

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
March 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
Mark Zastrow

Steve Tesmer was excused.

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

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

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

4. PUBLIC HEARINGS

- a. PUBLIC HEARING ON “CLASS B” COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE LICENSE FOR YUMMI THAI & CHINESE CUISINE, LLC, FOR USE AT 120 NORTH MAIN STREET.

Pres. Mielke opened the public hearing on the “Class B” Combination Liquor and Fermented Malt Beverage License for Yummi Thai & Chinese Cuisine, LLC, for use at 120 North Main Street 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, Pres. Mielke closed the public hearing.

Cm. Simdon, seconded by Cm. Zastrow, moved to approve the “Class B” Combination Liquor and Fermented Malt Beverage License for Yummi Thai &

Chinese Cuisine, LLC, for use at 120 North Main Street. The motion carried on a voice vote.

b. PUBLIC HEARING ON ANNUAL REPORT ON STORMWATER PERMIT.

Pres. Mielke opened the public hearing on the Annual Report on the Stormwater Permit 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, Pres. Mielke closed the public hearing.

This item appears later on the agenda as item 9-c.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

a. REQUEST BY CHAMBER OF COMMERCE TO HOLD FARMER'S MARKET IN PARKING LOT ACROSS FROM THE POST OFFICE ON SATURDAYS FROM MAY 9, 2009 THROUGH OCTOBER 24, 2009, AND TO USE PARKING LOT BEHIND MUNICIPAL BUILDING ON MAY 2, 2009 FOR KICK-OFF FARMER'S MARKET EVENT.

The City Manager said this is the annual request from the Tourism Department at the Chamber of Commerce. They added an addendum this year to include a request to hold a farmer's market kick-off event in the parking lot behind the Municipal Building on Saturday, May 2, 2009.

Cm. Simdon, seconded by Cm. Zastrow, moved to approve the request from the Chamber of Commerce to hold the farmer's market events. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

a. RESOLUTION AUTHORIZING SUBMISSION OF WATERWAYS GRANT FOR INSTALLATION OF THREE PIERS ALONG ROCK RIVER.

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

RESOLUTION NO. 1146

WATERWAY GRANT RESOLUTION

WHEREAS, the City of Fort Atkinson hereby requests assistance for purpose of developing recreational boating facilities;

THEREFORE BE IT RESOLVED, that the City of Fort Atkinson has budgeted a sum sufficient to complete the project, and;

HEREBY AUTHORIZES Thomas Kramp, Superintendent of Public Works, to act on behalf of the City of Fort Atkinson to:

Submit an application to the Wisconsin Waterways Commission for financial assistance;

Sign documents; and

Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that Thomas Kramp will comply with State and Federal rules for the programs; may perform force account work; will maintain the project in an attractive, inviting and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain approval in writing from the Wisconsin Waterways Commission before any change is made in the use of the project site (if applicable).

The City Manager said the adoption of this Resolution is one of the requirements in the Grant Application for the Council to officially authorize the project and submission of the grant application.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the Resolution authorizing submission of the Waterways Grant for installation of three piers along the Rock River. On call of the roll, the motion carried unanimously.

- b. RESOLUTION SEEKING AN ORDER FOR VACATION OF PUBLIC PARKLAND FOR SALE OF PARCEL WEST OF GERALD COURT TO BEAUTIFUL BEGINNINGS DAYCARE.

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

RESOLUTION NO. 1147

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF FORT ATKINSON**

WHEREAS, the City of Fort Atkinson (the City), is the owner of a certain parcel of parkland (the Parcel), that lies westerly of Gerald Court and consists of approximately 9,069 square feet; and

WHEREAS, the City previously authorized the sale of the Parcel to Beautiful Beginnings Daycare for the sum of Twenty Thousand and no/100 dollars (\$20,000.00); and

WHEREAS, the Parcel is a platted public park and, therefore, an order from the Circuit Court of Jefferson County is required before the sale can be completed pursuant to Sec. 236.43(3), Wis. Stats.

NOW, THEREFORE, BE IT RESOVLED:

- 1) That the city shall apply to the Circuit Court of Jefferson County seeking an Order vacating the Parcel as a public parkland; and
- 2) That the President of the City Council is hereby authorized to sign an appropriate application to the Circuit Court requesting vacation of the Parcel pursuant to the terms of this Resolution.

The City Attorney said this Resolution needs to be submitted to the Circuit Court to allow the sale of parkland and to amend the Plat.

Cm. Simdon, seconded by Cwmn. Behrens, moved to approve the Resolution seeking vacation of public parkland for the sale of the parcel west of Gerald Court to Beautiful Beginnings Daycare. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cwmn. Behrens, seconded by Cm. Zastrow, moved to accept and file the minutes of the Dwight Foster Public Library Board meeting held February 2, 2009; the Electrical, Building and Plumbing Permit Reports for February, 2009; the minutes of the Dwight Foster Public Library Building Committee meeting held January 12, 2009; the minutes of the License Committee meeting held March 3, 2009; the minutes of the Ambulance Advisory Committee meeting held March 5, 2009; the minutes of the Planning Commission meeting held March 10, 2009; and the minutes of the Jefferson County Economic Development Consortium meeting held February 11, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. REVIEW AND APPROVE PROPOSAL FOR CONSULTANT FOR T.I.F. DISTRICT CREATION, AND RESOLUTION.

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

RESOLUTION NO. 1148

**RESOLUTION TO AUTHORIZE PROCEEDING WITH PLANNING FOR
TAX INCREMENT DISTRICT #8 IN THE CITY OF FORT ATKINSON**

WHEREAS, the Common Council of the City of Fort Atkinson has determined a need to encourage mixed-use development within the City; and

WHEREAS, the City has determined that promoting mixed-use development in certain areas of the City is not financially feasible without the use of Tax Incremental Financing; and

WHEREAS, the formation of a Tax Incremental District requires a Joint Review Board to review, evaluate and approve or deny the creation of the proposed Tax Incremental District;

NOW, THEREFORE, BE IT RESOVLED, the Common Council of the City of Fort Atkinson directs the Plan Commission to identify appropriate boundaries for and prepare a plan for the use of Tax Incremental Financing within an area adjacent to the State Highway 26/U.S. Highway 12 interchange and conduct a public hearing on said boundary and plan; and

BE IT FURTHER RESOVED, that the Common Council of the City of Fort Atkinson authorizes City staff, the City Attorney and Vandewalle & Associates, Inc. to assist the Plan Commission with the tasks necessary to plan for the mixed-use development of property within the area described above; and

BE IT FURTHER RESOVED, that the Common Council hereby directs the Plan Commission and City staff to notify the overlying taxing jurisdiction of the proposed T.I.D. #8 creation and convene a Joint Review Board made up of representatives appointed by said overlying taxing jurisdictions; and

BE IT FURTHER RESOVED, that appropriate public agencies be notified of the Joint Review Board's consideration of the proposed Tax Incremental District.

The City Manager said at the February 17, 2009 meeting, the Council authorized moving forward with planning assistance, potentially preparing a project plan and creating T.I.F. District #8 on the City's northwest side. The City asked for proposals from two firms, Vandewalle & Associates, Inc. (which is the firm that did the City's recent Comprehensive Plan Update) and Vierbicher Associates, Inc. Both of these firms do a lot of T.I.F. project plans and are very qualified. The City can do the mapping and parcel listing, and the consultant would put the narrative together as well as the project plan and run all the potential projections based on expenditures and development. Both firms came in with a price of \$11,500, and both were interviewed by City staff. The staff is recommending we contract with Vandewalle & Associates, Inc. for this service as they did the City

and County's Comprehensive Plan work. It was also noted that when Vandewalle & Associates completed the City's Comprehensive Plan, their expenses ended up being well above what was contracted, and they never billed the City for any additional charges or change orders.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to approve the proposal for consultant services with Vandewalle & Associates, Inc. in the amount of \$11,500.00 for T.I.F. District creation, and to adopt the Resolution. On call of the roll, the motion carried unanimously.

b. **RECOMMENDATION FROM AMBULANCE ADVISORY COMMITTEE TO APPROVE 2008 YEAR-END REPORT ON AMBULANCE SERVICE.**

The City Manager said that on March 5, 2009 the Ambulance Advisory Committee met with Ryan Bros. and other emergency response individuals to review the annual report from Ryan Bros. Ambulance. It is a requirement in the City's Ordinance that the ambulance provider submits this documentation to the City each year. The report shows that they did sustain a loss again this year, but not quite as bad as last year. Ryan Bros. indicated the City still does have a very viable contract for them. They have a three-year revolving contract with the City.

Cm. Simdon asked if there were any big changes in the service since last year. The City Manager said the response time is down a little, and calls are down a little. Pres. Mielke said the City should be thankful for this service as well as the transport service because it allows the service to be provided at a cost significantly less than other communities who have similar services. The City Manager said all employees of Ryan Bros. have been trained and elevated to the paramedic level, which is quite a bit higher than the requirements that we have in our Ambulance Provider Contract.

Cm. Zastrow, seconded by Cm. Simdon, moved to accept the recommendation from the Ambulance Advisory Committee and approve the 2008 year-end report on the ambulance service. The motion carried on a voice vote.

c. **REVIEW AND APPROVE PROPOSAL FOR CONSULTANT SERVICES FOR DESIGN OF WATER AND SEWER EXTENSION FOR HIGHWAY 26 BYPASS PROJECT.**

The City Manager said the City is working in conjunction with the Department of Transportation (D.O.T.) as they are designing the Highway 26 Bypass to four-lanes. This was our opportunity to set out an area where we think future utilities are going to go, as well as designing them so that there can be coordination between all the utility companies to know where their utilities are going to be when the four-lane bypass is constructed. The following proposals were received:

Strand Associates, Inc.	\$19,435
Earth Tech/AECOM	\$26,875
Mead & Hunt, Inc.	\$33,585

There is \$34,000 in the budget for this project. The proposals met all the criteria in our specifications, and City staff is recommending the proposal be awarded to Strand Associates, Inc. Pres. Mielke asked at what point the engineering firm provides project cost estimates. The City Engineer said once they do a preliminary design, they will come in with a cost estimate for the City to review. Pres. Mielke asked if the consultant handles all the bidding and bid opening, and the City Engineer said they handle all of that. The City Engineer said this contract goes out all the way to reviewing the bids and making a recommendation to the Council.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept and approve the proposal from Strand Associates for consultant services for design of water and sewer extension for the Highway 26 Bypass project at a cost not to exceed \$19,435. On call of the roll, the motion carried unanimously.

d. **RECOMMENDATION FROM LIBRARY BOARD TO APPROVE ARCHITECTURAL CONTRACTS WITH UIHLEIN WILSON ARCHITECTS FOR BUILDING PROJECT, AND AUTHORIZE SIGNATURE BY PROPER OFFICIALS.**

The City Manager said this has been a several-month process with the Library Board, Library Director, the Architect and himself to come up with an agreement that everyone is happy with. The City Attorney has reviewed the Contract as well. The money that would be expended for this contract is part of the early donations for a potential building expansion at the Library. The contract has been written in such a way so that the City has an opportunity to stop the process if it feels the fundraiser is not going to be successful or if we run into some other issues. The price quoted for these architectural services is \$340,569.00. This firm has worked with the City since the beginning of this process, they have gone through several negotiating processes to do some feasibility studies and program verifications. They have agreed that they will be crediting the fees paid for those earlier studies back off of the total price of the contract. The City Manager said their fee is approximately 6% of the project cost, and typically these fees run around 7%.

The Library Director wanted to reiterate what the City Manager previously said that their Board, the City Manager and herself worked very hard on this contract. She said they feel it is fair to the City as well as the Architect.

Cm. Zastrow asked what portion of the architectural fees the Council is being asked to approve at this time. The City Manager said if the Council feels comfortable, they would like to have the total stipulated sum of \$340,569.00

approved at this time. This amount would take us through the design and building process.

Pres. Mielke asked if the Library Board has checked into the direct purchase of materials in an attempt to save on sales tax. The City Manager said it would be similar to what was done at the Museum and there will be some things that we will find during the process where it will be beneficial to put in with the bid, and there will be a number of opportunities for direct bidding and the City will try to work with local electricians, plumbers, carpet layers, etc. to get involved in the process.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to approve the architectural contracts with Uihlein Wilson Architects for building project, and authorize signature by proper officials with the sum of money inclusive of the \$56,940.00 which has already been paid of the \$340,569.00. On call of the roll, the motion carried unanimously.

9. NEW BUSINESS

- a. REVIEW AND APPROVE BIDS FOR AIR CONDITIONING RECYCLER FOR DEPARTMENT OF PUBLIC WORKS AS BUDGETED.

The City Manager indicated there is \$7,000 budgeted for this purchase. The following bids were received:

Bumper to Bumper	\$3,606.02
NAPA	\$4,042.50
Snap on Tools	\$3,798.00

The Public Works Superintendent said that the bid from Bumper to Bumper met all their specifications.

Cm. Simdon, seconded by Cm. Zastrow, moved to award the bid to Bumper to Bumper for the air conditioning recycler in an amount not to exceed \$3,606.02. On call of the roll, the motion carried unanimously.

- b. REVIEW AND APPROVE 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:

Vermeer Wisconsin (2009-SC802)	\$32,000.00
LF George (2006-2800)	\$25,089.00
Edge Equipment	No Bid

The Public Works Superintendent said the bid from Vermeer Wisconsin met all the specifications. The bid from LF George is a 2006 demo model and did not meet all the specifications of the bid. Therefore, it is recommended to approve the bid from Vermeer Wisconsin.

Cm. Simdon, seconded by Cm. Zastrow, moved to award the bid to Vermeer Wisconsin for the stump chipper in an amount not to exceed \$32,000.00. On call of the roll, the motion carried unanimously.

c. **REVIEW AND APPROVE ANNUAL REPORT ON STORMWATER PERMIT AND AUTHORIZE SIGNATURE BY PROPER OFFICIALS.**

The City Engineer gave an update for 2008 on the stormwater project in the City. He said the City obtained a DNR grant to assist with the stormwater management plan and hired Earth Tech/AECOM to assist the City. They worked with staff and looked at land uses and came up with base suspended solids loading going into the river of 469 tons. They have found with the street sweeping and the detention ponds that we have that we can count, and with the grass swales that we have, we have already reduced our load by 58 tons. We have made approximately 12% of the 20% that we are supposed to meet in the 2008 requirement from the DNR, which they have relaxed because they realized not all communities could meet them very easily.

Our 40% reduction that we have to meet by 2013 is 188 tons. Earth Tech has identified two locations for detention ponds in addition to buying a high efficiency sweeper, which will get us to 130 tons. For the educational outreach and educational programs, the City has joined eight other communities and formed the Rock River Stormwater Group. The City did adopt all Ordinances that we were required to. A preliminary study has been done for the feasibility for the stormwater utility. A preliminary cost for a single family home would be approximately \$38.50. A scenario developed for commercial, industrial, schools and churches, would estimate fees ranging from \$2,000 to \$8,000 per year. If a stormwater utility is developed, there is the possibility of developing a credit system where if the property owners do some type of work to eliminate stormwater that comes to the City, they can get a reduction in a portion of their stormwater fee. Information regarding the stormwater management project has also been put on the City's website for the public to view.

Pres. Mielke asked if the stormwater report being presented at this time is independent from the stormwater utility. The City Engineer said it is part of the City's permit. Cm. Zastrow asked if the sand that is on the City streets from the winter season ends up in the City's storm sewer, does that go against our suspended solids reduction numbers. The City Engineer said it shouldn't; they look at land areas and land use.

The City Manager said the things that we are doing are all impact items; we get points based on modeling. The City has identified that the high-efficiency sweeper and two detentions ponds will get us very close to our mandated reduction amount.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the Annual Report on Stormwater Permit and to authorize signature by the proper officials. The motion carried on a voice vote.

d. **REQUEST TO REFUND CITY'S SHARE OF PROPERTY TAX PLUS INTEREST TO SPACESAVER FOR ASSESSMENT ERROR.**

The City Clerk said that in August of 2008, the City received notification from the Department of Revenue that Spacesaver had filed a formal objection to their real estate assessment. The City recently received a notice from the Department of Revenue letting us know they had made a determination that the assessment would be reduced by approximately \$515,000, which had a net tax loss to all of the taxing jurisdictions of approximately \$10,200. Similar to the error that occurred last year with some of the airport hangars, the City would like to refund the entire amount to Spacesaver, and then submit a notice per Statutes to the Department of Revenue requesting reimbursement from the other taxing jurisdictions.

The City will ultimately be responsible for its share of approximately 34% of the taxes, or \$3,527, as well as 80% of the interest amount which is approximately \$131 for the two months that it has been paid in advance. The City Clerk is requesting authorization to refund the entire property tax amount plus the interest and chargeback to the other taxing jurisdictions their proportional shares, and to appropriate \$2,000 from the General Fund to cover the City's share.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to refund \$10,207.41 plus interest (\$10,370.73) for the City's share of property tax to Spacesaver for the assessment error, and to authorize the charging back to other taxing jurisdictions for their proportional shares, and to appropriate \$2,000 from the General Fund to cover the City's share. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. **SPECIAL BEER AND WINE LICENSE FOR ST. JOSEPH'S FAMILY FAIR FISH/SHRIMP BOIL ON MAY 16, 2009.**

The City Clerk indicated the completed application is on file and he would recommend approval of the license.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the Special Beer and Wine License for St. Joseph's Family Fair Fish/Shrimp Boil on May 16, 2009. The motion carried on a voice vote.

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:

Regular:

Mary L. Jessup	Paddy Coughlin's Pub
Erica R. Naubauer	Paddy Coughlin's Pub
Leah K. Rittenhouse	Lions Quick Mart
Wendy L. Stoeckler	Fat Boyz
John L. Tyler	Union Jacks

The motion carried on a voice vote.

c. SPECIAL BEER LICENSE FOR LIONS CLUB'S ANNUAL SMELT FRY AT THE MUNICIPAL BUILDING ON APRIL 3, 2009.

The City Clerk indicated the completed application is on file and he would recommend approval of the license.

Cm. Simdon, seconded by Cm. Zastrow, moved to approve the Special Beer License for Lions Club's annual smelt fry at the Municipal Building on April 3, 2009. The motion carried on a voice vote.

d. CITY, SEWER AND WATER FINANCIAL STATEMENTS AS OF FEBRUARY 28, 2009.

The City Manager pointed out that this is the first year the City has been required to purchase all of its road salt at once, so what was done was we prepaid for the salt and then as we used it we charged it into the account. He said there is approximately 600 ton of salt left, which is really good at this point in the year. The overall City budget expenses are at approximately 16%, and we should be at 17%, so we are running right where we should be. The Utilities are running between 10% and 11% of expenditures, so they are running a little lower than anticipated. The City Manager said approximately 29% of the snow removal budget has been used, which is a good start to the year.

Regarding the FEMA account, we have received all but about \$17,000, which is a mix-up on the payment that is still due to the City. This account should completely cover the infrastructure that we have yet to replace. Of the total of

approximately \$400,000 worth of costs after the flood, virtually everything will be covered by either the Community Foundation, FEMA or the State, so the City won't really have any out-of-pocket expenditures from the budget.

In anticipation of having to do something in the stormwater area, we have set up a new fund to track our expenditures.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept and file the City, Sewer and Water Financial Statements as of February 28, 2009. The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

Cm. Simdon, seconded by Cm. Zastrow, moved the bills in the amounts of \$336,875.07 for the City (Fund 1); \$35,003.19 for the Sewer Utility (Fund 2); \$47,305.45 for the Water Utility (Fund 3); \$165.00 for Downtown Economic Development (Fund 13) and \$131,093.62 for Payroll 5 as per Schedule N-90 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 March 17, 2009 regular City of Fort Atkinson Council meeting at 8:01 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer