



City of Fort Atkinson  
City Clerk/Treasurer's Office  
101 N. Main Street  
Fort Atkinson, WI 53538

**CITY COUNCIL MEETING  
IN PERSON AND VIA ZOOM  
TUESDAY, JULY 18, 2023 – 7:00 PM  
CITY HALL – SECOND FLOOR**

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**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 Attorney, City Engineer, Police Chief, Building Inspector, Park and Recreation Director, Library Director

**3. PUBLIC HEARINGS – NONE**

**4. PUBLIC COMMENT:**

John Donohue, 1550 Raveen Street – spoke on library books available for checkout at the Dwight Foster Public Library. He suggests policies and standards on the types of books available for checkout.

John Hausz, 104 Jefferson Street – spoke on library books that are available for checkout at the Dwight Foster Public Library. He did not support various topics to be available in the library.

**5. CONSENT AGENDA:**

- a. *Review and possible action relating to the minutes of the July 6, 2023 regular City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b. *Review and possible action relating to the minutes of the July 6, 2023 Ordinance Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c. *Review and possible action relating to the minutes of the July 11, 2023 Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- d. *Review and possible action relating to building, plumbing, and electrical permit report for June 2023 (Draeger, Building Inspector)*
- e. *Review and possible action relating to the City Clerk-issued License and Permit Report for June 2023 (Ebbert, Clerk/Treasurer/Finance Director)*
- f. *Review and possible action relating to City Sewer, Water, and Stormwater Utility Financial Statements as of June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Becker moved, seconded by Cm. Jaeckel to approve the Consent Agenda as listed, items 5.a. through 5.f. Motion carried unanimously.

**6. PETITIONS, REQUESTS, AND COMMUNICATIONS:**

*a. Swearing in of Fort Atkinson Police Department K-9 Officer Smitty (Bump, Police Chief)*  
No action required.

*b. Presentation of 2023 WI Act 12 information relating to impact on Tax Incremental Districts (TIDs) (Ascheman, Management Intern)*

Intern Ascheman reviewed the recently adopted Act 12 for Tax Increment Districts (TIDs) created after December 31, 2024, the valuation factor (the percentage change in equalized value due to new construction) includes 90 percent of the equalized value increase due to new construction in a TID, but does not include improvements removed in a TID. For TIDs created from 2025 onward, only 90% of new construction value within the TID can be used to calculate the municipality's allowable levy increase. Currently, 100% of net new construction can be used to determine the increase. Under Act 12, a municipality would be able to apply 90% of new construction (not net new) that occurs within the TID. Ascheman continued, for TIDs created from 2025, the municipality can make a one-time levy adjustment of 10% of the new value within the TID when it closes. This can be increased to 25% if the TID closes before reaching 75% of its anticipated lifespan. This contrasts with the current law, which allows a 50% one-time levy adjustment without incentives for early closure. Also, if a TID is terminated, the levy increase limit for the municipality where the TID is located is increased by an amount that reflects the value increment of the terminated TID.

No action required.

## **7. RESOLUTIONS AND ORDINANCES:**

*a. First reading of an Ordinance to amend Sections 58-197 and 58-202 of the City of Fort Atkinson Municipal Code relating to curfews for minors (Bump, Police Chief)*

Chief Bump discussed the current ordinance as it separates juveniles into two different groups. 13 years of age and under and then 14-17 years of age. The two age groups have different time restrictions and the language within each category is inconsistent. Redrafting the Hours established section and joining all juveniles under one requirement will allow the ordinance to be more consistent in its understanding and application. This will be of value for parents who use the ordinance as guidance for their children and for the officers who apply the ordinance when necessary. The impact and final goals are to improve officer time and efficiency, allow for officer discretion at all levels of curfew violations and provide for a more easily understood ordinance for all citizens and officers. Additionally, we want to decrease youth curfew violations while increasing parental involvement to reduce and/or eliminate repeat offenses.

Cm. Becker moved, seconded by Cm. Lescohier to recommend the City Manager prepare the ordinance for a second reading at the August 1, 2023 City Council meeting. Motion carried unanimously.

*b. First reading of an Ordinance relating to hours of operation for the Municipal Building (Ebbert, Clerk/Treasurer/Finance Director)*

Clerk Ebbert discussed how the Clerk/Treasurer/Finance Department and Parks & Recreation Department adhere to the hours established by the Ordinance as there are several staff

members within the departments. The Engineering Department, Building Inspector, City Manager, Clerk of Courts are able to adjust their hours as needed as these positions are more specialized and singular in nature. With the advancement of technology, the City has been able to offer more services more efficiently to our community through the City's website. Examples include: accepting debit/credit cards for utility bill payments (currently 1,568 utility customers using Xpress Bill Pay); online applications and payments for Park & Recreation programming and rentals; online payment of municipal court citations; and most recently online applications and payments for building permits. These conveniences, along with the Covid-19 pandemic, have generally decreased foot traffic in the municipal building. Note that, upon repeal, the current "summer hours" at the Municipal Building of 8:00 a.m. to 4:30 p.m. would remain in effect throughout the year. In the future, any permanent changes to hours of operation at the Municipal Building would be done through a policy with City Council approval. The City Manager would retain the authority to temporarily close the building due to inclement weather or other emergency situations.

Cm. Lescohier moved, seconded by Cm. Schultz to recommend the City Manager prepare the ordinance for a second reading at the August 1, 2023 City Council meeting. Motion carried unanimously.

*c. Second reading of an Ordinance to adopt Zoning Text Amendments relating to medium industrial land uses, fencing, building maintenance, landscaping, signage and pools (Draeger, Building/Zoning Administrator)*

Inspector Draeger discussed how the City staff have worked with the new Zoning Ordinance over the past three years, several minor changes have been identified to improve overall consistency of applying the code's standards. City staff has also worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance. The bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document. At the meeting on June 27, 2023, the Plan Commission reviewed this matter and recommended that the City Council adopt 20 Zoning Text Amendments to the 2020 City of Fort Atkinson Zoning Ordinance.

Draeger noted that during the review at the Ordinance Committee and City Council level on July 6, 2023, staff determined that four of the proposed amendments relating to home occupations and off-street parking required additional review. The package of Zoning Text Amendments proposed for a second reading at the July 18<sup>th</sup> meeting includes 16 amendments outlined in the attached draft Ordinance and recommended for approval by the Plan Commission and Ordinance Committee. A first reading was performed at the July 6<sup>th</sup> City Council meeting.

Cm. Lescohier moved, seconded by Cm. Becker to recommend the City Manager prepare the ordinance for a third reading at the August 1, 2023 City Council meeting relating to medium

industrial uses, fencing, building maintenance, landscaping, signage, and pools. Motion carried unanimously.

**8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:**

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

No action required.

**9. UNFINISHED BUSINESS – NONE**

**10. NEW BUSINESS:**

*a. Review and possible action relating to a Certified Survey Map for the property located at 720 Messmer St. (Selle, Director of Public Works)*

Engineer Selle presented the proposed CSM will break the lot into 3 buildable lots from the existing parent parcel. The existing home will be demolished. The existing home will be demolished. The Zoning is SR-7, the smallest, most dense, single family residential lot within the Code. The minimum lot size is 6,000 SF. The plan is consistent with in-fill development and exactly what the SR-7 zoning was intended to accomplish. The three lots meet all requirements of the Code.

Cm. Jaeckel moved, seconded by Cm. Schultz to approve the Certified Survey Map for the property located at 720 Messmer St. subject to the conditions outlined in the staff report. Motion carried unanimously.

*b. Review and possible action relating to an Extra-Territorial Certified Survey Map for the property located at W7398 County Road C. (Selle, Director of Public Works)*

Engineer Selle reviewed the property owner's submission to break off a +/- 16 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.2 miles from the City boundary. The Future Land Use map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

Cm. Jaeckel moved, seconded by Cm. Schultz to approve the Extra-Territorial Certified Survey Map for the property located at W7398 County Road C subject to the conditions outlined in the staff report. Motion carried unanimously.

*c. Review and possible action relating to Alcohol Beverage License and Cigarette and Tobacco License application for Handyspot 105, LLC for the licensing period of July 19, 2023 to June 30, 2024 (Ebbert, Clerk/Treasurer/Finance Director)*

Clerk Ebbert provided the application that was recommended for approval by the License Committee for Handyspot 105, LLC. Handyspot 105 began leasing the property on April 24, 2023 however did not take over the property until the end of June. The prior license holder surrendered their license to the Clerk. Handyspot completed the Original License application, Supplemental Questionnaires, Schedule for Appointment of Agent, proof of Wisconsin Seller's Identification, Federal Identification Number and a copy of the lease agreement. Chief Bump

and the Police Department performed background checks with success. Following the backgrounds, a Cigarette and Tobacco License was issued on July 7, 2023 to allow the business to maintain sales revenue and frequent customers.

Cm. Becker moved, seconded by Cm. Jaeckel to approve the Alcohol Beverage License and Cigarette and Tobacco License applications for Handyspot 105, LLC for the licensing period of July 19, 2023 to June 30, 2024. 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. Becker moved, seconded by Cm. Lescohier to approve the Verified Claims as presented. Motion carried unanimously.

#### **13. THE CITY COUNCIL MAY CONSIDER A MOTION TO CONVENE IN CLOSED SESSION PURSUANT TO STATE STAT. §19.85(1)(G) IN ORDER TO CONFER WITH LEGAL COUNSEL WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGIES TO BE ADOPTED BY THE COUNCIL WITH RESPECT TO CURRENT AND PENDING LITIGATION (HOUSEMAN, CITY MANAGER)**

Cm. Lescohier moved, seconded by Cm. Jaeckel to adjourn into closed session pursuant to State Stat. §19.85(1)(g) in order to confer with legal counsel who is rendering oral or written advice concerning strategies to be adopted by the Council with respect to current and pending litigation. Motion carried unanimously.

#### **14. ADJOURNMENT**

Cm. Jaeckel moved, seconded by Cm. Becker to adjourn. Meeting adjourned at 8:37 pm.

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