



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, OCTOBER 17, 2023 – 7:00 PM  
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/5997866403?pwd=alcreldSbGpNUVI1VnR1RWF5bXovdz09>

Meeting ID: 599 786 6403

Passcode: 53538

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**AGENDA**

1. **Call meeting to order**
2. **Roll call**
3. **Public Hearings – None**
4. **Public Comment:** *The City Council will receive comments from City residents. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information. No action will be taken on any public comments unless the item is also elsewhere on the agenda.*
5. **Consent Agenda:** *The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President.*
  - a. Review and possible action relating to the **minutes of the October 3, 2023 regular City Council meeting** (Ebbert, Clerk/Treasurer/Finance Director)

- b. Review and possible action relating to the **minutes of the October 10, 2023 Plan Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- c. Review and possible action relating to **building, plumbing, and electrical permit report for September 2023** (Draeger, Building Inspector)
- d. Review and possible action relating to the City Clerk-issued **License and Permit Report for September 2023** (Ebbert, Clerk/Treasurer/Finance Director)
- e. Review and possible action relating to **City Sewer, Water, and Stormwater Utility Financial Statements** as of September 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)
- f. 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)

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

- a. **Presentation relating to Public Works & Parks Operations facility** to be located at 600 Talcott Avenue (Williamson, Public Works Superintendent)

**7. Resolutions and Ordinances:**

- a. 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)
- b. 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)
- c. 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)
- d. Third reading of an Ordinance to amend Section 94-432 of the Municipal Code relating to **vehicle and trailer parking** (Draeger, Building/Zoning Administrator)
- e. Third reading of an Ordinance to repeal Section 94-434 of the Municipal Code relating to **taxicab parking** (Draeger, Building/Zoning Administrator)

**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 to authorize the City Manager to enter into a contract for **tree removal and bulk brush grinding and hauling services** (Williamson, Public Works Superintendent)
- b. 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)
- c. Review and possible action relating to a one-lot **Certified Survey Map** for the Kutz property located at 307 Wilson Avenue (Selle, Director of Public Works)

**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)

**13. Adjournment**

*Date Posted: October 13, 2023*

*CC: City Council; City Staff; City Attorney; News Media; Fort Atkinson School District; Fort Atkinson Chamber of Commerce*

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**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



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

**PLAN COMMISSION MEETING  
IN PERSON AND VIA ZOOM  
TUESDAY, OCTOBER 10, 2023 – 4:00 PM  
CITY HALL – SECOND FLOOR**

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**1. CALL MEETING TO ORDER**

President Manager Houseman called the meeting to order at 4:00 pm.

**2. ROLL CALL**

Present: Commissioners Gray, Kessenich, Shull, Cm. Schultz, Engineer Selle and Manager Houseman. Also present: Clerk/Treasurer, Public Works Superintendent, Building Inspector.

Absent: Highfield

**3. REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE SEPTEMBER 26, 2023  
REGULAR PLAN COMMISSION MEETING**

Gray moved, seconded by Kessenich to approve the minutes of the September 26, 2023 regular Plan Commission meeting. Motion carried unanimously.

**4. PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A SITE PLAN TO ACCOMMODATE  
BUILDING A NEW PUBLIC WORKS AND PARKS OPERATIONS FACILITY AT 700 JAMES PLACE  
(CUP-2023-02)**

Engineer Selle stated that the City currently owns a total of five parcels in this area. Two are currently used for the Department of Public Works Garage and three are former storage buildings. Assuming the successful approval of the CSM to combine the lots and with the proposed James Place right-of-way vacation, the new parcel will be a total of 5.8 acres.

There are a total of nine existing buildings within the development area. Eight are proposed to be demolished and one is planned to remain (existing 13,006 square foot Parks Garage building that fronts James Place). This demolition is planned to occur in phases so Public Works can continue to use the site during redevelopment.

Following demolition, the site will contain three total buildings:

- 69,680 square foot new main building along the north property line
- 2,400 square foot new storage building along the southwest property line
- 13,006 square foot existing Parks Garage building on the west side of the site

The Site Plan also includes removal of the roadway that makes up James Place today, the addition of access driveways from Talcott Street and Erick Street, a new stormwater detention

area, new perimeter fencing, new parking area on the east side of the lot, landscaping, and exterior lighting.

