

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
November 9, 2006**

1. CALL MEETING TO ORDER

A regular meeting of the City Council was called to order by President Simdon 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 Attorney, City Engineer, City Clerk/Treasurer and Assistant City Engineer.

3. APPROVAL OF MINUTES OF OCTOBER 17, 2006 REGULAR COUNCIL MEETING, AND OF OCTOBER 24 AND 25, 2006 BUDGET WORKSHOPS

Cm. Zastrow moved to approve the minutes of the October 17, 2006 regular Council meeting, and the October 24 and 25, 2006 Budget Workshops. Cm. Mielke seconded the motion. The motion carried on a voice vote.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. REQUEST TO WAIVE 2,500-FOOT SEPARATION AND 1% OF POPULATION REQUIREMENTS FOR AN ADULT FAMILY HOME TO BE LOCATED AT 1602 JAMESWAY.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the request to waive the 2,500-foot separation and 1% of population requirements for an adult family home to be located at 1602 Jamesway, contingent on receiving State and County licensure and complying with City Zoning Ordinances. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Mielke, seconded by Cwmn. Behrens, moved to accept and file the Electrical, Building and Plumbing permit reports for October, 2006; the minutes of the License Committee meeting held October 17, 2006; the minutes of the Planning Commission meeting held October 24, 2006, as amended; the minutes of the Historical Society Board meeting held September 21, 2006; the minutes of the Water Tower Committee meeting held October 19, 2006; the minutes of the Climate Protection Ad Hoc Committee meeting held October 16, 2006; the minutes of the Tourism Committee meeting held October 5, 2006; the minutes of the closed Finance Committee meeting held October 23, 2006; and the minutes of the Historic Preservation Commission meeting held November 1, 2006. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

a. UPDATE ON MUSEUM EXPANSION PROJECT.

Bill Flood, President of the Historical Society and Sue Hartwick, Museum Director informed the Council they are getting ready to go out for bids hopefully in December of this year and that the site plan will be ready to present to the Planning Commission shortly. The Museum will be closed during the construction process and Museum staff will be temporarily locating their offices at the hospital.

Cm. Tesmer, seconded by Cwmn. Behrens, moved to accept and file the update on the Museum expansion project. The motion carried on a voice vote.

b. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE CLASS "B" FERMENTED MALT BEVERAGE LICENSE AND A CLASS "C" WINE LICENSE BY KOLKAT ENTERPRISES, LLC FOR USE AT 1303 MADISON AVENUE.

President Simdon opened the public hearing on the recommendation from the License Committee to approve a Class "B" Fermented Malt Beverage License and a Class "C" Wine License by Kolkat Enterprises, LLC for use at 1303 Madison 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.

Katie Kolodzinski, owner of the business requesting the licenses stated she is withdrawing her request for the licenses at this time due to the fact that many of her clients may be High School students under the age of 21.

President Simdon closed the public hearing. No action was needed.

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

Cm. Tesmer, seconded by Cm. Mielke, moved to approve the preliminary certified survey map creating one lot on Blackhawk Island Road (Extra-territorial). The motion carried on a voice vote.

- d. REVIEW AND APPROVE CHANGE ORDER NO. 2 FOR WESTSIDE INTERCEPTOR PROJECT.

The City Manager stated the project is now complete and the final balance sheet is attached with the communication from the City Engineer. Trench stabilization was encountered during the project which resulted in an additional \$14,280; however a credit was also received in the amount of \$5,700 due to there being no restoration needed. The end result is an overage of \$8,715.50.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve Change Order No. 2 for the Westside Interceptor project in the amount of \$8,715.50. On call of the roll, the motion carried unanimously.

- e. REVIEW APPLICATION FORM FOR ECONOMIC DEVELOPMENT GRANT FOR RESERVE "CLASS B" LIQUOR LICENSE HOLDERS.

The City Manager stated this was an item discussed back in August at the License Committee meeting. It has taken a while to get back to the Council due to the fact an ordinance had to be put in place to deal with the issue. The City has contacted the two reserve license holders and they have filed the proper forms. Both businesses fit the criteria required to obtain the grant. In these two cases, the grant will offset the \$10,000 fee.

The reserve status will stay with these two licenses and the City is now set-up for any new license requests.

Cwmn. Behrens, seconded by Cm. Tesmer, moved to approve the application forms for economic development grants for Reserve "Class B" liquor license holders Everybody's Café and Market, LLC and Los Portales. The motion carried on a voice vote.

- f. RECOMMENDATION FROM PARK & RECREATION ADVISORY BOARD TO APPROVE \$10,000 DONATION FROM CITIZENS STATE BANK & TRUST TO PURCHASE REPLACEMENT SCOREBOARD FOR JONES PARK.

The City Parks & Recreation Director discussed the donation and related caveats with the Council.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the \$10,000 donation from Citizens State Bank & Trust and related agreement to purchase a replacement scoreboard for Jones Park. The motion carried on a voice vote.

g. U.S.H. 12 TRAFFIC STUDY UPDATE REPORT FROM HNTB.

The City Manager stated this issue has been before the Council a couple of times in the past and it was recommended to the Department of Transportation by the Council to do an additional study on the by-pass route, specifically targeting regional traffic.

The Department of Transportation did engage HNTB to go further and run the traffic counts through their regional transportation modeling. A copy of the report was presented to the Council in their packets.

The City Manager stated in the modeling, the forecast year was increased from 2030 to 2035. He also mentioned he believed the study indicated the by-pass would be built in about an eight year period. The City Manager believes the department would encounter numerous issues with funding this project in that period of time if they did in fact move forward.

All of the studies the City has seen so far indicate 70% of the traffic is locally generated. In the City Manager's review of the numbers for the U.S.H. 12 by-pass, it seemed clear the impact on the City of Fort Atkinson would be very minimal. He stated he doesn't see a need for the City to take a real strong position to request the DOT to move forward and build a by-pass.

The City Manager went on to state that clearly the City does have some problems in its downtown area and it is certainly congested at times, but that his suggestion at this point is the DOT take a serious look at improving pedestrian and vehicle safety on current in-town routes. This is not by any means an endorsement for the in-town route alternative. If the State is truly going to move forward with the by-pass, the City Manger stated the City is going to continue being in favor of option 7a.

Cm. Mielke stated his position all along has been that perhaps a case can be made for the Highway 12 project, but he hasn't seen it yet and believes that many people share that opinion. The original environmental impact study with the projections didn't make that case. The major change in the update is they went out another five years and that had some effect on the numbers, but still didn't make the case.

Cm. Mielke also mentioned the common nomenclature is to call it the Highway 12 By-Pass, but he believes that creates the impression that the road would be intended to go around Fort Atkinson to by-pass the town and somehow alleviate in-town congestion, which the projections don't show that it will. He believes the more accurate term for it is the Highway 12 Corridor. If the Federal government decides this corridor needs attention, that's a decision they'll have to make based on their own needs, wants and desires, but its not going to improve the situation in terms of traffic within the City of Fort Atkinson in any appreciable way.

Cm. Mielke went on to state that in the Environmental Impact Study there are already a number of improvements that have been suggested that can help alleviate the in-town traffic. He believes it's appropriate to look at which ones of those will help the most. What he believes the City should have to say about this issue is something it has already said with a resolution opposing the through-town option, which was passed by the City Council.

Cm. Zastrow stated he would concur with some of the things Cm. Mielke mentioned. First of all, the fact that a lot has been put in the media from other groups and individuals in the area that this was a locally-driven or Fort Atkinson-driven project and it absolutely never has been. It's a regional project, not a local project by any stretch. He stated he liked Cm. Mielke's phrasing that it's a corridor and not a by-pass and that that concept should be built into the project from this point forward. Cm. Zastrow went on to state that he also sees no value in having any type of through-town route.

Cwmn. Behrens reiterated the fact that the City does not want an in-town route.

Cm. Tesmer agreed with everything Cm. Mielke said and does not see any justification for the by-pass. Cm. Tesmer stated he conducted an un-scientific poll of downtown businesses (retail). He talked to 17 business owners or managers and asked if they had any opinions and what they thought of the options. The results were as follows:

- No action = 11 respondents
- Option 2b (Through town) = 2 respondents
- Option 3 (Hwy. N) = 1 respondent
- Option 7 (Near south route) = 1 respondent
- Option 7a = 2 respondents

From these results, Cm. Tesmer concluded he does not see any support in the business community downtown for any kind of a by-pass. Most respondents felt that regional traffic through Main Street gave them more exposure and was good for them, some felt the cost didn't justify the by-pass and others were concerned about the impact that the south by-pass routes would have on the wetlands or the properties down there.

Cm. Tesmer stated his view would be to tell the DOT that the City's preference is the "no action" option.

Cm. Mielke stated that on page 42 of the Environmental Impact Study there are a number of improvements that can be made to the City to address its traffic problems to the extent that they exist. He believes in order for us to provide services to the residents of Fort Atkinson, that's where we should focus our energy. To look at those recommendations and see where they make sense and if the DOT can help fund the one's that make sense, then we've got something.

President Simdon stated it would seem at this point with the numbers the DOT has come up with that it would make more sense to spend a little money helping to make the current route safer than to go out and build a new corridor around the City. He is in concurrence with what's been said at the meeting tonight.

Cm. Mielke, seconded by Cm. Tesmer, moved to accept and file the U.S.H. 12 traffic study update report. The motion carried on a voice vote.

Cm. Mielke, seconded by Cm. Zastrow, moved to direct the City Manager to advise the Department of Transportation that as previously stated by the City of Fort Atkinson Council, the City is still opposed to alternative 2b. The motion carried on a voice vote.

9. NEW BUSINESS

a. REVIEW AND APPROVE SMALL ANIMAL COLLECTION CONTRACT WITH THE HUMANE SOCIETY.

The City Manager stated there is a 2% increase in next year's contract and that the amount of 25,127 is based on the City's population.

Cm. Zastrow, seconded by Cm. Tesmer, moved to approve the Small Animal Collection contract with the Humane Society and to authorize City staff to execute the contract. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

PROVISIONAL:	Tiffany L. Buckner	for use at	Citgo on the Point
	Nicole L. Pecoraro	“ “	Citgo on the Point

Sean J. Ripley “ “ Citgo on the Point

REGULARS: Ryan N. Hunsader “ “ Pick’N Save
Michael J. Cobleigh “ “ Sentry Foods
Heather L. Bartol “ “ Kwik Trip
Jay M.D. Blom “ “ Lions Quick Mart
Paul T. Blair “ “ Lions Quick Mart

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Mielke, seconded by Cm. Tesmer, moved the bills in the amounts of \$364,400.84 for the City (Fund 1), \$44,677.36 for the Sewer Utility (Fund 2); \$44,005.45 for the Water Utility (Fund 3); \$8,199.31 for Downtown Economic Development (Fund 13); and \$243,654.78 for payrolls #20, #21A and #22 as per Schedule N-33 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. Tesmer, seconded by Cwmn. Behrens, moved to adjourn the November 9, 2006 regular City of Fort Atkinson Council meeting at 7:59 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer