 2007. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING ONE LOT ON LIEBERMAN ROAD (EXTRA-TERRITORIAL).

The Council discussed its extra-territorial powers and role in the approval process of CSMs.

Cwmn. Behrens, seconded by Cm. Simdon, moved to approve the Preliminary Certified Survey Map creating one lot on Lieberman Road (extra-territorial). The motion carried on a voice vote.

- b. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING ONE LOT AT N1909 U.S.H. 12 (EXTRA-TERRITORIAL).

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the Preliminary Certified Survey Map creating one lot at N1909 U.S.H. 12 (extra-territorial). The motion carried on a voice vote.

- c. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING FOUR LOTS AT THE CORNER OF U.S.H. 12 AND C.T.H. M. (EXTRA-TERRITORIAL).

Cm. Tesmer, seconded by Cm. Simdon, moved to approve the Preliminary Certified Survey Map creating four lots at the corner of U.S.H. 12 and C.T.H. M (extra-territorial). The motion carried on a voice vote.

- d. RECOMMENDATION FROM TRANSPORTATION ADVISORY COMMITTEE TO INCREASE ALL TAXI FARES BY \$0.25, AND TO APPROVE THE 2008 SHARED-RIDE TAXI APPLICATION.

The City Manager stated with approximately 47,000 riders per year this is beginning to be quite a program. Generally with the combination of Federal and State funding there has not been much of a local share.

Cm. Simdon, seconded by Cm. Tesmer, moved to increase all taxi fares by \$0.25 and to approve the 2008 Shared-Ride Taxi application. On call of the roll, the motion carried unanimously.

- e. REVIEW AND APPROVE CHANGE ORDER NO. 3 FOR THE SHERMAN AVENUE PROJECT.

The City Manager stated a number of issues arose as discussed in the City Engineer's memo to the Council. The total of the change order is for \$5,726.37 with \$2,577.04 being charged to the Sanitary Sewer Contingency and \$3,149.33 being charged to the Water Contingency.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve Change Order No. 3 for the Sherman Avenue project. On call of the roll, the motion carried unanimously.

9. NEW BUSINESS

- a. REQUEST FOR VARIANCE TO AIRPORT HEIGHT LIMITATION ORDINANCE ALLOWING CONSTRUCTION CRANE AT FORT ATKINSON MEMORIAL HOSPITAL, 611 EAST SHERMAN AVENUE, TO BE 973-FEET HIGH.

The City Manager stated upon investigation, the Federal Aviation Administration has determined the crane not to be a hazard to air navigation provided a light and flag are placed on top of the crane.

Cm. Tesmer, seconded by Cm. Simdon, moved to approve a variance to the Airport Height Limitation Ordinance allowing a construction crane at Fort Atkinson Memorial Hospital, 611 East Sherman Avenue, to be 973-feet high. The motion carried on a voice vote.

- b. REVIEW REQUEST FOR SETTLEMENT OF CONVERT-A-COUCH REVOLVING LOAN.

Cm. Simdon stepped down due to a potential conflict of interest.

The Council discussed its options with the City Attorney.

Cm. Tesmer, seconded by Cwmn. Behrens, moved to accept the settlement payment of \$10,000 with the understanding Covert-A-Couch would also pay an additional \$288.00 for the costs of bringing the legal action as well as the amount of 2006 personal property taxes outstanding. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

Cm. Simdon returned to his seat on the Council.

a. GRANTING OPERATOR LICENSES.

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

PROVISIONAL: Gabriel G. Morales for use at Sal-Mart 2

REGULAR: Melissa M. Coy for use at Lennigan's
Jamie P. Messier " " Citgo On The Point

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cwmn. Behrens, seconded by Cm. Simdon, moved the bills in the amounts of \$208,719.73 for the City (Fund 1); \$132,767.77 for the Sewer Utility (Fund 2); \$270,963.64 for the Water Utility (Fund 3); \$48,357.60 for Klement Business Park (Fund 12); \$155.44 for Downtown Economic Development (Fund 13); and \$129,056.16 for Payrolls 19 & 19A as per Schedule N-55 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. Simdon, moved to adjourn the October 10, 2007 regular City of Fort Atkinson Council meeting at 7:43 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer