

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
March 2, 2010**

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
John Mielke

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

3. APPROVAL OF MINUTES OF FEBRUARY 16, 2010 REGULAR COUNCIL MEETING

The minutes of the February 16, 2010 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

None.

6. RESOLUTIONS AND ORDINANCES

a. RESOLUTION AWARDING THE SALE OF \$2,565,000 GENERAL OBLIGATION BONDS.

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

RESOLUTION NO. 1170
RESOLUTION AWARDING THE SALE OF
\$2,525,000 TAXABLE GENERAL OBLIGATION LIBRARY BONDS
(BUILD AMERICA BONDS - DIRECT PAYMENT)

WHEREAS, on November 3, 2009, the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin (the "City") adopted an initial resolution (the "Initial Resolution") authorizing the issuance of general obligation bonds in an amount not to exceed \$2,570,000 for the public purpose of financing a library project (the "Project");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolution, the City Clerk caused a notice to electors to be published in the Daily Jefferson County Union, stating the purpose and maximum principal amount of the bond issue authorized by the Initial Resolution and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issue authorized by the Initial Resolution;

WHEREAS, no petition for referendum was filed with the City Clerk, and the time to file such a petition has expired;

WHEREAS, on November 3, 2009, the City Council of the City also adopted a resolution (the "Set Sale Resolution") providing, among other things, for the sale of not to exceed \$2,570,000 general obligation bonds for the purpose of paying costs of the Project;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed its financial advisor, Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell its Taxable General Obligation Library Bonds (Build America Bonds - Direct Payment) (the "Bonds") ;

WHEREAS, Baird, in consultation with the officials of the City, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on March 2, 2010;

WHEREAS, the City Clerk (in consultation with Baird) caused notice of the sale of the Bonds to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the City. Baird has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference;

WHEREAS, the City has determine that the Bonds be issued in the aggregate principal amount of \$2,525,000;

WHEREAS, it is the finding of the City Council that it is desirable and in the best interest of the City to take the steps necessary to irrevocably designate the Bonds to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the City may claim refundable credits with respect to each interest payment on the Bonds, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury"); and

WHEREAS, because the City Council will designate the Bonds to be qualified Build America Bonds, the interest on the Bonds will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The City Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the City and Baird in connection with the preparation and distribution of the Official Notice of Sale, and any other offering materials, are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, is hereby accepted. The City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer and applied in accordance with the Official Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Library Bonds (Build America Bonds - Direct Payment)"; shall be

issued in the aggregate principal amount of \$2,525,000; shall be dated March 23, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on February 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on February 1 and August 1 of each year commencing on August 1, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on February 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on February 1, 2020 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2010 through 2029 for the payments due in the years 2010 through 2030 in the amounts set forth on the Schedule. The amount of tax levied for the year 2010 shall be the total amount of debt service due on the Bonds in the years 2010 and 2011; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2010.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The City hereby appropriates from proceeds of the Bonds or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on August 1, 2010 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$2,525,000 Taxable General Obligation Library Bonds (Build America Bonds - Direct Payment), dated March 23, 2010" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; (vi) all Direct Payments (defined below) received by the City; and (vii) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the

Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Code and any applicable Regulations.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Bonds are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the City hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Bonds. The City represents that all Bond Proceeds, less costs of issuance financed with such Bond Proceeds (which costs shall be in an amount not to exceed 2% of such Bond Proceeds) plus all income from temporary Permitted Investments with respect to such Bond Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The City acknowledges that among the requirements for the Bonds to qualify and continue to qualify as qualified Build America Bonds is that the Bonds, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Bonds. The City hereby covenants to comply with such requirements.

(b) The City thus further represents and covenants that the projects financed by the Bonds and their ownership, management and use will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the

extent necessary to maintain the qualified Build America Bond status of the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause the Bonds to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(c) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

(d) All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Qualified Build America Bonds - Application for Direct Payments to the City. The City shall claim available refundable credits from the Treasury with respect to each interest payment on the Bonds as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the City to apply for the receipt by the City of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the City shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if

required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 15. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 18. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 19. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Steve Kornetzke of Robert W. Baird addressed the Council. The following bids were received for this borrowing.

	<u>True Int. Rate</u>	<u>Trust Int. Cost Net to Subsidy</u>
Robert W. Baird & Co.	5.452406%	3.567955%
Wells Fargo Advisors	5.537819%	3.635103%
M & I Bank	5.572055%	3.648470%
BMO Capital Markets	5.641861%	3.696299%

The issue amount has been decreased from \$2,565,000 down to \$2,525,000 as a result of the winning bidder building in a premium to cover some of the costs of issuance. The total debt service came in at \$3,708,000. One of the requirements of the Build America Bond Issue is the cost of issuance cannot exceed 2% of Bond proceeds. The total cost is above this 2%; therefore the City will have to contribute cash of approximately \$13,361 to cover the costs of issuance. The City did receive an A+ bond rating, which helped with the rates that were bid.

Pres. Mielke asked if anyone in the audience would like to speak on this issue, however no one came forward.

Cm. Gray, seconded by Cm. Schultz, moved to approve and adopt the Resolution awarding the sale of \$2,525,000 in General Obligation Bonds to Robert W. Baird & Co. with a true interest cost net to subsidy of 3.567955%. On call of the roll, the motion carried unanimously.

- b. ORDINANCE RESTRICTING PARKING FOR SEVEN-FEET NORTH AND SEVEN-FEET SOUTH OF THE DRIVE OPENING AT 407 ARMENIA STREET.

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 6, Stopping, Standing and Parking, Subdivision II, Parking Prohibited, Sec. 94-457, No parking areas, be amended to include:

Armenia Street.

The west side of the street from a point seven-feet north to a point seven-feet south of the drive opening at 407 Armenia Street.

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. Gray, seconded by Cm. Zastrow, moved to suspend the rules, and pass the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

City Engineer Woods said he contacted the person making this request after the last Council meeting and told them what had transpired at the meeting and that they were not going to get a handicapped stall; the Council had decided to designate it as no parking instead. They indicated if they could not get it designated as handicapped, they did not want the no parking area.

Cm. Gray, seconded by Cm. Zastrow, moved to adopt the Ordinance restricting parking for seven-feet north and seven-feet south of the drive opening at 407 Armenia Street. On call of the roll, the motion failed on a 1-4 vote with Cm. Zastrow voting in favor.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Schultz, seconded by Cm. Gray, moved to accept and file the minutes of the Public Works Committee meeting held February 10, 2010; the minutes of the Public Library Capital Campaign Committee meeting held February 15, 2010; the minutes of the Historical Society Board meeting held January 21, 2010; and the minutes of the

Ambulance Advisory Committee meeting held February 24, 2010. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

a. REVIEW AND AWARD BIDS FOR LIBRARY RENOVATION PROJECT, AND APPROVE CHANGE ORDER POLICY.

The following bids were received for the Library renovation project:

BIDDER	BASE BID	ALT 1 Flooring in Research Cen	ALT 2 Doors	ALT 3 Lighting Coves	ALT 4 Roofing Mech penth	ALT 5 Existing Tile Roof	ALT 6 Counter tops	ALT 7 Pervious Asphalt	ALT 8 Sanitary Lateral	ALT 9 Traction Elevator	All Alternates Total
Daniels	\$2,977,000.00	\$5,210.00	\$12,400.00	\$28,300.00	\$63,000.00	\$152,633.00	\$7,540.00	\$16,000.00	(\$1,000.00)	(\$64,000.00)	\$3,197,083.00
Tri North	\$3,149,500.00	\$3,500.00	\$11,500.00	\$25,700.00	\$36,300.00	\$124,500.00	\$19,200.00	\$6,000.00	\$700.00	(\$64,500.00)	\$3,312,400.00
Stevens	\$3,152,000.00	\$4,230.00	\$9,008.00	\$25,454.00	\$34,718.00	\$121,279.00	\$18,741.00	\$3,269.00	\$504.00	(\$64,925.00)	\$3,304,278.00
Magill	\$3,154,518.00	\$4,434.00	\$11,164.00	\$26,373.00	\$35,971.00	\$125,655.00	\$20,469.00	\$4,616.00	\$760.00	(\$64,470.00)	\$3,319,490.00
Miron	\$3,186,900.00	\$4,403.00	\$10,930.00	\$23,556.00	\$36,067.00	\$125,979.00	\$21,537.00	\$6,390.00	\$720.00	(\$67,433.00)	\$3,349,049.00
Fischl	\$3,196,500.00	\$5,520.00	\$5,635.00	\$26,270.00	\$60,250.00	\$145,900.00	\$5,450.00	\$1,760.00	\$700.00	(\$63,760.00)	\$3,384,225.00
MAAS	\$3,236,000.00	\$7,420.00	\$11,200.00	\$27,500.00	\$36,500.00	\$132,500.00	\$18,700.00	\$6,750.00	\$700.00	(\$65,000.00)	\$3,412,270.00
Creative	\$3,228,900.00	\$4,500.00	\$10,800.00	\$26,000.00	\$54,000.00	\$153,000.00	\$26,000.00	\$3,600.00	\$500.00	(\$63,000.00)	\$3,444,300.00
Triad	\$3,229,073.00	\$4,371.00	\$10,847.00	\$26,302.00	\$35,875.00	\$125,321.00	\$19,367.00	\$4,802.00	\$0.00	(\$64,470.00)	\$3,391,488.00
Kraemer Bros.	\$3,368,000.00	\$4,450.00	\$12,890.00	\$26,740.00	\$36,470.00	\$127,370.00	\$12,840.00	\$6,510.00	\$530.00	(\$64,470.00)	\$3,531,330.00
Roberts	\$3,398,000.00	\$4,680.00	\$5,200.00	\$28,300.00	\$22,600.00	\$126,900.00	\$9,800.00	\$6,600.00	\$1,200.00	(\$65,000.00)	\$3,538,280.00
Vogel	\$3,524,300.00	\$4,388.00	\$10,460.00	\$26,408.00	\$59,550.00	\$144,968.00	\$19,435.00	\$12,272.00	\$525.00	(\$64,470.00)	\$3,737,836.00
Hunzinger	\$3,627,000.00	\$3,600.00	\$18,700.00	\$23,500.00	\$69,900.00	\$170,000.00	\$22,500.00	\$5,300.00	\$800.00	(\$66,900.00)	\$3,874,400.00

Del Wilson, of Uihlein Wilson Architects, addressed the Council stating there were numerous bids received for this project, with Joe Daniels Construction Company being the low bidder. The City Manager said both the Library Board and Building Committee reviewed the bids and alternates and have recommended that Joe Daniels be awarded the contract with Alternates 1-6 included.

Pres. Mielke asked Mr. Wilson about his request to have the Library Director, City Manager and Construction Committee being authorized to approve change orders and if it meant individually or all of the entities. The City Manager said all of the entities would be approving the Change Orders.

Cm. Zastrow, seconded by Cm. Schultz, moved to award the contract for the Library renovation project to Joe Daniels Construction Company including Alternates 1 – 6, and to allow the Library Director, City Manager and Construction Committee to jointly authorize single changes up to \$5,000 per item and that smaller items may be aggregated to a total of \$10,000 when they are presented to the City for fund disbursement. On call of the roll, the motion carried unanimously.

- b. RECOMMENDATION FROM AMBULANCE ADVISORY COMMITTEE TO APPROVE 2009 YEAR-END REPORT ON AMBULANCE SERVICE.

The City Manager said Ryan Bros. met with the Ambulance Advisory Committee to review their Annual Report. Ryan Bros. is very satisfied with their contract with the City.

Cm. Lescohier, seconded by Cm. Zastrow, moved to accept and file the 2009 annual report from Ryan Bros. The motion carried on a voice vote.

9. NEW BUSINESS

- a. REVIEW AND APPROVE REVISIONS TO REVOLVING LOAN FUND POLICIES AND PROCEDURES MANUAL, AND RESOLUTION.

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

RESOLUTION NO. 1171
RESOLUTION TO AMEND THE
CITY'S REVOLVING LOAN MANUAL

WHEREAS, the City has been working with the Department of Commerce on updating the City's Revolving Loan Manual; and

WHEREAS, the Department of Commerce has approved the Manual updates; and

WHEREAS, the Procedures Manual was last revised in February 1996.

NOW, THEREFORE, BE IT RESOLVED, that the following revisions be made to the Policies and Procedures Manual for the City's Revolving Loan Program:

- Update the revision date on the cover page.
- Update references to Department of Development (DOD) to read Department of Commerce (Commerce).
- Update Secretary of State to read Department of Financial Institutions.
- Update the end of Section 9.1 from "shall report at the end of each fiscal year . . . prescribed by the DOD." to "shall report at times and on forms as required by Commerce."
- Change Section 2.1 - 4. from annually to semi-annually reporting.
- Delete the interest rate language under 4.1 -- 2. and replace with "The interest rate shall be established by the Loan Review Committee."

BE IT FURTHER RESOLVED THAT, a copy of this Resolution and revised Policies and Procedures Manual be forwarded to the Department of Commerce and Foth & Van Dyke, the City's consultant.

The City Manager said the City has been discussing changing the interest rate in the Revolving Loan Policy. In reviewing the matter with the Department of Commerce, it was decided to amend the language to not include a specific interest rate, but to have the loan review committee (Finance Committee) establish the rate when applications are received.

Other updates to the Manual included: changing “Department of Development” to “Department of Commerce”, changing “Secretary of State” to “Department of Financial Institutions” and amending how often reports are made to the Department of Commerce.

Cm. Gray, seconded by Cm. Lescohier, moved to adopt the Resolution approving revisions to the City’s Revolving Loan Manual. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

- a. REQUEST TO SET FINANCE COMMITTEE MEETING DATE TO REVIEW REVOLVING LOAN FUND APPLICATION.

The City Manager said the application has been withdrawn, therefore the meeting is no longer needed.

- b. GRANTING OPERATOR LICENSES

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

Regular:

Allison R. Gjerston	Open
Wayne E. Hasel	Pick ‘N Save
Joshua J. Lemke	Stop n Go
Diane J. Lies	Stop n Go
Tiffany L. Reysack	Kwik Trip
Christopher P. Smolinski	Bolt Inn
Tanya N. Strese	Stop n Go
Asan Xhaferi	Lennigan’s

The motion carried on a voice vote.

c. REQUEST TO SET PUBLIC WORKS COMMITTEE MEETING TO CONTINUE DISCUSSIONS ON THE 2010 STREET AND SIDEWALK PROGRAMS.

The City Manager said there were additional items to be reviewed for the street and sidewalk programs. The bids were also opened recently for the Hwy. 26 Bypass utility extension project and those bids need to be reviewed and discussed as well.

Cm. Lescohier, seconded by Cm. Zastrow, moved to set a Public Works Committee meeting for Wednesday, March 10, 2010 at 4:00 p.m. to discuss the 2010 street and sidewalk programs, as well as the Hwy. 26 utility extension project. The motion carried on a voice vote.

d. REQUEST TO SET LICENSE COMMITTEE MEETING DATE.

The City Clerk said an application for a Class "A" Beer License and an application for a change in business for a "Class B" Combination Liquor and Fermented Malt Beverage License have been received. He is requesting a meeting be set for Monday, March 22, 2010 at 4:30 p.m. to review the applications. The date and time were approved by the License Committee members.

e. REPORT ON TAX ROLL COLLECTIONS FOR 2009.

The City Clerk reported that the December and January 2009 real estate tax collections increased by approximately \$600,000 from 2008 as well as an increase of approximately \$15,000 in personal property taxes. The City Clerk said the delinquencies are up approximately \$100,000 from last year, which is about 5% of the tax roll. The amount of delinquent personal property taxes is \$12,497.71.

Cm. Schultz, seconded by Cm. Lescohier, moved to accept and file the report on tax roll collections for 2009 and to refer the delinquent personal property taxes to the City Attorney for collection. The motion carried on a voice vote.

f. AUTHORIZE CHARGEBACK OF UNPAID DELINQUENT PERSONAL PROPERTY TAXES FROM 2008 TAX ROLL.

The City Clerk requested that the following delinquent 2008 personal property taxes be charged back to the taxing jurisdictions for their proportionate shares:

Randolph Kietlinski	\$ 95.08
Speed City Auto Parts	
Rustic Restaurant	<u>\$1,842.21</u>
	\$1,937.29

The amounts to be charged back to each taxing jurisdiction are as follows:

State of Wisconsin	\$ 15.79
Jefferson County	338.13
Fort Atkinson School Dist.	852.18
MATC	<u>112.73</u>
	\$1,318.83

The balance of \$618.46 is the City's share, which will be covered by an account in the budget for errors in assessments and uncollectible taxes.

Cm. Zastrow, seconded by Cm. Gray, moved to authorize the chargeback of unpaid delinquent personal property taxes from the 2008 tax roll. The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

Cm. Zastrow, seconded by Cm. Gray, moved the bills in the amounts of \$4,335,982.82 for the City (Fund 1); \$37,812.75 for the Sewer Utility (Fund 2); \$13,198.40 for the Water Utility (Fund 3); \$5,000.00 for Stormwater Management (Fund 10); \$43,144.23 for Downtown Economic Development (Fund 13); and \$137,879.51 for Payrolls #4 and #4A as per Schedule O-14 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. Schultz, moved to adjourn the March 2, 2010 regular City of Fort Atkinson Council meeting at 7:45 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer