

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
June 16, 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:

Loren Gray
Davin Lescohier
Richard Schultz
Mark Zastrow
John Mielke

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

3. APPROVAL OF MINUTES OF JUNE 2, 2009 REGULAR COUNCIL MEETING

The minutes of the June 2, 2009 regular Council meeting were approved by consent.

At this time the Council President indicated an application for a Special Beer and Wine License was received after the agenda was distributed, and has been added to the agenda as item 10-c. There were no objections to this addition.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. REPORT BY BAKER TILLY VIRCHOW KRAUSE, LLP ON CITY'S FINANCIAL STATEMENTS AS OF DECEMBER 31, 2008, AND REPORT ON INTERNAL CONTROLS.

Renee Meinholz, Senior Manager of Baker Tilly Virchow Krause, addressed the Council at this time. She indicated she has been working on the City's audit for the past 12 years. Ms. Meinholz said the City received an "unqualified", or clean opinion, which is the highest form of assurance you can get from a CPA firm.

She said this is the second year the Historical Society's audit was included in the report, and they also received a clean opinion.

Ms. Meinholz said the General Fund had an approximate net income of \$66,000, which actually was a little higher than the original budget. The City did receive a lot of FEMA money which helped offset a lot of additional expenses that occurred in 2008 due to heavy snowfall and flooding. The fund balance at the end of 2008 was approximately \$2.9 million, of that \$1.8 million is reserved; the designated fund balance for non-lapsing and carryover items is approximately \$362,000; and the undesignated fund balance is approximately \$740,000.

Debt capacity is at 39% for general obligation debt, which is in line with the State average for municipalities. Ms. Meinholz said according to the Report on Internal Controls, a few items that were suggested to be done in 2007, have been done. Some of the items would be very difficult to change because of the size of City staff; there will always be some duties that overlap.

Cm. Gray asked how a "material weakness" compares to a "significant deficiency". Ms. Meinholz said this would be one step lower than a material weakness, which is more important.

Cm. Zastrow, seconded by Cm. Gray, moved to accept and file the Report by Baker Tilly Virchow Krause, LLC on the City's Financial Statements as of December 31, 2008, and Report on Internal Controls. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

The City Clerk/Treasurer requested that a change be made to the Planning Commission minutes of June 9, 2009 in the last paragraph on page one. He said he would like the motion to read: "Motion by Cm. Gray, seconded by Bill Camplin, to recommend to the Council to approve the Petition as presented, with R-3 zoning and Ward 3, contingent on the petitioner paying the Town taxes and City assessments."

Cm. Gray, seconded by Cm. Leschier, moved to accept and file the Electrical, Building and Plumbing Permit Reports for May, 2009; the minutes of the Library Fund Raising Sub-Committee meeting held March 9, 2009; the minutes of the Dwight foster Public Library Board meeting held May 4, 2009; the Minutes of the Jefferson County Economic Development Consortium meeting held May 13, 2009; the minutes of the Planning Commission meeting held June 9, 2009 with the amendment requested by the City Clerk/Treasurer incorporated; the minutes of the Board of Review meeting held June 2,

2009; and the minutes of the Tourism Committee meeting held May 14, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO SET PUBLIC HEARING ON PETITION FOR ANNEXATION FROM ABILITIES, INC., FOR PROPERTY AT SOUTHWEST CORNER OF NORTH MAIN STREET AND WEST BLACKHAWK DRIVE.

The City Manager said the only action needed on this item is to set the public hearing for the next Council meeting. There was no objection and the matter will be set for public hearing on July 7, 2009.

9. NEW BUSINESS

- a. REJECT BID FOR PAVEMENT MARKING CONTRACT AND AUTHORIZE CONTRACT TO BE REBID.

The City Manager said only one bid was received for this project and he would suggest the project be rebid. It was indicated by the contractors who took out the plans and specifications but did not bid the project, that they did not have the equipment to remove the existing lines, so the City will be doing that work in-house and will rebid the project for the striping only. Cm. Zastrow asked if the Contract also includes the relining/restriping of Main Street for the change in traffic patterns. The City Engineer said that is included.

Cm. Schultz, seconded by Cm. Gray, moved to reject the bid from Century Fence for the pavement marking contract, and authorize the rebidding of the Contract. The motion carried on a voice vote.

- b. REVIEW AND APPROVE 2008 COMPLIANCE MAINTENANCE ANNUAL REPORT (C.M.A.R.) FOR WASTEWATER UTILITY, AND RESOLUTION.

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

RESOLUTION NO. 1152

BE IT RESOLVED that the City Council of the City of Fort Atkinson does hereby authorize the filing of the Compliance Maintenance Annual Report as required by Ch. NR208, Wisconsin Administrative Code, and DNR Facility Permit 0022489-08-0 for the year 2008.

