



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, OCTOBER 3, 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 Attorney, City Clerk/Treasurer, City Engineer, Public Works Superintendent, Park & Recreation Director and Building Inspector.

**3. PUBLIC HEARINGS:**

*a. Discontinue A Portion of James Place between Talcott Street and Janesville Avenue*

Engineer Selle presented the process for discontinuance of a right of way is covered in state statute 66.1003. The statute indicates that proceedings to consider the discontinuance may be initiated by a petition for such by all adjacent adjoining property owners. The discontinuance is being requested to allow the City of Fort Atkinson to expand its Public Works and Parks Operations facility on the existing campus. The area will be used as an access to the campus and accommodate a new salt shed and bulk storage area specifically. The Plan Commission reviewed the request at a meeting on September 26, 2023 and recommended the City Council approve the Resolution to discontinue a portion of James Place between Talcott Street and Janesville Avenue.

President Johnson opened the Public Hearing.

John Hausz, 104 Jefferson Street – he asked where the existing Public Works buildings are in the diagrams reviewed by Engineer Selle.

Jodie Raddatz, 1245 Janette Street – she asked if questions will be better addressed at the next Council meeting. Selle confirmed site plan details will be reviewed in depth at the October 17<sup>th</sup> meeting.

President Johnson closed the Public Hearing.

*b. Proposed Amendments to Chapter 70 of City of Fort Atkinson Municipal Ordinance Sections 70.04.03 and 70.04.04 to Update and Enact New Park Impact Fees*

Ben Rohr of Vandewalle presented the first Comprehensive Outdoor Recreation Plan (CORP) in 2023, and Vandewalle & Associates (V&A) developed a full rewrite of the Land Division and Development Ordinance (Chapter 70) in 2022. The CORP and Chapter 70 overlap in relation to the City's Park Impact fees that are applied to new housing development. The City currently has a 'Park Development in Lieu of Land Dedication' fee, allowing developers to contribute monetarily to the

acquisition of parkland when new housing is constructed without dedicating land for parks. However, most municipalities have a 'Fee in Lieu of Parkland Dedication' separate from a 'Parks Improvement Fee,' which is used to fund the capital costs of parkland improvement (park amenities such as playgrounds, benches, infrastructure, etc.) in proportion to the increased demand on park facilities created by new households.

President Johnson opened the Public Hearing.

John Hausz, 104 Jefferson Street – he disagreed with the presentation of the Park Impact Fees and does not support the fees.

Jodie Raddatz, 1245 Janette Street – she asked if parks are all different, specifically swings for older people. Manager Houseman stated that the program plan includes various aspects for the development of the park and additionally referenced the City's Comprehensive Plan.

President Johnson closed the Public Hearing.

#### **4. PUBLIC COMMENT:**

Greg Carroll, 1407 Montclair Place – spoke in support of the ATV/UTV ordinance.

John Hausz, 104 Jefferson Street – has concern for dead trees in the parks and worries about branches falling and hurting someone.

Dean Trost, 1315 Montclair Place – spoke in support of the ATV/UTV ordinance.

#### **5. CONSENT AGENDA:**

- a. Review and possible action relating to the minutes of the September 14, 2023 Police and Fire Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b. Review and possible action relating to the minutes of the September 19, 2023 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c. Review and possible action relating to the minutes of the September 26, 2023 Board of Review meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- d. Review and possible action relating to the minutes of the September 26, 2023 regular Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*

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

#### **6. PETITIONS, REQUESTS, AND COMMUNICATIONS: – NONE**

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

- a. First reading of an Ordinance relating to amendments to Section 94-151 of the City of Fort Atkinson Municipal Code relating to the use of All-Terrain Vehicles (ATVs) on City Streets (Houseman, City Manager)*

Manager Houseman reviewed the action by the Ordinance Committee that discussed amending the City's ordinances relating to ATV/UTV use on City streets on July 6<sup>th</sup>. The full City Council held workshops on August 15<sup>th</sup> and September 18<sup>th</sup> where the matter was discussed further. The Council directed staff to make changes to the draft ordinance allowing ATVs and UTVs to drive on City streets and prepare it for a first reading at the City Council meeting on October 3, 2023. Such changes included the hours of operation, requirements relating to tire tread depth, and requirements for eye protection.

President Johnson moved to amend Section 94-157(p) Eye Protection: to include windshields as an option for required eye protection 15 inches above the handle/steering wheel. Motion seconded by Cm. Jaeckel. Motion carried unanimously.

Cm. Lescohier moved to amend Section 94-157(G) Hours of Operation to: between 9:00 pm and 8:00 am. Seconded by Cm. Schultz. Discussion on neighboring communities hours of operation. Roll call vote: Motion fails Becker, Jaeckel, Schultz Johnson opposed, Lescohier for.

Cm. Lescohier inquired on when this Ordinance could take effective. Council discussed Spring to allow for signage and installation of signage. Manager Houseman stated the Council could include an effective date.

Cm. Becker moved, seconded by Cm. Schultz move to direct the City Manager prepare this ordinance for a second reading at the October 17, 2023 City Council meeting as amended with the eye protection. Roll call vote: Motion carries Becker, Jaeckel, Schultz, Johnson for, Lescohier opposed.

*b. First reading of an Ordinance relating to a Zoning Map Amendment to change the zoning district for the properties located at 932 Erick St., 1000 Erick St., and 610 Talcott Ave. from Light Industrial (LI) to Institutional (I) (Selle, Director of Public Works)*

Inspector Draeger introduced the proposed Zoning Map Amendment is to rezone each from Light Industrial to Institutional. This matches the two existing parcels that make up the Public Works site, which are both currently zoned Institutional. As part of the larger project, all five parcels will be combined via Certified Survey Map (CSM) with a portion of the James Place right-of-way that is planned to be vacated. In total, this area will become one parcel to facilitate the planned Public Works and Parks Operations facility.

Cm. Becker moved to suspend the rules and waive the second and third reading of the Zoning Map Amendment. President Johnson seconded the motion. Motion carried unanimously.

Cm. Becker moved to adopt the Ordinance related to a Zoning Map Amendment to change the zoning district for the properties located at 932 Erick Street, 1000 Erick Street and 610 Talcott Avenue from Light Industrial to Institutional. Seconded by Cm. Schultz and carried unanimously on a roll call vote.

*c. First reading of an Ordinance to amend Sections 70.04.03 and 70.04.04 of the City of Fort Atkinson Land Division and Development Ordinance relating to Updating and Enacting New Park Impact Fees (Franseen, Director of Parks and Recreation)*

Director Franseen reviewed the process to date; on September 13, 2023 the Parks and Recreation Advisory Board unanimously recommended approval to City Council relating to the recommended impact fees included in the Impact Fee Needs Assessment. On September 26, 2023 the Plan Commission unanimously recommended City Council approve the recommended park impact fees included in the Needs Assessment and the associated changes in the City's Land Division and Development Code.

Cm. Becker moved, seconded by Cm. Lescohier to direct the City Manager prepare this ordinance for a second reading at the October 17, 2023 City Council meeting. Motion carried unanimously.

*d. Second reading of an Ordinance to amend Sections 15.03.28, 15.06.06(12), 15.06.06(19), 15.06.06(21), and 15.06.06 (22) of the Zoning Ordinance relating to parking and surface standards (Draeger, Building/Zoning Administrator)*

Inspector Draeger reviewed that over the last several months, staff has proposed changes and corrections to the Zoning Ordinance after about three years of applying it to circumstances within the community. Sixteen of those amendments were adopted by the City Council and have become effective. Several of the proposed amendments required additional consideration by the City Council, staff, and the public. The City Council held a workshop on August 15<sup>th</sup> to review these changes to Section 94-432 of the Municipal Code and to Sections 15.03.28, 15.06.06(12), 15.06.06(19), 15.06.06(21), and 15.06.06 (22) of the Zoning Ordinance. At that meeting, the Council directed staff to prepare these ordinance amendments for review by the Plan Commission and formal readings by the City Council. Also at that meeting, the Council directed staff to include a repeal of Section 94-434 relating to taxi parking. The Plan Commission reviewed the proposed amendments at the meeting on September 12<sup>th</sup> and recommended that they move forward to the City Council for consideration.

Cm. Lescohier moved, seconded by Cm. Jaeckel to direct the City Manager prepare this ordinance for a third reading at the October 17, 2023 City Council meeting. Motion carried unanimously.

*e. Second reading of an Ordinance to amend Section 94-432 of the Municipal Code relating to vehicle and trailer parking (Draeger, Building/Zoning Administrator)*

Cm. Becker moved, seconded by Cm. Schultz to direct the City Manager prepare this ordinance for a third reading at the October 17, 2023 City Council meeting. Motion carried unanimously.

*f. Second reading of an Ordinance to repeal Section 94-434 of the Municipal Code relating to taxicab parking (Draeger, Building/Zoning Administrator)*

Cm. Jaeckel, moved, seconded by Cm. Schultz to direct the City Manager prepare this ordinance for a third reading at the October 17, 2023 City Council meeting. Motion carried unanimously.

*g. Review and possible action on a resolution to Discontinue a Portion of James Place between Talcott Street and Janesville Avenue in the City of Fort Atkinson (Selle, Director of Public Works)*

Engineer Selle stated that the Plan Commission reviewed the request at a meeting on September 26, 2023 and recommended the City Council approve the Resolution to discontinue a portion of James Place between Talcott Street and Janesville Avenue.

Cm. Schultz moved, seconded by Cm. Jaeckel to approve the resolution to Discontinue a Portion of James Place between Talcott Street and Janesville Avenue in the City of Fort Atkinson. Motion carried unanimously.

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

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

**9. UNFINISHED BUSINESS – NONE**

**10. NEW BUSINESS:**

*a. Review and possible action relating to Certified Survey Map dedicating a 75-foot-wide right-of-way along the east side of the property located at 925 Lexington Blvd. to the City for future public infrastructure purposes (Selle, Director of Public Works)*

Engineer Selle discussed the proposed CSM will break off a 75' right of way corridor for the construction of a new road within the footprint of the existing drive access for the Fort Atkinson High School. The new road will connect with the new, east/west road – dubbed Trillium Drive – that will service a planned multifamily unit development. That CSM for that lot and the associated road was approved by Plan Commission a few months ago.

Cm. Schultz moved, seconded by Cm. Becker to approve the Certified Survey Map dedicating a 75-foot-wide right-of-way along the east side of the property located at 925 Lexington Blvd. to the City for future public infrastructure purposes. Motion carried unanimously.

*b. Review and possible action relating to an Agreement for Professional Services between the City and R.A. Smith for Preliminary Assessment of a Transportation Utility (Selle, Director of Public Works)*

Engineer Selle discussed a major service the City provides are the roads, recreational paths and sidewalks utilized by residents, businesses, and guests for transportation. Walking, biking, and driving opportunities abound within the community. The infrastructure carrying these trips requires maintenance and replacement to continue to meet expectations of service and safety. The process of funding the maintenance and replacement of this infrastructure in the past was accomplished by special assessment. Property owners paid for the road or sidewalk in front of their property to be maintained or reconstructed. In the late 2000s, the City Council moved away from this practice and established Fund 5 (Transportation Fund); raising the tax levy above required limits to provide revenue to the account at around \$400,000. The City incurred the short term penalty for exceeding levy limits in the process. In 2015 Fund 5 was unable to keep pace with the rising costs of materials and construction as well as the need for maintenance within the City. Council voted on and passed a vehicle registration fee, or wheel tax, in the amount of \$20 per personal vehicle registered within the City of Fort Atkinson. This fee added an additional \$210K annually for transportation improvements. In 2023, this fee remains the same at \$20/vehicle. The total cost of this preliminary assessment is \$13,786 and will be billed on a time and material basis.

The scope includes a report to Council on the statewide context for transportation utilities and the results of the Fort Atkinson specific analysis. Staff proposes to use funds from the American Rescue Plan Act Fund (Fund 22) to for this work (22-50-5000-1000).

Cm. Lescohier moved, seconded by Cm. Schultz to approve the Agreement for Professional Services between the City and R.A. Smith for a Preliminary Assessment of a Transportation Utility for \$13,786 using ARPA funds. Motion carried unanimously.

*c. Review and possible action relating to proposals for pre-demolition inspection services of buildings to be razed in association with the Public Works and Parks Operations facility project (Selle, Director of Public Works)*

Superintendent Williamson shared the design for the new Public Works and Parks Operations facility progresses, the buildings that are proposed to be razed to make room for the new construction have been identified. Building demolition requires an inspection for hazardous materials prior to obtaining a permit. Three firms with experience in such were solicited and returned bids. After proper inspection and potential mitigation of any hazardous materials, the buildings may be razed as soon as the 4<sup>th</sup> quarter of 2023 or 1<sup>st</sup> quarter of 2024. Bids for building demolition will come before Council prior to commencement of any work.

Cm. Becker moved, seconded by Cm. Jaeckel to approve the proposal from North Star Environmental Testing, LLC, for an amount not to exceed \$7,230 for pre-demolition inspection services of buildings to be razed in association with the Public Works and Parks Operations facility project. 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, Cm. Jaeckel seconded by to approve the Verified Claims presented by the Director of Finance and authorize payment. Motion carried unanimously.

#### **13. ADJOURNMENT**

Cm. Jaeckel moved, seconded by Cm. Schultz to adjourn. Meeting adjourned at 9:09 pm.

Respectfully submitted

Michelle Ebbert

City Clerk/Treasurer/Finance Director