



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 21, 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. Johnson, Cm. Schultz and President Scherer. Also present: City Attorney (virtual), City Manager, City Clerk/Treasurer, City Engineer, Wastewater Superintendent and Public Works Superintendent

**3. PUBLIC HEARINGS – NONE**

**4. PUBLIC COMMENT:**

Carrie Kendrick, 12 Krause Avenue – regarding the Farmers Market entertainment. She was not in favor of the presenter and felt it was inappropriate. She felt it was not appropriate for the venue and location as all ages of attendees were present. She demands moral parameters are placed on presenters and shames the Council for condoning it.

David Radtke, 204 Spry Avenue – he supports comments made by Kendrick. Did not appreciate the performer.

Terri Nelson, 213 Sherman Avenue W – attended the Farmers Market and will not attend again without knowing the performer ahead of time. She thinks the Council should have say on who performs.

David Emmrich, 1661 Janesville Avenue – he felt having a drag queen performing at the Farmers Market was a bad idea. He stated it offends large numbers of Christian residents and wants the Farmers Market to return to the farmers.

Ron Martin, 409 Nadig Drive – he shared Facebook comments from the Farmers Market performer that were not in support of the entertainment.

William Shipley, 101 Sherman Avenue E – has attended the Farmers Market regularly and stated he will not return until a change has been made to those that approved the entertainment.

Rebecca Van Ess, 1320 Riverside Drive – she shared concern for children for any involved in that ‘lifestyle’. She wants people to be encouraged in how they were created.

Debra Friedl, 430 N. High Street – she feels the Council permitted the performer at the Farmers Market. She cares for children and did not feel they should have been exposed to the performer.

Kristy Tooke 412 E Sherman Avenue – did not support the performer at the Market and would rather see the Unity Project work in conjunction with other events.

Betty Cloute, 1005 Madison Avenue – she addressed the Council as a business owner. She stated that other businesses are getting emails asking them to quit the Chamber.

Jeremy Lehmann, 727 Messmer Street – feels those in the audience should be issued an apology and accept a performance was approved poorly. He stated those in the audience were requesting acknowledgment that

Ann Engelman, 428 E Sherman Avenue – she appreciated the comments made by all. She stated that the Council cannot speak to accountability to this matter. She feels the Farmers Market will review the action and

Shirley Brown, 625 East Street - focus on the Farmers Market and the vendors. Purpose is to promote and maintain a strong business community and go back to that and promoting the focus. She feels a written apology should be provided.

Robin Lehmann, 727 Messmer Street – she does not support someone pushing sexuality on others and asked others help keep people safe.

##### **5. CONSENT AGENDA:**

- a) Review and possible action relating to the minutes of the June 7, 2022 regular City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b) Review and possible action relating to the minutes of the June 7, 2022 License Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c) Review and possible action relating to the minutes of the June 14, 2022 regular Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- d) Review and possible action relating to building, plumbing, and electrical permit report for May 2022 (Building Inspector)*
- e) Review and possible action relating to the City Clerk-issued License and Permit Report for May 2022 (Ebbert, Clerk/Treasurer/Finance Director)*
- f) City Sewer, Water, and Stormwater Utility Financial Statements as of May 31, 2022 (Ebbert, Clerk/Treasurer/Finance Director)*
- g) Review and possible action relating to Citizen Appointment of Melinda Valentine Davis and Stephanie Walls to the Historic Preservation Commission (LeMire, City Manager)*

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

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

*a. Recognition of the retirement of Douglas Yandry after 25 years of service to Fort Atkinson Public Works (Selle, City Engineer/Public Works Director)*

No action required.

## **7. RESOLUTIONS AND ORDINANCES:**

*a. Review and possible action relating to the Resolution approving the Wastewater Utility 2021 Compliance Maintenance Annual Report (CMAR) (Christensen, Water Utility Superintendent)*  
Wastewater Supervisor spoke on the report and the grading received.

The Utility's 2021 grades are as follows:

- Influent flow and loadings = A
- Effluent quality: BOD = A
- Effluent quality: TSS = A
- Effluent Quality: Ammonia = A
- Effluent quality: Phosphorus = A
- Biosolids quality and management = A
- Preventive maintenance and staffing = A
- Operator certification = A
- Financial management = A
- Collection systems = A

Our overall grade point average for 2021 is 4.00 (2020 = 3.84) and indicates that overall the plant is in good condition and is operating at a high level.

Cm. Johnson moved, seconded by Cm. Schultz to adopt the resolution and authorize staff to file the 2021 Compliance Maintenance Annual Report (CMAR) as required by Ch. NR 208, Wisconsin Administrative Code. Motion carried.

*b. First reading of an Ordinance to amend the Official Zoning Map of the City of Fort Atkinson to change the zoning of 1205 Industrial Drive from HI, Heavy Industrial, to MI, Medium Industrial (Selle, City Engineer/Director of Public Works)*

Engineer Selle reviewed the request from the property owner to build personal storage facilities which is allowed in Medium Industrial zoning with a conditional use. The applicant also applied for a Conditional Use Permit for the expansion of a personal storage use on this property, which if approved by the Plan Commission on June 28<sup>th</sup>, would only be valid if the City Council approves this Zoning Map Amendment.

Cm. Schultz moved, seconded by Cm. Johnson to direct the City Manager to prepare this Ordinance for a second reading at the City Council meeting on July 5, 2022. Motion carried.

*c. First Reading of an Ordinance Annexing the territory along the southwest corner of US Highways 12 and 26 to the City of Fort Atkinson (Selle, City Engineer/Director of Public Works)*

Engineer Selle reviewed the submission by the property owner that has requested that the property be annexed into the city. City staff and representatives from Fort Healthcare have been working together on a number of projects, and staff suggested annexation of the property prior to any future sale so that the property would be subject to the City's zoning regulations and would not be prematurely developed in the Town. The property is requested to be zoned RH, Rural Holding District. This district acts as a "holding zone" to preserve productive agricultural lands that are not yet ready to be developed with City utilities. The City's Comprehensive Land Use Plan shows this area as appropriate for Planned Mixed use and Environmental Corridors in the future. The City included planned roadways on this property as part of the Official Mapping process earlier in 2022. The City is considering the creation of a Tax Increment District in this area, and including this parcel, later this summer. The parcel must be located within the City limits in order to be included in the TID.

Cm. Johnson moved, seconded by Cm. Schultz move to direct the City Manager to prepare this Ordinance for a second reading at the City Council meeting on July 5, 2022. Motion carried.

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

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

No action required.

#### **9. UNFINISHED BUSINESS:**

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

Clerk Ebbert reviewed the submission for the 303 S. Main Street location being sold by Loeder BP. A successful background check was done with recommendation from the Licensing Committee.

Cm. Johnson moved, seconded by Cm. Schultz to approve the Alcohol Beverage License application for Iys Ventures, LLC 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. Motion carried.

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

Clerk Ebbert stated the application was submitted and completed appropriately.

Cm. Schultz moved, seconded by Cm. Johnson to approve the Cigarette and Tobacco Products Retail License application for Iys Ventures, LLC 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. Motion carried.

#### **10. NEW BUSINESS:**

*a. Review and possible action relating to an Agreement with Key Benefits Concept for GASB 75 Other Post-Employment Benefits valuation services for 2021-2025 for \$9,875.00 (Ebbert, Clerk/Treasurer/Finance Director)*

Clerk Ebbert reviewed how Key Benefits Concepts (KBC) completed an actuarial liability study for the City of Fort Atkinson in December 2018 in response to Governmental Accounting Standards Board (GASB) No. 75. GASB 75 refers to year-end financial reporting Other Post-Employment Benefits (OPEB) other than pensions, for local governments. We currently have employees that began employment prior to January 1, 2013 and have the option to convert this sick time balance to cover premiums for health and dental insurance. An OPEB liability will exist for potentially 25 additional years therefore requiring the annual valuation.

Cm. Johnson moved, seconded by Cm. Schultz to approve the Agreement with Key Benefits Concept for GASB 75 Other Post-Employment Benefit valuation services for 2021-2025 for \$9,875.00. Motion carried.

*b. Review and possible action relating to a Master Services Agreement with Ruekert and Mielke for Engineering Services (Selle, City Engineer/Director of Public Works)*

Engineer Selle reviewed the agreement that would focus on the following items:

1. GIS Map Updates – The City needs to map new assets precisely (fiber-optic, water improvements and stormwater improvements).
2. Tax Increment District Project Estimates and Mapping – Staff will need mapping services and detailed cost estimates for the project plans for the two TID Districts that will come before Council, the Plan Commission, and the Joint Review Board for review.
3. Annual Water / Sewer / Road work for 2023 – The City needs assistance to design water main replacement, road improvements, and sanitary collection system improvements ready for bidding by January 2023.

Funds for these task orders will be billed to the appropriate City funds and accounts. Much as this year's public works project was allocated among four funds (water, sewer, storm, and road), the cost associated with each task order will also be budgeted and funded within the appropriate City fund and account. This Agreement does not commit the City to use this firm for all projects, it simply formalizes the terms under which staff may develop task orders for specific projects and services. Each task order will include a scope, deliverables, budgets and schedule.

Cm. Johnson moved, seconded by Cm. Schultz to authorize the City Manager to execute the Master Services Agreement with Ruekert & Mielke, Inc. for a two-year term and to authorize the City Manager and Director of Public Works to authorize task orders for approved projects up to \$10,000. Motion carried.

*c. Review and possible action relating to a Proposal for a DPW Facility Study by Engberg Anderson in an amount not to exceed \$9,000 (Williamson, Superintendent of Public Works)*

PW Superintendent Williamson discussed the current DPW facility located on James Place includes a mix of buildings, some of newer construction others 50 or more years in age. In 2017,

the City Council approved a similar study with a firm. The work was not performed as expected, and staff ended the contract early, although not without some useful information. Funds for a new assessment were included in the 2022 Capital Improvements Project Budget. A new request for proposals was advertised for this work. The request is focused on a space needs study and will look to accommodate the necessary space on either the existing campus or a new, larger facility.

Cm. Johnson moved, seconded by Cm. Schultz to authorize the City Manager to execute a contract with Engberg Anderson Architects for a Department of Public Works Facility Study in an amount not to exceed \$9,000 as budgeted in the 2022 CIP. 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. Johnson moved, seconded by Cm. Schultz 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)(G) IN ORDER TO CONFER WITH LEGAL COUNSEL WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGIES TO BE ADOPTED BY THE COUNCIL WITH RESPECT TO CURRENT LITIGATION**

Cm. Schultz moved, seconded by Cm. Johnson to adjourn into closed session pursuant to State Stat. §19.85(1)(g) in order to confer with legal counsel with respect to litigation. Motion carried.

#### **14. ADJOURNMENT**

Cm. Johnson moved, seconded by Cm. Schultz to adjourn. Meeting adjourned at 8:56 pm.

Respectfully submitted  
Michelle Ebbert  
City Clerk/Treasurer/Finance Director