



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

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, AUGUST 20, 2024 – 7:00 PM
CITY HALL – SECOND FLOOR**

MINUTES

1. Call meeting to order

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

2. Roll call

Present: Cm. Jaeckel, Cm. Johnson, Cm. Schultz and President Lescohier. Also present: City Manager, City Attorney, City Clerk/Treasurer, Director of Public Works, Police Chief and Building Inspector/Zoning Administrator. Excused absence Cm. Becker.

3. Public Hearings

None.

4. Public Comment

Curtis Abendroth, 1000 N. Main Street - Referenced an article in the Daily Union newspaper regarding TID 8 and asked about the balances. He also commented on street patches on streets adjacent to the area he resides.

5. Consent Agenda

Cm. Schultz moved, seconded by Cm. Johnson to approve the Consent Agenda as presented. Motion carried.

- a. *Review and possible action relating to the **minutes of the August 5, 2024 Economic Development Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)*
- b. *Review and possible action relating to the **minutes of the August 6, 2024 regular City Council meeting** (Ebbert, Clerk/Treasurer/Finance Director)*
- c. *Review and possible action relating to the **minutes of the August 13, 2024 regular Plan Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)*
- d. *Review and possible action on a **Special Event: Rhapsody & Lemonade Day**, August 24, 2024, from 11 a.m. - 9 p.m. at Riverwalk Plaza, Café Carpe Indoors, Jones Market, Good2Go, Mr. Brew Taphouse, Bienfang's Bar, and Barrie Park. (Ebbert, Clerk/Treasurer/Finance Director)*

- e. *Review and possible action relating to the Police Chief's recommendations for **Trick or Treat hours** (10/27/24 1–4 p.m.) and Trunk or Treat hours (10/31/24 6–8 p.m. at Jones Park) (Bump, Police Chief)*
- f. *Review and possible action relating to **Citizen Appointments** to Committees, Commissions, and Boards (Houseman, City Manager)*
- g. *Discussion and possible action relating to a **Temporary Retailer's License** for Fort Atkinson Chamber of Commerce, Rhapsody Music Festival on August 24, 2024 (Ebbert, Clerk/Treasurer/Finance Director)*
- h. *Discussion and possible action relating to a **Temporary Retailer's License** for St. Joseph Catholic Church, Knights of Columbus Spaghetti Dinner on September 14, 2024 (Ebbert, Clerk/Treasurer/Finance Director)*
- i. *Discussion and possible action relating to a **Temporary Retailer's License** for St. Joseph Catholic Church, St. Joseph's Fall Festival on September 7-8, 2024 (Ebbert, Clerk/Treasurer/Finance Director)*

6. **Petitions, Requests, and Communications**

None.

7. **Resolutions and Ordinances**

- a. *Second and possible third/final reading of an Ordinance creating section 94-5 of the City of Fort Atkinson Municipal Code relating to the authority of Crossing Guards (Bump, Police Chief)*

Chief Bump stated this is the second reading of the Ordinance creating section 94-5 relating to the authority of the Crossing Guards. 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.

Cm. Jaeckel moved, seconded by Cm. Johnson to suspend the rules and waive the third reading of Ordinance relating to the authority of Crossing Guards. Motion carried 4-0.

Cm. Schultz moved, seconded by Cm. Jaeckel to adopt the Ordinance relating to the authority of Crossing Guards. Motion carried 4-0.

- b. *Second reading of an Ordinance to amend Section 66-38 of the City of Fort Atkinson Code of General Ordinances relating to members of the Plan Commission (Houseman, City Manager)*

Manager Houseman stated this is the second reading of the Ordinance amending the members of the Plan Commission. Houseman proposed 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.

Cm. Schultz moved, seconded by Cm. Johnson to suspend the rules and waive the third reading of the Ordinance amending the members of the Plan Commission. Motion carried 4-0.

Cm. Schultz moved, seconded by Cm. Johnson to adopt the Ordinance amending 66-38 relating to the members of the Plan Commission. Motion carried 4-0.

- c. *Review and possible action relating to a Resolution **amending the 2024 Annual City of Fort Atkinson Budget** relating to a transfer of funds between Tax Increment Districts (Houseman, City Manager)*

Manager Houseman referenced the Resolution to amend the budget with a transfer of funds between TIDs. She added that the 2024 TID #8 budget is not balanced. \$1,001,280.25 in revenue was budgeted and \$2,303,327.88 in expenditures. The difference (\$1,302,048) was the anticipated end of 2023 fund balance in TID #8 when the 2024 budget was adopted. Since that time, the City's auditors identified that the end of year fund balance in TID #8 was \$1,306,329. This amount was reported to the DOR in the TID report as approved by the Joint Review Board and filed by the City Clerk in July 2024. Staff knew that September 2024 was the end of the TID #8 expenditure period and planned to spend down those funds in accordance with the TID Project Plan and 2024 Budget. Instead of street improvements, the \$1.3M may be used to pay down the debt in TID #6, and then allow the City Council to close TID #8 as recommended by staff and the City's financial advisors. The proposed budget amendment is outlined in the Resolution. This proposed budget amendment changes three accounts: one account in Fund 12 (TID #6) and two accounts in Fund 14 (TID #8). Per the adopted budget, TID #8 was to transfer \$472,213.38 to TID #6. The amendment changes that amount to \$1,778,542.38. Likewise, the amendment changes the amount budgeted for street improvements from \$1,567,048.00 to \$260,719.00.

Cm. Schultz moved, seconded by Cm. Jaeckel to adopt the Resolution amending the 2024 annual City of Fort Atkinson Budget relating to a transfer between Tax Increment Districts and direct the City Clerk to publish the change on the City's website. Motion carried 4-0.

- d. *Review and possible action relating to a **Resolution extending the life of Tax Incremental District No. 8 (TID No. 8)** for one year to fund affordable housing programs and projects within the City of Fort Atkinson, Wisconsin (Houseman, City Manager)*
Manager Houseman provided the history of TID 8 and the Resolution for review.

Wisconsin statutes (66.1105(6)(g)) allows the extension of a TID up to one year, using the last year of tax increment to improve the City's housing stock. At least 75% of the increment must benefit affordable housing with the remaining portion used to improve housing stock. "Affordable Housing" is defined by Wis. Stats. 66.1105(2)(ab) as housing that costs a household no more than 30 percent of the household's gross monthly income. In order to extend the life of the TID, the City Council must adopt a Resolution declaring such by September 1st. Per the timeline included with the background information, the Council would then adopt a resolution terminating TID No. 8 in April 2025. The undeveloped and underdeveloped land within TID No. 8 has already been included in TID No. 9, which was created in 2023. The act of extending the life of TID No. 8 for an affordable housing program will provide approximately \$1,162,155 for affordable housing efforts in 2025 and beyond.

Cm. Schultz moved, seconded by Cm. Johnson to adopt the Resolution extending the life of Tax Increment District No. 8 for one year to fund affordable housing programs and projects within the City of Fort Atkinson, Wisconsin. Motion carried.

8. Reports of Officers, Boards, and Committees

- a. City Manager's Report (Houseman, City Manager)*
No action was taken.

9. Unfinished Business

None.

10. New Business

- a. Review and possible action relating to a **Certified Survey Map**, for the property located at 1708 Montclair Pl. (Draeger, Building/Zoning Administrator)*
Inspector Draeger stated the Plan Commission reviewed the CSM and recommended approval from the CSM submitted by property owner Aeryn Barry who has requested a two-lot Certified Survey Map for the parcel located at 1708 Montclair Pl. The property owner would like to separate the existing DR-8 Duplex Residential lot into two separate lots allowing the construction of a twin house using the zero-lot line zoning mechanism. Aeryn Barry and Samantha Tiry of Tempo Designed Homes previously brought a Preliminary CSM Review and Zero Lot Line division of an adjacent lot before the Plan Commission on June 27, 2023. Construction has begun on the proposed site with the utilities designed to be separated per city requirements.

Cm. Schultz moved, seconded by Cm. Jaeckel to approve this preliminary Certified Survey Map. Contingent on the inclusion of the following:

- A joint maintenance agreement for the roof, shared wall of the house, and any shared portion of the sanitary lateral to be recorded on each parcel

- Addition of the missing information required in Article VI, Section 70.06.03 – CSM Requirements, of the City of Fort Atkinson Land Division Ordinance
Motion carried.

*b. Review and possible action relating to a **Certified Survey Map** for 611 E. Sherman Ave., 403 McMillen Street, 615 N. Fourth Street, 609 N. Fourth Street, 603 N. Fourth Street, and Existing Fourth Street Right of Way (Selle, Director of Public Works)*

Director of Public Works Selle reviewed the CSM recommended for approval by the Plan Commission. Section 70.05.04 and 70.06.03 of the City of Fort Atkinson Land Division and Development Ordinance outlines the requirements for Certified Survey Map (CSM) review and approval by the Plan Commission and City Council for conformance with all ordinances and plans. Over the past several years, there have been multiple proposed and approved changes in and around the Fort Healthcare Hospital campus. Fort Healthcare is focused on retaining and consolidating as many services as possible to their main hospital campus. The proposed CSM is consistent with that long-range plan and the various approvals related to the Fort Healthcare properties over the past several years.

Cm. Schultz moved, seconded by Cm. Johnson to approve the CSM, subject to the following conditions:

- Fort Healthcare compliance with all of the conditions of approval previously applied to the various approved site improvements.
- Prior to signature an easement should be added for City Utilities under the former 4th St corridor. The easement will be drawn up by the City of Fort Atkinson, referenced on the CSM and recorded with the County.
- Any other recommendations of City staff and the Plan Commission.

Motion carried.

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. Jaeckel moved, seconded by Cm. Schultz to approve the list of Verified Claims. Motion carried.

13. Adjournment

Cm. Schultz moved, seconded by Cm. Johnson to adjourn. Meeting adjourned at 7:40 pm.

Respectfully submitted,

Michelle Ebbert

City Clerk/Treasurer/Finance Director

