

**CITY COUNCIL MINUTES  
FORT ATKINSON, WISCONSIN  
October 6, 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  
Dick Schultz  
Mark Zastrow  
Pres. Mielke

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

3. APPROVAL OF MINUTES OF SEPTEMBER 15, 2009 REGULAR COUNCIL MEETING

The minutes of the September 15, 2009 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

- a. PUBLIC HEARING ON “CLASS B” COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE LICENSE FOR RANDALL SCHOPEN FOR USE AT CAPN’S OF FORT AT 855 LEXINGTON BOULEVARD.

Pres. Mielke opened the public hearing on the application for a “Class B” Combination Liquor and Fermented Malt Beverage License for Randall Schopen for Capn’s of Fort for use at 855 Lexington Boulevard, 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

- a. REQUEST FOR STREET CLOSURES FOR CHAMBER'S HOLIDAY PARADE ON NOVEMBER 14, 2009 AT 5:30 P.M.

The City Manager indicated this is the same request from the Chamber as in previous years.

Cm. Lescohier, seconded by Cm. Schultz, moved to approve the request for various street closures for the Chamber of Commerce's Holiday Parade to be held on Saturday, November 14, 2009 at 5:30 p.m. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

- a. RESOLUTION REQUESTING EXEMPTION FROM COUNTY LIBRARY TAX.

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

**RESOLUTION NO. 1159**

**RESOLUTION REQUESTING EXEMPTION  
FROM COUNTY LIBRARY TAX**

WHEREAS, the Jefferson County Board has established a county library and levies a county library tax as authorized under Section 43.57(3) of the Wisconsin Statutes, and

WHEREAS, Section 43.64(2)(b) of the Wisconsin Statutes provides that a village or city which levies a tax for public library service and appropriates and expends for a library fund as defined by s.43.52(1) during the year for which the county tax levy is made a sum at least equal to the county tax rate in the prior year multiplied by the equalized valuation of the property in the city or village for the current year is exempt from the county library tax, and

WHEREAS, the City of Fort Atkinson will, in 2010, appropriate and expend an amount in excess of that calculated above.

NOW THEREFORE, BE IT RESOLVED that the City of Fort Atkinson hereby requests of the Jefferson County Board of Supervisors that the City of Fort Atkinson be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64(2).

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded by the City Clerk to the following parties:

ADMINISTRATOR  
Jefferson Co. Library Council  
Dwight Foster Public Library  
102 East Milwaukee Ave.  
Fort Atkinson WI 53538

COUNTY CLERK  
320 S. Main St., Rm. 109  
Jefferson WI 53549

Fiscal Note:

Library Exemption Minimum	-- \$251,658
Estimated Municipal 2010 Library Appropriation	-- \$432,035

The City Manager said this needs to be done annually to exempt the City taxpayers from the County portion of the library tax, and for us to do this, we need to spend a minimum of \$251,658 in library services. The City's estimated library budget for 2010 will be \$432,035, so the requirement is met.

Cm. Schultz, seconded by Cm. Gray, moved to adopt the Resolution requesting exemption from the County Library Tax. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cm. Gray, moved to accept and file the minutes of the Water Tower Committee meeting held September 9, 2009; the minutes of the Foster Growth Capital Campaign Committee meeting held September 14, 2009; the minutes of the Dwight Foster Public Library Board meeting held July 27, 2009; the minutes of the Historical Society Board meeting held August 20, 2009; the minutes of the Dwight Foster Public Library Building Committee meeting held August 17, 2009; the minutes of Traffic Review Committee meeting held September 25, 2009; the minutes of License Committee meeting held September 28, 2009; the minutes of Transportation Advisory Committee meeting held September 30, 2009; and the Building, Plumbing and Electrical Permit Reports for September, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE A "CLASS B" COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE LICENSE FOR RANDALL SCHOPEN FOR USE AT CAPN'S OF FORT AT 855 LEXINGTON BOULEVARD.

The City Clerk/Treasurer indicated to the Council that the License Committee voted unanimously to approve the "Class B" Combination License for Randall Schopen, which would be one of two licenses available at this time.

Cm. Zastrow, seconded by Cm. Lescohier, moved to accept the recommendation from the License Committee to approve the "Class B" Combination Liquor and

Fermented Malt Beverage License for Randall Schopen for use as Capn's of Fort at 855 Lexington Boulevard, contingent on the business being open and running within ninety (90) days of approval of the license, and that the City receive a copy of the signed lease. The motion carried on a voice vote, with Pres. Mielke abstaining from the vote.

b. **RECOMMENDATION FROM LICENSE COMMITTEE THAT FULL CITY COUNCIL DISCUSS AND CONSIDER APPLICATIONS FOR "CLASS B" COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE LICENSE.**

The City Clerk/Treasurer said the License Committee was at a stalemate with a decision on this "Class B" Combination Liquor and Fermented Malt Beverage License and recommended that the full City Council consider the matter. There is one remaining license available with three applications being on file for that license. Those filing applications are the Canton Chinese Restaurant, Cozumel II and El Patron. The City Attorney said the Council will be holding a discussion on this issue and not approving a license at this meeting, as a public hearing on the recommendation would have to be held at a later date.

Cm. Schultz said his position is that we have a situation where we have one business turning in their license and another business requesting it. The License Committee did talk with the applicant who is requesting to open the Canton Restaurant to inquire if she felt she really needed the Combination License. She did feel she needed the license for her business. Cm. Schultz indicated he questions how much alcohol the Canton Restaurant would sell, and how much they would use the license. He is also concerned with the type of precedence the Council may be setting, and doesn't believe a license should go with a building. He said this is different because there is one business following another. He said the Council needs to be fair to the businessmen and therefore feels the license should go to the Canton.

Cm. Zastrow said he substantially agrees with Cm. Schultz's rationale. He said he feels it would be appropriate to allow this business to maintain the license and give them a chance to stay a thriving business downtown.

Cm. Gray said he felt if there are a limited number of licenses, we should try to find the businesses that really have the need for them. He wasn't convinced from listening to the representative from the Canton that she really needed the license; she indicated that they have had a license in the past and would like to have a similar operation to that previously. However, there was no indication that liquor would be a significant portion of their business sales. Based on that, and because she did apply later than the other two applicants, he doesn't feel it would be appropriate to grant it to the Canton.

Cm. Lescohier said he doesn't know what the right answer is here. It is unfortunate that statutory quotas prevent the City from giving help to three restaurants in the community. He said there is something to be said about letting the market place dictate how many licenses a community can sustain. He is searching for a reason to not keep the license with the Canton because of past practice, but at the same time, there can really be good compelling arguments that it might be better used at either one of the Mexican restaurants. There isn't a good solution to this problem.

Cm. Gray said if the license is granted to the Chinese restaurant, we are following the past practice which more or less has left a license with a building. She has not had a business in that building herself with a license in her name for two years, so from that standpoint of continuation of a license for that facility we are essentially saying the license goes with the building. So if we want to continue that as our philosophy, that is an appropriate way to do it. If in fact it is the Council's intent to not have that be our going-forward policy, that licenses reside with the building and not with the owner of the license, then this is not an appropriate use of the license.

Cm. Schultz said there is no fair answer to this. His concern is that the Canton came along just out of the blue, never having resided in Fort Atkinson before and applied for the license, then what Cm. Gray is saying wouldn't apply. Apparently the Council is hung up on the fact that they have owned the building, and is not sure what difference that would make. Because they owned the business before, do they only get one shot at it? Cm. Gray asked why they would get preference, to which Cm. Schultz responded because they are taking over the business. Cm. Gray said they are not taking over a business. Cm. Zastrow said they are taking back their business. Cm. Gray said it is not currently in operation and not a going business. Cm. Schultz said we just approved a license for the Stockade building that hasn't been a going business for two years.

Pres. Mielke said he generally sees this as a business going into a location where there was a previous business and should want to continue that flow of business and occupants in that location. Our past history has been if there was an establishment with a liquor license and someone else was going into that location, we generally try to keep that license with that location. He is concerned if you are a building owner and you have a business that has a liquor license, every time you lease your business you run the risk of potentially losing your license. Another thing is that he understands the "best use" argument, but you could make that argument every time a license period ends. He would be inclined to try to keep the license going with the location of the Canton Restaurant as well.

Cm. Schultz, seconded by Cm. Zastrow, moved to set a public hearing for October 20, 2009 on the application for a "Class B" Combination Liquor and Fermented Malt Beverage License for the Canton Chinese Restaurant for use at

120 North Main Street. The motion carried on a 4-1 voice vote with Cm. Gray voting against the motion.

c. **RECOMMENDATION FROM LICENSE COMMITTEE TO RAISE THE ALCOHOL BEVERAGE LICENSE FEES.**

The City Clerk said the License Committee reviewed the current license application fees for the various categories of alcohol licenses and recommended the following fees be amended: Class “A” for the sale of fermented malt beverages for off-premise consumption from \$50 to \$100; “Class A” for the sale of intoxicating liquor for off-premise consumption from \$250 to \$500; and “Class B” Combination for the sale of fermented malt beverages and intoxicating liquor for on-premise consumption from \$350 to \$600. This would move all the fees up to the limits allowed by Wisconsin Statutes. The intention is to potentially encourage infrequent users from applying or renewing if they weren’t going to be using the license to its full extent. This will also generate additional revenue as well.

Pres. Mielke said he agrees with the licenses that have a quota moving to the statutory limit so that infrequent users are discouraged from holding onto those licenses. However, with regard to the Class “A” where there is not a limit, he felt it could be left at \$50 because that logic doesn’t apply there. Cm. Gray said he is looking at it as a potential source of additional revenue without making a particular hardship on anyone.

Cm. Zastrow, seconded by Cm. Gray, moved to accept the recommendation from the License Committee to raise the alcohol beverage license fees as listed above, and to prepare the appropriate Ordinance. The motion carried on a voice vote.

d. **RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING A FIVE-ACRE FARM CONSOLIDATION LOT AT N2348 KUTZ ROAD (EXTRA-TERRITORIAL).**

The City Manager said this Survey was approved by the Planning Commission at their July 14, 2009 meeting.

Cm. Lescohier, seconded by Cm. Gray, moved to approve the Preliminary Certified Survey Map as presented. The motion carried on a voice vote.

e. **RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE FOR TWO-HOUR PARKING ON BOTH SIDES OF WEST SHERMAN AVENUE FROM MECHANIC STREET TO THE BIKE TRAIL, AND ORDINANCE.**

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

**ORDINANCE NO. 688**

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 V, Two-Hour Limit, Sec. 94-526, Specific limitations, *Sherman Avenue*, be amended to include an additional paragraph as follows:

*Sherman Avenue.*

Both sides of the street, from its intersection with Mechanic Street west to the Bike Trail.

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 what the existing parking restriction is in this area, to which the City Engineer stated it is all-day parking. It was stated that west of the Bike Trail on Sherman Avenue it is still all-day parking. The City Engineer said he had gotten comments from the businesses to the west of the Bike Trail who indicated they do have times when their customers are at their facilities for more than two hours.

Cm. Gray, 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. Gray, seconded by Cm. Schultz, moved to adopt the Ordinance for two-hour parking on both sides of West Sherman Avenue from Mechanic Street to the Bike Trail. On call of the roll, the motion carried unanimously.

- f. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE FOR A 30-MINUTE PARKING RESTRICTION FOR THE FIRST STALL SOUTH OF EAST SHERMAN AVENUE ON THE EAST SIDE OF NORTH MAIN STREET, AND ORDINANCE.

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

**ORDINANCE NO. 689**

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 VII, Thirty-Minute Limits, Sec. 94-571, Specific limitations, be amended to include:

*North Main Street*

On the east side of the street, from a point 60-feet south to a point 80-feet south of East Sherman 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.

The City Manager said this stall is located in front of Ron's Shoe Repair, who requested the restriction of 30-minutes. The existing restriction on this stall is for two-hour parking. The City Engineer said the sign for this stall would be placed directly in front of the stall. He said there is a similar restriction on a stall in the area of Tuttle's Pharmacy on South Water Street as well as in the area of the Daily Union along Grant Street.

Cm. Gray said he does have a concern with the potential of having other businesses request this restriction in front of their buildings and people getting confused by all the different signage. Cm. Lescohier said it has been easy in the past as the restrictions currently on record are corner stalls, and it may become difficult if a business in the middle of a block requests such a restriction.

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 for a 30-minute parking restriction for the first stall south of East Sherman Avenue on the east side of North Main Street. On call of the roll, the motion carried unanimously.

- g. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO REPLACE YIELD SIGNS WITH STOP STOPS ON JANETTE STREET AT LUCILE STREET, ON HARRIETTE STREET AT LUCILE STREET, AND ON JANETTE STREET AT ROOSEVELT STREET.

The City Manager stated a letter was received from Shawn and Kerry McDonough as well as a petition from residents in the area of this request.

There are criteria that need to be met to place stop signs at intersections, and those criteria have been met.

Cm. Lescohier, seconded by Cm. Schultz, moved to accept the recommendation from the Traffic Review Committee to replace yield signs with stop signs on Janette Street at Lucile Street, on Harriette Street at Lucile Street and on Janette Street at Roosevelt Street. The motion carried on a voice vote.

- h. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE FOR A NO PARKING RESTRICTION ON THE NORTH SIDE OF PARK STREET FROM SOUTH MAIN STREET TO THE FIRST DRIVEWAY FROM 7:30 A.M. – 8:30 A.M. AND 2:30 P.M. – 3:30 P.M. ON SCHOOL DAYS, AND ORDINANCE.

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

**ORDINANCE NO. 690**

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), be amended to include the following:

*Park Street.*

On the north side of the street, from its intersection with South Main Street, to a point 95-feet 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. 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 for a no parking restriction on the north side of Park Street from South Main Street to the first driveway from 7:30 a.m. – 8:30 a.m. and 2:30 p.m. – 3:30 p.m. on school days. On call of the roll, the motion carried unanimously.

- i. RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO AMEND PARKING RESTRICTIONS ON NORTH AND SOUTH MAIN STREETS IN CONJUNCTION WITH RECENT ALIGNMENT PROJECT, AND ORDINANCE.

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

**ORDINANCE NO. 691**

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 80 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 previously appeared on the Council agenda and was sent back to the Traffic Review Committee for more discussion and review.

Cm. Gray said he was disappointed that the Traffic Review Committee did not make any changes to the right-turn situation and doesn't feel that what has been

done is the best solution for Main Street and would not like to ordinance it. Cm. Schultz agreed. He said the right turns are not being used; they are too narrow. In some cases, one more parking stall would be more beneficial rather than the right-turn lane.

The City Manager said this Ordinance does not address turn lanes; it is for the parking areas. Cm. Gray said if a right-turn lane makes sense, he would like to see a lane delineation line painted for that purpose. He said at the intersections of South Main and West Milwaukee, and South Main and South Third West, there is not enough room to do this. The City Manager said if it were decided to remove turn arrows at certain intersections, there would not be parking stalls installed in their place. Pres. Mielke asked if there are specifications on the widths of the white lane delineation lines, to which the City Engineer indicated there are but did not know that number off the top of his head.

Cm. Gray asked what procedure he needs to follow to get the right turn arrows removed at certain intersections. The City Manager said he should do his own investigation and get a memo of his findings to the City Manager for placement on a future Council agenda for action on those intersections.

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.

Cm. Zastrow, seconded by Cm. Gray, moved to adopt the Ordinance amending the parking restrictions on North and South Main Streets in conjunction with the recent realignment project. On call of the roll, the motion carried unanimously.

j. **AUTHORIZE ACCEPTANCE OF WATERWAYS GRANT FROM THE DEPARTMENT OF NATURAL RESOURCES.**

The City has received notification from the Department of Natural Resources that we were successful in obtaining a Grant in the amount of \$41,250 for the placement of public piers. The City's portion of this project will be funded through the Downtown TIF project.

Cm. Lescohier, seconded by Cm. Schultz, moved to authorize acceptance of the Waterways Grant from the Department of Natural Resources in the amount of \$41,250 and to request half of the Grant amount upfront for the purchase of supplies. The motion carried on a voice vote.

k. **RECOMMENDATION FROM TRANSPORTATION ADVISORY COMMITTEE TO APPROVE SUBMITTAL OF 2010 SHARED-RIDE TAXI PROGRAM.**

The City Manager said the application for 2010 calls for a local share of approximately \$22,375. The City is anticipating approximately \$20,000 as the local share for 2009. This budget amount will need to be increased. Historically, the City has not had a local share as the expenses have generally not come in as high as the applications had anticipated. The State has changed their formula on how they fund these taxi programs, and now there is very little room for leeway. The last couple of years, the City has started to run a small deficit on this program and will need to increase our budget from \$5,000 to \$20,000 for 2010.

Pres. Mielke stated that a lot of the reason there is getting to be a local share is attributable to the change in the Federal formula and how they are required to calculate expenses.

The City Manager said this program has been in existence for approximately 20 years, and we are one of the few communities who have had no local share for approximately 15 of those years.

Cm. Gray felt it was a very valuable service that we are providing at a minimal cost.

Cm. Lescohier asked if there was any known reason as to why there seemed to be a change in the ridership since 2003. It was indicated that there are many things that could have factored into that, including weather conditions, increase in fees, road construction, residential facilities getting their own vehicles for transporting residents, etc. It was also indicated the last fee increase was two years ago and was a \$.25 increase.

Cm. Schultz, seconded by Cm. Gray, moved to approve the recommendation from the Transportation Advisory Committee to submit the 2010 Shared-Ride Taxi Program Application. The motion carried on a voice vote.

1. RECOMMENDATION FROM TRANSPORTATION ADVISORY COMMITTEE TO SUBMIT A SECTION 5311 CAPITAL GRANT FOR FUNDING OF VEHICLE PURCHASES FOR TAXI PROGRAM.

The City Manager indicated that through the American Recovery and Reinvestment Act, there are funds available for certain projects at 100% funding. These funds could be used to purchase five sedans and one handicapped mini-bus for the taxi program. The vehicles would be purchased by the City and leased to Brown Cab Service for \$1.00/year. It would be the responsibility of Brown Cab to Service and maintain the vehicles. This would not materially change the cost to the City. It will give the City some residual trade-in value.

Cm. Gray, seconded by Cm. Zastrow, moved to authorize the submission of a Section 5311 Capital Grant for funding of vehicle purchases for the taxi program. The motion carried on a voice vote.

9. NEW BUSINESS

- a. REVIEW AND APPROVE LEASE WITH POND HILL DAIRY FARM FOR 27.6 ACRES IN KLEMENT BUSINESS PARK.

The City Manager said Outlot 5 and Lots 6 and 7 are being proposed to be leased to Pond Hill Dairy Farm and are located behind IPEC in the southern end of the Klement Business Park. The lots are for sale, however are being leased for farm land until such time as it is sold. This lease was advertised for bids, and the only bid received was from Pond Hill Dairy Farm in the amount of \$105.00/acre, for a total annual rental of \$2,898.00. There are contingencies in the Lease in the event the lots are sold.

Cm. Lescohier, seconded by Cm. Zastrow, moved to approve the lease with Pond Hill Dairy Farm for Outlot 5 and Lots 6 and 7 in the Klement Business Park at a price of \$105.00/acre, for a total annual rent of \$2,898.00. The motion carried on a voice vote.

- b. REQUEST TO VACATE A PORTION OF STREET RIGHT-OF-WAY ON CASWELL STREET, AND RESOLUTION.

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

**RESOLUTION NO. 1160**

WHEREAS, the City Council of the City of Fort Atkinson, deems it in the public interest that the public dedicated right-of-way for a portion of Caswell Street beginning at the northwest corner of Lot 1, Block 9 said Cloute Brothers Second Addition; thence N 5-degrees 30'51"E, along the east line of Lot 2, Certified Survey Map #693, 65.85 feet; thence S 47-degrees 03'15"E, 162.35 feet to a 3/4" iron rod on the north line of said Block 9; thence N 70-degrees 12'00"W, along said north line, 133.03 feet to the point of beginning, containing 4,244 square feet, be and the same is vacated and discontinued pursuant to Section 66.1003(4)(b) of the Wisconsin Statutes.

The City hereby reserves to it and it assigns, the right to go upon the aforementioned property for the purpose of maintaining and repairing the storm sewer system that is located on same.

It is intended this right be a covenant running with the land.

The City Manager said Nitardy Funeral Home recently had a survey done of their property at 1008 Madison Avenue. During that survey work, it was discovered that a 4,244 square foot portion that was previously thought to be owned by them was actually still being shown on record as being a dedicated street right-of-way and under the ownership of the City. The City no longer needs this section of

right-of-way and it would be in the best interests to vacate it. Cm. Gray asked if there would be any value in the property to sell the property to the Nitardys instead of deeding it to them. The City Manager indicated there is no real value to this small parcel. The City will realize an increase in Nitardy's assessed value and thereby collect additional tax dollars for the parcel.

Cm. Schultz, seconded by Cm. Gray, moved to adopt the Resolution for vacation of a portion of street right-of-way on Caswell Street and to set a public hearing for November 17, 2009. On call of the roll, the motion carried unanimously.

- c. REQUEST BY DEPARTMENT OF TRANSPORTATION TO AMEND SPEED LIMITS ON MADISON AVENUE FROM BANKER ROAD TO HWY. 26 BYPASS, 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 2, Speed Limits, Sec. 94-332, Zoned and posted limits, (2) U.S. Highway 12 (Madison Avenue) paragraph a., be amended as follows:

(2) *U.S. Highway 12 (Madison Avenue).*

- a. 40 miles per hour from a point 0.01 mile west of its intersection with Banker Road, to its intersection with the Hwy. 26 Bypass.

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 Department of Transportation has completed a speed study along Madison Avenue and has recommended that the speeds be uniform starting at Banker Road and going to the Bypass. They are recommending the speed limit be 40 m.p.h. for that entire stretch. The City Engineer indicated there would not be a problem with the increase in speed limit from Banker Road to Lexington Boulevard, as there are not many access points on that stretch of street.

Cm. Lescohier said he feels that the 40 m.p.h. at the intersection of Madison and Banker seems a little high considering the traffic that goes in and out of the Burger King/Citgo and strip mall area at that intersection. He said it is also difficult to turn left onto Madison Avenue from Banker Road now, and the

increase in speed will make it more difficult. Cm. Lescohier asked if there would be a possibility of getting a traffic signal at this location. The City Engineer said it would be difficult to get a traffic signal at this location, since one of the legs of the intersection is a private drive opening. Cm. Gray said he would prefer to see the entire stretch at 35 m.p.h. The City Engineer said this entire section is under the Department of Motor Vehicle's jurisdiction and we really have no say on the speed limits.

Cm. Gray asked the City Engineer about his statement referring to this area as being outside of the City's jurisdictional limits but with the annexation of right-of-way. The City Engineer said when the Madison Avenue project was completed, the Department came to the City and initiated changing the jurisdictional limits from Banker out to the Bypass, but that matter was dropped by the Department and was never completed. He has contacted the Department and they are going to renew that process which will give the City jurisdiction out to the Bypass. The City Engineer said it should be a relatively short timetable to complete the process.

Cm. Gray asked what would happen if the City did not approve the Department's request, to which the City Engineer said they would change the signs and speed limit any way. Cm. Gray asked if the City could petition the Department to leave it as is until the City is granted jurisdictional rights over this area. The City Engineer said he doubted it. The City Engineer indicated the speed study was done over a 24-hour per day time period, not just during certain hours of the day.

Cm. Zastrow said as on Main Street, there are really only two time periods during the day when the area of Madison Avenue and Lexington Boulevard is more congested and that is at the beginning and at the end of the school day, but only lasts approximately 15 minutes each time. He said he is personally not opposed to the Department's request.

Cm. Schultz, seconded by Cm. Zastrow, moved to suspend the rules and move the Ordinance through its second and third readings. The motion failed on a 3-2 vote with Cm. Lescohier and Cm. Schultz voting against the motion.

Cm. Gray recommended that we ask the City Engineer to make contact with the Department of Transportation to determine what latitude we may have, if any, in this matter.

No further action was required at this time.

- d. REVIEW AND APPROVE 911 JOINT POWERS AGREEMENT WITH THE JEFFERSON COUNTY SHERIFF'S DEPARTMENT.

The City Manager said this Joint Powers Agreement has been used for many years. It covers the joint communications between the City and the Sheriff's Department for the 911 emergency services.

Cm. Zastrow, seconded by Cm. Gray, moved to approve the 911 Joint Powers Agreement with the Jefferson County Sheriff's Department and authorize City staff to execute the Agreement. The motion carried on a voice vote.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

Regular:

Michael E. Behrend	Rock River Lanes
Robert A. Braun	Southside Stop-N-Go
Laurelyn A. Geiger	Velvet Lips
Joel M. Luis	Cozumel II
Jeffrey S. Marquart	Filling Station
Todd R. Sigmund	Lions Quick Mart
Lori D. Widish	Stop-N-Go

The motion carried on a voice vote.

b. SPECIAL BEER AND WINE LICENSE FOR LIBRARY FUNDRAISER TO BE HELD AT THE HOARD MUSEUM ON NOVEMBER 13, 2009.

The City Clerk/Treasurer indicated this event will be held at the Museum on Friday, November 13, 2009 from 6:30 p.m. – 9:00 p.m. and will be a fundraiser for the Dwight Foster Public Library Capital Campaign project.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the Special Beer and Wine License for Library Fundraiser to be held at the Hoard Museum on November 13, 2009. The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Gray, seconded by Cm. Zastrow, moved the bills in the amounts of \$217,606.71 for the City (Fund 1); \$47,695.89 for the Sewer Utility (Fund 2); \$30,474.74 for the Water Utility (Fund 3); \$4.81 for Stormwater Management

(Fund 10); \$33,541.64 for Klement Business Park (Fund 12); and \$140,853.95 for Payrolls #19 and #19A as per Schedule O-04 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 October 6, 2009 regular City of Fort Atkinson Council meeting at 8:21 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski  
City Clerk/Treasurer