

**CITY COUNCIL MINUTES  
FORT ATKINSON, WISCONSIN  
May 18, 2010**

1. CALL MEETING TO ORDER

A regular meeting of the City Council was called to order by President Gray at 7:00 p.m. in the Council Chambers of the Municipal Building.

2. ROLL CALL

On call of the roll, members present were:

Bill Camplin  
Davin Lescohier  
John Mielke  
Dick Schultz  
Loren Gray

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

3. APPROVAL OF MINUTES OF MAY 4, 2010 REGULAR COUNCIL MEETING

The minutes of the May 4, 2010 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

a. REPORT BY BAKER TILLY ON CITY'S FINANCIAL STATEMENTS AS OF DECEMBER 31, 2009 AND REPORT ON INTERNAL CONTROLS.

Renee Meinholz of Baker Tilly addressed the Council at this time. Ms. Meinholz said the Audit went well again this year. She said the City received an unqualified opinion, however the Historical Society did not have an audit for 2009. Since they did not have an audit, they had to modify the opinion slightly. It was indicated the Historical Society did not have an audit done for 2009 due to budget restraints. The reason they had one done in the past couple of years was due to the large fundraising project.

Ms. Meinholz said the General Fund had a decrease in fund balance for 2009 of approximately \$30,000. She said investment income was down for the year. The

fund balance had a \$2.9 million balance, which is made up of three parts; the Reserve Fund Balance is approximately \$2.1 million (which are restricted and cannot be spent), the designated fund balance is approximately \$365,000 (non-lapsing accounts), and the undesignated fund balance is approximately \$427,000 (net working capital). A ratio they look at is the undesignated fund balance to the 2010 budgeted expenditures, which is at approximately 6%. In 2009, it was at 9%. Rating agencies typically like to see between 8%-16%. The debt ratio capacity is the ratio of the general obligation debt outstanding compared to the City's capacity to borrow, which is at 47% and very typical of other municipalities.

Ms. Meinholz then reviewed the Report on Internal Control with the Council. The weaknesses listed in the Report are very typical of cities the same size as Fort Atkinson. Many of the items are hard to get rid of unless more staff is hired.

The section on GASB No. 54, for fund balance reporting was then reviewed. Ms. Meinholz said this Act will become effective in 2011; it will change some of the fund balance categories.

Cm. Mielke, seconded by Cm. Schultz, moved to accept and file the Report by Baker Tilly on the City's Financial Statements as of December 31, 2009, and the Report on Internal Controls. The motion carried on a voice vote.

b. **REQUEST BY BLACKHAWK TAVERN & GRILL TO PLACE CONCRETE ANCHORS IN SIDEWALK FOR FENCING.**

The City Manager said the Blackhawk already has permission to have an outdoor seating area. They are requesting to place concrete anchors in the sidewalk to secure their fencing in place. Sidewalk repairs and intrusion issues have been addressed by the owners of the Blackhawk.

Mr. Schultz of the Blackhawk has been informed that prior to placing the permanent anchors in the concrete, he should confirm with the Building Inspector that their placement meets all Codes.

Cm. Camplin, seconded by Cm. Lescohier, moved to approve the request by the Blackhawk Tavern & Grill to place concrete anchors in the sidewalk for fencing. The motion carried on a voice vote.

6. **RESOLUTIONS AND ORDINANCES**

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

- a. APPOINTMENT OF RICHARD FRAME TO PLANNING COMMISSION TO FILL UNEXPIRED TERM OF BILL CAMPLIN.

The City Manager said there were two applications received for the unexpired term on the Planning Commission.

Cm. Schultz, seconded by Cm. Camplin, moved to approve the recommendation to appoint Richard Frame to the Planning Commission. The motion carried on a voice vote.

- b. Cm. Mielke, seconded by Cm. Schultz, moved to accept and file the minutes of the Dwight Foster Public Library Board meeting held April 5, 2010; the Electrical, Building and Plumbing Permit Reports for April, 2010; the minutes of the Historic Preservation Commission meeting held May 4, 2010; the minutes of the Tourism Committee meeting held February 11, 2010; and the minutes of the Jefferson County Economic Development Consortium meeting held April 14, 2010. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE AMENDMENTS TO ZONING CODE REGARDING ZERO LOT LINE DESIGNATIONS.

The Building Inspector informed the Council this recommendation was initiated after numerous conversations with various landowners, a couple of area surveyors and attorneys. Our current Code recognizes a side-by-side dwelling with two different ownerships as a condominium situation, which imposes many burdens on the property owner.

Some of the requirements for condominiums include: Having to create an association to administer the condominium's common elements; having to create a budget for the association; having to maintain records of receipts and expenditures for the association; having to carry condominium insurance for the common building elements as well as individual owners insurance; having to create bylaws for the association; and having to create an executive summary of the association details for prospective buyers.

One of the ways to alleviate that burden and to increase the value of the property is to create a zero lot line zoning. This action would not take away rights of anyone to have a condominium association. All other requirements remain the same (setbacks, green space, etc.). It is also beneficial for property insurance purposes.

Cm. Lescohier, seconded by Cm. Camplin, moved to approve the recommendation of the Planning Commission to approve the amendments to the Zoning Code regarding zero lot line designations, and to have an ordinance prepared. The motion carried on a voice vote.

- b. REQUEST TO INCREASE BID COST CAP FOR SITE CLOSURE OF 15 SOUTH THIRD STREET, EAST PARKING LOT SITE.

The City has been notified by the State that they are requiring more testing and sampling before they will approve the site closure at 15 South Third Street, East. The additional cost for this testing and sampling will be \$3,158.42. This amount will be eligible for P.E.C.F.A. reimbursement.

The City is also performing a pavement review once per year and preparing an analysis of our findings.

Cm. Mielke, seconded by Cm. Schultz, moved to approve the increase in bid cost for the site closure of 15 South Third Street, East parking lot site. On call of the roll, the motion carried.

9. NEW BUSINESS

- a. REVIEW AND APPROVE EASEMENT FOR ELECTRIC LINE RELOCATION IN CONJUNCTION WITH THE AIRPORT PROJECT.

The line that needs to be relocated is in the area of the proposed retention area at the Airport. This easement is needed to accommodate the electric line to be moved. The Department of Transportation will be paying for the relocation cost of the line.

Cm. Schultz, seconded by Cm. Camplin, moved to approve the easement for the electric line relocation in conjunction with the Airport project. The motion carried on a voice vote.

10. MISCELLANEOUS

- a. GRANTING OPERATOR LICENSES.

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

Regular:

Mary A. Baldwin  
Julie R. Boerst  
Moises M. Carrillo

Velvet Lips Lounge  
Fat Boyz  
Aurora Supermercado #2

Mateo Gomez	Aurora Supermercado #2
Bonnie S. Harrison	Soap n Pepper
Brandon M. Housley	Paddy Coughlins
Lindsay M. Schultz	Paddy Coughlins
Gilly A. Smith	Paddy Coughlins
Brian P. Verley	Shell

The motion carried on a voice vote.

b. **CITY, SEWER, WATER AND STORMWATER FINANCIAL STATEMENTS AS OF APRIL 30, 2010.**

The City Manager indicated every attempt is being made to stay under budget in most categories.

Cm. Lescohier, seconded by Cm. Camplin, moved to accept and file the City, Sewer, Water and Stormwater Financial Statements as of April 30, 2010. The motion carried on a voice vote.

11. **CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS**

Cm. Mielke, seconded by Cm. Schultz, moved the bills in the amounts of \$234,389.87 for the City (Fund 1); \$37,159.73 for the Sewer Utility (Fund 2); \$23,850.24 for the Water Utility (Fund 3); \$67,604.28 for Debt Service (Fund 4); \$56.72 for Stormwater Management (Fund 10); \$1,101,751.25 for Sewer Utility Debt Service; and \$151,149.81 for Payroll #9 per Schedule O-19 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. Schultz, seconded by Cm. Camplin, moved to adjourn the May 18, 2010 regular City of Fort Atkinson Council meeting at 7:35 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski  
City Clerk/Treasurer