



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, JANUARY 16, 2024 – 7:00 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Present: Cm. Becker, Cm. Jaeckel, Cm. Lescohier, Cm. Schultz and President Johnson. Also present: City Manager, City Clerk/Treasurer, City Engineer, City Attorney, Librarian, Interim Fire Chief, Park & Recreation Director and Museum Director.

3. PUBLIC HEARINGS - NONE

4. PUBLIC COMMENT - NONE

5. CONSENT AGENDA:

- a. *Review and possible action relating to the minutes of the January 4, 2024 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b. *Review and possible action relating to building, plumbing, and electrical permit report for December 2023 (Draeger, Building Inspector/Zoning Administrator)*
- c. *Review and possible action relating to the City Clerk-issued License and Permit Report for December 2023 (Ebbert, Clerk/Treasurer/Finance Director)*
- d. *Review and possible action relating to City Sewer, Water, and Stormwater Utility Financial Statements as of December 31, 2023 (Ebbert, Clerk/Treasurer/Finance Director)*
- e. *Review and possible action relating to the 2023 Year-end building, plumbing, and electrical permit report (Draeger, Building Inspector/Zoning Administrator)*
- f. *Review and possible action relating to Temporary Class B Retailer's Licenses for the Fort Atkinson Historical Society (Ebbert, Clerk/Treasurer/Finance Director)*
- g. *Review and Possible action on a Special Event: Candlelight Ski and Hike, Saturday, Feb. 10, 2024, 2-8 p.m. at Haumerson's Pond (Ebbert, Clerk/Treasurer/Finance Director)*
Cm. Becker moved, seconded by Cm. Jaeckel to approve the Consent Agenda as presented, items 5.a. through 5.g. Motion carried unanimously.

6. PETITIONS, REQUESTS, AND COMMUNICATIONS:

- a. *Library 2023 year-end report (Robinson, Dwight Foster Public Library Director)*
No action was taken.

7. RESOLUTIONS AND ORDINANCES:

a. Review and possible action on a Resolution Opposing Wisconsin 2023 Senate Bill 691 and 2023 Assembly Bill 768 (Houseman, City Manager)

Manager Houseman reviewed the history of the bill that dates back to September 2023 when members of the Wisconsin Legislature introduced a bill allowing certain towns to designate themselves as “urban towns,” a designation that would limit the effect of extraterritorial zoning and plat approval and annexation by other municipalities. At that time, staff prepared a letter in opposition to the bill and sent it to Senator Nass and Representative Johnson, which represent the City of Fort Atkinson in the Senate and Assembly, respectively. In late December 2023, the League of Wisconsin Municipalities announced that the bill had been named [SB 691/AB 768](#), had legislative sponsors, and would move forward with a public hearing in front of the Senate Transportation and Local Government Committee. The text of the bill is attached for review. This public hearing took place on January 10, 2024. Houseman discussed how she attended the hearing and spoke in opposition to the bill. SB 691/AB 768 provides towns with a population over 5,000 the ability to self-designate as an “urban town” without review or approval of the Department of Administration, a designated review board, a regional planning commission, or any other board or agency. There is no requirement for a public hearing, referendum, or any other way for representatives from a neighboring municipality to raise concerns or objections. The bill removes city or village review of growth near their borders and will force cities and villages with capacity to extend water and sewer services outside their boundaries to service properties within the town. It also exempts urban towns from extraterritorial plat approval and zoning. To ensure growth that is consistent with community objections, neighboring cities and villages that have extraterritorial plat approval jurisdiction review development for compliance with municipal ordinances, local comprehensive plans, and official maps. Without this check, urban towns would be able to sprawl without regard to existing patterns or plans for development. The bill also requires any future city or village annexations of land within a designated urban town to be unanimous annexations. There are 1,253 towns in Wisconsin. There are 32 towns that would currently qualify for an “urban town” designation. There are many others that may qualify in the future based on current criteria. Likewise, if the bill became law, it would be easy for the Legislature to continually decrease the minimum population or other criteria to appease town residents who may not like the decisions of an adjacent municipality, thus qualifying many more towns for the self-designation. Note that 72% of the state’s population currently reside in cities and villages. Ninety percent of the state’s commercial property value is located within cities and villages, as is 89% of the state’s manufacturing value. Nearly all the state’s airports and commercial ports, 153 of the state’s 155 hospitals, 342 public libraries, and all of the state’s public and private colleges and universities are located within cities and villages. Cities and villages continue to be the state’s economic engines. Inhibiting or stopping the growth of such cities and villages would negatively impact the economic outlook of the entire state. Wisconsin law already provides several options for towns that want to provide additional services for their residents or control additional land use decisions. Towns can adopt their own zoning ordinances. Towns can include planned growth areas within their comprehensive plans. Towns can enter into cooperative boundary agreements with neighboring cities and villages. Towns can adopt village powers, and towns can incorporate into cities or villages.

SB 691/AB 768, if made into law, may not have any immediate financial impact on the City of Fort Atkinson. However, if it is adopted and the surrounding town were to qualify as an urban town and so designate in the future, there would be several dire financial consequences including, but not limited to, the following:

- Increase cost to current water and sewer rate payers due to the increase in infrastructure necessary to serve town residents. The bill requires that town residents pay the initial cost of the infrastructure, but there are opportunity costs associated with using capacity for less dense single-family development (instead of commercial or industrial development) as well as repair, maintenance, and replacement costs associated with additional infrastructure. There would also be less control over the effluent received by the wastewater treatment plant and may negatively impact the City's ability to treat to the standards required by the DNR.
- If the City is not permitted to grow, the tax base cannot grow. Without a growing tax base, the City will not be able to pay for existing critical services provided to residents including Fire, EMS, Police, and Public Works. This problem would be exacerbated by the additional residents of the town who would use the City's roads, parks, and other infrastructure without paying their fair share of the costs.

Cm. Lescohier moved, seconded by Cm. Schultz to adopt the Resolution opposing Wisconsin 2023 Senate Bill 691 and 2023 Assembly Bill 768 and direct the City Manager to provide a copy of the Resolution to the members of the State Legislature representing the City, as well as the League of Wisconsin Municipalities, the bill's authors, and the Senate and Assembly Committees on Local Government. Motion carried unanimously.

8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

a. City Manager's Report (Houseman, City Manager)

No action was taken.

9. UNFINISHED BUSINESS – NONE

10. NEW BUSINESS:

a. Review and possible action relating to hose purchase from MacQueen Emergency for the Fire Department at a cost not to exceed \$25,000 (Lawrence, Interim Chief)

Interim Chief Lawrence addressed the fire hoses that have reached the end of their life cycle or have been damaged while in use. A large diameter hose has a life expectancy of 15 years. Due to annual testing and maintenance the department can extend the use to somewhere between 15 and 20 years. The department currently has 1050 feet over the 20-year mark and needs to be replaced. The department also currently has 300 ft. of 2 ½" and 1,500 ft of 1 ¾" hose that needs to be replaced. Like the large diameter hose the 2 ½" and 1 ¾" hoses have reached the end of their life cycle or have been damaged during use. Staff sought proposals from three companies for the hoses: MacQueen Equipment, Fire Service, Inc., and Conney Safety. The former two proposals are attached to this memo, and the third company did not submit a proposal. There is \$25,000 in the 2023 Capital Improvements Projects Budget for firefighting equipment (\$17,000) and a turnout gear dryer (\$8,000). These projects were included in the

2022-2023 borrowing that took place in the spring of 2022. Since that time, the cost of hoses has increased beyond what was budgeted, and staff determined that a turnout gear dryer was not necessary. As such, staff proposes to use all \$25,000 borrowed in 2022 for Fire Department equipment for the replacement of the hoses as outlined in the proposal from MacQueen Equipment.

Cm. Lescohier moved, seconded by Cm. Becker to authorize the purchase of the products outlined on the MacQueen proposal at a cost not to exceed \$25,000, using borrowed funds as outlined in the 2023 CIP budget. Motion carried unanimously.

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. Jaeckel moved, seconded by Cm. Becker to approve the list of verified claims presented by the Director of Finance and authorize payments. Motion carried unanimously.

13. ADJOURNMENT

Cm. Becker moved, seconded by Cm. Schultz to adjourn. Meeting adjourned at 7:35 pm.

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