

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
December 19, 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 and City Clerk/Treasurer.

3. APPROVAL OF MINUTES OF DECEMBER 5, 2006 REGULAR COUNCIL MEETING

Cm. Mielke moved to approve the minutes of the December 5, 2006 regular Council meeting. Cm. Tesmer seconded the motion. The motion carried on a voice vote.

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON ZONING FOR ANNEXATION REQUEST BY JONES DAIRY FARM.

President Simdon opened the public hearing on the zoning for annexation request by Jones Dairy Farm 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, President Simdon closed the public hearing on the zoning for annexation request by Jones Dairy Farm.

b. PUBLIC HEARING ON REQUEST TO REZONE HOARD HISTORICAL SOCIETY PROPERTY AT 407 MERCHANTS AVENUE FROM R-2 (TWO-FAMILY RESIDENTIAL) TO C-2 (CENTRAL BUSINESS).

President Simdon opened the public hearing on the request to rezone the Hoard Historical Society property at 407 Merchants Avenue from R-2 (Two-Family Residential) to C-2 (Central Business) 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, President Simdon closed the public hearing on the request to rezone the Hoard Historical Society property at 407 Merchants Avenue from R-2 (Two-Family Residential) to C-2 (Central Business).

5. PETITIONS, REQUESTS AND COMMUNICATIONS

None.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Mielke, seconded by Cm. Tesmer, moved to accept and file the minutes of the Closed Finance Committee meeting held November 28, 2006; the minutes of the Dwight Foster Public Library Board meeting held November 6, 2006; the minutes of the Planning Commission meeting held December 12, 2006; and the Electrical, Building and Plumbing Permit reports for November, 2006. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE ANNEXATION OF 3.716 ACRES BY JONES DAIRY FARM TO BE ZONED M-2, AND ORDINANCE.

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

ORDINANCE NO. 643

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF FORT ATKINSON, WISCONSIN**

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

Section 1. Territory Annexed. (Direct Annexation) In accordance with Section 66.0217 of the Wisconsin Statutes of 1965, and the petition for direct annexation filed with the City Clerk on November 16, 2006, **SIGNED BY ALL OF THE OWNERS** of all of the land in the area, in the territory, the following described territory in the Town of Koshkonong, Jefferson County, Wisconsin, is annexed to the City of Fort Atkinson, Wisconsin:

Part of the SE 1/4 of the SW 1/4 of Section 4, T5N, R14E, Town of Koshkonong, Jefferson County, Wisconsin, to-wit:

Commencing at the SW corner of said Section 4; thence N 89-degrees 57'46"E, along the south line of said SW 1/4 1587.24 feet; thence N 2-degrees 30'00"E, 10.01 feet; thence N 89-degrees 57'46"E, 78.70 feet; thence N 28-degrees 11'51"E, 172.54 feet to a 3/4" iron rod at the point of beginning; thence continue N 28-degrees 11'51"E, 956.31 feet to a 3/4" iron rod; thence N 61-degrees 48'09"W, 212.57 feet to a 3/4" iron rod; thence S 28-degrees 26'00"W, 556.19 feet to a 3/4" iron rod; thence S 0-degrees 02'14"E, 454.16 feet to the point of beginning, containing 3.716 acres.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Fort Atkinson for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Fort Atkinson.

Section 3. Initial Zoning Classification. Upon recommendation of the Planning Commission, the territory annexed to the City of Fort Atkinson by this ordinance is initially designated to be of the M-2 (Heavy Industrial/Industrial Park) of the City of Fort Atkinson for zoning purposes and subject to all provisions of Ordinance No. XV of the City of Fort Atkinson entitled "Zoning Ordinance" relating to such district classifications and to zoning in the City.

Section 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Fifth (5th) Ward of the City of Fort Atkinson, subject to the ordinances, rules and regulations of the City governing wards. There are no electors within this territory.

Section 5. Severability. If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to suspend the rules and pass the ordinance approving the annexation of 3.716 acres by Jones Dairy Farm to be zoned M-2 through its second and third readings. The motion carried on a voice vote.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to adopt the ordinance approving the annexation of 3.716 acres by Jones Dairy Farm to be zoned M-2

and to give no consideration to the Town of Koshkonong's request regarding any type of study of a bridge over Highway 106. On call of the roll, the motion carried unanimously.

- b. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE REQUEST TO REZONE HOARD HISTORICAL SOCIETY PROPERTY AT 407 MERCHANTS AVENUE FROM R-2 TO C-2, AND ORDINANCE.

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

ORDINANCE NO. 644

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

That Chapter 15, ZONING ORDINANCE, Section 15.6.5, ZONING MAP, be amended so as to change the zoning of the following described property from R-2 (Two-Family Residential) to C-2 (Central Business).

Lots 1, 2, 3, 8, 9 and 10, Block 20 of Dwight Foster, Et. Al. Addition.

Said parcel is located at 407 Merchants 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.

Cm. Tesmer, seconded by Cm. Zastrow, moved to suspend the rules and pass the ordinance approving the rezoning of the Hoard Historical Society property at 407 Merchants Avenue from R-2 to C-2 through its second and third readings. The motion carried on a voice vote.

Cm Tesmer, seconded by Cm. Mielke, moved to adopt the ordinance approving the rezoning of the Hoard Historical Society property at 407 Merchants Avenue from R-2 to C-2. On call of the roll, the motion carried unanimously.

- c. RECOMMENDATION FROM PLANNING COMMISSION TO SET PUBLIC HEARING ON REQUEST TO REZONE 213-215 WEST SHERMAN AVENUE FROM R-1 TO R-2.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to set a public hearing on the request to rezone 213-215 West Sherman Avenue from R-1 to R-2. The motion carried on a voice vote.

9. NEW BUSINESS

a. APPOINTMENT OF ELECTION WORKERS FOR TWO-YEAR TERMS.

The City Clerk/Treasurer stated that due to the fact election law revisions have changed the time to appoint election workers from the end of even number years to the end of odd number years, the City is only able to appoint workers this year for 2007 elections and that at the end of 2007 the Council will need to again approve workers for a two-year term (2008-2009).

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the list of election workers for a one-year term. The motion carried on a voice vote.

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:	Erin R. Didion	for use at	Blackhawk Tavern
REGULARS:	Michael T. Pennell James A. Rutherford Jeremie J. Conkle Toby W. Nordberg Evan W. Preston	“ “	Stockade Blackhawk Tavern Wizards’ Stop-N-Go Stockade

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Zastrow, seconded by Cwmn. Behrens, moved the bills in the amounts of \$288,397.59 for the City (Fund 1), \$19,502.09 for the Sewer Utility (Fund 2); \$19,995.18 for the Water Utility (Fund 3); \$11.98 for Downtown Economic Development (Fund 13); and \$169,909.65 for payrolls #25 and #25A (Longevity) as per Schedule N-36 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 Cwmn. Behrens, moved to adjourn the December 19, 2006 regular City of Fort Atkinson Council meeting at 7:11 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer