



City of Fort Atkinson  
City Clerk/Treasurer's Office  
101 N. Main Street  
Fort Atkinson, WI 53538

**CITY COUNCIL MEETING  
IN PERSON AND VIA ZOOM  
TUESDAY, JUNE 7, 2022 – 7:00 PM  
CITY HALL – SECOND FLOOR**

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**1. CALL MEETING TO ORDER**

President Scherer called the meeting to order at 7:00 pm.

**2. ROLL CALL**

Present: Cm. Becker, Cm. Hartwick, Cm. Johnson, Cm. Schultz and President Scherer. Also present: City Manager, City Attorney, City Engineer, City Clerk/Treasurer and Public Works Superintendent.

**3. PUBLIC HEARINGS - NONE**

**4. PUBLIC COMMENT - NONE**

**5. CONSENT AGENDA:**

- a) *Review and possible action relating to the minutes of the May 17, 2022 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b) *Review and possible action relating to the minutes of the May 24, 2022 regular Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c) *Review and possible action relating to the minutes of the May 31, 2022 License Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Becker moved, seconded by Cm. Johnson to approve the Consent Agenda as listed, items 5.a. through 5.c. Motion carried.

**6. PETITIONS, REQUESTS, AND COMMUNICATIONS:**

- a) *Recognition of 30 Years as a Tree City USA for the City of Fort Atkinson (Scherer, Council President)*

No action required.

**7. RESOLUTIONS AND ORDINANCES:**

- a) *Second and possible third reading of an Ordinance amending Section 1-14 of the City of Fort Atkinson Municipal Code relating to Voting Wards and Boundaries (Ebbert, Clerk/Treasurer/Finance Director)*

Clerk Ebbert discussed the second reading of the Ordinance that re-numbers Ward 11 to Ward 10. Ward 10 will consist of vacant land on Banker Road and the re-numbering does not affect any residents. There is no financial impact on the City.

Cm. Hartwick moved, seconded Cm. Johnson to suspend the rules and waive the third reading of the Ordinance Amending Section 1-14 of the City of Fort Atkinson Municipal code relating to voting wards and boundaries. Motion carried.

Cm. Hartwick moved, seconded by Cm. Becker to adopt the Ordinance Amending Section 1-14 of the City of Fort Atkinson Municipal Code relating to voting wards and boundaries. Motion carried.

**8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:**

*a) City Manager's Report (LeMire, City Manager)*

No action required.

*b) Extraterritorial Survey Report (Selle, City Engineer/Director of Public Works)*

No action required.

**9. UNFINISHED BUSINESS:**

*a) Review and possible action relating to a Construction Oversight Amendment to an existing design contract for the 2022 Water Main and Street Rehabilitation Program with Ruekert and Mielke for an amount not to exceed \$104,848 (Selle, City Engineer/Director of Public Works)*  
Engineer Selle updated the Council on the project that includes water main, sanitary and stormwater improvements and repave approximately 1.2 miles within the south central part of the City. Work is slated to begin in late June 2022 and be completed by early October. The contract amendment is for Ruekert and Mielke to provide Construction Oversight on the project. The original contract was for the design of this project and was approved by the City Council on August 17, 2021. During the expected time of construction, beginning in late June and ending in early October, Ruekert and Mielke will have a representative on-site each day documenting the work progress, managing questions, and troubleshooting inevitable issues that come up in the field. The cost for this is significant, but given the expected service life of this main (hopefully 100 years) the investment in quality assurance is warranted. Staff expects the final cost of oversight to be less than shown as they will bill only for the time they are on site.

Preconstruction meeting on June 15<sup>th</sup> with construction anticipation to begin June 20<sup>th</sup>. A letter will be sent to residents by June 10<sup>th</sup> with basic information on the project.

Cm. Becker moved, seconded by Cm. Johnson to authorize the City Manager to sign a construction oversight amendment to an existing design contract for the 2022 Water Main and Street Rehabilitation program with Ruekert and Mielke for an amount not to exceed \$104,848. Motion carried.

**10. NEW BUSINESS:**

*a) Review and possible action relating to Alcohol Beverage License applications for the licensing period of July 1, 2022 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Hartwick moved, seconded by Cm. Becker move to approve the Alcohol Beverage License applications for the licensing period of July 1, 2022 to June 30, 2023, subject to payment of any outstanding fees and monies owed to the City by all applicants prior to issuance.

*b) Review and possible action relating to Cigarette and Tobacco Products Retail License applications for the licensing period of July 1, 2022 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Becker moved, seconded by Cm. Johnson to approve the Cigarette and Tobacco Products Retail License applications for the licensing period of July 1, 2022 to June 30, 2023, subject to payment of any outstanding fees and monies owed to the City by all applications prior to issuance. Motion carried.

*c) Discussion and possible action relating to a vehicle damage claim against the City of Fort Atkinson from an incident on May 13, 2022 (Ebbert, Clerk/Treasurer/Finance Director)*

Clerk Ebbert reviewed the submission by the claimant stating their vehicle was damaged by blacktop. The city's insurance company reviewed the loss, submitted materials and interviewed Departments. Following review, the insurance company recommended the city disallow the claim.

Cm. Becker moved, seconded by Cm. Johnson move to disallow the claim against the City of Fort Atkinson from Norma Navarro for vehicle damage from an incident on May 13, 2022 pursuant to Wis. Stats. 893.80(1g), and as recommended by the City's insurance carrier and staff. Motion carried.

#### **11. MISCELLANEOUS – NONE**

#### **12. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:**

*a) Review and possible action relating to the Verified Claims presented by the Director of Finance and authorization of payment (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Hartwick moved, seconded by Cm. Johnson to approve the Verified Claims presented by the Director of Finance and authorize payment. Motion carried.

#### **13. THE CITY COUNCIL MAY CONSIDER A MOTION TO CONVENE IN CLOSED SESSION PURSUANT TO STATE STAT. §19.85(1)(E) TO DELIBERATE PUBLIC BUSINESS WITH COMPETITIVE OR BARGAINING IMPLICATIONS [PURCHASE AND/OR SALE OF PUBLIC PROPERTIES; ELEMENTS OF POSSIBLE DEVELOPMENT AGREEMENT]**

Cm. Becker moved, seconded by Cm. Johnson to adjourn into closed session pursuant to State Stat. §19.85(1)(e) to deliberate public business with competitive or bargaining implications relating to the purchase and/or sale of public properties and a possible Development Agreement. Motion carried.

#### **14. ADJOURNMENT**

Cm. Hartwick moved, seconded by Cm. Becker to adjourn. Meeting adjourned at 8:56 pm.

Respectfully submitted  
Michelle Ebbert  
City Clerk/Treasurer