

**CITY COUNCIL MINUTES  
FORT ATKINSON, WISCONSIN  
February 17, 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, Clerk/Treasurer, Engineer, Assistant Engineer and Public Works Superintendent.

3. APPROVAL OF MINUTES OF FEBRUARY 3, 2009 REGULAR COUNCIL MEETING

The minutes of the February 3, 2009 regular Council meeting were approved by unanimous consent.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

a. PRESENTATION OF AWARDS FOR GREEN RECOGNITION PROGRAM.

Pres. Mielke gave a brief history on the creation of the Green Recognition Award. It is an attempt to showcase the environmental efforts of businesses, community organizations and individuals in the City. It is hoped that they get the recognition deserved and will motivate others in the community to mirror their efforts, ultimately reducing the environmental impacts in our community. There are three different categories for this Award – local business, community organization/institution, and residential/individual citizens.

The local business award is being presented to the VyMac Corporation the community organization award is going to the Fort Atkinson School District and the resident/individual award is being presented to Kitty Welch and Bill Camplin.

Pres. Mielke said the VyMac Corporation's restoration of the Creamery Building is a model for using green practices. They recycled over 295,000 pounds of scrap material instead of sending it to the landfill.

Pres. Mielke continued saying that the resident/individual award winners, Kitty Welch and Bill Camplin have been composting for years, put in a rain garden, remodeled their building using green building materials and advocated for others to embrace the principals they believe in.

Pres. Mielke said the Fort Atkinson School District, particularly Dennis Kuckenmeister the grounds director, has gone above and beyond his duties to research ways to save the School District money while reducing the Schools' environmental impact.

Pres. Mielke then presented plaques to the Award winners.

6. RESOLUTIONS AND ORDINANCES

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

The Ordinance was displayed on the overhead projector at this time. Summaries of the ordinance are presented below.

**ORDINANCE NO. 669**

**CONSTRUCTION SITE EROSION CONTROL ORDINANCE**

The purpose of this ordinance is to require the use of best management practices to reduce the amount of sediment and other pollutants resulting from land disturbing construction activities on site that do not include the construction of a building and are otherwise regulated by the Wisconsin Department of Commerce in s. Comm. 21.125 or 50.115 Wis. Adm. Code. The use of this ordinance will foster consistent application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of chapter NR 151, Wis. Adm. Code.

A complete copy of the ordinance is available at the Municipal Building during normal business hours.

## **POST-CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE**

The purpose of this ordinance is to reduce the amount of post-construction storm water and associated pollutants reaching waters of the State. This ordinance will require the preparation and implementation of comprehensive, system-level storm water management plans to prevent and control the adverse effects of storm water erosion from post-construction development. Use of this ordinance will foster the consistent application of post-construction performance standards for new development and redevelopment contained in subchapters III and IV of chapter NR 151, Wis. Adm. Code.

A complete copy of this ordinance is available at the Municipal Building during normal business hours.

The City Manager said this ordinance was presented at the last Council meeting and this is the second reading. This Ordinance sets forth some of the rules and regulations the City will have to follow for its stormwater permit.

Cm. Zastrow asked if there has been any commentary from the public or any businesses. The City Manager said he has not heard or received anything. The City Engineer said the Ordinances are on the City's website for review and he has not received any comments either.

Cm. Zastrow, seconded by Cwmn. Behrens, 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 Cwmn. Behrens, moved to adopt the Ordinance for Construction Site Erosion Control and Post-Construction Storm Water Management. On call of the roll, the motion carried unanimously.

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

The Ordinance was displayed on the overhead projector at this time. A Summary of the ordinance is presented below.

### **ORDINANCE NO. 669**

#### **ILLCIT DISCHARGE AND CONNECTION ORDINANCE**

The purpose of this ordinance is to provide for the health, safety and general welfare of the citizens through the regulation of non-storm water discharges to the storm sewer system. This ordinance establishes methods for controlling the

introduction of pollutants into the storm sewer system in order to comply with the requirements of the Wisconsin Pollutant Discharge Elimination System permit process. The objectives of the ordinance are to regulate the contribution of pollutants to the storm sewer system, prohibit illicit connections and establish legal authority to carry out inspections, surveillance, monitoring and enforcement necessary to ensure compliance with this ordinance.

A complete copy of this ordinance is available at the Municipal Building during normal business hours.

Cm. Zastrow, seconded by Cm. Simdon, 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. Simdon, moved to adopt the Illicit Discharge and Connection Ordinance for Storm Water Management. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Tesmer, seconded by Cm. Simdon, moved to accept and file the minutes of the Dwight Foster Public Library Board meeting held January 5, 2009; the minutes of the Jefferson County Economic Development Consortium Board meeting held December 10, 2008; and the minutes of the Jefferson County Economic Development Consortium Board meeting held January 14, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

a. DISCUSSION ON AND REVIEW OF OPTIONS FOR CONSTRUCTION OF ROADWAY AND UTILITIES FOR FRONTAGE ROAD OFF REENA AVENUE.

The City Manager said there was a lengthy discussion on this matter at the January 27, 2009 Planning Commission meeting. A copy of a Preliminary Certified Survey Map was included with the Council packets showing Mehta Lane, which is the roadway the City is requesting be constructed. This issue is coming to a head at this time, as Mr. Shah has an offer for Lot 1. There have been numerous meetings with the surrounding property owners on this issue. It was also indicated that the City Attorney has forwarded correspondence to the adjoining property owners with an analysis of the project costs and potential special assessments. The City Manager said there are three options available to the City at this time, which include:

**Option 1.** Require Mr. Shah (the developer) to donate the right-of-way and pay for all the road and utility infrastructure. This option would likely “kill” the

apartment development and put this issue off into the future. In addition, it would hinder the development of the frontage lots and the looping of the water main.

**Option 2.** Require Mr. Shah to donate one-half the road right-of-way and pay one-half the road and utility costs. The abutting property owners on Highway 12 would then be special assessed for one-half the land and infrastructure costs. This will no doubt put a heavy financial burden on the abutting property owners and likely face a legal challenge.

**Option 3.** Instruct the City staff to investigate the cost and possibility of establishing a mixed use T.I.F. District for this area (proposed map enclosed). Preliminary review indicates this would meet the requirements of the TIF law. This option could accomplish the following:

1. If the cost of the road and utilities are included in the project plan, no assessments would be required. However, Mr. Shah would still have to donate the right-of-way.
2. If the District is established by September, 2009, the base values of the TIF would revert back to January 1, 2009, and the increment from the new apartment building may pay for the road.
3. The City's long-range plan includes construction costs for extending utilities on the west side of the bypass. The TIF District could provide the funding for this construction.
4. Public infrastructure could be included in the project plan to spur development in this area.
5. The potential for development on both sides of Highway 12 is very good leading to a very positive tax increment.
6. The potential residential development will lead to a very positive tax increment as well.
7. The investment in the apartment building will be approximately \$7 million and provide the funding over a very short time (one to two years) for this road and utility improvement.
8. Positive tax increment in future years could potentially assist some ailing TIF Districts.

A map outlining the area of the proposed TIF District was also presented to the Council.

The City Manager said he feels that Option 3 would be the best option for the City and recommended the Council authorize the staff to investigate the establishment of a TIF District for the area. If the TIF District is approved, we would not spend any money until we were assured the development will occur. Cm. Tesmer asked how long the approval process would take. The City Manager said September would be easily attainable; it generally takes 60 to 90 days.

Cwmn. Behrens, seconded by Cm. Tesmer, moved to authorize the staff to investigate the establishment of a TIF District for the proposed area. On call of the roll, the motion carried unanimously.

- b. REVIEW OFFER AND COUNTER-OFFER FOR BEAUTIFUL BEGINNINGS DAYCARE TO PURCHASE 9,069 SQUARE FEET OF PARKLAND ON GERALD COURT.

The City Manager indicated an offer has been received from Beautiful Beginnings Daycare to purchase 9,069 square feet of parkland adjacent to their property on Gerald Court. Two appraisals have been done on this parcel; one at \$31,000 (Buchta Appraisal) and one for \$13,000 (Piper Appraisals). Both appraisals indicated that this transaction would be the best use of the parcel. The offer is for \$20,000. If approved, the money would be deposited in the park development fund. The Parks & Recreation Advisory Board suggested that the parcel be sold to the Daycare as well.

Cm. Simdon asked if the City has any responsibility to offer the parcel for sale to the public prior to selling it to the Daycare. The City Attorney said there is no legal authority that we need to put the sale out to the public. The City Manager said he did get a call from one builder that was interested in purchasing the lot, but after discussions with that builder, he said the best use would be to sell it to the Daycare.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the Offer and Counter-Offer for Beautiful Beginnings Daycare to purchase 9,069 square feet of parkland on Gerald Court at a price of \$20,00 and upon sale of the property, the funds go into the park development fund. On call of the roll, the motion carried unanimously.

9. NEW BUSINESS

- a. AUTHORIZATION FOR CITY TO JOIN LOCAL GOVERNMENT STORM WATER GROUP, AND TO PAY MEMBERSHIP FEE OF \$200.00.

The City Manager said the Wisconsin League of Municipalities and Alliance of Cities are joining together to form a Local Government Storm Water Group with the purpose of the Group being to advocate on storm water issues before the DNR, the Governor's office and the Wisconsin Legislature. These two organizations are taking the lead in hiring representation and negotiating changes to make it reasonable and feasible for communities to meet the storm water regulations.

The City Manager said the rules and regulations are much steeper than the EPA has suggested and there are some things the City can do. If we take it to the full extent the DNR is proposing, it could cost the City anywhere from \$5,000,000 to

\$10,000,000 to capture storm water in various areas throughout the City. City staff feels this membership is well worth it, as the Group will be able to express the City's concerns on the extraordinary costs of complying with these regulations.

Cm. Simdon, seconded by Cm. Tesmer, moved to authorize the City to join the Local Government Storm Water Group and pay the membership fee of \$200.00. On call of the roll, the motion carried unanimously.

b. REVIEW AND APPROVE BIDS FOR HEAVY DUTY EQUIPMENT TRAILER FOR DEPARTMENT OF PUBLIC WORKS AS BUDGETED.

The City Manager said there is \$6,000 budgeted for this piece of equipment, and the following bids were received:

		Final Bid Price:
Johnson Trailer-	\$4,811- \$400 if we pick up =	\$4,411
Kaufman Trailers-	Does not meet all specs	\$4,775
Big O's Trailers-		\$5,366
Brooks Equipment-		\$7,775
Hudson Trailer-		<b>No Bid</b>

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the bid for the heavy duty equipment trailer to Johnson Trailer at a cost not to exceed \$4,411.00. On call of the roll, the motion carried unanimously.

c. REVIEW BIDS FOR STUMP CHIPPER FOR DEPARTMENT OF PUBLIC WORKS AS BUDGETED.

The City Manager indicated there is \$36,000 budgeted for this purchase. The following bids were received:

		Trade-in Allowance:	Final Bid Price:
Vermeer Wisconsin-	'09 SC602-	\$1,000	\$25,585
	'09 SC802-	\$1,000	\$32,000
LF George-	'08 2800	\$5,616	\$23,260
	'09 2800	\$5,616	\$27,542
Edge Equipment-	'09 RG 1660M	None	\$29,505
Rayco Manufacturing-			<b>No Bid</b>

The Public Works Superintendent explained that after reviewing the bids, he was surprised how low they were. After writing the specifications for this equipment,

he asked the vendors for a machine that was similar in power to our current chipper, which is about a 60 hp motor. He said if he had known the more powerful unit would have fit within the budget, he would have written the specifications to purchase the larger piece of equipment. It is not larger in size, but larger in power and would make their operation much more efficient and it would last longer. Therefore, he would like to request that all bids received be rejected and the specifications be re-written and re-submitted to the vendors.

Cm. Simdon, seconded by Cm. Tesmer, moved to reject all bids for the stump chipper for the Department of Public Works. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. REQUEST TO SET LICENSE COMMITTEE MEETING DATE.

The City Clerk/Treasurer informed the Council that an application has been received for a Combination "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Yummie Thai & Chinese Cuisine, LLC for use at 120 North Main Street (formerly Canton Restaurant). The requested meeting date is Tuesday, March 3, 2009 at 6:45 p.m. The members of the License Committee concurred this date will work with their schedules.

b. GRANTING OPERATOR LICENSES.

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

Provisional:

Andrea L. Rogers	Soup's On
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Regular:

Angela Haber	Open
Amy Root	Blodgett Garden Center
Janis K. Rusch	Blodgett Garden Center

The motion carried on a voice vote.

(c) CITY, SEWER, AND WATER FINANCIAL STATEMENTS AS OF JANUARY 31, 2009.

The City Manager said the 2009 budget is all set up and we are ready to go for the year and the expenses are right in line. A more detailed report will be given at the end of the first quarter.

Cm. Zastrow, seconded by Cm. Simdon, moved to accept and file the City, Sewer and Water Financial Statements as of January 31, 2009. The motion carried on a voice vote.

- (d) SPECIAL BEER AND WINE LICENSE FOR ANNUAL LENTEN FISH FRY AT ST. JOSEPH'S CHURCH ON MARCH 6, 2009, MARCH 27, 2009 AND APRIL 10, 2009.

The City Clerk/Treasurer said the proper applications have been made for these dates and he is recommending they be approved.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the Special Beer and Wine License for the annual Lenten fish fry at St. Joseph's Church on March 6, 2009, March 27, 2009 and April 10, 2009. The motion carried on a voice vote.

- (e) REPORT ON TAX ROLL COLLECTION FOR 2008.

The City Clerk/Treasurer reviewed a summary of the tax roll collection for 2008. The Clerk/Treasurer indicated overall the tax collections between 2007 and 2008 remained similar. He said 2008 was down approximately 1% from 2007. Delinquencies are down approximately \$44,000 from 2007, which is approximately 5%.

The City Clerk/Treasurer then reviewed the list of delinquent personal property taxes with the Council. He informed the Council that the last entry on the list has been paid; therefore, the new total for delinquent personal property is \$6,265.47.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept and file the report on tax roll collections for 2008. The motion carried on a voice vote.

Cm. Zastrow, seconded by Cm. Simdon, moved to refer the delinquent personal property tax list to the City Attorney for collection. The motion carried on a voice vote.

## 11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

Cm. Simdon, seconded by Cwmn. Behrens, moved the bills in the amounts of \$1,674,328.56 for the City (Fund 1); \$24,198.45 for the Sewer Utility (Fund 2); \$35,199.17 for the Water Utility (Fund 3); \$5,000.00 for Stormwater Management (Fund 10); \$539.47 for Klement Business Park (Fund 12); \$698.25 for Downtown Redevelopment (Fund 13); \$128,065.81 for Payroll 3 as per Schedule N-88 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 17, 2009 regular City of Fort Atkinson Council meeting at 7:44 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski  
City Clerk/Treasurer