

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
November 3, 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 and City Attorney.

3. APPROVAL OF MINUTES OF OCTOBER 20, 2009 REGULAR COUNCIL MEETING

The minutes of the October 20, 2009 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

a. **REQUEST BY DRIFT SKIPPERS SNOWMOBILE CLUB FOR PERMISSION TO HAVE SNOWMOBILE TRAIL IN KLEMENT BUSINESS PARK.**

The City Manager stated that included in the Council packet is the request from the snowmobile club, the Police Chief's memorandum recommending approval, copies of State laws on snowmobiling and maps of the area.

A representative from the snowmobile club said their main reason for the request is to enable them to get to the gas station at the south end of the City. It was also stated that the snowmobile club does carry liability insurance.

Cm. Lescohier, seconded by Cm. Zastrow, moved to approve the request from the Drift Skippers Snowmobile Club for permission to mark a snowmobile trail in the Klement Business Park. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

- a. ORDINANCE AMENDING SPEED LIMITS ON MADISON AVENUE FROM BANKER ROAD TO THE HWY. 26 BYPASS.

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 of a mile west of its intersection with Banker Road, to a point 0.12 of a mile northwest of its intersection with Reena Avenue (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All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 stated this is the third reading of the Ordinance. He said the City has yet to hear back from the Department of Transportation on the change in jurisdictional limits in this area.

Cm. Schultz, seconded by Cm. Lescohier, moved the Ordinance through its third reading. The motion carried on a voice vote.

Cm. Schultz, seconded by Cm. Lescohier, moved to reject the Ordinance amending the speed limits from Banker Road to the Bypass. After a discussion, this motion and second were rescinded.

Pres. Mielke asked what would be included in a traffic study if completed. The City Engineer said we would look at the speed the cars are traveling, the geometry of the roadway, site distances in both directions at the intersection and accident history.

The City Manager said he felt since we are knowingly not complying with what the State is requesting, the Ordinance should be adopted but indicate that our adoption is not in support of the speed limit that the D.O.T. has recommended, but rather to be in compliance with the State requirements, and to request they send a D.O.T. representative to a Council meeting and review the study with us.

City Attorney Rogers said if the Ordinance is not passed, he does not believe the Police could enforce it when there is not an Ordinance backing it up.

Cm. Gray, seconded by Cm. Zastrow, moved to table the Ordinance amending the speed limits on Madison Avenue. The motion carried on a voice vote.

The City will request that a representative from the D.O.T. be present at the next Council meeting and that the City receive a copy of the traffic study completed by the D.O.T.

- b. RESOLUTION REQUIRING UNION PACIFIC RAILROAD TO REPAIR AT-GRADE CROSSINGS ON EAST BLACKHAWK DRIVE AND EAST CRAMER STREET.

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

**RESOLUTION NO. 1161
2009**

**CITY COUNCIL
CITY OF FORT ATKINSON**

**RESOLUTION REQUIRING THE REPAIR OF AN AT-GRADE
CROSSING**

WHEREAS, East Blackhawk Drive and East Cramer Street are streets in the City of Fort Atkinson that cross the tracks of the Union Pacific Railroad at-grade, and

WHEREAS, the City of Fort Atkinson hereby requires that the Union Pacific Railroad pave, plank, repair, change or otherwise improve the crossings, as required in the Final Decision 9040-RX-1259, dated September 15, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby directs the City of Fort Atkinson staff to serve a copy of this Resolution upon the Union Pacific Railroad requiring the Railroad to repair the rail-street crossings on East Blackhawk Drive and East Cramer Street with the tracks of the Union Pacific Railroad in the City of Fort Atkinson, Jefferson County, Wisconsin, according to Final Decision 9040-RX-1259.

NOW, THEREFORE, BE IT ALSO RESOLVED, that since the Railroad failed to repair the rail-street crossing according to Final Decision 9040-RX-1259, the City Council hereby directs the City of Fort Atkinson staff to take all necessary steps to petition the Office of the Commissioner of Railroads for an investigation and review of the repair of the rail-street crossings of East Blackhawk Drive and East Cramer Street with the tracks of the Union Pacific Railroad in the City of Fort Atkinson, Jefferson County, Wisconsin.

The City Manager said back in August of 2008, the Railroad was ordered by the Commissioner of Railroads to make repairs to their crossings at Harrison Street, East Cramer Street and East Blackhawk Drive. The crossing at Harrison Street was repaired according to how they were directed, however the other two crossings were not repaired adequately. After attempts to contact the Railroad Company and no response from them, the City has decided to again begin the review process for the Commissioner to review the Order for compliance.

Cm. Gray, seconded by Cm. Schultz, moved to adopt the Resolution requiring the Union Pacific Railroad to repair at-grade crossings at East Blackhawk Drive and East Cramer Street. On call of the roll, the motion carried unanimously.

c. INITIAL RESOLUTION AUTHORIZING \$2,570,000 GENERAL OBLIGATION BONDS FOR LIBRARY PROJECT.

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

Resolution No. 1162

INITIAL RESOLUTION AUTHORIZING
\$2,570,000 GENERAL OBLIGATION BONDS
FOR LIBRARY PROJECT

RESOLVED that the City of Fort Atkinson, Jefferson County, Wisconsin, borrow an amount not to exceed \$2,570,000 by issuing its general obligation bonds for the public purpose of financing a library project.

The City Manager stated the next three Resolutions relate to the Library renovation project. The first Resolution is to authorize the borrowing of an amount not to exceed \$2,570,000 and authorizes the project to begin.

