



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, NOVEMBER 19, 2024 – 7:00 PM
CITY HALL – SECOND FLOOR**

MINUTES

1. Call meeting to order

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

2. Roll call

Present: Cm. Becker, Cm. Jaeckel, Cm. Johnson, Cm. Schultz and President Lescohier. Also present: City Manager, City Clerk/Treasurer, City Attorney, Director of Public Works, Public Works Superintendent, Building Inspector

3. Public Hearings

None.

4. Public Comment

None.

5. Consent Agenda

Schultz moved, seconded by Jaeckel to approve the Consent Agenda as presented. Motion carried.

- a. Review and possible action relating to the **minutes of the November 7, 2024 City Council meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- b. Review and possible action relating to the **minutes of the November 12, 2024 Plan Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- c. Review and possible action relating to **building, plumbing, and electrical permit report for October 2024** (Draeger, Building Inspector/Zoning Administrator)
- d. Review and possible action relating to the City Clerk-issued **License and Permit Report for October 2024** (Ebbert, Clerk/Treasurer/Finance Director)
- e. Review and possible action relating to **City Sewer, Water, and Stormwater Utility Financial Statements** as of October 31, 2024 (Ebbert, Clerk/Treasurer/Finance Director)
- f. Review and possible action on a **Special Event: Chamber of Commerce, Holiday Market & Trolley Rides, Saturday, December 7, 2024, 9:00 AM - 3:00 PM.** (Ebbert,

Clerk/Treasurer/Finance Director)

- g. Review and possible action on a **Special Event: Chamber of Commerce, Holiday Parade**, Sunday, December 8, 2024, 2:00 PM - 6:00 PM. (Ebbert, Clerk/Treasurer/Finance Director)*
- h. Review and possible action relating to a **Temporary Alcohol Beverage License for St. Joseph Catholic Church** for their event Tacos, Tamales & Trivia on Saturday December 7, 2024. (Ebbert, Clerk/Treasurer/Finance Director)*

6. Petitions, Requests, and Communications

- a. Public Works and Parks Operations facility - Project Update Q3 (Williamson, Public Works Superintendent)*

Superintendent Williamson provided an update on the construction of the Public Works and Parks Operations facility. No action required.

- b. Presentation from Trilogy Consulting, LLC relating to the City's Stormwater Utility, Water Utility, and Wastewater Utility (Selle, Director of Public Works)*

Director Selle and Trilogy gave a presentation on the Utility Funds, revenue and expense projections and explanations of rate increases. No action required at this time, but resolutions will be reviewed by Council on December 3, 2024.

- c. Review and possible action relating to a Petition by the City of Fort Atkinson to vacate Trillium Drive (Selle, Director of Public Works)*

Director Selle stated that Trillium Dr was platted in early 2024 using a Certified Survey Map, approved by Planning Commission and City Council. The boundaries of the right of way reflect a previous design for the development that is no longer appropriate. The right of way will be re-established in functionally the same area by the review (and expected) approval of a preliminary plat for all of the roads in the planned subdivision west of Banker Road.

Schultz moved, seconded by Jaeckel to accept the petition for the vacation of the Trillium Dr right of Way and instruct staff to prepare appropriate public notices. Motion carried.

7. Resolutions and Ordinances

- a. Review and possible action relating to a **Resolution Adopting the 2025 Annual Budget and Setting the Property Tax Levy for the City of Fort Atkinson, Jefferson County, Wisconsin** (Houseman, City Manager)*

Manager Houseman provided the following changes have been made since the draft budget document was presented to the City Council and the public at the public hearing on November 7, 2024: Staff has received and included the certified levies from all taxing jurisdictions; The charts and tables outlining the mill rates have been updated and included in Section C of the document; The final TID increment revenue has been determined and budgets updated; and The resolutions in Section Z have been updated. As

outlined in the attached Resolution, the total necessary levy needed to support the City's 2025 operations is \$9,710,108.88, including the TIDs. The total assessed value of the property within the City is \$1,302,076,400, which equates to a City Mill Rate of \$7.46 per \$1,000 of assessed property value.

Becker moved, seconded by Johnson to approve the Resolution Adopting the 2025 Annual Budget and Setting the Property Tax Levy for the City of Fort Atkinson, Jefferson County, Wisconsin. Motion carried

- b. *Review and possible action relating to a **Resolution Confirming the Total Levy for Taxing Jurisdictions in the City of Fort Atkinson and Determining the Mill Rate** (Houseman, City Manager)*

Jaeckel moved, seconded by Becker to approve the Resolution Confirming the Total Levy for Taxing Jurisdictions in the City of Fort Atkinson and Determining the Mill Rate. Motion carried.

- c. *Review and possible action relating to a **Resolution establishing the 2025 Schedule of Fees** for the City of Fort Atkinson, Jefferson County (Houseman, City Manager)*

Becker moved, seconded by Johnson to approve the Resolution establishing the 2025 Schedule of Fees for the City of Fort Atkinson, Jefferson County with an effective date of January 1, 2025. Motion carried.

- d. *Review and possible action relating to a Resolution approving interfund loans from the General Fund and the Wastewater Utility Fund to Tax Increment District #9 to support the Banker Road Public Infrastructure Project in the City of Fort Atkinson, Jefferson County, Wisconsin (Houseman, City Manager)*

Manager Houseman reviewed the resolution for interfund loans to support a 35-acre residential development on the west side of Banker Road between the City and Intrepid Investments. The award of this project is on this agenda for Council review and approval. The City borrowed \$3,200,000 in 2024 to support this project in order to develop the City owned land in the Banker Road neighborhood. At that time, the scope of the project was different, as outlined in the attached Resolution. The estimate for the construction costs associated with this project are outlined in the table below and include road and utility construction, construction oversight, design, contingency, and gas and electric utility infrastructure, for a total of \$4,810,239.58, which is \$1,610,239.58 more than the City borrowed for this project. Staff is proposing that the General Fund (Fund 1) loan \$625,000 to TID #9 (Fund 23) and that the Wastewater Utility Fund (Fund 2) loan \$1,000,000 to TID #9 (Fund 23) without interest and to be repaid with the schedule below. The City has a healthy General Fund fund balance, which exceeds the current minimum general fund fund balance policy. As of the 2023 Audit, the unassigned General Fund fund balance was \$3,828,062, which is 39% of budgeted general fund expenditures for the same year. The City's policy goal is 15-30%. Per the 2024 projections included in the City's 2025 budget document, staff anticipates the fund balance to grow (due to conservative budgeting on

interest income). Even with the temporary reduction of \$625,000 in the fund balance, the City would remain above the stated policy goal (around 32%). The City's financial advisors have indicated that such a loan with a payback schedule will not negatively impact the City's future bond rating. The City's Wastewater Utility has a healthy unrestricted net position that far exceeds 30% of total budgeted operating expenditures. The 2023 Audit shows the unrestricted net position of \$3,981,252. The 2023 budgeted expenditure total was \$3,364,350. With a temporary reduction of \$1,000,000 in the fund balance, the Utility would remain above 50% of budgeted total expenditures. The City's utility consultants have not expressed any concern over a loan of this nature.

Jaeckel moved, seconded by Becker to adopt the Resolution approving the interfund loans from the General Fund and the Wastewater Utility Fund to Tax Increment District #9 to support the Banker Road Public Infrastructure Project in the City of Fort Atkinson and direct the Clerk/Treasurer/Finance Director to execute the loan transaction and record the repayment schedule for future use. Motion carried.

8. Reports of Officers, Boards, and Committees

- a. *City Manager's Report (Houseman, City Manager)*
No action required.

9. Unfinished Business

None.

10. New Business

- a. *Review and possible action relating to an **Extraterritorial Certified Survey Map** for the property located at N1394 Schwemmer Lane (Draeger, Building/Zoning Administrator)*
Inspector Draeger reviewed the CSM request from the property owner who would like to break off a 1.1 acre residential parcel from the parent parcel along Schwemmer Lane in the Town of Koshkonong. This is within the 3-mile extraterritorial area of the City of Fort Atkinson and also within the 1.5-mile radius requiring review by the Plan Commission and approval by the City Council. The parcel has been rezoned to A-3 (Jefferson County Zoning), pending approval of the CSM. Staff recommends the council take no action on the proposed extraterritorial Certified Survey Map for the property located at N1394 Schwemmer Lane in the Town of Koshkonong. No action was taken.
- b. *Review and possible action on a contract for the **Banker Road public infrastructure** installation with Forest Landscaping and Construction in an amount not to exceed \$4,013,561.50 (Selle, Director of Public Works)*
Director Selle confirmed the City solicited bids for the construction of public improvements and extended grading of the proposed Banker Road Development. With eleven firms responding, the low bid was \$4,013,561.50 from Forest Landscaping and

Construction. The high bid was \$4,573,445.59 from Michels Road and Stone. The spread of the low and high was \$559,884 or about 14%. Construction is slated to begin yet in 2024, weather permitting, and contracts will be prepared following Council approval. The deadline for substantial completion is September 1, 2025. Forest Landscaping and Construction has performed work for the City for a number of years, and has met the required qualifications of the low bidder. The project will be funded from three sources; proceeds from the 2024 borrowing \$3,200,000, a loan to TID #9 from fund balance in the General Fund \$625,000, and a loan to TID #9 from fund balance in the Wastewater Utility, \$1,000,000. The total, \$4,825,000 is in excess of the construction contract, but includes other costs associated with the project which will come before Council for approval at later dates.

Becker moved, seconded by Jaeckel to approve the award to Forest Landscaping and Construction in an amount not to exceed \$4,013,561.50 under the financing terms noted above. Motion carried.

- c. *Review and approve for signature WDNR agreement formalizing Phosphorous Trading between the City and the Wastewater Treatment Plant (Selle, Director of Public Works)*
Director Selle refreshed the Council on the MS4 Permit held by the City (Municipal Separate Storm Sewer Systems) for stormwater discharge into the Bark and Rock Rivers. This permit is issued by the Wisconsin DNR and requires annual reports on progress made toward reductions in stormwater pollution, education on stormwater issues to the public etc. The amount of pollution the City is permitted to discharge into the rivers is governed by the TMDL (Total Maximum Daily Load), an allocation of acceptable pollution, based on scientific study, that the rivers can accommodate from the City without causing harm. Selle continued explaining the process; the MS4 Permit requires a reduction of 10 units of pollution; and the WPDES Permit also requires a reduction of 10 units of pollution. The City actually reduced the pollution into the river by 15 units following the treatment plant upgrades, which is 5 units more than needed for the WPDES Permit. The City will continue to operate at this level of pollution reduction for the foreseeable future. Staff approached the DNR in 2022 with a trading plan, to allow the additional 5 units of pollution under the WPDES Permit to be allocated as a credit toward the MS4 Permit. This would then reduce the required MS4 Permit's pollution reduction from 10 units, to 5 units. A significant win for the utility and taxpayers of Fort Atkinson, as reducing pollution units is very expensive. WDNR was intrigued by the idea and over the ensuing two years developed rules to allow this to occur. The City was the first in the state to move forward with this in 2022 and have now arrived at an agreement to govern the trade.

Jaeckel moved, seconded by Becker to authorize the City Manager to sign the WDNR agreement formalizing Phosphorous Trading between the City and Wastewater Treatment Plant. Motion carried.

- d. *Review and possible action relating to the **Preliminary Plat Review** for 611 and 609 Grove Street (Selle, Director of Public Works)*
Director Selle provided the Fort Atkinson Plan Commission's recommendation for approval

of the Preliminary Plat at a meeting on November 12, 2024. There are eight lots total, six owned by the City. City staff plan to put the six lots up for sale individually upon approval of this plat, with all potential sale transactions coming before Council for approval. Note the proposed deed restrictions included in the packet. The goals of these restrictions are to ensure that the design and use of the buildings fit with the character of the neighborhood and that they are built on promptly. Each lot is about 0.2 AC and is considered an in-fill lot. Based on similar, vacant, lots with stubbed sewer and water in the surrounding area, staff estimate a listing price of around \$55,000 for an initial entry into the market. Staff intends to use the services of the City Attorney to represent the City in these sales and closing documents.

Becker moved, seconded by Johnson to approve the Preliminary Plat for the property located at 611 and 609 Grove Street and authorize staff to list the City-owned parcels for \$55,000 each with the deed restrictions included in the staff report. Motion carried.

- e. *Review and possible action related to the **purchase and installation of replacement flooring** at the Wastewater Utility Main Building (Sweeney, Wastewater Superintendent)*
Wastewater Superintendent Christensen discussed the main building that features original flooring from 1992. Many areas of the flooring have been patched, and other areas are starting to crack and deteriorate. The 2024 CIP contains \$35,000 for replacement of this flooring. The proposal from Floorcare USA is over the estimated budget for the project by \$3,091. The Wastewater Utility generally uses operating funds for CIP items and has, thus far in 2024, underspent funds on CIP projects in excess of \$50,000. As such, the Wastewater Utility 2024 CIP budget can absorb this overage.

Jaeckel moved, seconded by Johnson to approve the proposal from Floorcare USA for replacement flooring at the WWTP at a cost not to exceed \$38,091 to be paid for using Wastewater CIP funds. Motion carried.

- f. *Review and possible action relating to the a contract for the **repair of the Memorial Park lift station** (Sweeney, Wastewater Superintendent)*
Wastewater Superintendent Christensen reviewed the Memorial Lift Station on Bark River Drive that was constructed in 1982. It was designed to pump wastewater from the north side of the city to the Wastewater Treatment Facility. There are four pumps in two wet wells and a control building with a backup generator and pump controls at this location. A small upgrade occurred in 1994, but it did not include the piping or the valves, which were in good condition at the time. The lift station consists of four pumps and associated piping, four 10" ball check valves and four 10" plug valves. When completing fall maintenance on the lift station, staff noticed that one of the 10" ball check valves was cracked. The side of the lift station with the cracked valve cannot be used until it is repaired. Further investigation was done by Utility staff and a mechanical contractor. Staff found that all the piping and valves are in very rough condition and in need of replacement. Replacing the four ball checks, four plug valves, and pump piping at the same time will save the Utility money on materials and labor. Note that the Memorial Lift Station is susceptible to Hydrogen Sulfide which is very corrosive to the piping and valves. The new piping

proposed will be stainless. This total expense of \$99,956 was not planned or budgeted in 2024; however, staff recommends that the fund from the Equipment Replacement Fund be used. This fund includes annual operating funds set aside specifically for unplanned equipment repair expenses.

Becker moved, seconded Johnson by to approve the proposal from Dorner for both the plug valves and ball check valves for a total of \$33,956 and the removal and installation proposal by Staab Construction for \$66,000 for a total of \$99,956 for repairs to the Memorial Park lift station using equipment replacement funds. Motion carried.

*g. Review and approve the Small Animal Collection Contract with the **Humane Society of Jefferson County** for 2025 (Ebbert, Clerk/Treasurer/Finance Director)*

Clerk Ebbert discussed the partnership with the City and the Humane Society of Jefferson County to maintain collection of small animals within the city limits. The contract has been approved annually (calendar year) by the City Council and the Humane Society Board. The shelter will continue to provide current pickup and drop-off service for stray animals to residents and law enforcement during regular business hours and will be able to pickup animals collected overnight after the shelter opens for regular business hours as well. Additional information is detailed in the attached contract. There are no provided changes to the contract or services provided for 2025. The Humane Society utilized our population value of 12,466 with a rate of \$2.74 per resident totaling \$34,146.80 per year. This reflects an increase of 2.5%. Annually, a 1.5% discount may be applied should we elect to provide the contract payment in one lump sum in the month of January. We have appreciated this offering and have taken advantage of the savings. With the discount, the annual fee is \$33,644.45, a savings of \$512.20. \$34,000 is budgeted for this service in the 2025 budget (01-53-5343-000).

Schultz moved, seconded by Johnson to approve and authorize the City Manager to sign the 2025 Small Animal Collection Contract with the Humane Society of Jefferson County in the amount of \$33,644.45 for the term of January 1, 2025, through December 31, 2025. Motion carried.

*h. Review and possible action relating to **disallowance of a claim** against the City of Fort Atkinson, Goldsmith (Ebbert, City Clerk/Treasurer/Finance Director)*

Clerk Ebbert reviewed the claim filed and reviewed by the City's insurance company, the League of Wisconsin Municipalities Mutual Insurance. On August 23, 2024, an auto accident occurred which resulted in damage to Mitchel Goldsmith's vehicle, which resulted in this particular claim. Statewide reported the City is not liable for Mr. Goldsmith's vehicle damage, due to the fact that Mr. Goldsmith did not yield to the Police Department squad car. Statewide recommended that the City disallow the claim. The disallowance of the claim shortens the statute of limitations period to six months for any future lawsuit relating to this matter.

Becker moved, seconded by Schultz to disallow the claim against the City of Fort Atkinson from the Claimant pursuant to Wisconsin Statutes 893.80(1)(g). Motion carried.

- i. *Review and possible action to authorize the City Manager to issue a **Request for Proposals for recruitment services** for a Director of Public Works (Houseman, City Manager)*

Manager Houseman stated that Director of Public Works Andy Selle submitted his letter of resignation with his last day on December 18, 2024. This position used to be the Director of Public Works/City Engineer. However, earlier this year, the City Manager split the position into two: the Director of Public Works and the City Engineer. The City Engineer position was a reclassification of an existing vacant position (Assistant City Engineer). The assistant position had been vacant for several years, and staff thought that upgrading the position may attract more people to the opening. Additionally, the combined Director and City Engineer position is overwhelming and unrealistic due to the quantity of work and expertise necessary to perform it. Staff has drafted a request for proposals to send to state and industry-specific recruiting firms. The City does not have the staff or capacity to perform this search without assistance. Staff would like to release the RFP and review the proposals. Any contract, agreement, or consultant services would return to the City Council for review and action before execution.

Schultz moved, seconded by Jaeckel to authorize the City Manager to release the Request for Proposals for the Director of Public Works recruitment services. Motion carried.

11. 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)*

Becker moved, seconded by Johnson to approve the list of Verified Claims and authorize payment. Motion carried.

12. Adjournment

Becker moved, seconded by Schultz to adjourn. Meeting adjourned at 9:02 pm.

Respectfully submitted,
Michelle Ebbert
City Clerk/Treasurer/Finance Director