



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, SEPTEMBER 6, 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 Attorney, City Engineer, City Clerk/Treasurer, Wastewater Superintendent, Park & Recreation Director, Building Inspector

3. PUBLIC HEARINGS – NONE

4. PUBLIC COMMENT - NONE

5. CONSENT AGENDA:

- a) *Review and possible action relating to the minutes of the August 16, 2022 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b) *Review and possible action relating to the minutes of the August 23, 2022 regular Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c) *Review and possible action relating to the minutes of the August 24, 2022 Loan Review Committee meeting (LeMire, City Manager)*
- d) *Review and possible action relating to the minutes of the August 29, 2022 Economic Development Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- e) *Review and possible action relating to the minutes of the August 30, 2022 Police and Fire Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- f) *Review and possible action relating to Special Event: St. Joseph Catholic Church Fall Fest, September 10-11, 2022 at St. Joseph Catholic Church (Ebbert, Clerk/Treasurer/Finance Director)*
- g) *Review and possible action relating to Special Event: Rotary Wine Walk, Friday, October 14, 2022 downtown Main Street (Ebbert, Clerk/Treasurer/Finance Director)*
- h) *Review and possible action relating to Special Event: Kiwanis Club Trunk or Treat, Monday, October 31, 2022 at Jones Park (Ebbert, Clerk/Treasurer/Finance Director)*
- i) *Review and possible action relating to Special Event: CLCA Fall Fest 2022, Saturday, Oct. 22, 2022 from 10 a.m. to 1 p.m. at CLCA campus (Ebbert, Clerk/Treasurer/Finance Director)*
- j) *Review and possible action relating to Temporary "Class B" Retailer's Licenses for the Rotary Club of Fort Atkinson (Ebbert, Clerk/Treasurer/Finance Director)*

- k) *Review and possible action relating to Temporary Class "B" Retailer's Licenses for St. Joseph's Catholic Church – St. Joseph's Fall Festival September 10-11, 2022 (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Becker moved, seconded by Cm. Schultz 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) *First reading of an Ordinance Annexing the territory located at W6124 Sunset Ave., to the City of Fort Atkinson (Selle, City Engineer/Director of Public Works)*

Engineer Selle stated this is the first reading of the Ordinance submitted by the property owner. Public utilities exist at the location and the owner will be connecting and abandoning the existing services. Per the City's Comprehensive Plan, this parcel is part of the South Neighborhood Planning Area, and the future land use is designated as Single-family Residential - Urban. The Proposed use is in concert with the City Comprehensive Plan. The parcel will continue as a single-family residence. The applicant has requested SR-2, Single-family Residential, zoning within the City. The Plan Commission reviewed and recommended approval of the annexation.

Cm. Hartwick moved, seconded by Cm. Johnson to direct the City Manager to prepare this Ordinance for a second reading at the City Council meeting on September 20, 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 Special Event: Adult Recess, Friday, Sept. 23, 2022 at Jones Park (Franseen, Parks and Recreation Director)*

Director Franseen presented the adult recess event that is a 21+ only free event that allows adults to be kids for a night. There will be nostalgic playground games, all of the favorite old hits, and food and beverages will be available for purchase through the General's concession stand. In addition to Cornhole, giant Jenga, giant Connect 4, glow Disc Golf (and more), there will be organized games such as kickball, capture the flag, and dodgeball. Staff will have a table for participants to sign the Parks and Recreation Liability Waiver. Additionally, staff will check ID's and issue a wristband. 200 participants are expected.

Cm. Schultz moved, seconded by Cm. Becker to approve the Special Event: Adult Recess, Friday, Sept. 23, 2022 at Jones Park. Motion carried.

b) Review and possible action relating to Alcohol Beverage License application for the licensing period of September 7, 2022 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert reviewed the recommendation by the License Committee from Ruhani Gas & Food, Inc who has applied for a "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage license for use at 1012 Whitewater Avenue. This location currently operates as NK Gas & Food with the same type of alcohol license. The intoxicating liquor license quota is at maximum therefore the license holder, Nirbhai Pangli of NK Gas & Food submitted a letter confirming they would surrender their license to applicant Jitendrakumar Patel for use 1012 Whitewater Avenue operating as Shell Food & Liquor.

Cm. Becker moved, seconded by Cm. Johnson to approve the Alcohol Beverage License application for the licensing period of September 7, 2022 to June 30, 2023 for Ruhani Gas & Food, Inc. d/b/a Shell Food & Liquor at 1012 Whitewater Avenue, conditioned upon a successful background check and all monies owed to the City are paid prior to issuance. Motion carried.

c) Review and possible action relating to a Letter of Engagement from Baker Tilly US, LLP for TID #7 100% Audit (LeMire, City Manager)

Manager LeMire discussed the last date to incur costs relating to TID #7 was January 18, 2022. The project plan was adopted in late 1999, amended in 2003 and 2011. As no new project costs may be incurred, the city is required to perform a 100% audit.

Cm. Schultz moved, seconded by Cm. Hartwick to authorize the City Manager to execute the Letter of Engagement from Baker Tilly US, LLP for TID #7 100% Audit to take place in 2023. Motion carried.

d) Review and possible action relating to a Letter of Engagement from Baker Tilly US, LLP for annual audit services for 2022-2024 (LeMire, City Manager)

Manager LeMire reviewed the long-standing relationship with Baker Tilley who has served as the auditor for many years. Additional work is noted due to receiving federal funds, new funds and GASB requirements. A three-year quote was provided that included a 2022 audit year fee increase of 10%. The costs of the audit are split amongst the general and utility funds.

Cm. Becker moved, seconded by Cm. Johnson to authorize the City Manager to execute the Letter of Engagement from Baker Tilly US, LLP for annual audit services for 2022-2024. Motion carried.

e) Review and possible action relating to a proposal from Artisan Graham to list the City-owned parcels in the Klement Business Park (LeMire, City Manager)

Manager LeMire reviewed the proposal from Brandon Housley and Jeff Hoeye, representing Artisan Graham Real Estate, in early August to represent the City in the marketing, listing, and sale of the City-owned parcels in the Klement Business Park. The current listing agent is for the Klement Business Park is Madison Commercial Real Estate, LLC. This firm has represented the

City since 2019. The current agreement expired on August 11, 2021. Prior to this agreement, the listing agent for the business park was CBRE, Inc. from 2016 to 2019.

The Artisan Graham proposal was reviewed and recommended by the Economic Development Commission. The firm is proposing a slight decrease in the cost per acre of the lots with Janesville Avenue frontage from \$40,000/acre to \$30,000/acre. Other parcels will remain at \$20,000/acre. The firm is proposing a discounted commission of 5%, which is paid from the proceeds of the sale at closing. The 5% commission represents a decrease of 1% from the current (but expired) listing contract with Madison Commercial Real Estate.

Cm. Hartwick moved, seconded by Cm. Schultz to authorize the City Manager to sign a two-year agreement with Artisan Graham Real Estate to list the City-owned parcels in the Klement Business Park. Motion carried.

f) Review and possible action relating to a Tentative Agreement between the Fort Atkinson Professional Police Association Local #40 and the City of Fort Atkinson (LeMire, City Manager)

Manager LeMire provided the tentative agreement that referenced remote appearance for court, salaries and cleaned up language regarding pay periods.

Cm. Becker moved, seconded by Cm. Johnson to approve the Tentative Agreement between the Fort Atkinson Professional Police Association Local #40 and the City of Fort Atkinson and authorize execution of the Agreement after final review by the Finance Committee, City Manager, and the Police Chief. Motion carried.

g) Review and possible action related to Wastewater Treatment Plant – Phase 2 improvements project change order 5 – Aeration Equipment Substitution (Christensen, Wastewater Utility Superintendent)

Wastewater Superintendent Christensen and Donohue Representative Kevin Berg discussed the Phase 2 Improvements project at the wastewater treatment plant (WWTP) includes the procurement and installation of new fine-bubble aeration equipment in Aeration Basins 1 and 4, and Aerobic Digesters 1, 2, and 3. These systems are critical to the treatment of wastewater and the stabilization of biosolids at the facility. The selected manufacturer of the equipment has gone out of business as of early August 2022. The Contractor has engaged an alternate supplier that can meet the project specifications. The cost of equivalent equipment has increased since bidding in March 2021 – resulting in the need for a change order to make up the cost differential. The Contractor has submitted a request for a change of \$28,184 to address this issue. A change of this value requires Council review and approval to move forward.

Cm. Hartwick moved, seconded by Cm. Becker to approve the Wastewater Treatment Plant – Phase 2 improvements project Change Order 5 – Aeration Equipment Substitution – in the amount of \$28,184. Motion carried. Motion carried.

h) Review and possible action related to Wastewater Treatment Plant – Phase 2 improvements project change order 6 – Influent Wastewater Valve Body Replacement (Christensen, Wastewater Utility Superintendent)

Wastewater Superintendent Christensen and Donohue Representative Kevin Berg reviewed the change order. Phase 2 Improvements project at the wastewater treatment plant (WWTP) included the refurbishment of existing ductile iron plug valves in the raw wastewater piping. These valves are original to 1971, but appeared to be in good condition at the time of design, aside from known difficulties operating the valves. Replacement of the rotating assembly while reusing the existing housing bodies was included in the design as a cost saving measure at the time of bidding. There was no reasonable way to isolate or inspect the valves to determine their exact condition at the time of design

Staab has provided an estimated value of the change at \$70,314. The value of the materials about \$36,000, and Staab has estimated the effort at about 280 hours of labor. This total includes setup/takedown of all rigging and equipment to facilitate the change, as well as direct labor to remove and install the valves. Staab confirms this change is provided as a cost not-to-exceed on a time and material. Donohue and the City will track the labor hours actually required to complete the work, and Staab's cost will not exceed \$70,314 without prior authorization from the City accompanied by reasonable justification from Staab.

Cm. Becker moved, seconded by Cm. Johnson to approve the Wastewater Treatment Plant – Phase 2 improvements project Change Order 6 – Influent Wastewater Valve Body Replacement – in an amount not to exceed \$70,314. Motion carried.

i) Review and possible action related to Wastewater Treatment Plant – Phase 2 improvements project change order 7 – Primary Clarifier Floor Replacement Credit (Christensen, Wastewater Utility Superintendent)

Wastewater Superintendent Christensen and Donohue Representative Kevin Berg reviewed the credit for the project. The Phase 2 Improvements project at the wastewater treatment plant (WWTP) included removal and replacement of the grout topping on the floor of both primary clarifier tanks. This work was included as Bid Alternate 2 which was accepted by the City at the time of bidding in March 2021. After taking both clarifiers out of service and evaluating the condition of the floors, the recommendation was made to leave the floors intact. The overall condition was acceptable, with no areas of loose or deteriorating material identified. Comparison to historical photos in the 1993 improvements project indicated similar condition, confirming that no long-term degradation appears to be occurring. The bid value of the alternate was \$42,000. Discussion with Staab indicates that no significant costs were incurred during the time of investigation, and the entire value of the Work will be returned to the City.

Cm. Hartwick moved, seconded by Cm. Johnson to approve the Wastewater Treatment Plant – Phase 2 improvements project Change Order 7 – Primary Clarifier Floor Replacement Credit – accepting a credit of \$42,000. 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. Becker moved, seconded by Cm. Hartwick to approve the Verified Claims as presented. Motion carried.

13. ADJOURNMENT

Cm. Hartwick moved, seconded by Cm. Becker to adjourn. Meeting adjourned at 7:53 pm.

Respectfully submitted

Michelle Ebbert

City Clerk/Treasurer/Finance Director