

**CITY COUNCIL MINUTES  
FORT ATKINSON, WISCONSIN  
August 4, 2009**

1. CALL MEETING TO ORDER

A regular meeting of the City Council was called to order by President Pro Tem Zastrow 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

Pres. Mielke was excused.

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

3. APPROVAL OF MINUTES OF JULY 21, 2009 REGULAR COUNCIL MEETING

The minutes of the July 21, 2009 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

None.

6. RESOLUTIONS AND ORDINANCES

- a. RESOLUTION COMBINING WARDS FOR THE SEPTEMBER 15, 2009 SPECIAL ELECTION.

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

RESOLUTION NO. 1154

BE IT RESOLVED by the City Council of the City of Fort Atkinson pursuant to Section 5.15(6)(b), Wisconsin Statutes, that the wards in the City of Fort Atkinson shall be combined as follows for the September 15, 2009 Special Election:

WARDS 1 – 9

BE IT FURTHER RESOLVED that the group of combined wards shall use one ballot box and separate voter counts will not be maintained for the combined wards, however separate ballots shall be maintained as needed for each ward as required under State Statute Section 5.60 and 5.655.

Cm. Lescohier, seconded by Cm. Schultz, moved to adopt the Resolution combining Wards for the September 15, 2009 Special Election. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Gray, seconded by Cm. Schultz, moved to accept and file the minutes of the Historical Society Board meeting held June 18, 2009; the minutes of the Historic Preservation Commission meeting held July 7, 2009; the minutes of the Planning Commission meeting held July 28, 2009; the minutes of the Dwight Foster Public Library Board meeting held June 1, 2009; and the minutes of Water Tower Committee meeting held July 28, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO SET PUBLIC HEARING ON REQUEST TO REZONE DWIGHT FOSTER PUBLIC LIBRARY PROPERTY AT 102 EAST MILWAUKEE AVENUE FROM C-2 (CENTRAL BUSINESS) TO C-5 (DOWNTOWN BUSINESS).

Cm. Schultz, seconded by Cm. Lescohier, moved to set the public hearing on the request to rezone the Dwight Foster Public Library property from C-2 to C-5 for September 1, 2009. The motion carried on a voice vote.

- b. DISCUSSION AND UPDATE ON FORMATION OF STORMWATER UTILITY.

The City Manager provided copies of Chapter 7 of the City's Stormwater Management Plan which outlines the steps for establishing a stormwater utility budget, the ERU rate and the billing procedure. As stated at the last Council meeting, the City is looking at an estimated ERU rate of approximately \$38.27 for every residential household or \$6.33 on the bi-monthly water bill. The City Manager said also included in his information was the average of the 60 communities that have gone with a stormwater utility and they range from \$15.00

to \$108.00, with an average of approximately \$52.00. What we are proposing will be somewhat less than the average.

He then reviewed Table 7-11 which addressed what some of the businesses, hospital and schools would be paying on an annual and bi-monthly basis. He also reviewed Table 7-7 which was a sample of what some of the projects would be and the potential costs the City would be incurring under the Stormwater Management Plan. They are basically administration of the program and direct stormwater improvement areas, that being street cleaning and storm sewer maintenance. In the capital section, we are planning to meet the compliance in the State mandate. We will be looking at some high efficiency street cleaning and some stormwater drainage improvements. Those would be areas where we don't really have a solid funding source at this time, when we have the stormwater areas where there are problems after a heavy rain where water sits for a long time flooding streets; this would give us a source to make improvements to alleviate the problems. This year we have identified two or three spots where property owners are having a real impact with stormwater flooding their back yards and even their basements. Those are being done this year out of some non-lapsing funds that we had from last year.

Communities around the State are balking at the costs to implement these stormwater mandated requirements and as recently as last week, there is a proposal to push the 40% reduction out ten years to give communities an opportunity because the State provided a limited source of funding to do these improvements. There is some legislation, but if it passes or not they are giving a lot of support and if it does, I think the City would adjust accordingly. The City Manager said he thinks the City would still work over time to get the stormwater requirements that we are under.

The schedule, if we move forward would be for a public informational session is scheduled for August 13, 2009 at the Museum from 3:00 – 6:00 p.m., and we will be using the Chamber of Commerce's broadcast website to get this information out to the Chamber members. We will have a select list of businesses to mail the notices to. There will be two notices in the paper to inform people of this public informational session and encourage them to attend. There will be a presentation at approximately 4:00 or 4:30 p.m. and a question and answer time as well. After that, the official action would be to review the information from the public informational meeting at the September 1, 2009 regular Council meeting. Then it would take us the rest of the year to get the billing system set up, with the first bills going out in February of 2010.

Cm. Gray asked if the year 2009 was included in the costs, how much would the stormwater utility expenditures total out of this year's budget that we are already spending. The City Manager said if you look at the operational portion on Table 7-7 for the street cleaning and the stormwater maintenance, we added 3% of what this year's budget was. The DNR 216 permit fees were in this year's budget and

we are going to allocate some engineering and administration costs. So basically, the \$194,000 is roughly the number that we have in this year's budget that would move. Cm. Gray asked if any of the \$55,000 storm sewer and drainage improvement amount would happen other than for this requirement. The City Manager said it would be an area that we could address in property issues and concerns. Cm. Gray asked if we have ongoing things that would fall into that category. The City Manager said there is not; he said it has been haphazard. Some years we have had the ability to put some storm sewer outlay in to address some issues, but it hasn't been consistent.

Cm. Gray said there are two things going on – one is the fact that we have a mandate to reduce our content of the effluent of our stormwater, and two, we are faced as every other city is, with budget limitations, and this provides an opportunity to do two things. It provides an opportunity to fund this mandate and it also offers the opportunity to move expenses which we are already spending into another category so we can free up money to be able to spend it on something else and still be within the budget limits. Cm. Gray said he is in favor of the first of those two, and he can understand the necessity for the second, but it bothers him a little bit that that's what we are doing. He asked how the City Manager feels about the second part of that, from the standpoint of simply moving dollars off property taxes and putting them on a user fee and spending the same dollars again, which isn't going to reduce property taxes.

The City Manager said he felt the same way as Cm. Gray. He said he has been outspoken for the last ten years on moving to a fee- based kind of system and he is still not in favor of it. He said we are not moving 100% of the costs; we are still going to have some budget reductions because of it. We are probably going to be more in the \$225,000 to \$250,000 area that we are going to have to move off just to operate as normal. It isn't a dollar for dollar. We have been one of those communities, and probably are being criticized for it in the past, as we haven't jumped on all the new programs that other communities have, like hiring staff to video tape their Council meetings. We have maintained basically, the municipal services. We haven't deviated much from that. We are providing a high quality of service to the community, but we aren't providing anything that the community doesn't want or need.

We would be looking at probably a reduction in our staff, which is a little less than 100 full-time employees probably by four or five full-time employees, to meet the budget requirements that we face. He said that puts us into a level of service reduction that he does not feel is acceptable. He doesn't like to go that route as far as the fees are concerned, but he doesn't see the City doing anything without really jeopardizing some of the hours of operation of some of our facilities whether it be the Museum, Library, Aquatic Center, or City Hall, some of those kinds of things that he said we provide a good level of service, but nothing that is real extravagant.

Cm. Gray said the only other item that he can think of where the City did that was the fire hydrant service being moved off of the property taxes and put it on the utilities bills. The City Manager said that is the only other time we have done this. He said most of the City Departments are pretty scarce as far as staff is concerned; there are not a lot of employees to operate what we need to operate and some of the requirements we are under. The City Manager said he is not thrilled to do this, but we are one of the last communities that are moving in that direction, and we have avoided all the other kinds of things just to continue with our staffing levels.

Cm. Schultz said user fees are going to save basic services. It is not as if we are going to institute it and then say look at all the money we have, let's go out and find something to spend it on. We had something already that we need basically to save.

The City Manager said we virtually have a need for another employee in each City Department, whether it is police, fire, public works, museum, library, etc.

Cm. Gray asked what the line item for Jones Dairy Farm included. The City Manager said to get to the 40% reduction we are going to need a little bit more than the Janette Street pond and Larsen lagoons. The Jones family has considered providing the City with some land next to the lagoons to be another detention area.

Cm. Schultz said the Janette Street pond does not seem very big. The City Manager said it takes a huge drainage area; it goes all the way up to the High School. He said the residents have been after the City for about 20 years to do something to help them with this pond. They are very willing to let us in there to do whatever we need to do.

Cm. Lescohier asked if there is an idea on the dollar amount of credits we may have to issue to property owners who have taken it upon themselves to initiate some stormwater mitigation. The City Manager said what we are going to see is that rain gardens, rain barrels and those types of things probably aren't going to be much of a credit, if any. It would be too cumbersome to try to monitor and to determine who has them, when they are in use, etc. What we are going to see however, is the businesses that have put in detention ponds, and some of the new subdivisions have detention ponds. All of the new residential developments that have detention areas will have to be mapped out. Cm. Gray asked how you apply a credit like that to individual residential owners. The City Manager said AECOM will have to figure that out. Virtually every business in the Business Park has a detention area, so they will all get some type of credit for it.

Cm. Lescohier asked if as more and more commercial businesses initiate some type of effort to reduce their cost of this, will the City's whole cost go down. The City Manager said in effect, we are. The costs will remain the same, our number

of ERUs will be less, so it would in fact have that kind of an impact. The City Manager said we have contacted the Larsen Company to attempt to negotiate with them to purchase their lagoons, but are having a hard time contacting them. The City Manager said that would almost solve our entire stormwater issue. Cm. Gray asked if there would be a potential liability with what is on that property. The City Manager said Larsens had offered these lagoons to the City after they closed, and the City agreed to take them once they had the DNR clearance on them, however they never got back to us. Now any problems that were there should be virtually gone. We still have an interest in their donating them to the City which would save us a lot of acquisition costs. That would get us to almost that 40%.

Cm. Gray asked how the City would get the stormwater run-off to the Larsen lagoon area. The City Manager said it would have to be done by piping. He said it would take from Park Street over to Highland Avenue. It would also give us the ability, since the route is along Industrial Drive, to replace the street, which needs replacement.

Cm. Gray, seconded by Cm. Schultz, moved to accept and continue with the timetable for the stormwater utility development. On call of the roll, the motion carried unanimously.

9. NEW BUSINESS

None.

10. MISCELLANEOUS

a. SET DATES FOR CAPITAL IMPROVEMENT PROGRAM AND BUDGET WORKSHOPS AND PUBLIC HEARINGS.

The Council approved the dates specified in the City Manager's memo.

b. SET DATE FOR LICENSE COMMITTEE MEETING.

The City Clerk requested a License Committee meeting date be set for Monday, August 24, 2009 at 4:00 p.m. He also requested that the Committee membership be made up of Council members Gray, Schultz and Zastrow. Those three members agreed to the date and time requested. The City Manager said Pres. Pro Tem Zastrow will chair the meeting in President Mielke's place.

c. APPOINTMENT OF CITY REPRESENTATIVE TO JOINT REVIEW BOARD.

The City Manager said that according to State Statutes, the City is required to set up a Joint Review Board to review our Tax Incremental District No. 8. He said that Sheldon Mielke of the Industrial Development Corporation has agreed to be the City's representative. Jason Demerath will represent the School District and

Dennis Heling will represent Jefferson County. M.A.T.C. has not made their appointment as of this time.

Cm. Gray, seconded by Cm. Lescohier, moved to appoint Sheldon Mielke as the City's representative to the Joint Review Board for Tax Incremental District No. 8. The motion carried on a voice vote.

d. GRANTING OPERATOR LICENSES.

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

Regular:

Kiley T. Kilkenny	Paddy Coughlin's
Adam P. Malette	Lions Quick Mart
Sandra L. Tracy	The Filling Station

Provisional:

Robert S. Kurtz	Lions Quick Mart
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The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Gray, seconded by Cm. Lescohier, moved the bills in the amounts of \$199,736.15 for the City (Fund 1); \$47,101.47 for the Sewer Utility (Fund 2); \$31,487.10 for the Water Utility (Fund 3); \$11,663.75 for Klement Business Park (Fund 12); \$158,887.78 for Payrolls #15 and 15A; \$21,676.26 for Sewer Utility Debt Service; and \$30,037.51 for Water Utility Bond Redemption Fund as per Schedule N-99 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. Lescohier, moved to adjourn the August 4, 2009 regular City of Fort Atkinson Council meeting at 7:29 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski  
City Clerk/Treasurer