

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
February 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:

LaVerne Behrens
John Mielke
Jim Simdon
Steve Tesmer
Mark Zastrow

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

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

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

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

None.

6. RESOLUTIONS AND ORDINANCES

a. ORDINANCE FOR CONSTRUCTION SITE EROSION CONTROL AND POST-CONSTRUCTION STORMWATER MANAGEMENT.

The proposed Ordinance was displayed on the overhead projector at this time.

The City Manager said this ordinance, and the one following as the next item on the agenda, are part of the permitting process for the City's stormwater discharge program. City staff members have reviewed the ordinance and made necessary

modifications, and it has been forwarded to the DNR who has sent it back indicating it would meet the requirements of our stormwater permit. The City Manager said that if the Council feels they would like more input on the ordinance, they may just want to pass it through its first reading. City staff has also just learned that the League of Wisconsin Municipalities is forming a lobby group to help ease some of the issues that are coming out of the plan to make it reasonable and financially feasible for communities. The whole emphasis of this is to reduce the sediment run-off that is coming off buildings, roadways and driveways that eventually goes into the river.

Cwmn. Behrens asked if builders have had an opportunity for any input on this item. The City Manager indicated they have not at the City level.

City Engineer Woods said the erosion control that presently exists is for individual building sites, and this will be more for when a developer comes in and wants to develop a larger amount of land. This ordinance would cover both during construction and post-construction erosion control issues. The City Engineer said the Building Inspector would be responsible for inspecting the individual sites for erosion control.

Cm. Simdon asked if there are private entities that would be in violation that need to make changes to their properties. The City Engineer said there may be some, but there are several that do discharge to the City's storm sewer, but have a permit to do so. If they are permitted to do so now, they will be able to continue in the future. The City Engineer also said that he has placed all three of the proposed Ordinances on the City's website for public review.

Cm. Tesmer asked who was going to be responsible for the review and approval within the City. The City Engineer said it would be the Engineering Department. He said the Building and Public Works Departments would also be reviewing the permit applications.

Pres. Mielke asked if a surety bond would be required by applicants. The City Engineer indicated this has not been done in the past for erosion control, but it has been done for construction items and landscaping. The City Manager said the City typically uses a Letter of Credit.

Cm. Zastrow, seconded by Cm. Simdon, moved to send the Ordinance through its first reading. The motion carried on a voice vote.

b. **ILLICIT DISCHARGE AND CONNECTION ORDINANCE FOR STORMWATER MANAGEMENT.**

The proposed Ordinance was displayed on the overhead projector at this time.

This ordinance deals with the detection and elimination of non-stormwater discharges into the City's system.

Cm. Zastrow asked if other communities are adopting the same ordinances being presented at this meeting. The City Manager said that most of them have already done so.

Cm. Zastrow, seconded by Cm. Simdon, moved to send the Ordinance through its first reading. The motion carried on a voice vote.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cm. Simdon, moved to accept and file the minutes of the Historic Preservation Commission meeting held January 6, 2009; the minutes of the Planning Commission meeting held January 27, 2009; and the Electrical, Building and Plumbing Permit Reports for January, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

None.

9. NEW BUSINESS

a. PRESENTATION BY M.A.T.C. ON PROPOSED SMALL WIND ENERGY SYSTEMS.

Lorin Toepper of MATC made a presentation to the Council on their wind turbine proposal. Mr. Toepper said they intend to install two wind turbines to generate electricity. The turbines would have 150-foot setbacks and would be approximately 120-foot tall with 35-foot blades, totaling 155-foot tall. The cost savings is the main reason for this proposal. MATC is estimating the turbines would generate 82% of their electricity needs at the Fort Atkinson campus. They are hoping that the installations will pay for themselves in ten years.

Mr. Toepper said they will be doing some "piggybacking" on some other scheduled improvements. The Fort Atkinson site is being proposed to be the back-up sight for their servers. MATC is going to have renewable energy classes in Fort Atkinson beginning in the summer of 2009. He said they would be holding a seminar while their tower is being erected so people could watch and learn about installation. The two towers would be 155-feet from the north and west property lines. Mr. Toepper presented a site map showing the location of the turbines on their parcel. A wind study has also been completed as required by Focus on Energy. The turbines will be mounted on a mono-pole. The cost for these turbines are estimated at \$250,000 each and they are applying for various grants to help pay for these turbines.

One of the most common misperceptions about the turbines is that they are aesthetically unpleasing. Mr. Toepper said that opinion is on an individual basis. He said there is a video of wind turbines on the internet so individuals can compare them to other sounds. He said the turbine's sound is 50 to 60 decibels, which is the sound equivalency of normal conversation. He said another misperception is that the turbines reduce surrounding property values and according to Renew Energies, there is no evidence in the United States of this.