The City of Fort Atkinson being the owner and the operator of the Wastewater Utility does hereby inform the Department of Natural Resources that the following actions were taken by the City Council:

- A. This Resolution does acknowledge that the governing body has reviewed the C.M.A.R.
- B. This Resolution further documents that all actions necessary to maintain effluent requirements contained in the WPDES Permit are being adhered to.

The City Manager said this is the first time in quite a while that the Wastewater Utility didn't get straight A's, but there are reasons for that.

The Wastewater Utility Supervisor addressed the Council and indicated the overall grade point average was 3.72 for all the areas at the Plant. All categories were A's except for a C and B for influent loadings and collection system, which were both related to the flooding. The Plant had seven months where they were over 90% of their design flow last year which gave the Plant a grade of C. The collection system received a grade of a B which was due to bypass for flooding issues. They had 10,000,000 gallons going through the plant for several days during the flood which is the maximum amount they can put through the Plant.

The Supervisor said it has been 16 years since the last construction at the Plant and things are generally in good condition. They are required to submit a response to the DNR because of the C grade, to let them know what the plans are to correct the situation. We are working on sewer inspections for the area where the inflow problems seem to be.

Cm. Gray asked if 2.43 million gallons per day is what our actual capacity is. The Supervisor said the 2.7 million gallons is the design average for peak performance. He said designs of wastewater utilities built in the 1970s have found they can recalculate their design averages.

Cm. Lescohier asked if the flood last year caused any concern on the Supervisor's part. The Supervisor said the only real problem is in the collection system. The City Manager said with the amount of flows coming into the Plant, it showed that it runs exceptionally better than expected.

The City Manager then addressed questions brought up by Cm. Schultz regarding anticipated improvements at the Plant. He said the grinders coming into the Plant will need replacing in the next few years, as well as looking at the potential to add flow capacity to the Plant.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the 2008 Compliance Maintenance Annual Report (C.M.A.R.) for the Wastewater Utility, and adopt the Resolution stating the City is filing the Compliance Report. On call of the roll, the motion carried unanimously.

c. ADOPT AMENDED DRUG AND ALCOHOL POLICY FOR TRANSIT SYSTEM.

The City Manager said this policy gives Brown's Cab Service the ability to comply with the Federal Transit authorities requirements for drug and alcohol testing. As a recipient of Federal money, we are part of this and need to approve and adopt the policy for our transit program which we contract with Brown's Cab Service. The City does not do the enforcement on this, Brown's would do that. The changes in the policy were highlighted in the submittal to the Council.

Cm. Gray, seconded by Cm. Schultz, moved to approve and adopt the amended Drug and Alcohol Policy for the transit system. The motion carried on a voice vote.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

Provisional:

Adam P.D. Malette	Lions Quick Mart
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Regular:

Alyssa B. Block	Blackhawk Tavern
Terry L. Eifert	Stop-N-Go
Craig N. Engstrom	Velvet Lips
Tareva A. Feery	The Filling Station
Debra L. Riggs-Boss	Soup's On
Jack S. Schuknecht	Velvet Lips
Sarah L. Singsime	Salamone's

The motion carried on a voice vote.

b. CITY, SEWER AND WATER FINANCIAL STATEMENTS AS OF MAY 31, 2009.

The City Manager said everything seems to be running at 37-38% and through May we should be at about 42%, so we are around 3-4% below where we should be. He hopes to be able to give the Council an update on the Governor's Budget in July as to where we will be at going into the budget process.

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

- c. SPECIAL BEER AND WINE LICENSE FOR JEFFERSON COUNTY LITERACY COUNCIL TO USE AT A FUNCTION AT THE ATMOSPHAIR SKYDIVING CENTER AT THE AIRPORT ON JUNE 26, 2009.

Jill Ottow said the Literacy Council is a private non-profit corporation serving adults and families with literacy services in Jefferson County. They are having a fundraiser called "Hats off to Literacy" on Friday, June 26, 2009 with a comedy night and auction event at the Atmosphair Skydiving Center at the Airport. She said the event should end by 9:30 p.m.

Cm. Lescohier, seconded by Cm. Schultz, moved to approve the Special Beer and Wine License for the event at the Airport on Friday, June 26, 2009.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

- a. VERIFIED CLAIMS.

Cm. Gray, seconded by Cm. Zastrow, moved the bills in the amounts of \$268,745.07 for the City (Fund 1); \$32,375.78 for the Sewer Utility (Fund 2); \$22,785.64 for the Water Utility (Fund 3); \$1,500.00 for Stormwater Management (Fund 10); \$4,212.50 for Downtown Economic Development (Fund 13); \$3,648.25 for Northwest Corridor Development (Fund 14) and \$143,386.13 for Payroll #11 as per Schedule N-96 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 June 16, 2009 regular City of Fort Atkinson Council meeting at 7:47 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer