



City of Fort Atkinson  
City Manager's Office  
101 N. Main Street  
Fort Atkinson, WI 53538

**ORDINANCE COMMITTEE MEETING  
IN PERSON AND VIA ZOOM  
TUESDAY, JULY 16, 2024 – 6:00 PM  
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/82250427130?pwd=rufboZuqayEyjOfApKhmbKLrjm7xzS.1>

Meeting ID: 822 5042 7130

Passcode: 065089

Dial by Location

+1 312 626 6799

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

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**AGENDA**

- 1. Call meeting to order**
- 2. Roll call**
- 3. New Business**
  - a. Review and possible recommendation to the City Council relating to an Ordinance creating section 94-5 of the City of Fort Atkinson Municipal Code relating to the authority of Crossing Guards (Bump, Police Chief)
  - b. Review and possible recommendation to the City Council relating to an amendment to Section 66-38 of the City of Fort Atkinson Code of General Ordinances relating to members of the Plan Commission (Houseman, City Manager)
- 4. Adjournment**

*Date Posted: July 12, 2024*

*CC: Ordinance Committee Members: Chairperson Davin Lescohier, Bruce Johnson and Mason Becker; City Council; City Staff; City Attorney; News Media*

*Notice is hereby given that a majority of the Fort Atkinson City Council will be present at this meeting at the location and time indicated above to gather information about any subject matters on this agenda over which they have decision-making responsibility. This may constitute a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d. 553, 494 N.W.2d 408 (1993), and must be noticed as such although the City Council will not take any formal action at this meeting.*

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## MEMORANDUM

**DATE:** July 16, 2024

**TO:** Committee/Commission/Board

**FROM:** Adrian Bump, Police Chief

**RE:** Review and possible recommendation to the City Council relating to an Ordinance creating section 94-5 of the City of Fort Atkinson Municipal Code relating to the authority of Crossing Guards (Bump, Police Chief)

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### BACKGROUND

The purpose of this memo is to serve as background on the draft ordinance for Adult Crossing Guards. Wisconsin State Law provides authority to municipalities to appoint Adult School Crossing Guards to protect persons crossing crosswalks in the vicinity of schools. The authority offered to municipalities to appoint these crossing guards through State Statutes is only given if the municipality adopts an ordinance. The City currently has no such ordinance.

### DISCUSSION

Authority to direct and stop traffic on the roadway while assisting children and other pedestrians across the street at or near our schools can only be legally done if done so under the protections and authority of law.

Wisconsin State Statutes governing this authority is as follows:

349.215 Authority to appoint school crossing guards. The governing body of any city, village, town or county may by ordinance provide for the appointment of adult school crossing guards for the protection of persons who are crossing a highway in the vicinity of a school. The school crossing guards shall wear insignia or uniforms which designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings.

History: 1979 c. 344.

120.13 School board powers. The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(31) School crossing guards. Upon the adoption of a resolution to do so and approval of the resolution by the governing bodies of all of the cities, villages and towns located in whole or in part within the school district, provide for the appointment of adult school crossing guards for

the protection of persons who are crossing a highway in the vicinity of a school. The school crossing guards shall wear insignia or uniforms which designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings.

The attached draft ordinance references both sections of State Statutes, which would allow the City or the School District to employ adult crossing guards with the authority to stop traffic for pedestrians. The draft ordinance also makes it unlawful to disobey an adult crossing guard, which would allow the Police Department to take enforcement action if a situation occurred where such action was necessary or in the public interest.

Currently, the City employs adult crossing guards. However, adopting this ordinance which references both sections of Wisconsin Statutes would allow for the possibility of the School District taking on the employment of adult crossing guards in the future if mutually agreed upon between the City and the School District, without requiring a change in the ordinance.

The ordinance also outlines a penalty for its violation. Section 1-10 of the City's Municipal Code allows for a penalty not to exceed \$1,000 for a violation. However, the language in the proposed ordinance is permissive (*may*) so that the Police Department maintains discretion.

**FINANCIAL ANALYSIS**

The ordinance is not expected to have a financial impact on the City.

**RECOMMENDATION**

Staff recommends that the Ordinance Committee review the proposed creation of Section 94-5 of the City of Fort Atkinson Municipal Code relating to adult crossing guards and recommend that the City Council review and perform three readings of such before adoption, with the goal of adoption prior to the beginning of the 2024-2025 school year.

**ATTACHMENTS**

- 1. Draft Ord No. - Section 94-5 Crossing Guard Authority

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO CREATE SECTION 94-5  
OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES  
RELATING TO AUTHORITY OF ADULT CROSSING GUARDS**

**WHEREAS**, Wisconsin Statutes §349.215 and §120.13(31) provide authority to local governing bodies, including City Councils and School Boards, to appoint adult school crossing guards for the protection of persons who are crossing a highway in the vicinity of a school; and

**WHEREAS**, the City of Fort Atkinson employs adult crossing guards to assist children and adults safely travel to and from certain schools in the City; and

**WHEREAS**, the City is required to adopt an ordinance providing authority to the crossing guards to stop traffic and keep traffic stopped for pedestrians in order for the City to have enforcement authority.

**NOW THEREFORE**, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

**Section 1.** Section 94-5 of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

“Sec. 94-5. – ~~Reserved~~ Adult School Crossing Guards.

(a) Authority. Pursuant to §349.215 and §120.13(31) of Wisconsin Statutes, those adult persons hired by the City of Fort Atkinson or the Fort Atkinson School District to act as “School Crossing Guards” shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting persons to cross the street.

(b) Unlawful to Disobey. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of any adult School Crossing Guard given for the purpose of permitting persons to cross the street.

(c) Any violation of this ordinance may be subject to the penalties as found in Section 1-10 of the Municipal Code.”

**Section 2.** Effective Date. This ordinance shall take effect after passage, publication, and attestation as required by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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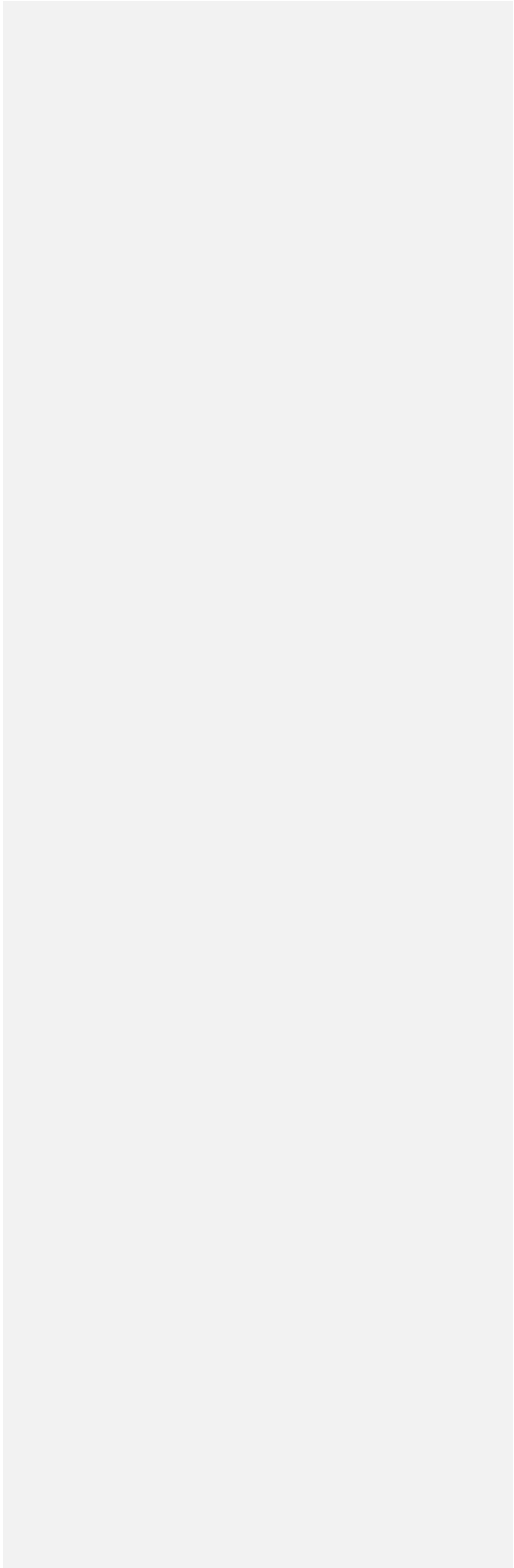
**Fort Atkinson City Council**

\_\_\_\_\_  
**Davin Leschier, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director

DRAFT





## MEMORANDUM

**DATE:** July 16, 2024

**TO:** Committee/Commission/Board

**FROM:** Rebecca Houseman, City Manager

**RE:** Review and possible recommendation to the City Council relating to an amendment to Section 66-38 of the City of Fort Atkinson Code of General Ordinances relating to members of the Plan Commission (Houseman, City Manager)

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### BACKGROUND

For many years, the City Engineer position and the Public Works Director position were combined into one position. Earlier in 2024, the City Manager upgraded the Assistant City Engineer position, which has not been filled, to a City Engineer position with a new job description and responsibilities. The Public Works Director will oversee the Engineering Division of the Public Works Department, as led by the City Engineer.

### DISCUSSION

Generally speaking, the two job descriptions outline the duties of each position. However, there are references to both positions in the City's Code of General Ordinances. Section 66-38 relating to Personnel of the Plan Commission indicates that the City Manager serves as the chairperson and the City Engineer serves as the secretary.

Staff proposes to amend Section 66-38 to allow the City Manager to appoint either the City Engineer or the Public Works Director to serve as the Secretary of the Plan Commission. Currently, City Engineer/Public Works Director Andy Selle serves as the Secretary of the Plan Commission. Mr. Selle is a Professional Engineer and prepares or reviews the preparation of the staff reports, information, and analysis presented to the Plan Commission for review and action. However, when the City hires a new City Engineer, this person would serve on the Plan Commission if the ordinance is not amended. Providing the City Manager the discretion over which position serves on the Plan Commission will allow the person best suited for the role the opportunity to serve.

### FINANCIAL ANALYSIS

Staff does not anticipate any financial impact associated with this ordinance amendment.

### RECOMMENDATION

Staff recommends that the Ordinance Committee review the proposed change to Section 66-38 of the City of Fort Atkinson Municipal Code relating to the personnel appointed to the Plan Commission and recommend that the City Council review and perform three readings of such before adoption.

**ATTACHMENTS**

- 1. Current Sec. 66\_38. Plan Commission Personnel
- 2. Draft Ord No. - Section 66-38 Plan Commission Personnel

## **ARTICLE II. CITY PLAN COMMISSION<sup>1</sup>**

### **Sec. 66-36. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commission* means the city plan commission.

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 66-37. Created.**

There is created and established a city plan commission in accordance with the provision of Wis. Stats. § 62.23.

(Code 1969, § 3.03(A))

### **Sec. 66-38. Personnel.**

(a) *Number of members.* The commission shall consist of:

- (1) The city manager, who shall serve as chairperson;
- (2) The city engineer, who shall serve as secretary;
- (3) One member of the council; and
- (4) Four citizens.

(b) *Selection and term.* The member of the commission from the council and the citizen members of the commission shall be elected or appointed for such terms and in such manner as provided in Wis. Stats. § 62.23.

(c) *Qualifications, vacancy, compensation.* All citizen members of the commission shall be persons of recognized experience and qualifications. The members of the commission shall hold office until their respective successors are selected and have qualified. Should a vacancy occur in the term of any citizen member, a successor shall be appointed as provided by statute to fill such unexpired term. No member of the commission shall receive any compensation for his/her services as such member.

(Code 1969, §§ 3.03(B)—(D); Ord. No. 559, 2-15-00)

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<sup>1</sup>Cross reference(s)—Boards, commissions and committees, § 2-301 et seq.

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**Sec. 66-39. Powers and duties.**

The commission shall have all the power, authority, duties and qualifications as are prescribed by state statute and such further power, authority, duties and qualifications as may be prescribed by resolution or ordinance of the council.

(Code 1969, § 3.03(E))

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 66-38  
OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES  
RELATING TO THE MEMBERS OF THE PLAN COMMISSION**

**WHEREAS**, the City of Fort Atkinson enjoys the Council-Manager form of government governed by Wis. Stats. §64.01 to §64.15; and

**WHEREAS**, the City Council has created a Plan Commission under the authority of Wis. Stats. §62.23, which provides the City Council and the Mayor (City Manager) the latitude of determining the membership of the Plan Commission; and

**WHEREAS**, the current Plan Commission consists of the City Manager (Chairperson), the City Engineer (Secretary), a Representative from the City Council, and four citizen members; and

**WHEREAS**, the City Engineer and Director of Public Works positions had been previously combined into one position; but have since been separated into two distinct positions; and

**WHEREAS**, the City Manager would like discretion in choosing who the other municipal representative on the Plan Commission is, depending on the experience, knowledge, and skills of the persons in the roles of City Engineer and Director of Public Works.

**NOW THEREFORE**, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

**Section 1.** Section 66-38 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

“Sec. 66-38. – Personnel.

(a) Number of members. The commission shall consist of:

1. The city manager, who shall serve as chairperson;
2. The city engineer or public works director, who shall serve as secretary at the discretion of the city manager;
3. One member of the council; and
4. Four citizens.

(b) Section and term. The member of the commission from the council and the citizen members shall be elected or appoint for such terms and in such manner as provided in Wis. Stats. §62.23.

(c) *Qualifications, vacancy, compensation.* All citizen members of the commission shall be persons of recognized experience and qualifications. The members of the commission shall hold office until their respective successors are selected and have qualified. Should a vacancy occur in the term of any citizen member, a successor shall be appointed as provided by statute to fill such unexpired term. No member of the commission shall receive any compensation for his/her services as such member.

(Code 1969, §§ 3.03(B)—(D); Ord. No. 559, 2-15-00)”

**Section 2.** Effective Date. This ordinance shall take effect after passage, publication, and attestation as required by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Fort Atkinson City Council**

\_\_\_\_\_  
**Davin Lescohier, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director