**CITY COUNCIL MEETING**

**IN PERSON AND VIA ZOOM**

**TUESDAY, OCTOBER 17, 2023 – 7:00 PM**

**CITY HALL – SECOND FLOOR**

1. **CALL MEETING TO ORDER**

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

1. **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, Public Works Superintendent, Building Inspector, Chief of Police, Park & Recreation Director and several Public Works employees.

1. **PUBLIC HEARINGS – NONE**
2. **PUBLIC COMMENT:**

John Donohue, 1550 Raveen Street – referenced Wis State Statutes that allow citizen participation at meetings via public comment.

John Hausz, 104 Jefferson Street – spoke on the roof leak at the Municipal Building. He feels the roof should be prepared sooner than what was reviewed in the proposed Budget. He questioned the contract with the Humane Society.

Nate Friedl, 430 N. High Street – he discussed a fundraiser held by local ATV/UTV clubs.

1. **CONSENT AGENDA:**
2. *Review and possible action relating to the minutes of the October 3, 2023 regular City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
3. *Review and possible action relating to the minutes of the October 10, 2023 Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
4. *Review and possible action relating to building, plumbing, and electrical permit report for September 2023 (Draeger, Building Inspector)*
5. *Review and possible action relating to the City Clerk-issued License and Permit Report for September 2023 (Ebbert, Clerk/Treasurer/Finance Director)*
6. *Review and possible action relating to City Sewer, Water, and Stormwater Utility Financial Statements as of September 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)*
7. *Review and possible action relating to Special Event: Fort Atkinson Holiday Light Display-Fort Polar Path November 5, 2023-January 5, 2024 located at Janesville Avenue Bike Path in front of Jones Dairy Farm heading north to Rotary Depot Pavilion (Ebbert, Clerk/Treasurer/Finance Director)*

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

1. **PETITIONS, REQUESTS, AND COMMUNICATIONS:**
2. *Presentation relating to Public Works & Parks Operations facility to be located at 600 Talcott Avenue (Williamson, Public Works Superintendent)*

A presentation was provided by Superintendent Williamson and Angus Young & Associates. No action was taken.

1. **RESOLUTIONS AND ORDINANCES:**
   1. *Second 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 activity to date on the Ordinance. The Ordinance Committee discussed amending the City’s ordinances relating to ATV/UTV use on City streets on July 6th. The full City Council held workshops on August 15th and September 18th where the matter was discussed further. The Council performed the first reading of the draft ordinance allowing ATVs and UTVs to drive on City streets on October 3, 2023, and voted to amend the ordinance to include a windshield as a permitted form of eye protection. Staff has incorporated that change into the attached Substitute Amendment #1. The effective date is recommended to be May 1, 2024 to provide time to train all police department personnel in ATV/UTV state laws, the local ordinance, and other enforcement issues. Additionally, the CAD/RMS system and the citation software must be updated to include ordinance violations and fine amounts.

Cm. Jaeckel moved to change the effective date of the Ordinance to Monday, April 8th, 2024. Cm. Becker seconded. Motion carried with Cm. Lescohier opposed.

Cm. Jaeckel moved, seconded by Cm. Schutz to direct the City Manager prepare this ordinance for a third reading at the November 7, 2023 City Council meeting with an effective date of Monday April 8, 2024. Motion carried, Lescohier opposed.

* 1. *Second 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 spoke on the Ordinance and steps to date by various committees. 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.

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. The City Council had a public hearing and first reading of the proposed amendments to 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 on October 3, 2023.

Cm. Becker moved, seconded by Cm. Lescohier to direct the City Manager prepare this ordinance for a third reading at the November 7, 2023 City Council meeting. Motion carried unanimously.

* 1. *Third 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 spoke 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 15th 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.

Cm. Lescohier moved, seconded by Cm. Schultz to adopt the 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. Motion carried unanimously.

* 1. *Third 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 adopt the Ordinance to amend Sections 94-432 of the Municipal Code relating to vehicle and trailer parking. Motion carried unanimously.

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

Cm. Becker moved, seconded by Cm. Jaeckel to adopt the Ordinance to amend Sections 94-434 of the Municipal Code relating to taxicab parking. Motion carried unanimously.

1. **REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:**
2. *City Manager’s Report (Houseman, City Manager)*
3. **UNFINISHED BUSINESS – NONE**
4. **NEW BUSINESS:**
5. *Review and possible action to authorize the City Manager to enter into a contract for tree removal and bulk brush grinding and hauling services (Williamson, Public Works Superintendent)*

Superintendent Williamson discussed that on the evening of July 28, 2023, into the early morning of July 29, 2023, the City of Fort Atkinson experienced very strong winds associated with a severe storm event. The resulting damage sustained throughout the City had many staff members from various departments scrambling to clear roadways, assist with resident needs, protect the public from down power lines, and responding to emergency calls. Many of the City-owned trees located in the terraces and in parks were damaged and/or completely uprooted.

Cm. Lescohier moved, seconded by Cm. Becker to authorize the City Manager to enter into a contract with Treeo’s Tree Service for Tree Removal Services, not to exceed $118,998.88 and Bucklin’s Tree Service for Bulk Brush Grinding and Hauling Services, not to exceed $30,600.00. Motion carried unanimously.

1. *Review and possible action relating to a one-lot Certified Survey Map for the Department of Public Works & Parks Operations facility located at 600 Talcott Avenue (Selle, Director of Public Works)*

Engineer Selle presented the proposed CSM that will combine five existing lots on the proposed Public Works and Parks Campus into a single parcel and also incorporate the recent discontinuance of James Place, approved at the October 3, 2023 City Council meeting.

Cm. Jaeckel moved, seconded by Cm. Becker to approve the Certified Survey Map for the Department of Public Works & Parks Operations facility located at 600 Talcott Avenue. Motion carried unanimously.

1. *Review and possible action relating to a one-lot Certified Survey Map for the Kutz property located at 307 Wilson Ave. (Selle, Director of Public Works)*

Engineer Selle reviewed the CSM from the property owner who is proposing to create a 7,000 square foot lot for sale. A Sanitary Sewer Easement Agreement will need to be signed by all parties involved. At the meeting on October 10, 2023, the Plan Commission reviewed this matter and recommended that the City Council approve the preliminary Certified Survey Map contingent on the inclusion of the following:

* Proof of signature by both parties described in the Sanitary Sewer Easement Agreement.
* Language should be added to the CSM referencing the easement grantor and grantee and recording of such.

Cm. Schultz moved, seconded by Cm. Jaeckel to approve the Certified Survey Map for the Kutz property located at 307 Wilson Avenue. Motion carried unanimously.

1. **MISCELLANEOUS – NONE**
2. **CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:**
3. *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. Schultz to approve the list of Verified Claims submitted by the Director of Finance and authorize payment. Motion carried unanimously.

1. **ADJOURNMENT**

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

Respectfully submitted,

Michelle Ebbert

City Clerk/Treasurer/Finance Director