A report on the capital campaign/request to begin the process for the Library borrowing was also presented by the Library Director.

Cm. Zastrow, seconded by Cm. Lescohier, moved to adopt the initial Resolution authorizing \$2,570,000 in General Obligation Bonds for the Library project. On call of the roll, the motion carried unanimously.

d. RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS.

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

Resolution No. 1163

RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS

WHEREAS an initial resolution authorizing general obligation bonds has been adopted by the City Council of the City of Fort Atkinson, Wisconsin and it is now necessary that said initial resolution be published to afford notice to the residents of the City of its adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

The City Manager said this Resolution sets the stage if there are challenges to the City's issuance of Bonds.

Cm. Schultz, seconded by Cm. Gray, moved to adopt the Resolution directing publication of Notice to Electors. On call of the roll, the motion carried unanimously.

e. RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED \$2,570,000 GENERAL OBLIGATION LIBRARY BONDS.

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

Resolution No. 1164

RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED
\$2,570,000 GENERAL OBLIGATION LIBRARY BONDS

WHEREAS the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin (the "City") has adopted an initial resolution (the "Initial Resolution") authorizing the issuance of \$2,570,000 general obligation bonds for the public purpose of financing a library project.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Issuance of Bonds. The bonds authorized by the Initial Resolution (the "Bonds") shall be issued in an amount not to exceed \$2,570,000 for the purpose above specified. The Bonds may be issued as tax-exempt bonds designated "General Obligation Library Bonds" ("Tax-Exempt Bonds") or as taxable Build

America Bonds designated "Taxable General Obligation Library Bonds (Build America Bonds-Direct Payment)" ("Build America Bonds").

Section 2. Sale of Bonds. The City Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the City Council shall consider such bids for the Bonds as may have been received, determine whether to issue the Bonds as Tax-Exempt Bonds or as Build America Bonds and take action on the bids received.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by the City's financial advisor, Robert W. Baird & Co. Incorporated. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

The City Manager said this Resolution restricts the City to borrowing up to \$2,570,000 and it gives us the opportunity to sell General Obligation Library Bonds or Taxable Build America Bonds which may yield more competitive interest rates.

Cm. Gray, seconded by Cm. Schultz, moved to adopt the Resolution providing for the sale of not to exceed \$2,570,000 General Obligation Library Bonds. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Schultz, seconded by Cm. Lescohier, moved to accept and file the minutes of the Planning Commission meeting held October 27, 2009; the minutes of the Historical Society Board meeting held September 17, 2009; and the minutes of the Water Tower Committee meeting held October 13, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING ONE NEW LOT AT 1245 WHITEWATER AVENUE.

The City Manager stated this Survey was approved by the Planning Commission. The Survey separates the storage units from the banquet facility at this site.

Cm. Zastrow, seconded by Cm. Gray, moved to accept the recommendation from the Planning Commission and to approve the Preliminary Certified Survey Map creating one new lot at 1245 Whitewater Avenue. The motion carried on a voice vote.

9. NEW BUSINESS

- a. REVIEW AND APPROVE 2010 SMALL ANIMAL COLLECTION CONTRACT WITH JEFFERSON COUNTY HUMANE SOCIETY.

The City Manager said the Humane Society has decided to eliminate the trip charge, as they discovered it was more trouble than it was worth.

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the 2010 Small Animal Collection Contract with the Jefferson County Humane Society. On call of the roll, the motion carried unanimously.

- b. REVIEW AND APPROVE CHANGE ORDER NO. 1 FOR 2009 STREET PROGRAM.

The unit prices listed in the Change Order are those approved, the change is due to the quantities supplied. The total amount of the Change Order is \$22,799.50.

Cm. Zastrow, seconded by Cm. Schultz, moved to approve Change Order No. 1 in the amount of \$22,799.50 for the 2009 Street Program. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

- a. GRANTING OPERATOR LICENSES.

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

Regular:

| | |
|-----------------------|-----------------|
| Kathryn Bernhard-Ihde | Soap & Pepper |
| Alice M. Buerger | Stop-N-Go South |
| LeRoy M. Grove | Lions Club |
| Jamie H. Johnson | Stop-N-Go |

The motion carried on a voice vote.

- b. CITY, SEWER, WATER, AND FUNDS 4, 6, 8, 10, 12, 13 AND 14 FINANCIAL STATEMENTS AS OF SEPTEMBER 30, 2009.

The City Manager presented the Council with a memorandum of highlights on the third quarter financial statements.

Cm. Lescohier, seconded by Cm. Schultz, moved to accept and file the City, Sewer, Water and Funds 4, 6, 8, 10, 12, 13 and 14 Financial Statements as of September 30, 2009. The motion carried on a voice vote.

c. REQUEST TO SET FINANCE COMMITTEE MEETING DATES.

The City Manager requested Finance Committee meetings be set for Thursday, November 12, 2009 at 4:30 p.m. to review a Revolving Loan Fund application from Randy Schopen for Capn's of Fort, and for Monday, November 30, 2009 at 4:00 p.m. in closed session to begin negotiations with the Police Union.

The members of the Finance Committee consented to the meeting dates.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Zastrow, seconded by Cm. Schultz, moved the bills in the amounts of \$347,410.95 for the City (Fund 1); \$38,710.83 for the Sewer Utility (Fund 2); \$11,042.48 for the Water Utility (Fund 3); and \$137,083.80 for Payrolls #21 and #21A as per Schedule O-06 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 November 3, 2009 regular City of Fort Atkinson Council meeting at 7:42 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer