



**AGENDA
CITY COUNCIL MEETING
REMOTE VIA PHONE USING ZOOM
JANUARY 5, 2021 ~ 7:00 P.M.**

[https://us02web.zoom.us/j/83136601381?
pwd=OXJjK1R4d09iSmw5bEtQUUdiM
UZGZz09](https://us02web.zoom.us/j/83136601381?pwd=OXJjK1R4d09iSmw5bEtQUUdiMUZGZz09)

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If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 563-7760. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

1. Call meeting to order.
2. Roll call.
3. Approval of minutes of December 15, 2020 regular Council meeting, December 19, 2020 closed session Council meeting, December 21, 2020 closed session Council meeting, and December 28, 2020 closed session Council meeting.
4. Public Hearings

None.
5. Public Comment
6. Petitions, Requests and Communications

None.

7. Resolutions and Ordinances

None.

8. Reports of Officers, Boards and Committees

- a. Minutes of Police and Fire Commission meeting held December 17, 2020.

Action – Accept and file.

- b. Minutes of Ordinance Committee meeting held December 15, 2020.

Action – Accept and file.

- c. Minutes of Plan Commission meeting held December 22, 2020.

Action – Accept and file.

- d. Report by Interim City Manager.

Action – Present report.

9. Unfinished Business

- a. Recommendation from Plan Commission to approve Preliminary Certified Survey Map creating a one (1) acre residential building site and a 35 acre lot at parcel #016-0514-2112-001 and 002.

Action – Reject – Approve.

- b. Recommendation from Plan Commission to approve request for annex of W6151 Highland Avenue and set ward and zoning.

Action – Reject – Approve.

10. New Business

None.

11. Miscellaneous

- a. Grant operator licenses.

Action – Reject – Approve.

- b. City, Sewer, Water and Stormwater Utility Financial Statements as of November 30, 2020.

Action – Accept and file.

12. Claims, Appropriations and Contract Payments

- a. Verified claims.

Action – Motion to approve list of verified claims presented by the Director of Finance and to authorize payment.

- b. Consideration of a motion to convene into closed session pursuant to Wisconsin state Statute 19.85 (1) (e) Deliberation or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; to consider purchase of property, and (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Consider motion to reconvene into open session to consider action.

Potential Action -- Regarding matters discussed in closed session.

13. Adjournment

CITY OF FORT ATKINSON
City Council Minutes ~ December 15, 2020

CALL MEETING TO ORDER.

Pres. Becker called the meeting to order via Zoom at 7:00 pm.

ROLL CALL.

Present: Cm. Housley, Cm. Johnson, Cm. Kotz, Cm. Scherer and Pres. Becker. Also present: City Attorney, Interim Manager, City Clerk/Treasurer, City Engineer and Baird Representative.

APPROVAL OF MINUTES OF DECEMBER 1, 2020 REGULAR COUNCIL MEETING,
NOVEMBER 24, 2020 CLOSED SESSION COUNCIL MEETING, AND DECEMBER 8, 2020
CLOSED SESSION COUNCIL MEETING.

Cm. Housley moved, seconded by Cm. Johnson to approve minutes as presented. Motion carried via Zoom.

PUBLIC HEARINGS

None.

PUBLIC COMMENT

None.

PETITIONS, REQUESTS AND COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

None

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

- a. *Minutes of Transportation and Traffic Review Committee meeting held December 3, 2020.*
- b. *Minutes of Airport Committee meeting held December 8, 2020.*
- c. *Building, Plumbing, and Electrical Permit Report for November, 2020.*

Cm. Kotz moved, seconded by Cm. Scherer to accept and file the Reports of Officers, Boards and Committee. Motion carried via Zoom.

UNFINISHED BUSINESS

- a. *Recommendation from Finance Committee to approve changes to Employee Handbook.*
Clerk Ebbert reviewed the new format following review by MRA. Several additions were added to reflect current employee benefits and new working operations including remote work and emergency closings.

Cm. Kotz moved, seconded by Cm. Johnson to approve the recommendation from Finance Committee to approve changes to Employee Handbook effective January 1, 2021. Motion carried via Zoom.

b. Recommendation from Airport Committee to approve request for transfer of Block Grant funds to Wisconsin Bureau of Aeronautics.

Engineer Selle provided the opportunity to transfer unused funds to other airports from previous years. Grant funds are still available to maintain and enhance the airport.

Cm. Kotz moved, seconded by Cm. Johnson to recommendation from Airport Committee to approve request for transfer of Block Grant funds to Wisconsin Bureau of Aeronautics. Motion carried via Zoom.

NEW BUSINESS

a. Review and approve request to consult with Baird on refinancing of State Trust Fund Loan in 2021.

Clerk Ebbert discussed the 2016 taxable debt of the STFL at 3.75% at a 20-year note. Justin Fischer was available to discuss the potential refinancing. The estimated interest rate is 2.10% with a potential savings of \$118,000.

Cm. Scherer moved, seconded by Cm. Johnson to approve the request to consult with Baird on refinancing State Trust Fund Loan in 2021. Motion carried unanimously via Zoom.

b. Review and approve Contract with Brown Cab Service/Running, Inc. for Shared Ride Taxi Program.

Cm. Kotz moved, seconded by Cm. Johnson to approve contract with Brown Can Service/Running Inc for Shared Ride Taxi Program. Motion carried unanimously via Zoom.

c. Review and approve submission of 2021 Shared Ride Taxi Program grant application.

Cm. Kotz moved, seconded by Cm. Scherer to approve submission of 2021 Shared Ride Taxi Program grant application. Motion carried unanimously via Zoom.

MISCELLANEOUS

a. Disallowance of claim for sewer backup.

Clerk Ebbert presented the backup that occurred on October 16th. The property owner filed a Notice of Claim on November 30th. EMC Insurance reviewed the claim and recommended the Council disallow the claim.

Cm. Kotz moved, seconded by Cm. Scherer to disallow the claim for sewer backup for 1137 Peterson Street. Motion carried via Zoom.

b. Grant operator licenses.

Cm. Scherer moved, seconded by Cm. Johnson to approve the granting of operator licenses. Motion carried via Zoom.

CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. Verified claims.

Cm. Johnson moved, seconded by Cm. Scherer to approve list of verified claims presented by the Director of Finance and to authorize payment. Motion carried unanimously via Zoom.

b. Consideration of a motion to convene into closed session pursuant to Wisconsin state Statute 19.85 (1) (e) Deliberation or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; to consider purchase of property, and (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; regarding Koshkonong estates AILA matter.

Cm. Scherer moved, seconded by Cm. Kotz to move into closed session pursuant to Wisconsin state Statute 19.85 (1) (e) Deliberation or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; to consider purchase of property, and (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; regarding Koshkonong estates AILA matter. Motion carried unanimously via Zoom.

Cm. Scherer moved, seconded by Cm. Johnson to reconvene into open session. Motion carried unanimously via Zoom.

Cm. Scherer moved, seconded by Cm. Johnson to authorize Interim Manager to sign the offer to purchase property at 115 Lorman and 600 Oak Street in the amount of \$182,000. Motion carried unanimously via Zoom.

Cm. Kotz moved, seconded by Cm. Johnson to authorize \$1,000 mediation fee with Koshkonong Estates AILA Partnership within 60 days. Motion carried unanimously via Zoom.

ADJOURNMENT

Cm. Scherer moved, seconded by Cm. Johnson to adjourn. Meeting adjourned at 8:40 pm.

Respectfully submitted
Michelle Ebbert
City Clerk/Treasurer

City of Fort Atkinson

Special City Council Meeting – December 19, 2020

City Council Chambers

CALL MEETING TO ORDER

Pres. Becker called the meeting to order at 8:02 am

ROLL CALL

Present: Cm. Scherer, Cm Kotz, Cm. Housley, Bruce Johnson and Pres. Becker. Also present, Interim City Manager Berner and CM search consultant Kevin Brunner of Public Administration Associates (PAA)

Consideration of a motion to convene into closed session

Motion by Cm.Kotz, seconded by Cm. Scherer, to convene into closed session pursuant to Wisconsin State Statute 19.85(1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility to interview finalist candidates for the City Manager position. Motion carried unanimously.

Adjournment

Motion by Cm. Housley, seconded by Cm. Scherer to adjourn. Motion carried unanimously. Meeting adjourned at 2:10 pm.

Respectively submitted,

Dave Berner

Interim City Manager

CITY OF FORT ATKINSON
City Council Minutes ~ December 21, 2020

CALL MEETING TO ORDER.

Pres. Becker called the meeting to order at 10:00 am via Zoom.

ROLL CALL.

Present: Cm. Housley, Cm. Johnson, Cm. Kotz, Cm. Scherer and Pres. Becker. Also present: Interim Manager, PAA, City Attorney and City Clerk/Treasurer.

CONSIDERATION OF A MOTION TO CONVENE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATE STATUTE 19.85(1)(C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY. RE: TO INTERVIEW SEMI-FINALIST CANDIDATES FOR THE POSITION OF CITY MANAGER.

Cm. Scherer moved, seconded by Cm. Johnson to move into closed session pursuant to Wisconsin State Statute 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. re: to interview semi-finalist candidates for the position of city manager. Motion carried unanimously via Zoom.

ADJOURNMENT

Cm. Kotz moved, seconded by Cm. Scherer to adjourn. Meeting adjourned at 11:52 am.

Respectfully submitted,
Michelle Ebbert
City Clerk/Treasurer

City of Fort Atkinson

Special City Council Meeting – Monday December 28, 2020

Via Zoom

CALL MEETING TO ORDER

Pres. Becker called the meeting to order at 10:10 am

ROLL CALL

Present: Cm. Scherer, Cm Kotz, Cm. Housley, Bruce Johnson and Pres. Becker. Also present, Interim City Manager Berner, City Attorney David Westrick, and CM search consultant Kevin Brunner of Public Administration Associates (PAA)

Consideration of a motion to convene into closed session

Motion by Cm. Scherer, second by Cm. Johnson to convene into closed session pursuant to Wisconsin State Statute 19.85(1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Reference – City Manager position. Motion carried unanimously.

Motion to reconvene into open session to consider action regarding matters discussed in closed session.

Motion by Cm. Scherer, second by Cm. Johnson to convene to open session. Motion carried unanimously.

Motion by Cm. Scherer, second by Cm. Housley to approve the employment agreement negotiated and presented by Kevin Brunner of Public Administration Associates (PAA), and approved as to form by City Attorney Westrick; thereby appoint Rebecca Houseman LeMire to the position of City Manager effective February 22nd, 2021. Motion carried unanimously.

Adjournment

Motion by Cm. Kotz, seconded by Cm. Scherer to adjourn. Motion carried unanimously. Meeting adjourned at 10:30am.

Respectively submitted,

Dave Berner

Interim City Manager

**POLICE & FIRE COMMISSION MINUTES
CITY OF FORT ATKINSON
Thursday, December 17, 2020 at 4:00 p.m.
Remote via Phone Using Zoom**

The meeting was called to order by Chairman Frame at 4:15 p.m.

Members present: Frame, Jones, and Turk

Members absent: Hartwick, Schultz

Others present: Fire Chief Rausch and Liz Idzikowski

1. *Approval of Minutes:* On a Turk/Jones motion, the Minutes of the July 2, 2020 meeting were unanimously approved by a voice vote.
2. *Approve hiring of paid-on-call members for Fire Department.*

Chief Rausch requested that Craig Bulow, Scott Pokornowski, Don Knaack, Don Cavanna, and Stephen Metz be appointed as paid-on-call members of the Fire Department effective January 4, 2021 contingent upon successfully completing a background investigation and drug screen.

On a Turk/Jones motion, the appointment of Craig Bulow, Scott Pokornowski, Don Knaack, Don Cavanna, and Stephen Metz was approved. The motion passed unanimously on a voice vote.

On a Jones/Turk motion, the resignation of firefighter Mark Sherman was approved. The motion passed unanimously on a voice vote.

3. *Adjournment:*

On a Jones/Turk motion, the Commission adjourned at 4:25 p.m. The motion passed unanimously on a voice vote.

Respectfully submitted,

Liz Idzikowski, Secretary

CITY OF FORT ATKINSON
Ordinance Committee ~ December 15, 2020

CALL MEETING TO ORDER.

Pres. Becker called the meeting to order at 6:30 pm via Zoom.

ROLL CALL.

Present: Cm. Housley, Cm. Scherer and Pres. Becker. Also present: City Clerk/Treasurer.

REVIEW ANNEXATION ORDINANCE FOR PROPERTY LOCATED AT W6151
HIGHLAND AVENUE – UNANIMOUS APPROVAL ANNEXATION.

Clerk Ebbert reviewed the request submitted by the property owner. The DOA reviewed and confirmed this request is in the Public Interest. The next step is to recommend an Annexation Ordinance. Following final review and approval of the Ordinance, copies of the final documentation will be sent to the DOA, Utility Companies, Register of Deeds and the School District. The new address will be 201 Highland Avenue. A new ward will be created as the parcel has different representatives from the Township.

Cm. Housley moved, seconded by Cm. Scherer to recommend to the Plan Commission and City Council approval of the Annexation Ordinance for property located at W6151 Highland Avenue based upon a Unanimous Annexation Request. Motion carried via Zoom.

ADJOURNMENT

Cm. Housley moved, seconded by Cm. Scherer to adjourn. Adjourned at 6:40 pm.

Respectfully submitted,

Michelle Ebbert
City Clerk/Treasurer

CITY OF FORT ATKINSON
Plan Commission ~ December 22, 2020
1,029th Meeting

CALL TO ORDER.

Interim Manager Berner called the Plan Commission meeting to order at 4:00 pm via Zoom.

ROLL CALL.

Present: Commissioners Highfield, Lescohier, Schultz, Councilman Johnson, Interim Manager Berner and Engineer Selle. Also present: City Attorney and City Clerk/Treasurer.

Absence: Cm. Kessenich.

APPROVAL OF MINUTES OF NOVEMBER 24, 2020 PLAN COMMISSION MEETING.

Cm. Highfield moved, seconded by Cm. Schultz to approve the minutes of the November 24, 2020 Plan Commission meeting. Motion carried via Zoom.

REVIEW AND APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING A ONE (1) ACRE RESIDENTIAL BUILDING SITE AND A 35 ACRE LOT AT PARCEL #016-0514-2112-001 AND 002.

Engineer Selle presented the preliminary CSM for review. This is a request for a certified survey map to create a 1 acre (net) A-3 residential building site and a 35 acre A-1 lot which will be sold with the A-3 lot. A new drive is to be constructed on the 35 acre lot if the two are not sold together. Departments reviewed with no comments or concerns.

Cm. Lescohier moved, seconded by Cm. Schultz to approve Preliminary Certified Survey Map creating a one (1) acre residential building site and a 35 acre lot at parcel #016-0514-2112-001 and 002. Motion carried unanimously via Zoom.

REVIEW AND APPROVE REQUEST FOR ANNEX OF W6151 HIGHLAND AVENUE AND SET WARD AND ZONING.

Clerk Ebbert reviewed the request submitted by the property owner. This property was purchased by Mr. Hornickel and had a failing septic system. The appropriate documents were submitted to the Department of Administration and upon review, was said to be in the public interest. The city does not have a municipal agreement with the Town of Koshkonong so the city will pay annually an amount equal to the amount of property taxes that the town levied on the parcel in the tax year of annexation.

Cm. Lescohier moved, seconded by Cm. Johnson to approve request for annex of W6151 Highland Avenue and set ward and zoning. Motion carried unanimously via Zoom.

ADJOURNMENT

Cm. Johnson moved, seconded by Cm. Highfield to adjourn. Meeting adjourned at 4:10 pm.

Respectfully submitted
Michelle Ebbert
City Clerk/Treasurer



CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538

Date: December 18, 2020

TO: Plan Commission
FROM: City Staff - Andy Selle, P.E.
SUBJECT: Poeppel Road – Poeppel Property - Extraterritorial Review – CSM

Background:
This is a request for a certified survey map to create a 1 acre (net) A-3 residential building site and a 35 acre A-1 lot which will be sold with the A-3 lot. A new drive is to be constructed on the 35 acre lot if the two are not sold together.

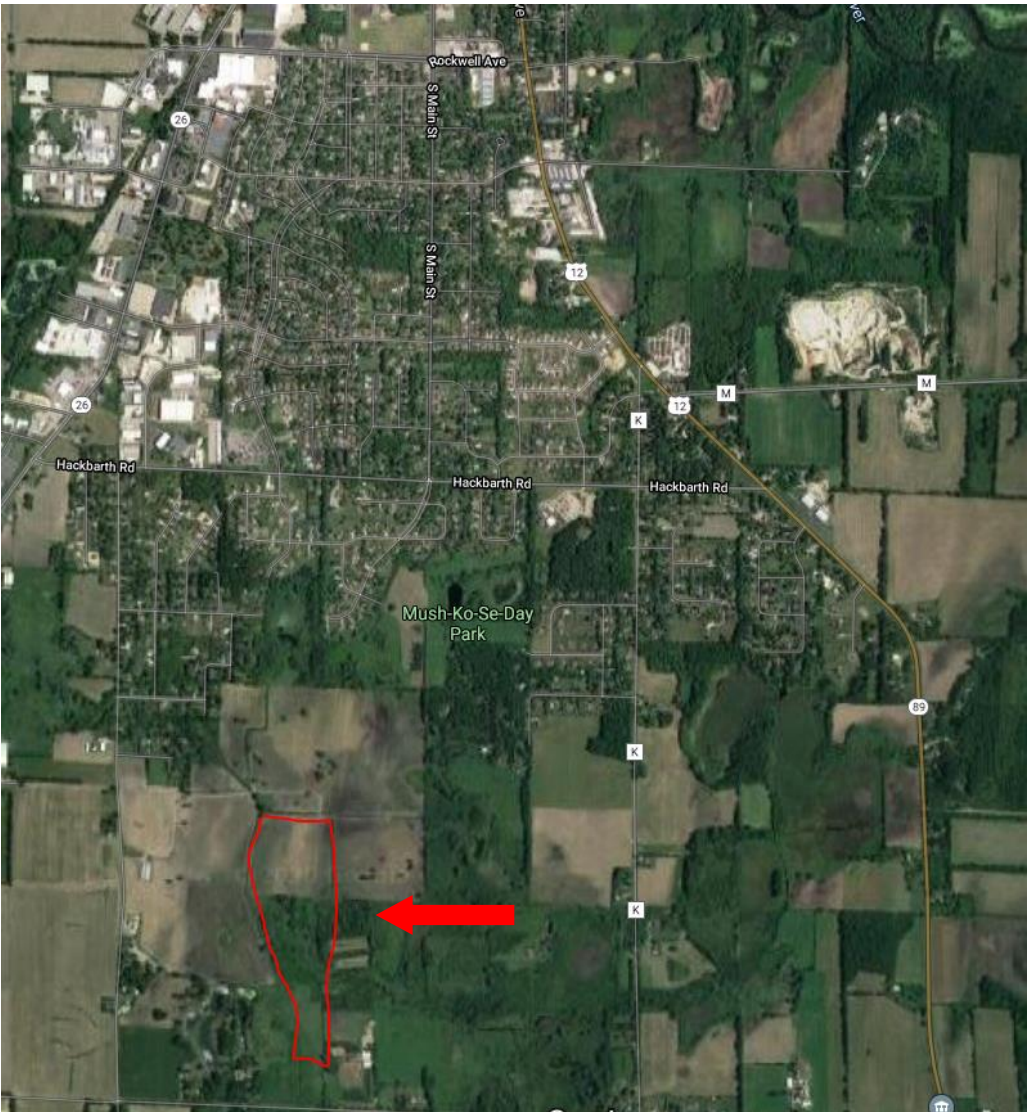
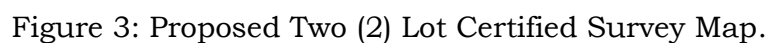


Figure 1: Property location in relation to the City of Fort Atkinson

City departments have reviewed the submittal without comments.



Recommendation:

Staff recommends approval of the request.

Attachments: Original Submittal

JEFFERSON COUNTY

PRELIMINARY REVIEW FOR CERTIFIED SURVEY

A division of land located in the NW ¼ and SW ¼ of the NE ¼ of Section 21, Town 5 N, Range 14 E, Town of Koshkonong, Jefferson County, Wisconsin, on Parcel Number(s) 016-0514-2112-001 & 002

Date Submitted: August 21, 2020

Revised: _____

Owner: Gary Poeppel Trust

Address: W6278 Star School Road

City, ST Zip: Fort Atkinson, WI 53538

Phone: 920-988-0222

Note to be placed on final CSM

Petition # R4275A-20 Zoning A-3

Check for subsequent zoning changes with Jefferson County Planning and Zoning Department.

Surveyor: Anderson Land Surveying LLC

Address: W6141 Star School Road

City, ST Zip: Fort Atkinson, WI 53538

Phone: 920-563-8162

In addition to the info required by Section 236.34 of State statutes, Sec. 15.04(f) of the Jefferson County Land division/Subdivision Ordinance requires that the following be shown:

- Existing buildings, watercourses, drainage ditches and other features pertinent to the proper division.
- Location of access to a public road, approved by the agency having jurisdiction over the road.
- All lands reserved for future public acquisition.
- Date of the map
- Graphic Scale



Rezoning



Allowed Division within an existing Zoning District



Survey of Existing Parcel

Intent and Description of Parcel to be Divided: Create a 1 acre (net) A-3 residential building site and a 35 acre A-1 lot to be sold with the A-3 lot. If the lots are not sold together a new drive will be constructed on the 35 acre A-1 lot

SEE SHEET 2

NOTE: Areas and dimensions on this Preliminary are approximate only and in most cases will vary from the Final survey data.

Town Board Approval Brian Burlington

Date Sept 9, 2020

(Includes Access approval if applicable)

County Highway Approval _____

Date _____

(If applicable)

Extraterritorial Approval V for full

Date _____

(If applicable)

County Surveyor Approval in full

Date _____

Zoning Office Approval Mr. Zyl

Date 11/17/2020

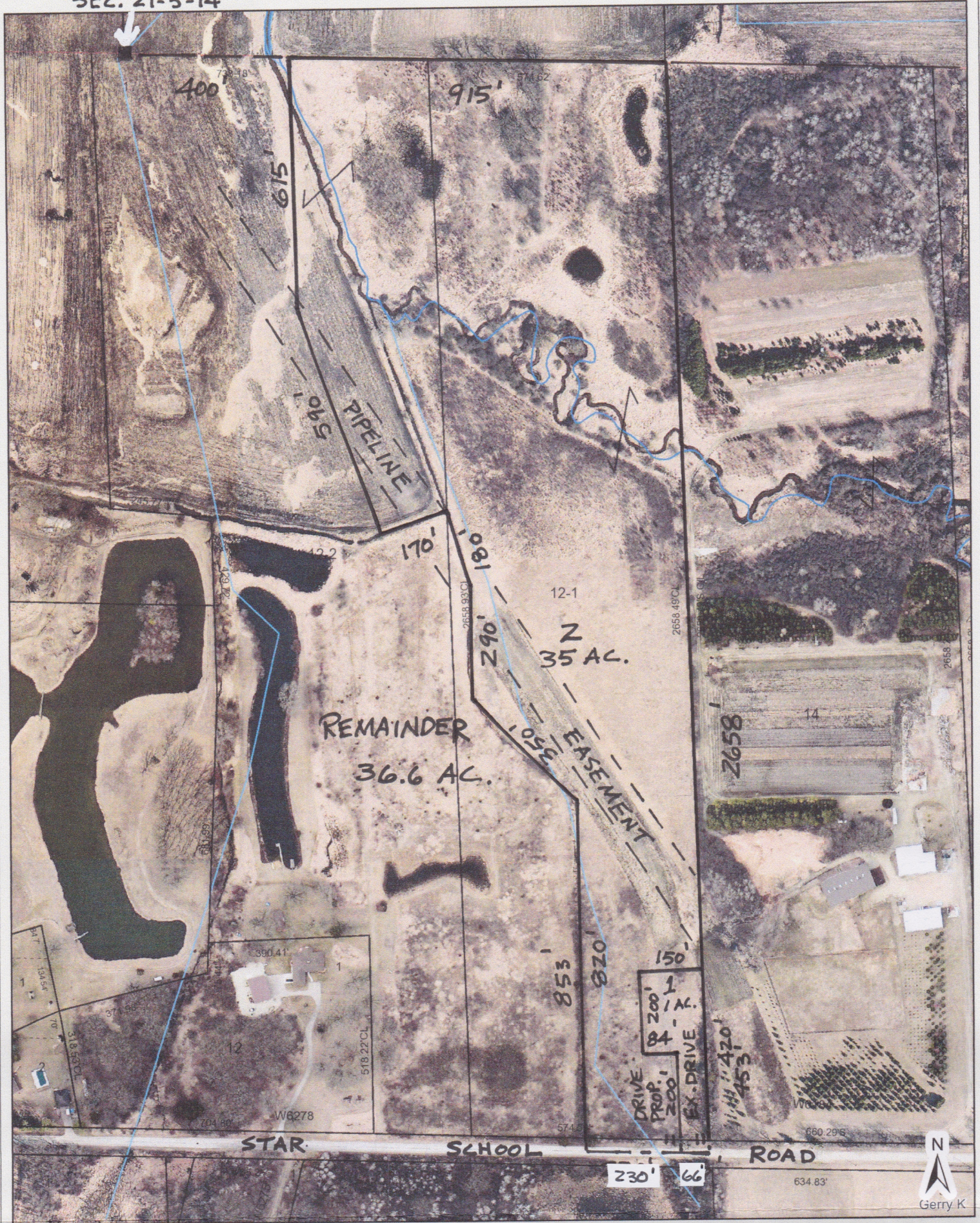
Please submit four copies to Jefferson County Planning & Zoning, 311 S Center Ave. Room 201, Jefferson, WI 53549

20-35

Sheet 1 of 2

N 1/4 COR.
SEC. 21-5-14

Jefferson County Land Information



- | | |
|---------------------------|-----------------------|
| Parcels | — Section Lines |
| Parcels | — Surface Water |
| Parcel Lines | — Map Hooks |
| — Property Boundary | — Tax Parcels |
| --- Old Lot/Meander Lines | — Streams and Ditches |
| — Rail Right of Ways | |
| — Road Right of Ways | |

SHEET 2 OF 2



CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538

Date: December 16, 2020

TO: Plan Commission
FROM: Michelle Ebbert, City Clerk/Treasurer
SUBJECT: Annexation Ordinance – W6151 Highland Avenue

Background:

Annexation is a process whereby jurisdiction over territory in an unincorporated area (town) is transferred from a town to a city or village, typically upon the request of the property owner. Property owners may seek annexation for a variety of reasons, but frequently it is driven by the desire to develop property at higher densities and obtain urban services that are not available in the town, such as water and sewer. (*Source: Annexation of Territory, A League Manual*)

There are three types of annexations allowed per Statute. The first being Direct Annexation/Annexation by Referendum, the second is Unanimous Approval Annexation and the final is Annexation of Municipally-Owned Territory.

Annexation by Unanimous Approval is the less complex as no petition or referendum is required as it is usually requested by the property owner. Please refer to the attached page that describes *Unanimous Approval Annexations* for addition information.

Discussion:

On November 6th, property owner Doug Hornickel submitted a request to annex property at W6151 Highland Avenue. He recently purchased this property, and with a failing septic, requested to annex into the city and connect to our water and sewer services.

As required by Statute and Department of Administration, property materials were submitted for review. On December 10th, the DOA submitted their findings and found the annexation to be *in the public interest*. This is the favorable response from the DOA supporting the request.

Financial Analysis:

The property owner will reimburse the annexation review fees of \$400.00. As the City does not have a Municipal Boundary agreement with the Town of Koshkonong, the city would be required to pay annually an amount equal to the amount of property taxes that the town levied on the parcel. The 2019 property taxes are \$359.10 (the 2020 amount is not yet available). The total five year owed to the Town is estimated at \$1,795.50.

Staff Recommendation:

To approve Annexation Ordinance and send to City Council for approval.

Annexation Ordinance Review Process:

Ordinance Committee – Tuesday December 15th

Plan Commission – Tuesday December 22nd

City Council – Tuesday January 5th (up to 3 readings of Ordinance)

- ◆ the county board of the county in which the territory is located adopts a resolution approving the proposed annexation.

2. UNANIMOUS APPROVAL ANNEXATIONS

Annexation by unanimous approval under sec. 66.0217(2) is a form of direct annexation but is treated separately here because it is procedurally less complex. In an annexation by unanimous approval, no Notice of Intent to Circulate an Annexation Petition is required, and it is very unlikely that a referendum will ever be involved because everyone in the territory proposed for annexation must request annexation. This method may be used when all electors residing in the territory and all owners of real property in the territory sign the annexation petition.

In a unanimous approval annexation, a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property located in the territory is filed with the city or village clerk and the clerk of the town or towns from which the territory will be detached. The petition must be filed with a scale map and a legal description of the property to be annexed.¹⁶ In annexations in counties with a population of 50,000 or greater, the person filing the petition with the clerks must, within five days of such filing, mail a copy of the scale map and legal description of the territory to DOA. By a two-thirds vote of its elected members, the governing body of the annexing city or village may enact an annexation ordinance annexing the territory. However, the governing body must review any advice received from DOA before it enacts an annexation ordinance. Sec. 66.0217(2).

The use of a single ordinance to annex multiple parcels of land that were the subject of individual annexation petitions did not violate Wis. Stat. sec. 66.0217(2) and the village was not required to resubmit the proposed annexation to the Department of Administration for its advice after it modified the proposed annexation and annexed less land than was originally proposed for the annexation. *Town of Baraboo v. Village of West Baraboo*, 2005 WI App 96, 283 Wis.2d 479, 699 N.W.2d 610.

As with other annexations under sec. 66.0217, no territory may be annexed unless the annexing city or village agrees to pay annually, for five years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under sec. 70.65 in the year in which the annexation is final. Therefore, it is recommended that the governing body authorize the payment before enacting the ordinance or that the annexation ordinance specifically set forth the details regarding the payment. No payment is required if the city or village and town have entered into a boundary agreement. Section 66.0217(14)(a). If no part of the city or village is located in the same county as the territory that is proposed for annexation, the city or village cannot annex the property unless the town board and the county board of the county in which the territory is located both adopt a resolution approving the proposed annexation. Section 66.0217(14)(b).

Towns may not bring an action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation by unanimous approval. Sec. 66.0217(11)(c).

Many of the general requirements under sec. 66.0217 apply to annexations by unanimous approval, so readers should review the procedures detailed above for direct annexations. Prior to recodification of Chapter 66 by 1999 Wis. Act 150, annexation ordinances involving unanimous approval annexations had to be enacted within the timeline applicable to other annexations. Although the legislative history indicates that the changes made were intended to be non-substantive, the language in sec. 66.0217(8)(a) now only applies to annexations under sec. 66.0217(3). Thus, it appears that the time limits set forth in sub. (8)(a) are not applicable to direct annexations by unanimous approval under sub. (2) although an argument can be made that they should apply.

B. ANNEXATION by COURT-ORDERED REFERENDUM UNDER SEC. 66.0219

Annexation by court-ordered referendum under sec. 66.0219 is a complete alternative to all other annexation procedures. It allows a city or village to initiate an annexation proceeding for contiguous, unincorporated territory

16. See footnotes 2 and 3.

DRAFT

ORDINANCE NO.

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF FORT ATKINSON, WISCONSIN

The City Council of the City of Fort Atkinson, Wisconsin, does ordain as follows:

Section 1. Territory Annexed. (Unanimous Approval) In accordance with Section 66.0217 of the Wisconsin Statutes of 1965, and the petition for direct annexation filed with the City Clerk on November 6, 2020, **SIGNED BY ALL OF THE OWNERS** of all of the land in the area, in the territory, the following described territory in the Town of Koshkonong, Jefferson County, Wisconsin, is annexed to the City of Fort Atkinson, Wisconsin:

A parcel of land located in the SE ¼ of Section 9, T5N, R14E, Town of Koshkonong more fully described as follows:

The entirety of Lot 2 of CSM 1224, recorded as document number 756779, Volume 4 page 126 of 127 of the Certified Surveys of Jefferson county November 9, 1978.

Said parcel contains +/- 1.28 acres in addition to the public right of way along Highland Avenue.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Fort Atkinson for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Fort Atkinson.

Section 3. Initial Zoning Classification. Upon recommendation of the Planning Commission, the territory annexed to the City of Fort Atkinson by this ordinance is initially designated to be of the SR-3 (Single Family Residential) zoning of the City of Fort Atkinson for zoning purposes and subject to all provisions of Ordinance No. 791 of the City of Fort Atkinson entitled "Zoning Ordinance" relating to such district classifications and to zoning in the City.

Section 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of Ward Ten (10) of the City of Fort Atkinson, subject to the ordinances, rules and regulations of the City governing wards. The population within this territory is one (1).

Section 5. Severability. If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

I, Michelle Ebbert, the duly appointed, qualified and acting City Clerk/Treasurer of the City of Fort Atkinson, Wisconsin, DO HEREBY CERTIFY that I have compared the above copy of an ordinance with the original of said ordinance on file in my office and find that said copy is a true and correct copy of such original ordinance which was duly and regularly adopted at a regular meeting of the City Council of the City of Fort Atkinson, Wisconsin, held the <day> of <month>, <year>.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Fort Atkinson, this <date>

(S E A L)

CITY CLERK/TREASURER

November 6, 2020

Dear Clerk City of Fort Atkinson,

Attached please find a formal petition for annexation, legal description, scale map, and certified survey map for property that I own located on tax parcel 41-24 in Jefferson County Wisconsin. If you have any questions related to this matter, please don't hesitate to contact me.

Sincerely,

Doug Hornickel

W6151 Highland Ave

Fort Atkinson, WI 53538

Djhornickel222@gmail.com

920.723.0522

PETITION FOR ANNEXATION

The undersigned, constituting 100 percent ownership of the following described parcel located in the Town of Koshkonong, Jefferson County, Wisconsin, lying contiguous to the City of Fort Atkinson, Wisconsin, petition the Honorable City Council of said city to annex the parcel described below and shown upon the attached map, as permitted by Chapter 66 of the Wisconsin Statutes, to the City of Fort Atkinson, Jefferson County, Wisconsin

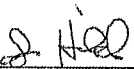
A parcel of land located in the SE 1/4 of Section 9, T5N, R14E, Town of Koshkonong more fully described as follows:

The entirety of Lot 2 of CSM 1224, recorded as document number 756779, Volume 4 page 126 of 127 of the Certified Surveys of Jefferson County November 9, 1978.

Said parcel contains +/- 1.28 acres in addition to the public right of way along Highland Ave.

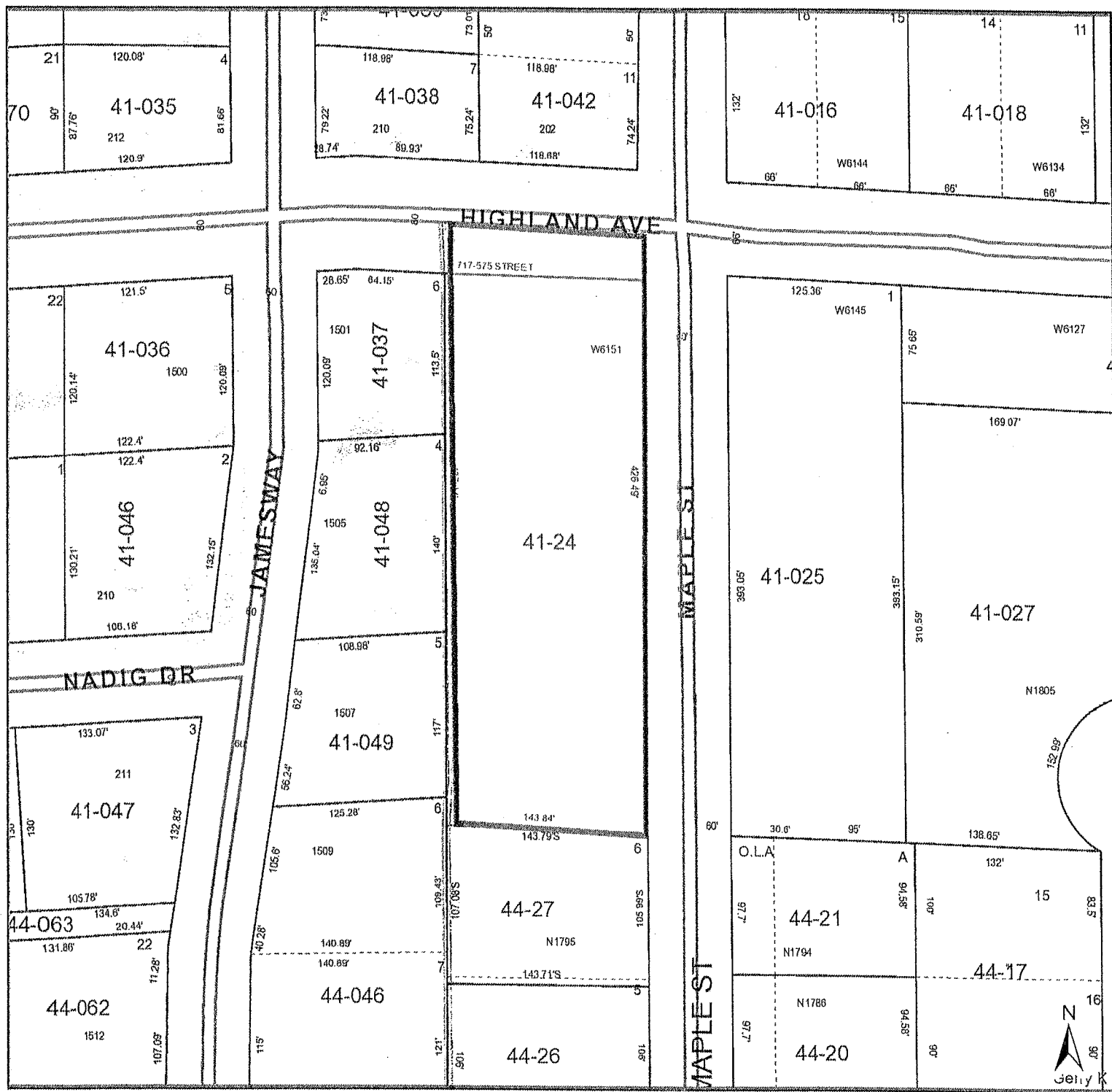
A copy of the CSM is attached.










Dated this 6 th day of November, 2020

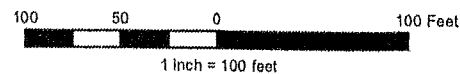
x 

Douglas Hornickel
Owner
W6151 Highland Ave,
Fort Atkinson, WI 53538

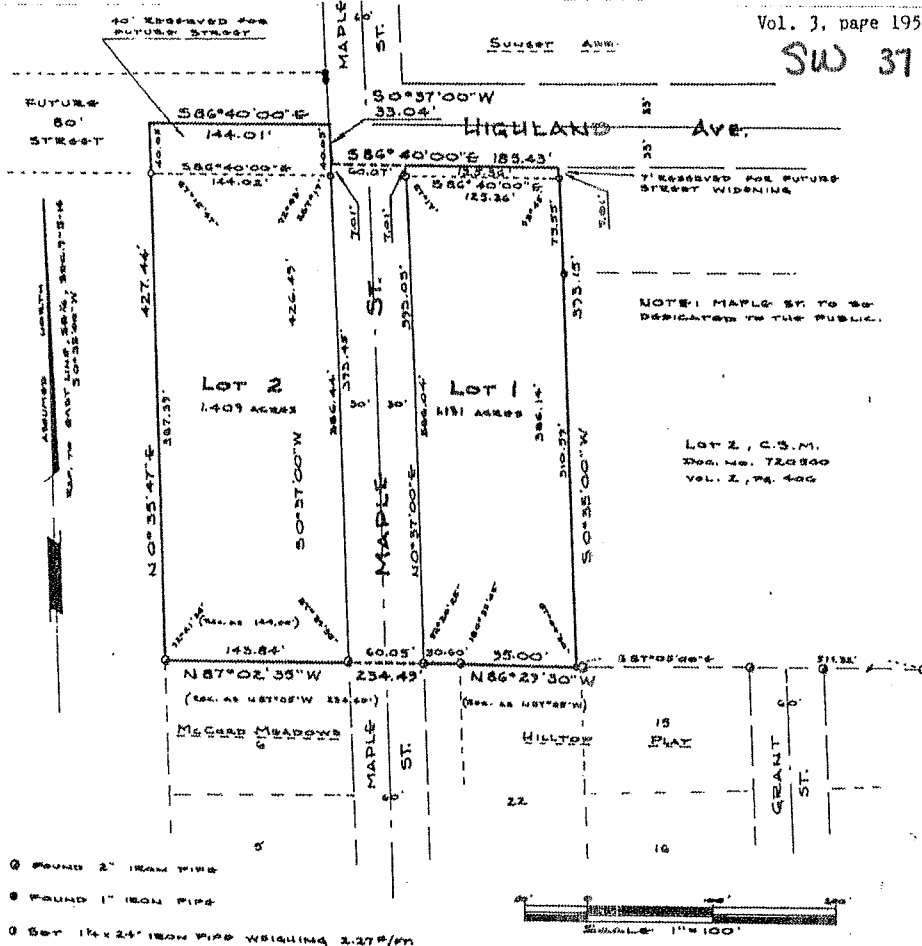
Jefferson County Land Information



- | | | | | | |
|---|-----------------------|---|--------------------|---|---------------------|
|  | Boundary |  | Road Right of Ways |  | Streams and Ditches |
| Parcel Lines | | | | | |
|  | Property Boundary |  | Section Lines | | |
|  | Old Lot/Meander Lines |  | Surface Water | | |
|  | Rail Right of Ways |  | Map Hooks | | |
| | | | Tax Parcels | | |



CERTIFIED SURVEY MAP

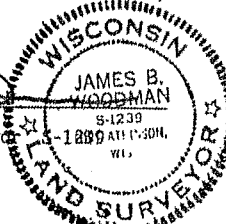


I, James B. Woodman, Registered Land Surveyor, hereby certify that in full compliance with Chapter 236.34, Wisconsin Statutes and the subdivision regulations of Jefferson County and by the direction of Ralph Hacht and Wayne Weckler, this land has been surveyed, divided and mapped under my responsible direction and supervision and is a part of the SE $\frac{1}{4}$ of Section 9, TSN, R14E, Town of Koshkonong, Jefferson County, Wisconsin, to-wit:

Beginning at the NW corner of Lot 6, Plat of McCord Meadows; thence N0°35'47"E, 427.44 feet; thence S86°40'00"E, 144.01 feet to the westerly right of way of Maple Street; thence S0°37'00"W, along said westerly right of way, 33.04 feet to the southerly right of way of Highland Avenue; thence S86°40'00"E, along said southerly right of way, 185.43 feet; thence S0°35'00"W, along the west line of Lot 2, Certified Survey, Document No. 720500, recorded in Volume 2, page 406, and its extension, 393.15 feet to the SW corner of said Lot 2; thence N86°29'30"W, 95.00 feet to the NE corner of said Plat of McCord Meadows, also being the NW corner of Hilltop Plat; thence N87°02'35"W, along the north line of said McCord Meadows, 234.49 feet to the point of beginning.

Date JUNE 7, 1976

James B. Woodman
Registered Land Surveyor



JN 76S-25 Sheet 1 of 2

STRAND, WOODMAN & ASSOCIATES
89 N. Main St., Fort Atkinson, Wis. 53538

Land Surveyors & Engineers
Phone (414) 563-8162

CERTIFIED SURVEY MAP

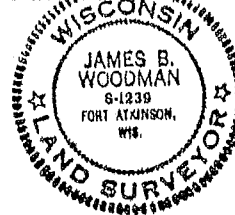
SURVEYOR'S CERTIFICATE

I, James B. Woodman, Registered Land Surveyor, hereby certify that in full compliance with Chapter 236.34, Wisconsin Statutes and the subdivision regulations of the City of Fort Atkinson and by the direction of Larry Fronk, owner, this land has been surveyed, divided and mapped under my responsible direction and supervision and is all of Lot 1, Certified Survey Map Number 51 recorded in Volume 1 of Certified Survey Maps of Jefferson County at page 69 in the SW $\frac{1}{4}$ of Section 9, T5N, R14E, City of Fort Atkinson, Jefferson County, Wisconsin, to-wit:

Beginning at the NE Corner of said Lot 1, C.S.M. #51 at the intersection of S.T.H. "26" and Highland Avenue; thence N75°48'00"W, along the south line of said Highland Avenue, 801.31 feet to the NW Corner of said Lot 1; thence S28°29'00"W, along the east line of the C & N Railroad, 206.40 feet to the SW Corner of said Lot 1; thence S75°48'00"E, along the north line of Larsen Road, 852.18 feet to the SE Corner of said Lot 1; thence N14°13'03"E, along the west line of said S.T.H. "26", 200.00 feet to the point of beginning; containing 3.797 acres.

Date 10-12-78

James B. Woodman
Registered Land Surveyor S-1239



I hereby certify that this Certified Survey Map was approved in accordance with Chapter 26.04, City Platting Code.

Date 11/9/78

E. J. Garthwait, Clerk

Received for recording this 9th day of November, 1978, at 8:40 o'clock P.M. and recorded in Volume 4 of Certified Surveys of Jefferson County at pages 126 and 127.

Document Number 756277

Certified Survey Map Number 1224

Janet A. Schiferl
Janet Schiferl, Register of Deeds

Sheet 2 of 2

JN 78S-130

STRAND & WOODMAN ASSOCIATES
210 Madison Ave., Fort Atkinson, WI 53538

Land Surveyors & Engrs
Phone (414) 563

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **DOUGLAS HORNICKE**

Address: **W6151 HIGHLAND AVE**

FORT ATKINSON WI 53538

920-723-0522

Email: **DJHORNICKEL222@GMAIL.COM**

Office use only:

1. Town where property is located: **KOSHKONONG**

2. Petitioned City or Village: **FORT ATKINSON**

3. County where property is located: **JEFFERSON**

4. Population of the territory to be annexed: **2**

5. Area (in acres) of the territory to be annexed: **1.28**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **016-0514-0941-024**

Petitioners phone:

920-723-0522

Town clerk's phone:

920-563-4510

City/Village clerk's phone:

920-563-7760

Contact Information if different than petitioner:

Representative's Name and Address:

Phone:

E-mail:

Surveyor or Engineering Firm's Name & Address:

Phone:

E-mail:

Required Items to be provided with submission (to be completed by petitioner):

1. ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
2. ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
3. ☒ Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - ☒ Unanimous per s. 66.0217 (2), or,
 - OR
 - ☐ Direct by one-half approval per s. 66.0217 (3)
5. ☒ Check or money order covering review fee [see next page for fee calculation]

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$200 Initial Filing Fee (required with the first submittal of all petitions)

\$200 – 2 acres or less

\$350 – 2.01 acres or more

\$200 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)

\$200 – 2 acres or less

\$600 – 2.01 to 10 acres

\$800 – 10.01 to 50 acres

\$1,000 – 50.01 to 100 acres

\$1,400 – 100.01 to 200 acres

\$2,000 – 200.01 to 500 acres

\$4,000 – Over 500 acres

\$400 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.

THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE

Shaded Area for Office Use Only

Date fee received: _____

Payee: _____ Check Number: _____

Check Date: _____

Amount: _____

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645
Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: **Hornickel**

Petition Number: **14360**

1. Territory to be annexed: From **TOWN OF KOSHKONONG** To **CITY OF FORT ATKINSON**

2. Area (Acres): **1.28**

3. Pick one: ☒ Property Tax Payments

OR

☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ **359.10**

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): **1,795.50**

c. Participating jurisdictions _____

d. Statutory authority (pick one)

c. Paid by: ☒ Petitioner ☐ City ☐ Village

☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

☐ Other: _____

4. Resident Population: Electors: **1** Total: **1**

5. Approximate **present land use** of territory:

Residential: **100** % Recreational: _____ % Commercial: _____ % Industrial: _____ %

Undeveloped: _____ %

6. If territory is undeveloped, what is the **anticipated use**?

Residential: _____ % Recreational: _____ % Commercial: _____ % Industrial: _____ %

Other: _____ %

Comments: _____

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village?

Residential

In the town?: **Residential**

9. What are the **basic service needs** that precipitated the request for annexation?

☒ Sanitary sewer ☒ Water supply ☐ Storm sewers

☐ Police/Fire protection ☐ EMS ☐ Zoning

Other: _____

10. Is the city/village or town capable of providing needed utility services?

City/Village ☒ Yes ☐ No

Town ☐ Yes ☐ No

If yes, approximate timetable for providing service:

City/Village Town

Sanitary Sewers Immediately

☒

☐

or, write in number of years. _____

Water Supply Immediately

☒

☐

or, write in number of years. _____

1

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

☐ Yes ☒ No

If yes, identify the nature of the anticipated improvements and their probable costs: _____

11. Planning & Zoning:

a. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ No

Is this annexation consistent with your comprehensive plan? ☒ Yes ☐ No

b. How is the annexation territory now zoned? R-2 Rural Residential Unsewered

c. How will the land be zoned and used if annexed? SR-3 Single Family Residential

12. Elections: ☒ New ward or ☐ Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, elections@wi.gov or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

13. Other relevant information and comments bearing upon the public interest in the annexation:

Hornickel purchased recently and requested annexation.
No issues, comments, concerns.

Prepared by: ☐ Town ☒ City ☐ Village

Name: Michelle Ebbert

Email: miebbert@fortatkinsonwi.net

Phone: 920.563.7760

Date: Nov 25, 2020

(March 2018)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104



TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

December 10, 2020

PETITION FILE NO. 14360

MICHELLE EBBERT, CLERK
CITY OF FORT ATKINSON
101 N MAIN ST
FORT ATKINSON, WI53538-1861

KIM CHENEY, CLERK
TOWN OF KOSHKONONG
W5609 STAR SCHOOL RD
FORT ATKINSON, WI53538-9359

Subject: HORNICKEL ANNEXATION

The proposed annexation submitted to our office on November 20, 2020, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF FORT ATKINSON**, which is able to provide needed municipal services.

Note: The scale map of the territory to be annexed must clearly identify the existing municipal boundary of the city of Fort Atkinson.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14360 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2434>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner



CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538

Date: December 30, 2020

TO: City Council
FROM: Michelle Ebbert City Clerk/Treasurer
SUBJECT: Granting Operator Licenses

Background:

The following are applicants for operator licenses. The applications have been reviewed and approved for accuracy by the Police Department. The following licenses are recommended for approval by the City Council.

Discussion:

REGULAR FOR THE TERM OF **2020-2022:**

- | | | |
|----|----------------|-------------------|
| 1. | Tonia Grossman | Soup's On |
| 2. | Sarah Marsh | Bridge |
| 3. | Hannah Mayer | Mangiami Italiano |
| 4. | Rachel Mayer | Mangiami Italiano |
| 5. | Vicki Stephan | Bridge |

Financial Analysis:

None.

Staff Recommendation:

To recommend the approval of operator licenses for the above noted applicants upon completion of successful background checks.



Date: December 31, 2020

TO: City Council

FROM: Dave Berner, Interim City Manager

SUBJECT: Closed session – January 5, 2021

COPY: David Westwick-City Attorney, Michelle Ebbert-City Clerk/Treasurer/Finance Director, Andy Selle-City Engineer

There are three items for the closed session:

First, to review and discuss a **DRAFT** offer to purchase agreement, with 2L Loab LLC for the purchase of property located at 205 Hake Street (former scrap metal facility). Said offer is contingent upon approval from the WI Department of Administration CDBG-Close program and is presented to you as an amendment to the previous offer to purchase approved by Council and has now been executed. Please see attached memo from City Attorney Westrick. City Engineer Andy Selle will also attend to offer comment and answer any questions.

Second, brief report by CP Becker regarding the background report of Rebecca Houseman LeMire

Third, to discuss a concern I have regarding a personnel matter.

Please feel free to contact me if you have any questions before the meeting.

December 30, 2020

MEMO

TO: CITY OF FORT ATKINSON CITY COUNCIL

FROM: CITY ATTORNEY DAVID R. WESTRICK

Re: Purchase of real property located at 205 Hake Street

The City is negotiating with 2L Loeb LLC for the purchase of the above property. The pertinent terms are highlighted below. If the City Council agrees to this purchase, it would be an amendment to the Sale and Purchase Agreement previously agreed to by the City Council. Purchase price would be paid using CDBG-Close grant money.

- **Purchase Price** - to be paid by Buyer to Seller shall be \$100,000.00
- **Agreement** - contains an option to purchase for Opportunities Inc.

A. A Memorandum of Option will be recorded in the office of the Register of Deeds for Jefferson County, Wisconsin.

1. Opportunities shall be entitled to exercise the Option at any time during the five (5) years immediately following the date on which the Option is granted by Seller to Opportunities.

2. If Opportunities exercises the Option, the purchase price for the Hake Street Property shall be one Hundred Thousand and NO/100 Dollars (\$100,000.00).

3. The closing of the sale of the Hake Street Property from the Property Owner to Opportunities shall be held within forty-five (45) days after Opportunities exercises the Option.

B. The City acknowledges that there are piles of dirt currently located on the Hake Street Property (the "Dirt"). The City agrees that if the Dirt is found to be suitable for use in connection with Remedial Activities on the Property, then the Dirt shall be used only for that purpose.

- **"AS-IS" Condition** - City acknowledges and agrees that (a) except for any warranties or representations expressly made by seller in the Agreement, Seller has made no representation, warranty or guaranty, express or implied, regarding the condition of the Property; (b) Seller is not obligated to repair, alter or improve the Property in any manner, and (c) Buyer shall accept the Property at Closing in its "AS-IS" condition.
- **Closing** - Closing shall be at same time set for 115 Lorman Street and 600 Oak Street.
- **Waiver** - Bruce Loeb has agreed to sign a waiver of rights by Seller that he was not intimidated or coerced by the City in any way concerning 205 Hake Street.
- **Other terms** - All other terms from the 115 Lorman Street and 600 Oak Street transaction shall remain in full force and effect.