Mr. Toepper said the newspaper ran an article on this proposal and that an online survey was done as well for the project. It was found that 60% were supportive of the investment; 21% said they were supportive of any cost effective method for reducing dependence on foreign oil; 10% said they were supportive of wind turbines, but not at this location; and 3% said they would never be supportive of this initiative. They received a total of 412 responses through the survey. He said he also went up and down the street to surrounding business neighbors and received support from everyone. The Industrial Development Corporation and Chamber of Commerce have also presented resolutions in support of the project. The Heart of the City is also supportive of the project. Mr. Toepper said he went door-to-door and spoke to all residential neighbors of their property, and only received one objection to the project. Mr. Toepper then presented photos of the various turbines on their other campuses.

The City Manager said that the City is working on a draft Ordinance to address this matter. MATC has had input into the draft as well.

Cm. Zastrow asked if the School District has had any input into this request. He likes the conception of the project, but has a problem with the location being right next to Madison Avenue. He was wondering if they could be placed more onto the School District property north of the High School. They are interested in the renewal energy project. There is talk of them perhaps having a turbine behind their athletic field.

Mr. Toepper stated there are a couple of issues with doing a joint project with the School District, one being that MATC needs direct access to the turbine so their students can access them for their degree program. They want it to be clear that it is an MATC project. He thinks that this location would send out a strong message that we are a progressive community.

Cwmn. Behrens asked how the other campuses' turbines are located compared to their buildings. It was indicated the Neosho turbine is on a private residence and is approximately a half of a mile out of town. The other campus is near the City limits and is a little bit more out in the country. The turbine in Mequon, which is in a very upscale area, is on their campus grounds.

When asked by a member of the audience what the distance would be between the poles in case one was to come down, it was indicated it would be approximately

250-feet. The City Manager said there will be a separation distance requirement in the Ordinance being proposed.

Another member of the audience asked about the grants and financing of the project. An MATC representative indicated that of the estimated total \$500,000 for both poles, they are hoping to receive grants totaling approximately \$200,000 from WeEnergies and Focus on Energy leaving \$300,000 for MATC to finance. They are also hoping to receive a grant from the Federal Government through the stimulus package.

Another question from the audience was regarding servicing the turbines. It was indicated that they will be serviced at least once per year and will most likely be maintained by the company that installs it.

Cwmn. Behrens, seconded by Cm. Tesmer, moved to accept and file the presentation from M.A.T.C. The motion carried on a voice vote.

(b) REVIEW ANNUAL REPORTS FROM CITY DEPARTMENTS FOR 2008.

The City Manager said this is a snapshot of the activities in the various City Departments. As can be seen by reviewing the reports, the consistent theme is each of our Departments had impacts from the flooding in 2008. As we finished our requests for reimbursements for the flood damage, our approximate grand total was \$295,000 of which the City has received notice that it will be Federally reimbursed for \$233,500, the State share will be \$30,700, with the City's share being \$30,700. The City also received a grant from the Fort Atkinson Community Foundation for \$75,000, which will cover the City's share as well as items that were not funding-eligible. Therefore, when it is all said and done, we should be pretty close to a wash on this.

These annual reports are also available on the City's website for public review.

Pres. Mielke commended the Department Heads for putting together another fine annual report. It gives a good summary of what gets done in the course of a year.

Cwmn. Behrens suggested that the Annual Reports be rotated through the Fort Reports in the local newspaper.

Cm. Zastrow, seconded by Cm. Simdon, moved to accept and file the 2008 Departmental Annual Reports. The motion carried on a voice vote.

(c) UPDATE ON FINANCIAL STATUS OF HISTORICAL SOCIETY TRUST FUNDS.

The City Manager informed the Council that since 1999, approvals have been given to allocate \$325,670 from the Mary Hoard Trust Fund. There are two

different funds; one is managed by the City and the other by the Historical Society. Even with the economy, the Fund that the City maintains, even after donations of \$100,000 from each Fund toward the building project, the Fund still has a balance of just under \$606,000 and the Fund that the Historical Society manages has just under \$518,000. So the endowment basically is at just over \$1.1 million. The City Fund may be used for operations, maintenance, capital and anything the City feels is useful. It has been used for re-roofing, an HVAC system, an air handling system, a security display case, a boiler, video security, a space study and personnel costs.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept and file the update on the financial status of Historical Society Hoard Trust Funds. The motion carried on a voice vote.

(d) REVIEW AND APPROVE QUOTES FOR REPLACEMENT OF CITY'S NETWORK SERVER.

The following quotes were received for replacement of the Network Server:

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|---------------------|------------|
| Dell PowerEdge 1900 | \$5,690.00 |
| HP ProLiant ML350 | \$6,965.00 |
| IBM x3650 | \$7,475.00 |

The City Clerk/Treasurer said there is \$10,000 budgeted for this purchase. He is recommending that the Dell PowerEdge 1900 be purchased. It is also recommended that the Smooth Wall program be replaced at a cost of \$720.00 as well as replacing the Linksys 24-port HUB with a NETGEAR 48-port Switch at a cost of \$649.00. These two components will add security as well as speed and size to the existing network system. The total recommended hardware cost for this purchase would be \$7,059.00 and the estimated labor cost will be applied against the block of hours contract so that the City will receive a lower cost per hour.

Cwmn. Behrens asked the City Clerk/Treasurer if he has investigated the Dell brand. He said that he had spoken with our IT consultant and they said they were all very compatible, and that Dell was a good server. The City Clerk/Treasurer said most of the computers used are Dell and we have not had any issues with them.

Cwmn. Behrens, seconded by Cm. Simdon, moved to approve the quote for the Dell PowerEdge 1900 in an amount of \$5,690.00 with the total expense for the hardware being \$7,059.00, plus labor for installation, with a total price not to exceed \$10,000.00. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. REQUEST TO SET ORDINANCE COMMITTEE MEETING DATE TO REVIEW PROPOSED SMALL WIND ENERGY SYSTEMS ORDINANCE.

The City Manager said if the City intends to move forward with the small wind energy systems program, we will need to adopt an Ordinance addressing the matter. Cm. Zastrow said that MATC seems to be moving full speed ahead with something that the City has to react to. He is concerned that in the past when the City has tried to be reactive with an Ordinance, it has not been successful in getting them right the first time. He suggested the City not be in a rush to put an Ordinance together that may be catering a little bit to one proposal.

Conceptually he is in favor of exploring and utilizing wind technology in the community. He has some reservations about this particular site becoming the first site in the City when there are possibly other acceptable sites that should be explored. He would like to offer to the community to not feel rushed into doing this. He would like to see the Council take a proactive approach to this rather than a reactive. If that means it takes three to six months for different reviews, he would like to see that done.

Pres. Mielke stated that Cm. Zastrow's suggestion is prudent. The Council often considers Ordinances that do not go through the Ordinance Committee first. He feels it is a good thing that this ordinance will go through the Committee.

The City Manager said there were a couple Ordinances reviewed by staff prior to drafting the one being considered. The City of Manitowoc's Ordinance was followed closely. The City Attorney has also reviewed the document.

The date suggested for the Ordinance Committee is February 12, 2009 at 4:00 p.m. The members of the Ordinance Committee concurred this date will work with their schedules.

b. GRANTING OPERATOR LICENSES.

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

Regular:

| | |
|----------------------|----------------------------|
| Gerald R. Fitzgerald | Paddy Coughlin's Irish Pub |
| Anthony G. Landowski | Paddy Coughlin's Irish Pub |
| Ashley A. Morse | Fat Boyz |

The motion carried on a voice vote.

(c) CITY, SEWER, WATER AND FUNDS 4, 6, 8, 12 AND 13 YEAR-END FINANCIAL STATEMENTS AS OF DECEMBER 31, 2008.

The City Manager said the General Fund Balance at year-end is \$938,000, which is about \$52,000 higher than anticipated at budget time. The City Manager said there are some amounts due from the TIF Districts, both the Business Park and Downtown of approximately \$1.4 million. If this was repaid, our General Fund would be about \$2.4 million, which would be very healthy for the City. Our General Fund did have the ability to absorb some of the shortfalls in the TIFs. The Downtown TIF is almost sustainable now, increasing only approximately \$14,000 in 2008. The Business Park really needs to get a business or two. We are probably about two businesses short of starting to cash-flow the Business Park.

The City has had some shortfalls in revenue projections. There was \$7,500 less in road aides, the building permit fees were down approximately \$20,000, the Court penalties and costs were down over \$12,000 and interest on investments was down approximately \$34,500. There were surpluses in the revenues for recycling (\$11,800) and for street maintenance (\$28,000). The City Manager said we had a record expenditure of over \$358,000 for snow removal.

The Revolving Loan Fund has a very substantial balance of over \$771,000; however we only have four loans outstanding. The Water Utility cash accounts are in good condition. The operating income is \$371,145.76 compared to our budget estimate of \$375,608.00. Operating revenues increased \$25,585.09. The Wastewater Utility is in good shape as well. The operations and maintenance revenues were \$97,280 over budget.

The total for overdrawn accounts for 2008 is \$177,073.24. Pres. Mielke asked how shortfalls would be handled in 2009 if encountered. The City Manager said we may need to lay off employees, create a stormwater utility fund or off-load the garbage contract onto the water bills. We could also postpone capital purchases.

Cm. Simdon, seconded by Cm. Tesmer, moved to accept and file the year-end financial statements for all funds. The motion carried on a voice vote.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to appropriate \$177,073.24 from the General Fund for the overdrawn accounts. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve non-lapsing accounts of \$300,256.29 from 2008 to 2009. On call of the roll, the motion carried unanimously.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

Cm. Simdon, seconded by Cwmn. Behrens, moved the bills in the amounts of \$3,916,066.74 for the City (Fund 1); \$47,871.76 for the Sewer Utility (Fund 2); \$32,607.37 for the Water Utility (Fund 3); \$300,663.78 for Debt Service Fund (Fund 4); \$226,662.00 for Klement Business Park (Fund 12); \$195,036.88 for Downtown Redevelopment (Fund 13); \$248,534.86 for Payrolls 1, 2 and 2A; \$216,082.12 for Sewer Utility Debt Service; and \$287,711.02 for Water Utility Debt Service as per Schedule N-87 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 February 3, 2009 regular City of Fort Atkinson Council meeting at 8:30 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer