



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 19, 2022 – 7:00 PM
CITY HALL – SECOND FLOOR**

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 Engineer, City Clerk/Treasurer, City Attorney.

3. PUBLIC HEARINGS - NONE

4. PUBLIC COMMENT - NONE

5. CONSENT AGENDA:

- a) Review and possible action relating to the minutes of the June 30, 2022 Economic Development Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b) Review and possible action relating to the minutes of the July 5, 2022 regular City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c) Review and possible action relating to the minutes of the July 5, 2022 License Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- d) Review and possible action relating to the minutes of the July 13, 2022 Finance Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- e) Review and possible action relating to building, plumbing, and electrical permit report for June 2022 (Draeger, Building Inspector/Zoning Administrator)*
- f) Review and possible action relating to the City Clerk-issued License and Permit Report for June 2022 (Ebbert, Clerk/Treasurer/Finance Director)*
- g) City Sewer, Water, and Stormwater Utility Financial Statements as of June 30, 2022 (Ebbert, Clerk/Treasurer/Finance Director)*
- h) Review and possible action relating to Special Event: Parks & Recreation Youth Triathlon, Saturday July 30, 2022 at Rock River Park, Aquatic Center and Montclair Subdivision (Ebbert, Clerk/Treasurer/Finance Director)*
- i) Review and possible action relating to Special Event: Lemke Legacy 5K, August 20, 2022 at Lion's Park Shelter, Glacier Trail (Ebbert, Clerk/Treasurer/Finance Director)*
- j) Review and possible action relating to Special Event: American Legion Post 166 2022 AA State Legion Baseball Tournament, July 29-August 2, 2022 at Jones Park (Ebbert, Clerk/Treasurer/Finance Director)*

- k) Review and possible action relating to Special Event: Lion's Club, Brat & Curd Stand, during Rhythm Remix, Saturday, August 27, 2022 at Lorman Bicentennial Park (Ebbert, Clerk/Treasurer/Finance Director)*

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

6. PETITIONS, REQUESTS, AND COMMUNICATIONS – NONE

7. RESOLUTIONS AND ORDINANCES:

- a) Review and possible action relating to a Resolution approving participation in the 2023 Jefferson County Road Aid Program and authorizing the City's contribution of \$6,191 from the 2022 Street Program budget (Selle, City Engineer/Director of Public Works)*

Engineer Selle reviewed the match program, known as the County Road Aid Fund. In place since 2005, the program allows municipalities to contribute cash to an account based upon the total length of streets in their jurisdiction. The County will in turn match that amount, effectively doubling the value. The work is then performed by the County crews, up to the amount available in the fund.

Cm. Becker moved, seconded by Cm. Schultz to approve the resolution to participate in the 2023 Jefferson County Road Aid Program and authorize the City's contribution of \$6,191 from the 2022 Street Program budget. Motion carried.

- b) Second reading of an Ordinance to amend the Official Zoning Map of the City of Fort Atkinson to change the zoning of the properties located at 603 N. Fourth Street, 609 N. Fourth Street, 615 N. Fourth Street, and 403 McMillen Street, from SR-5, Single-family Residential – 5, to I, Institutional (Selle, City Engineer/Director of Public Works)*

Engineer Selle presented the second reading of the Ordinance. Said properties are owned by Fort HealthCare of Fort Atkinson. Comments were provided at the Plan Commission meeting but no other comments since that time.

Cm. Hartwick moved, seconded by Cm. Schultz to direct the City Manager to prepare this Ordinance for a third and final reading at the City Council meeting on August 2, 2022. Motion carried.

- c) Third and final 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 stated this is the third and final reading for the Ordinance. No feedback was received from the public for this request that has been reviewed at Plan Commission and City Council.

Cm. Becker moved, seconded by Cm. Schultz to approve the 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. Motion carried.

d) First reading of an Ordinance Annexing the territory located at W6490 Campus Drive and W6492 Campus Drive to the City of Fort Atkinson (Selle, City Engineer/Director of Public Works)
Engineer Selle presented the first reading for these properties adjacent to the High School and Banker Road land owned by the City. This will also be presented to the Plan Commission.

Cm. Schultz moved, seconded by Cm. Becker to direct the City Manager to prepare this Ordinance for a second reading at the City Council meeting on August 2, 2022. Motion carried.

8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

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

No action required.

9. UNFINISHED BUSINESS – NONE

10. NEW BUSINESS:

a) Review and possible action relating to the repurchase of land per the Klement Business Park Covenants (LeMire, City Manager)

Manager LeMire reviewed the sale of land in 2020 of 7.80 acres to Mickelson Investments. After discussions with the property owner, the project plan is not compatible with the Klement Business Park covenants, the City Zoning Ordinance or the City's MS4 storm water discharge permit from the DNR.

Cm. Schultz moved, seconded by Cm. Becker to approve the repurchase of parcel number 226-0514-1742-000 in the Klement Business Park for \$153,246.97 per the Covenants, with a closing date of August 26, 2022. Motion carried.

b) Review and possible action relating to Alcohol Beverage License application for Guanajuato Produces for the licensing period of July 19, 2022 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert reviewed the renewal application which included no changes to the premise or the agent of the business.

Cm. Becker moved, seconded by Cm. Hartwick to approve the Alcohol Beverage License application for Guanajuato Produces for the licensing period of July 19, 2022 to June 30, 2023 contingent upon payment of all monies owed to the City. Motion carried

c) Review and possible action relating to Alcohol Beverage License application for La Morenita, LLC for the licensing period of July 19, 2022 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert presented the application for a license for the 303 S 3rd Street location. The applicant appropriately completed the application, passed a background check, provided proof of their seller's permit and federal ID number.

Cm. Becker moved, seconded by Cm. Schultz to approve the Alcohol Beverage License application for La Morenita, LLC for the licensing period of July 19, 2022 to June 30, 2023 contingent on completion of required Responsible Beverage Server course and payment of all monies owed to the City. Motion carried.

11. MISCELLANEOUS – NONE

12. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:

a) Review and possible action relating to a vehicle damage claim against the City of Fort Atkinson from an incident on June 27, 2022 (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert reviewed the submitted notice of incident from June 27, 2022 submitted from a driver for damage to her vehicle that occurred that morning. She stated her vehicle sustained damage when she had to drive on the shoulder of Janesville Avenue in front of Kwik Trip, 1672 Janesville Avenue. She provided appropriate documentation which was turned over to LWMMI for review. Following Staff review, it was confirmed that the City gave permission to Kwik Trip to reroute traffic onto the shoulder of Janesville Ave while they constructed a turn lane. The shoulder was not constructed to withstand heavy traffic and had deteriorated forming potholes. The City was not aware of the potholes until the incident was reported on 6/27 and appropriately filled the potholes that same day. Statewide Services, Inc administers the claims for LWMMI and following review, have recommended the denial of the claim based on the fact that the investigation revealed no liability on behalf of the City.

Cm. Schultz moved, seconded by Cm. Becker to disallow the vehicle damage claim against the City of Fort Atkinson from an incident on June 27, 2022 pursuant to Wis. Stats. 893.80(1g), and as recommended by the City's insurance carrier and staff. Motion carried.

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

13. ADJOURNMENT

Cm. Becker moved, seconded by Cm. Schultz to adjourn. Meeting adjourned at 7:34 pm.

Respectfully submitted

Michelle Ebbert

City Clerk/Treasurer/Finance Director