

# **City of Atkins City Council Meeting Regular Session**

## **Tuesday, June 25, 2024 at 6:30 p.m.**

### **City Hall Council Room, 480 Third Avenue, Atkins, Iowa, 52206**

The meeting is to be broadcast on <https://www.youtube.com/@CityofAtkinsIA>. Public comments may be received at the office of the City Clerk, Atkins City Hall, 480 Third Avenue, Atkins and as provided in-person below.

Contact the City Clerk at 319-446-7870 or email [cityhall@cityofatkins.org](mailto:cityhall@cityofatkins.org) if you plan to speak before the Council on an agenda item.

NOTICE AND CALL OF PUBLIC MEETING. The Mayor and Council welcome comments from the public during public input time. You are required to approach the podium and state your name and address for the record and to limit the time used to present your remarks in order that others may be given an opportunity to speak. The order of business is at the discretion of the Chair. The meeting may be recorded.

## **A G E N D A**

### Pledge of Allegiance

1. Call to order and roll call by Mayor Bruce Visser.
2. Approve the Agenda
3. Consent agenda:
  - a. Approve City Council Minutes of May 28, 2024 (Special Session), June 11, 2024, and June 18, 2024 (Special Session).
  - b. List of Bills for Approval
4. Presentation by Fowler Public Sector Consulting – City of Atkins - Report on Staffing and consulting /accounting services planning.
5. Council discussion and possible action - Staffing recommendations/ consulting /accounting services planning.
6. A RESOLUTION APPROVING CONTRACT AMENDMENT #01A WITH SOLUM LANG ARCHITECTS, LLC FOR REVISIONS TO THE FINAL DESIGN AND CONSTRUCTION DOCUMENTS FOR THE ATKINS FIRE STATION PROJECT - SETTING SCOPE AND FUNDING.
7. Reports:
  - a. Mayor's Report
  - b. Interim City Administrator's Report
  - c. Council member Reports
8. Future Agenda Item Discussion:
9. Public input for items not on the agenda. Comments are limited to 3 minutes.  
Correspondence received:
10. Next regular council meeting to be held July 9, 2024, at 6:30 p.m. City Hall/Library, Council Room, 480 3rd Avenue, Atkins, IA.
11. Adjournment.

This Notice is given at the direction of the mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the City of Atkins, Iowa.

Posted June 23, 2024, City Hall and Post Office.

**City of Atkins City Council Meeting**  
**Regular Session Minutes**  
**Tuesday, May 28, 2024 at 6:30 p.m.**  
**City Hall Council Room, 480 Third Avenue, Atkins, Iowa, 52206**

Mayor Bruce Visser called the meeting to order at 6:35pm.

Present were Council members EJ Bell, Trevor Dursky, David Fisher, Jim Koehn, Samantha Petersen, and Mayor Bruce Visser. Also present were Interim City Administrator Sandi Fowler, Deputy Clerk Amy Breese, and various members of the public.

Koehn moved to approve the agenda. Petersen seconded the motion. Discussion resulted in Fisher making a motion to strike the word “Resolution” from item #9, Discussion and Resolution selecting the design and establishing a proposed timeline for the 2024 Fire Station Project, from the agenda. Bell seconded. Ayes: Fisher, Bell. Nays: Koehn, Petersen, Dursky. Motion failed. The vote on the original motion to approve the agenda was held. Ayes: Dursky, Koehn, and Petersen. Nays: Fisher, Bell. Motion carried.

A public hearing was held on the proposed Budget Amendment for Fiscal Year July 1, 2023 – June 30, 2024. No public comments were received in person or in writing. The public hearing closed at 6:45pm.

Koehn moved to approve Resolution 2024-05-01 adopting the Budget Amendment for Fiscal Year 2024 beginning July 1, 2023, and ending June 30, 2024, for the City of Atkins, Iowa. Dursky seconded the motion. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Teresa Rotschafer, Iowa League of Cities consultant, via phone provided an update on the city’s financial position. Teresa provided a handout entitled, “Bank Reconciliation Report 7/1/2023 (6/30/2023).”

Koehn moved to approve the consent agenda. Petersen seconded the motion. Included were the City Council meeting minutes from May 14, 2024, the list of bills, Cigarette and Tobacco Permits 2024-001 for The Depot Atkins LLC, 188 Parkridge Road, and 2024-002 for Dollar General Corporation, 402 Stonebrook Drive, Resolution 2024-05-02 to approve Watermelon Days Events August 9-10, 2024, Resolution 2024-05-03 to approve Watermelon Days Fireworks on August 10, 2024, Resolution 2024-05-04 to approve Friends of the Library Book Sale on City Hall Property on June 7-8, 2024, and Resolution 2024-05-05 to approve Benton County Iowa State Extension and Outreach use of the City of Atkins Park Pavilion and payment of \$300 for hosting Summer Science Discovery Camps in June and July 2024. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

CLAIMS REPORT 05.28.24

VENDOR	REFERENCE	AMOUNT
**PAYROLL EMPLOYEE CHECKS**	PAYROLL 5/5/24-5/18/24	\$ 8,853.52
IOWA FINANCE AUTHORITY	LOAN PMT C0773R	\$ 220,990.00
IOWA FINANCE AUTHORITY	LOAN PMT C0754G	\$ 98,660.00

EFTPS	FED/FICA TAX	\$ 2,881.94
IPERS	IPERS REGULAR	\$ 3,732.91
AMY BREESE	HSA 5/24/24	\$ 50.00
TODD DAMON	HSA 5/24/24	\$ 111.53
MIKE RAMMELBERG	HSA 5/24/24	\$ 73.07
JARROD TOMILNSON	HSA 5/24/24	\$ 200.00
A.W. ENTERPRISES, INC.	PARTS	\$ 898.39
ACCESS SYSTEMS	COMPUTERS	\$ 5,184.39
ACCESS SYSTEMS LEASING	EQUIPMENT LEASES/COPIERS	\$ 861.97
ALTORFER INC.	GENERATOR MAINTENANCE	\$ 6,510.00
BENTON COUNTY SOLID WASTE COMM	TIPPING FEES	\$ 1,959.14
BOUND TREE Medical, LLC	MEDICAL SUPPLIES	\$ 2,426.50
CHEM-SULT, INC.	CHEMICALS	\$ 5,323.45
CUSTOM HOSE AND SUPPLIES, INC	HOSE ASSEMBLY	\$ 96.89
ESG PROFESSIONAL ACCOUNTA	APRIL SERVICES	\$ 2,803.00
FIREHOUSE PYROTECHICS	2024 FIREWORKS DISPLAY	\$ 4,000.00
HI - VIZ SAFETY	SIGNS	\$ 900.25
MENARD'S	SUPPLIES	\$ 196.62
MIDWEST PATCH	MIDWEST PATCH	\$ 889.50
QUILL	SUPPLIES	\$ 259.24
ULTIMATE SAFETY CONCEPTS	BATTERY	\$ 181.20
WELLMARK BC/BS OF IOWA	JUNE PREMIUM	\$ 2,722.80
Cardmember Service	APRIL TRANSACTIONS	\$ 1,169.43

Accounts Payable Total	\$ 363,082.22
Invoices: Paid	\$ 327,868.88
Invoices: Scheduled	\$ 35,213.34
Payroll Checks	\$ 8,853.52
***** REPORT TOTAL *****	<u>\$ 371,935.74</u>

NO FUND ASSIGNED	
GENERAL	\$ 29,107.02
ROAD USE TAX	\$ 4,696.67
DEBT SERVICE	\$ 98,660.00
WATER	\$ 11,588.14
SEWER	\$ 227,883.91
TOTAL FUNDS	<u>\$ 371,935.74</u>

Koehn moved to approve Resolution 2024-05-06 a Minor Boundary Change for a lot known locally as 303 2<sup>nd</sup> Avenue, Atkins, Iowa, to create a Parcel F. Fisher seconded. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Paula Mitchell, ECICOG, provided an update on the Community Development Block Grant - Disaster Recovery Project.

Koehn moved to approve Resolution 2024-05-07 authorizing execution of Amendment No. 1 to the contract with the East Central Iowa Council of Governments (ECICOG) for Community Development Block Grant Disaster Recovery (CDBG-DR) Administration and Project Delivery Services. Petersen seconded. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Trisha Cornwell, ESG Professional Accountants, provided a status report on the scope of work approved on March 26, 2024. Trisha provided two handouts entitled, "ESG Professional Accountants Update," and "City of Atkins Bank Reconciliation Reports for the month ending April 30, 2024."

The City Council discussed the Fire Station Project plans.

Dursky moved to approve Resolution 2024-05-08 selecting the design and establishing a proposed timeline for the 2024 Fire Station Project, indicating the selection of Option B: Revised concept modifying design plans for an approximately 13,300 square foot facility and including only minor alterations to the maintained existing City Hall/Library parking lot, for a 5/7/2024 dated opinion of probable cost of \$5,078,288.19. (Construction bid cost: \$4,452,083.99) This option requires an 8'-0" reduction from the south end of the facility. It also includes three deduct alternates proposed for the fully-designed plan: Deduct alternate 1: PEMB (pre-engineered metal building) south bay wall in lieu of brick façade, deduct alternate 2: Insulated overhead doors in lieu of all glass overhead doors, deduct alternate 3: Mezzanine build-out in lieu of shell space with MEP stub-ins, and Site plan reduction Option only utilizing the existing City Hall/Library parking lot for access to rear apron entry (requires variance for minimum parking requirements). The motion included the addition of an Add Bid Alternate: Site Plan Reduction option incorporating a drive-through apron from 3<sup>rd</sup> Avenue for access to rear apron entry (requires variance for minimum parking requirements). Petersen seconded. Ayes: Dursky, Koehn, and Petersen, Nays: Bell, Fisher. Motion carried.

No public comments were received.

The next regular council meeting will be held June 11, 2024, at 6:30 p.m. City Hall/Library, Council Room, 480 3rd Avenue, Atkins, IA.

Mayor Visser asked for a motion to adjourn the meeting. Koehn moved to adjourn, Petersen seconded. Motion carried. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Adjournment 9:34pm.

---

Amy Breese, Deputy Clerk

---

Bruce Visser, Mayor

**City of Atkins City Council Meeting**  
**Regular Session Minutes**  
**Tuesday, June 11, 2024, at 6:30 p.m.**  
**City Hall Council Room, 480 Third Avenue, Atkins, Iowa, 52206**

Mayor Bruce Visser called the meeting to order at 6:31pm.

Present were Council members EJ Bell, Trevor Dursky, David Fisher, Jim Koehn, Samantha Petersen, and Mayor Bruce Visser. Also present were Interim City Administrator Sandi Fowler, Deputy Clerk Amy Breese, and various members of the public.

Petersen moved to approve the agenda. Dursky seconded the motion. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen. Nays: None. Motion carried.

Petersen moved to approve the consent agenda. Dursky seconded. Consent agenda items included were Council Minutes for May 21, 2024 (Special Session), List of Bills for Approval, and Resolution 2024-06-01 authorizing payment of contractor's pay request 4 in the amount of \$52,934.31 to Ralston Eco Homes LLC of Shellsburg, Iowa per IEDA CONTRACT 20-DRH-013. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

List of Bills:

VENDOR	REFERENCE	AMOUNT
USPS - POSTMASTER	POSTAGE FOR MAY24 BILLS	323.83
**PAYROLL EMPLOYEE		
CHECKS**	PAYROLL 5/19/24-6/1/24	9138.66
RALSTON ECO HOMES, LLC.	CDBG-DR GRANT EXP REIMB	52,934.31
STONE RIDGE DEVELOPING	TIF REBATE 11/2016-3/2023	39,070.01
EFTPS	FED/FICA TAX	2,931.38
AMY BREESE	HSA 6/7/24	50
TODD DAMON	HSA 6/7/24	111.53
MIKE RAMMELSBURG	HSA 6/7/24	73.07
JARROD TOMILNSON	HSA 6/7/24	200
ALLIANT ENERGY	UTILITY EXP	11020.54
ATKINS LUMBER CO. INC.	SUPPLIES	284.05
ATKINS TELEPHONE CO..INC.	TELEPHONE	596.93
BADGER METER	ORION CELLULAR	91.37
BAKER & TAYLOR	BOOKS	147.95
CATERPILLAR FINANCIAL SER	LEASE FOR EXCAVATOR	3079.76
D P PROPERTIES	CLEANING LIBRARY-MAY 24	928
DEMCO	BOOKSHELF DIVIDERS	712.19
DUBALL, PAMELA	MILEAGE - MAY 2024	30.15
ECICOG	CDBG-DR GRANT	1,687.50

EMC INSURANCE COMPANIES	ADDTNL PREMIUM	121
ESG PROFESSIONAL ACCOUNTA	MAY SERVICES	4,360.50
FELD EQUIPMENT COMPANY INC	FD SUPPLIES	3,192.70
FOWLER PUBLIC SECTOR CONS	CONSULTING 042924-060924	24,687.50
G & H ELECTRIC	SERVICE	3,020.00
GAZETTE COMMUNICATIONS, Inc.	MINUTES 5/14	369.27
ION ENVIRONMENTAL SOLUTIO	LABS	1465
IOPONICS	ANIMAL PRESENTATION	138.75
IOWA ONE CALL	LOCATES	46.9
IRON MOUNTAIN INCORPORATED	4/24/24-5/28/24	121.38
JARROD TOMILNSON	MAY 24 MILEAGE	40
LYNCH DALLAS, P.C.	LEGAL SERVICES MAY 2024	1,716.00
M & D MINI STORAGE	Derecho - costs	70
MENARD'S	SUPPLIES	36.77
MIDAMERICAN ENERGY	UTILITY EXP	156.27
POWESHIEK WATER		
ASSOICATION	UTILITY EXP	105
QUILL	SUPPLIES	35.07
SNYDER & ASSOCIATES	ENGINEERING	2,459.70
STATE INDUSTRIAL PRODUCTS	WWTP SUPPLIES	789.89
TRIONFO SOLUTIONS, LLC	LIFE INS - JUNE 2024	90.33
TRUGREEN	LAWN MOWING	2,805.00
U S CELLULAR	CELL PHONES	247.65
VAN METER INC.	SUPPLIES	25.12
WASTE MANAGEMENT	GARBAGE COLLECTION	17,345.63
XCESSORIES SQUARED	SIGN PARTS	91
JARROD TOMILNSON	MILEAGE - MAY 2024	150.08
Accounts Payable Total		177,919.08
Invoices: Paid		95,694.13
Invoices: Scheduled		82,224.95
Payroll Checks		9,138.66
***** REPORT TOTAL *****		<u>187,057.74</u>
NO FUND ASSIGNED		
GENERAL		120,546.78
ROAD USE TAX		5,630.07
TAX INCREMENT FINANCING		39,070.01
FEMA		70
CDGG-DR HOUSING GRANT		1,687.50
WATER		10,777.88
SEWER		9,275.50
TOTAL FUNDS		<u>187,057.74</u>

Fisher moved to approve Resolution 2024-06-02 approving Library employees wage increases. Petersen seconded. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Dursky moved to approve Resolution 2024-06-03 approving a vehicle purchase for the Fire Department from Karl Chevrolet for the total amount of \$44,897. Fisher seconded. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Petersen moved to approve Resolution 2024-06-04 approving the purchase of three replacement water hydrants from DSG-Cedar Rapids for the total amount of \$16,581. Bell seconded. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Fisher moved to approve Resolution 2024-06-05 approving the purchase of installation of three water hydrants from Ken-Way Trucking for the total amount of \$15,182. Bell seconded. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Dursky moved to approve a Resolution to approve Contract Amendment #01 with Solum Lang Architects, LLC in the amount of \$39,700 for revisions to the final design and construction documents for the Atkins Fire Station. Original contract amount of \$206,600 for a total contract amount of \$246,300. Petersen seconded. Ayes: Dursky and Petersen, Nays: Bell, Fisher, and Koehn. Motion failed.

Mayor Visser reported that a City focus has been working with auditors the past two weeks to complete the FY23 regular audit. Interim City Administrator Sandi Fowler reported that the City has needed to contract for emergency tree removals due to weather-related conditions and that the City is compiling the remaining trees that are in need of removal, primarily due to damage from the Emerald Ash Borer infestation. Those removals will need to be part of a large competitive bid. Fowler also reported on the TruGreen contract, stating that treating the Ash Borer in some park trees is part of that contract, as well as large-scale chemical treatment for weeds. Those services require large, specialized equipment, as well as specific certification and training for the administration of hazardous chemicals, resulting in the need of a contractor rather than using City staff for the work. Fowler also reported that ESG Accounting is finalizing the May financials with the intent to provide financials to the City Council at the June 25<sup>th</sup> Council meeting. In City Council member reports, Council member Dursky asked that a City Clerk search be priority.

No comments were received from the public, either in-person or in writing.

Council member Bell moved to go into closed session. Dursky seconded. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried.

Council entered closed session at 7:12 pm pursuant to Iowa Code section 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

Mayor Visser declared the Council return to regular session at 8:38pm from closed session. Members present were Bell, Dursky, Fisher, Koehn, and Petersen. Also present were Sandi Fowler, Interim City Administrator. No public was present.

Mayor Visser noted that the next regular council meeting will be held June 25, 2024, at 6:30 p.m. City Hall/Library, Council Room, 480 3rd Avenue, Atkins, IA.



Council member Fisher moved to adjourn the meeting, seconded by Bell. Motion carried. Ayes: Bell, Dursky, Fisher, Koehn, and Petersen, Nays: None. Motion carried. Meeting adjourned at 8:40pm.

---

Amy Breese, Deputy Clerk

---

Bruce Visser, Mayor

**City of Atkins City Council Meeting**  
**Special Session Minutes**  
**Tuesday, June 18, 2024, at 6:30 p.m.**  
**City Hall Council Room, 480 Third Avenue, Atkins, Iowa, 52206**

Mayor Bruce Visser called the meeting to order at 6:31pm.

Present were Council members EJ Bell, David Fisher, Jim Koehn, and Mayor Bruce Visser. Also present were Interim City Administrator Sandi Fowler and various members of the public.

Fisher moved to approve the agenda. Bell seconded the motion. Ayes: Bell, Fisher, and Koehn. Nays: None. Motion carried.

Fisher moved to approve Resolution No. 2024-06-06 authorizing 2024 Street Maintenance Work by LL Pelling Co for a total amount of \$69,747. Bell seconded the motion. Ayes: Bell, Fisher, and Koehn. Nays: None. Motion carried.

Public comment was received regarding the Fire Station Project.

Mayor Visser noted that the next regular council meeting will be held June 25, 2024, at 6:30 p.m. City Hall/Library, Council Room, 480 3rd Avenue, Atkins, IA.

Council member Bell moved to adjourn the meeting, seconded by Fisher. Motion carried. Ayes: Bell, Fisher, and Koehn. Nays: None. Motion carried. Meeting adjourned at 6:40pm.

---

Sandi Fowler, Interim City Administrator

---

Bruce Visser, Mayor

CITY OF ATKINS - ACCOUNTS PAYABLE RUN  
 CLAIMS REPORT 06.25.24

VENDOR	REFERENCE	AMOUNT	CHECK #	CHECK DATE	NOTES
EFTPS	FED/FICA TAX	2,398.70	13274404	6/21/2024	**ELECTRONIC PAYMENT**
IPERS	IPERS REGULAR	3,553.87	13274405	6/21/2024	**ELECTRONIC PAYMENT**
TREASURER STATE OF IOWA	STATE TAXES	2,678.82	13274406	6/21/2024	**ELECTRONIC PAYMENT**
AMY BREESE	HSA 6/21/24	50	13274407	6/21/2024	**ELECTRONIC PAYMENT**
TODD DAMON	HSA 6/21/24	111.53	13274408	6/21/2024	**ELECTRONIC PAYMENT**
MIKE RAMMELSBURG	HSA 6/21/24	73.07	13274409	6/21/2024	**ELECTRONIC PAYMENT**
JARROD TOMILNSON	HSA 6/21/24	200	13274410	6/21/2024	**ELECTRONIC PAYMENT**
**PAYROLL EMPLOYEE CHECKS**	PAYROLL 6/15/24-6/21/24	7983.81	10840-10846	6/21/2024	**PAYROLL EMPLOYEE CHECKS**
ACCESS SYSTEMS	NETWORK SUPPORT	980.38	10847	6/25/2024	
ACCESS SYSTEMS LEASING	EQUIPMENT LEASES/COPIERS	2162.47	10848	6/25/2024	
ALLIANT ENERGY	UTILITY EXP	3145.29	10849	6/25/2024	
B & R ENTERPRISES LLC	SIREN BATTERY	374.5	10850	6/25/2024	
BAKER & TAYLOR	BOOKS	122.84	10851	6/25/2024	
BENTON COUNTY SOLID WASTE COMM	TIPPING FEES	2,395.68	10852	6/25/2024	
BOUND TREE Medical, LLC	EMS EQUIPMENT	32,049.99	10853	6/25/2024	
DAKOTA SUPPLY GROUP	BROWN SUPPLY CO	2,835.60	10854	6/25/2024	
CEDAR VALLEY HUMANE SO	ANIMAL CONTROL	130	10855	6/25/2024	
CHEM-SULT, INC.	CHEMICALS	19,888.45	10856	6/25/2024	
DEMCO	BOOKS	166.39	10857	6/25/2024	
EVERGREEN LANDSCAPE NURSY	SUPPLIES	560	10858	6/25/2024	
IOWA LEAGUE OF CITIES	MEMBER DUES 7/1/24-6/30/25	1,664.00	10859	6/25/2024	
IPERS	IPERS REGULAR	1,866.86	10860	6/25/2024	
JETCO, INC.	WWTP	2,965.50	10861	6/25/2024	
KEN-WAY EXCAVATING	JET & VAC TRUCK	1,056.25	10862	6/25/2024	
L.L. PELLING CO.	STREET MAINT	5,562.83	10863	6/25/2024	
MENARD'S	SUPPLIES	345.3	10864	6/25/2024	
NATIONAL MISSISSIPPI RIVE	EDUCATIONAL PROGRAM	563.3	10865	6/25/2024	
SOLBERG'S INC.	NAME TAGS/DESK HOLDERS	276.49	10866	6/25/2024	
WELLMARK BC/BS OF IOWA	JULY PREMIUM	2178.3	10867	6/25/2024	
WILD'S CUSTOM MOWING	MOWING FOR APR/MAY	390	10868	6/25/2024	
Accounts Payable Total		90,746.41			
Payroll Checks		7,983.81			
***** REPORT TOTAL *****		<u>98,730.22</u>			
NO FUND ASSIGNED					
GENERAL		51,897.75			
ROAD USE TAX		9,032.79			
WATER		28,757.48			
SEWER		9,042.20			
TOTAL FUNDS		<u>98,730.22</u>			

**RESOLUTION NO.**

**A RESOLUTION APPROVING CONTRACT AMENDMENT #1 WITH FOWLER PUBLIC SECTOR CONSULTING, LLC TO INTERIM CITY ADMINISTRATOR CONSULTING SERVICES AGREEMENT**

WHEREAS, the City of Atkins entered into a Contract with Fowler Public Sector Consulting, LLC for interim city administrator consulting services by Resolution No. 2024-02-05 on February 15, 2024, and

WHEREAS, the City Council desires to continue the contract with Fowler, and

WHEREAS, the contract provides that after July 1, 2024, the agreement may be extended on a month-to-month basis, and also provides that either party may terminate the agreement by giving written notice of said termination to the other party, now therefore

BE IT RESOLVED, that the City Council of the City of Atkins, Iowa, approves Contract Amendment #01 with Fowler Public Sector Consulting, LLC on a month-to-month basis.

Passed and approved this 25<sup>th</sup> day of June, 2024.

Voting:

\_\_\_\_\_  
Bruce Visser, Mayor

ATTEST:

\_\_\_\_\_  
Amy Breese, Deputy City Clerk

## **Interim City Administrator Consulting Services Agreement**

**City of Atkins, Iowa**

**February 14, 2024**

THIS AGREEMENT for Interim City Administrator Consulting Services (hereinafter "Agreement") is made for and between the City of Atkins, Iowa (hereinafter "the City") and Fowler Public Sector Consulting, LLC (hereinafter "Consultant"), collectively referred to as the "Parties."

FOR CONSIDERATION of the mutual promises and covenants contained herein, the City and Consultant agree as follows:

1. SCOPE OF WORK. Consultant shall provide the City with the following services:
  - a. Fulfill the duties of City Administrator, City Clerk, City Finance Officer, and City Treasurer pursuant to the Iowa Code and the Atkins City Code of Ordinances.
  - b. Attend all City Council meetings and work sessions and provide the Council and Mayor with a written report describing the status of current projects. Attend other meetings as requested by the Mayor and City Council.
  - c. Create agendas for all City Council meetings and work sessions and provide agendas and all supporting documentation/packet to the City Council and Mayor on the Friday before the scheduled meeting.
  - d. Timely draft and publish all City Council meeting minutes pursuant to Iowa law.
  - e. Evaluate the efficiency and effectiveness of City processes and provide a written or oral report to the City Council of the Consultant's findings upon the Council's request.
  - f. Work with the Mayor, City Council and City staff to supervise all City departments, including staffing and service contracts, securing specialized and professional services, and recommending policies, procedures, resolutions, and ordinances as necessary.
  - g. Provide other services that may be desired and requested by the Mayor and City Council.
  - h. Assume other specified duties of the City Administrator as identified by the Mayor and City Council.
  - i. Have a monthly evaluation with the City Council regarding the Consultant's performance on projects and priorities established by the Council.
  - j. It is anticipated that the Consultant shall provide approximately 40 (forty) hours of service per week, variable depending upon the specific needs of the City at any time.

## 2. COMPENSATION AND PAYMENT

Compensation for the Consultant is at a rate of \$125.00 per hour for all time worked. Time worked shall not include commuting time from the Consultant's residence to City Hall but shall include travel time to and from meetings attended on behalf of the City outside of Linn and Benton counties. Use of personal vehicle outside Benton and Linn counties shall be reimbursed at the current IRS rate.

The Consultant shall maintain and provide a log of hours worked on behalf of the City and mileage for reimbursement.

Payment by the City to the Consultant shall be made bi-weekly following approval for hours worked and mileage at the bi-monthly City Council meeting.

Consultant shall pay all taxes incurred while performing services under this Agreement, including all applicable state and federal income taxes and, if Consultant is not a corporation, self-employment (Social Security) taxes. Consultant shall be responsible for all necessary taxes for any employees or contract personnel hired by Consultant. The City shall not withhold FICA (Social Security and Medicare) taxes, state income taxes, or federal income taxes from payments to Consultant. The City shall not make FICA payments on behalf of Consultant.

The City agrees to provide Consultant with access to its technology systems as necessary to perform Consultant's duties under this Agreement. Consultant shall be responsible for all expenses incurred while performing services under this Agreement including vehicle expenses, vehicle maintenance and repair costs, vehicle license fees and permits, insurance premiums, including liability insurance and workers' compensation insurance, fuel, fines, cell phone expenses, internet expenses, meals, and all salary, expenses and other compensation paid to employees or contract personnel the Contractor hires to complete work under this agreement.

## 3. DURATION, INDEMNIFICATION AND NOTICE

This Agreement shall become effective commencing February 19, 2024, and shall continue through July 1, 2024. The City and the Consultant may extend the term of this Agreement on a month-to-month basis thereafter by written mutual agreement.

To the extent permitted by law, each Party shall fully defend, indemnify and hold harmless the other Party and its officers, directors, employees, agents, representatives, successors and assigns (collectively, "Indemnified Parties") from any and all claims, demands, causes of actions, costs, expenses, liability, losses, or damages including attorney's fees and expenses ("Claims"), whether in law or in equity, for bodily injury, death or property damage arising out of, relating to or caused by, in whole or part, the negligence, errors, omissions or

willful misconduct of the indemnifying party or its officials, officers, employees, subcontractors, consultants or agents, relating to or connected with performance under this Agreement, unless Claims are caused wholly by the sole negligence or willful misconduct of the Indemnified Parties.

A Party's indemnity obligations under this Section are contingent upon the indemnified party: a) promptly notifying indemnifying party of each claim; provided, however, that the indemnified Party's failure to give prompt notice to the indemnifying party of any such claim shall not relieve the indemnified party of any obligation under this Section except and to the extent that such failure materially prejudices the indemnifying party's ability to defend against such claim; b) providing the indemnifying party with sole control over the defense and/or settlement thereof, provided however, that indemnifying party shall not settle any claim that includes an admission of wrongdoing by indemnified parties or otherwise adversely affects indemnified parties' interests without prior consent; and c) at the indemnifying party's request and expense, providing full information and reasonable assistance to the indemnifying party with respect to such claim.

Either party may terminate this agreement by giving written notice of said termination to the other party.

4. **INDEPENDENT CONTRACTOR STATUS.** Consultant is an independent contractor. Neither Consultant, nor Consultant's employees or contract personnel are, or shall be deemed, the City's employees. In Consultant's capacity as an independent contractor, Consultant agrees and represents, and the City agrees, as follows:
- Consultant has the right to perform services for others during the term of this Agreement.
  - Consultant has the sole right to control and direct the means, manner, and method by which the services required by this Agreement subject to the terms of this Agreement including but not limited to the requirements of the City's operating hours and scheduled meetings.
  - Consultant has the right to hire assistants as subcontractors or to use employees to provide the services required by this Agreement.
  - Neither Consultant nor Consultant's employees or contract personnel shall be required to wear any uniforms provided by the City but shall be required to dress professionally.
  - The services required by this Agreement shall be performed by Consultant, Consultant's employees, or contract personnel, and the City shall not hire, supervise, or pay any assistants to help Consultant.
  - Neither Consultant nor Consultant's employees or contract personnel shall receive any training from the City in the professional skills necessary to perform the services required by this Agreement.
5. **COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS.** Consultant represents and warrants that Consultant and Consultant's employees and

contract personnel will comply with all federal, state, and local laws, including any licenses, permits, or certificates required to carry out the services to be performed under this Agreement.

6. UNEMPLOYMENT COMPENSATION. The City shall make no state or federal unemployment compensation payments on behalf of Consultant, Consultant's employees, or contract personnel hired by Consultant. Consultant, Consultant's employees, and contract personnel shall not be entitled to unemployment compensation benefits in connection with work performed under this Agreement.
  
7. INSURANCE. The City shall not obtain workers' compensation insurance on behalf of Consultant, Consultant's employees, or contract personnel. Consultant shall be responsible for workers' compensation insurance for any employees or contract personnel hired by Consultant to perform work under this Agreement. During the term of this Agreement, Consultant will maintain the following minimum insurance coverages and provide Certificates of Insurance to the City upon request:

- |                                 |  |
|---------------------------------|--|
| a. Commercial General Liability | \$1,000,000/occurrence<br>\$2,000,000/annual aggregate |
| b. Umbrella/Excess Liability    | \$1,000,000 per occurrence and aggregate, follows form |
| c. Workers' Compensation        | per statute  |
| d. Professional Liability       | \$1,000,000 aggregate                                  |

Authorized representative, Sandra Fowler, shall provide proof of automobile insurance coverage.

THE PARTIES PROVIDE APPROVAL TO PROCEED and this Agreement to be executed as indicated below.

CITY OF ATKINS, IOWA

Date



2-15-2024

FOWLER PUBLIC SECTOR CONSULTING, LLC

Date



2-15-2024

By: Sandra (Sandi) Fowler, Authorized Representative



**RESOLUTION NO.**

**A RESOLUTION APPROVING CONTRACT AMENDMENT #01A WITH  
SOLUM LANG ARCHITECTS, LLC FOR REVISIONS TO THE FINAL  
DESIGN AND CONSTRUCTION DOCUMENTS FOR THE ATKINS FIRE STATION PROJECT  
– SETTING SCOPE AND FUNDING**

WHEREAS, the City of Atkins entered into a Contract with Solum Lang Architects LLC, Cedar Rapids, Iowa for engineering services related to the design and construction of the Atkins Fire Station Reconstruction project on September 24, 2021, for a fixed cost of \$206,500, and

WHEREAS, Resolution No. 2024-05-08 was approved on May 28, 2024, to select the design and establish a proposed timeline for the 2024 Fire Station Project, and

WHEREAS, the design selected requires revision to the final design and construction documents to reduce the Apparatus Bay length 8 feet in the north-south direction to utilize and expand the existing City Hall parking lot, and to adjust the location of the fire station on site as required to utilize the existing City Hall Parking lot. Adjustments will be made to architectural, structural, mechanical, electrical, plumbing, and civil engineering design as required, and

WHEREAS, utilizing this design contract amendment, the City Council desires to work collaboratively with Solum Lang to complete a Fire Station design and explore the option to provide for a front apron of approximately 45 feet while meeting the desired total estimated project cost of a maximum of \$5,078,288.19 and

WHEREAS, the City Council will meet as needed to approve this design by September 1, 2024, within the timeline established by Resolution 2024-05-08, now therefore

BE IT RESOLVED, that the City Council of the City of Atkins, Iowa, approves Contract Amendment #01 with Solum Lang Architects, LLC in the amount of \$39,700 for revisions to the final design and construction documents for the Atkins Fire Station. Original contract amount of \$206,600 for a total contract amount of \$246,300.

Passed and approved this 25<sup>th</sup> day of June, 2024.

Voting:

---

Bruce Visser, Mayor

ATTEST:

---

Sandi Fowler, Interim City Administrator

**RESOLUTION NO. 2024-05-08**

**A RESOLUTION SELECTING THE DESIGN AND ESTABLISHING A PROPOSED  
TIMELINE FOR THE 2024 FIRE STATION PROJECT**

WHEREAS, the Atkins Fire Station constructed in 1992 was destroyed in the August 2020 Derecho, National Disaster FEMA-4557DR-IA, and

WHEREAS, the City of Atkins contracted with Solum Lang Architects to design the new Fire Station, with a final 100% design completed in December 2023, and

WHEREAS, a City Design Committee convened to guide the process and four public information meetings were held during the design process, and

WHEREAS, insurance proceeds in the amount of \$760,368.49 have been received toward the construction of a new fire station, and

WHEREAS, the Federal Emergency Management Agency (FEMA) has approved an additional \$643,671.78 to be applied to the construction, with 90% (\$579,301.91) coming from FEMA, and 10% (\$64,366.87) coming from the State of Iowa Department of Homeland Security, and

WHEREAS, FEMA has approved the fire station project and requires the City Council to timely submit the City's design and timeline for final obligation, now therefore

BE IT RESOLVED, that the City Council of the City of Atkins, Iowa, approves the following referenced design, as chosen:

     **OPTION A:** Final 100% designed plans for a 14,000 square foot facility and reconstructed parking lot serving both the new Fire Station and City Hall/Library, for a 2/15/2024 dated opinion of probable cost of \$6,626,328.26 (Construction bid cost: \$6,021,645.96) with four deduct alternates to be chosen for exclusion or inclusion at bid award to reduce the contract award to a maximum amount of \$6,045,709.10 (Construction bid cost: \$5,441,026.80) in this order:

- Deduct alternate 1: PEMB (pre-engineered metal building) south bay wall
- Deduct alternate 2: Insulated overhead doors
- Deduct alternate 3: Mezzanine build-out
- Deduct alternate 4: Return apron to 3<sup>rd</sup> Avenue

Option A Timeline:

- Bid advertising, letting and award: June 15 – August 1, 2024 (45 days)
- Geotechnical Services: June 15 – August 15, 2024 – (60 days concurrent)
- Mobilization of contractor: August 1 – September 1, 2024 (30 days)
- Construction: September 2024 – December 2025 (12 – 15 months)

**XX OPTION B:** Revised concept modifying design plans for an approximately 13,300 square foot facility and including only minor alterations to the maintained existing City Hall/Library parking lot, for a 5/7/2024 dated opinion of probable cost of \$5,078,288.19. (Construction bid cost: \$4,452,083.99) This option requires an 8'-0" reduction from the south end of the facility. It would also include three deduct alternates proposed for the fully-designed plan:

**Deduct alternate 1:** PEMB (pre-engineered metal building) south bay wall in lieu of brick facade

**Deduct alternate 2:** Insulated overhead doors in lieu of all glass overhead doors

**Deduct alternate 3:** Mezzanine build-out in lieu of shell space with MEP stub-ins

**Site Plan Reduction Option** only utilizing the existing City Hall/Library parking lot for access to rear apron entry (requires variance for minimum parking requirements).

**Add Bid Alternate:** Site Plan Reduction option incorporating a drive-through apron from 3<sup>rd</sup> Avenue for access to rear apron entry (requires variance for minimum parking requirements).

**Option B Timeline:**

**Revised design:** June 1 – September 1, 2024 (3 months)

**Bid advertising, letting and award:** September 1 – October 15, 2024 (45 days)

**Geotechnical Services:** June 1 – August 1, 2024 – (60 days concurrent)

**Mobilization of contractor:** October 15 – November 15, 2024 (30 days)

**Construction:** November 2024 – February 2026 (12 – 15 months)

**OPTION C:** Revised concept modifying design plans for an approximately 13,300 square foot facility and including only minor alterations to the maintained existing City Hall/Library parking lot, for a 5/7/2024 dated opinion of probable cost of \$5,357,705.79. (Construction bid cost: \$4,718,195.99) This option requires an 8'-0" reduction from the south end of the facility. It would also include three deduct alternates proposed for the fully-designed plan:

**Deduct alternate 1:** PEMB (pre-engineered metal building) south bay wall in lieu of brick facade

**Deduct alternate 2:** Insulated overhead doors in lieu of all glass overhead doors

**Deduct alternate 3:** Mezzanine build-out in lieu of shell space with MEP stub-ins

**Site Plan Reduction option** incorporating a drive-through apron from 3<sup>rd</sup> Avenue for access to rear apron entry (requires variance for minimum parking requirements).

**Option C Timeline:**

**Revised design:** June 1 – September 1, 2024 (3 months)

**Bid advertising, letting and award:** September 1 – October 15, 2024 (45 days)

**Geotechnical Services:** June 1 – August 1, 2024 – (60 days concurrent)

**Mobilization of contractor:** October 15 – November 15, 2024 (30 days)

**Construction:** November 2024 – February 2026 (12 – 15 months)

After due consideration and discussion, Council Member Dursky moved the passage of this Resolution and the selection of Option B, with the addition of a bid alternate to incorporate the Option C drive-through apron from 3<sup>rd</sup> Avenue for access to rear apron entry. Seconded by Council member Petersen.

By roll call vote, the following Council Members voted:

Aye Samantha Petersen

Nay EJ Bell

Aye Trevor Dursky

Nay David Fisher

Aye Jim Koehn

Passed this 28<sup>th</sup> day of May, 2024.

\_\_\_\_\_  
Bruce Visser, Mayor

ATTEST:

*Sandi Fowler*  
Sandi Fowler, Interim City Administrator