Manager Houseman opened the Public Hearing.

After several calls for comments, the Public Hearing was closed without comments.

5. **REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO A CERTIFIED SURVEY MAP FOR THE DEPARTMENT OF PUBLIC WORKS & PARKS OPERATIONS FACILITY (CSM-2023-11) (SELLE)**

Engineer Selle noted that setbacks will be added to the CSM before final approval. The Zoning of the parcels has been changed to Institutional at the October 3, 2023 City Council meeting. The proposed CSM meets all requirements for this Zoning District. An easement for an existing City sewer line will be added to the Final CSM for signature that runs along the north property line of the parcel.

Schultz moved, seconded by Kessenich to recommend to the City Council relating to a Certified Survey Map for the Department of Public Works & Parks Operations Facility with the condition that the proposed sewer easement be added along with setbacks and reviewed by staff prior to final signature. Motion carried unanimously.

6. **REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO A CERTIFIED SURVEY MAP FOR THE KUTZ PROPERTY LOCATED AT 307 WILSON AVE. (CSM-2023-10) (SELLE)**

Engineer Selle discussed how the property owner would like to create a 7,000 square foot lot for sale. A Sanitary Sewer Easement Agreement will need to be signed by all parties involved. The proposed parcel will be Zoned SR-7, and meets the minimum dimensions and requirements of the zoning code. This proposed parcel does include a sanitary lateral for the parcel at 1220 Janette Street. The easement is shown on the CSM and will be communicated to any potential buyer. The residents at 1220 Janette as well as the applicant have been in communication and are in agreement with the split.

Staff provided the following conditions:

- 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.

Gray moved, seconded by Schultz to recommend to the City Council relating to a Certified Survey Map for the Kutz property located at 307 Wilson Avenue with the conditions outlined in the Staff report including proof of signature by both parties described in the Sanitary Sewer Easement Agreement and language be added to the CSM referencing the easement grantor and grantee and recording. Motion carried unanimously.

**7. REVIEW AND POSSIBLE ACTION ON A SITE PLAN REVIEW FOR OSI TOWER SIGNS LOCATED AT 1200 INDUSTRIAL DRIVE (SPR-2023-16) (DRAEGER)**

Building Inspector Draeger presented the Site Plan as OSI Industries is proposing several new, non-illuminated wall signs to be placed on existing structures. The proposed new signs include:

- Two new digitally printed, opaque, vinyl wall signs to be placed on the existing metal storage tanks located in the northwest corner of the property at an approximate size of 240 square feet each.
- Three new aluminum, opaque, wall signs to be placed on the existing exterior of the building located on the north wall at an approximate size of 4 square feet each.
- One new aluminum, opaque, wall sign to be placed on the existing exterior of the building located on the south wall at an approximate size of 27 square feet.

Manager Houseman moved, seconded by Gray to approve the Site Plan Review for OSI tower signs located at 1200 Industrial Drive. Motion carried unanimously.

**8. ADJOURNMENT**

Schultz moved, seconded by Gray to adjourn. Meeting adjourned at 4:31 pm.

Respectfully submitted  
Michelle Ebbert  
City Clerk/Treasurer



# Permit Report

09/01/2023 - 09/30/2023

Permit Date	Permit #	Permit Location	Owner Name	Permit Type	Permit Description	Estimated Project Cost	Total Fees
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## Group: Add/Alter Commercial

9/12/2023	23570	611 Sherman Ave E	Fort Healthcare	Add/Alter Commercial	Replace medical booms in ER exam rooms.	117,838	\$132.50
9/1/2023	23545	1551 Madison Ave	Culver's	Add/Alter Commercial	adding second drive through lane, changing landscaping, new signage, pedestrian access.	75,000	\$610.00
							<b>\$742.50</b>

**Group Total: 2**

## Group: Electrical

9/29/2023	23601	615 Madison Ave	Tom McCulloch	Electrical	Backup Generator	6,000	\$80.00
9/28/2023	23598	344 Merchants Ave	K&B Real Estate Investments LLC	Electrical	Complete electrical remodel	15,000	\$180.00
9/27/2023	23597	1320 Riverside Dr	312 PROPERTIES DELAVAN LLC	Electrical	ELECTRICAL RESTORATION Providing Temporary power for construction. Four service disconnects apartments 5,6,7,8	5,000	\$60.00
9/27/2023	23596	1101 W Blackhawk Dr	Carl Baio	Electrical	Generator Installation	9,881	\$80.00
9/27/2023	23595	1122 N High St	Elizabeth Bull	Electrical	Generac Generator Installation	12,755	\$80.00
9/26/2023	23593	825 Lexington Blvd	T-Mobil USA	Electrical	Remodel / Alteration	22,000	\$171.25
9/25/2023	23591	102 Clarence St.	John Landowski	Electrical	New 200 amp service	8,000	\$70.00

9/22/2023	23578	202 Memorial Dr.	Steve & Mary Benson	Electrical	Bathroom Remodel	1,500	\$43.00
9/14/2023	23575	611 Sherman Ave E	Fort Healthcare	Electrical	Replace medical booms in ER exam rooms.	117,838	\$61.00
9/7/2023	23559	1559 Madison Ave	Kwik Trip	Electrical	Addition/Altercations	238,000	\$520.00
9/6/2023	23554	1551 Madison Ave	Culver's	Electrical	adding second drive through lane, changing landscaping, new signage, pedestrian access.	0	\$85.00
9/6/2023	23550	1122 N High St	BULL	Electrical	FIREPLACE INSTALLATION	1,000	\$35.00
9/4/2023	23548	323 Merchants Ave	Greg Albert	Electrical	Kitchen remodel	3,000	\$51.00
							<b>\$1,516.25</b>

**Group Total: 13**

**Group: Fence**

9/18/2023	23576	121 W Blackhawk Dr	Pat O'Gorman	Fence	Adding fence to backyard and side yard	12,000	\$85.00
9/7/2023	23561	301 S Sixth St	Brandon Beaudou	Fence	Wood picket fence	2,500	\$85.00
9/7/2023	23560	116 E Highland Ave	Jack Walden	Fence	6' white PVC Fence in back yard	18,000	\$85.00
							<b>\$255.00</b>

**Group Total: 3**

**Group: HVAC**

9/29/2023	23602	518 Shah Ave	Roy Budlong	HVAC	Replace AC and Furnace	0	\$105.00
9/25/2023	23590	1105 N Main St	EVERGREEN CEMETERY	HVAC	FURNACE AND A/C	0	\$115.00
9/25/2023	23589	1308 Erick St	JEFF MARQUARDT	HVAC	FURNACE AND A/C	0	\$105.00
9/25/2023	23588	413 S Fourth St	LYLE WAGNER	HVAC	CENTRAL AIR CONDITONER	0	\$70.00
9/25/2023	23587	516 Roosevelt St	FRED JORDAN	HVAC	CENTRAL AIR CONDITIONER	0	\$70.00
9/25/2023	23586	512 East St	ALVIN TILLET	HVAC	FURNACE	0	\$70.00

9/25/2023	23585	1216 Arndt St	WILLY JAECKEL	HVAC	CENTRAL AIR CONDITIONER	0	\$70.00
9/25/2023	23584	640 Washington	WILLIAM OTTO	HVAC	CENTRAL AIR CONDITIONER	0	\$70.00
9/25/2023	23583	626 Jackson St.	CHAD NIMM	HVAC	CENTRAL AIR CONDITIONER	0	\$70.00
9/25/2023	23582	1409 Montclair	KELLY RAMIREZ	HVAC	FURNACE	0	\$70.00
9/25/2023	23581	224 Nadig Dr.	GARY JENSEN	HVAC	CENTRAL AIR CONDITIONER	0	\$70.00
9/25/2023	23580	1420 S Main St	LAURA HOLLENBERGER	HVAC	FURNACE AND A/C	0	\$105.00
9/25/2023	23579	428 Robert St	Stacey Judd	HVAC	Furnace and ac replacement	10,104	\$105.00
9/13/2023	23573	710 W Blackhawk Dr	Brian Juarez	HVAC	Replace Furnace and Ac	0	\$105.00
9/12/2023	23569	810 Morrison St	Robert Hendrickson	HVAC	Furnace Replacement	4,440	\$70.00
9/11/2023	23568	344 Merchants Ave	K&B Real Estate Investments	HVAC	Rerouting duct work to kitchen and half bath.	500	\$45.05
							<b>\$1,315.05</b>

**Group Total: 16**

**Group: Plumbing**

9/14/2023	23574	912 Riverside Dr	Yamin & Moy Ahmed	Plumbing	Replacing tub with a shower, same size and location	1,160	\$47.00
9/13/2023	23572	1233 Janette St	Ryan Huber	Plumbing	Running underground gas line from meter to pool heater, approx. 95 feet	1,500	\$60.00
9/11/2023	23567	517 S Fourth St E	Roahen, Dan	Plumbing	bathtub and surround being replace with walkin shower and surround, including mixing valve and trap	20,562	\$47.00
9/11/2023	23566	208-210 Heritage Drive	JT Developers LLC	Plumbing	Permit is for Water laterals for both units. sewer and street permits not needed due to sewer and street being private	500,000	\$185.00

9/8/2023	23564	716 Messmer St	Ryan Foust	Plumbing	new construction/ sewer and water	500,000	\$301.00
9/8/2023	23563	720 Messmer St	Ryan Foust	Plumbing	new construction/ sewer and water lateral	500,000	\$301.00
9/6/2023	23555	1131 N High St	John and Holly Andrews	Plumbing	replace mixer valve	6,602	\$41.00
9/6/2023	23553	607 Coventry Cr	Cathy Mansavage	Plumbing	Replacing 2 first floor tubs with pans, same size and location	2,045	\$47.00
9/6/2023	23552	344 Merchants Ave	KB Investments	Plumbing	full renovation of home's plumbing	12,900	\$113.00
9/6/2023	23551	726 Messmer St	Ryan Foust	Plumbing	new house/ sewer and water lateral	400,000	\$251.00
							<b>\$1,393.00</b>

**Group Total: 10**

**Group: Right of Way Opening Permit**

9/29/2023	23600	1119 Van Buren St	Jared Janzen	Right of Way Opening Permit	new apron and sidewalk, plus concrete driveway	10,000	\$50.00
9/29/2023	23599	1250 Butler Drive		Right of Way Opening Permit	ROW - Fiber Service + Vault Installation	0	\$50.00
9/26/2023	23592	715 Lexington	Tim Hershman	Right of Way Opening Permit	Driveway opening	0	\$50.00
9/7/2023	23558	1255 Talcott St		Right of Way Opening Permit	UG CATV Install - # 4751632	0	\$50.00
9/7/2023	23557	75 Lucile St		Right of Way Opening Permit	ROW	0	\$50.00
							<b>\$250.00</b>

**Group Total: 5**

**Group: Sign**

9/20/2023	23577	1555 Madison Ave	Kwik Trip, Inc.	Sign	New 8" canopy stripe for existing gas canopy	15,000	\$55.00
9/5/2023	23549	1555 Madison Ave	Kwik Trip	Sign	(1) set of lit, LED 'Kwik Trip' channel letters to be mounted to the front gable. Total 13.5 sq ft	2,500	\$90.00
							<b>\$145.00</b>

**Group Total: 2**

**Group: Single Family Alteration/Addition**

9/12/2023	23571	212 Barrie St	Aaron/Melody Martin	Single Family Alteration/Addition	Kitchen remodel, Moving Laundry	20,000	\$82.00
							<b>\$82.00</b>

**Group Total: 1**

**Group: Zoning**

9/29/2023	23603	524 Stratford Ct	Shelley Schuerman	Zoning	Replacing existing fence with new	9,000	\$25.00
							<b>\$25.00</b>

**Group Total: 1**

							<b>\$5,723.80</b>
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**Total Records: 53**

**10/10/2023**



Jedidiah Draeger  
Building Inspector/Zoning Administrator



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

## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Michelle Ebbert, City Clerk/Treasurer/Finance Director

**RE:** Monthly Report of Licenses and Permits Issued by the City Clerk

The following is a list of the Licenses and Permits issued by the City Clerk for the period of September 19, 2023 through October 17, 2023 per the City of Fort Atkinson Municipal Code of Ordinances. No action is necessary by City Council, as these licenses and permits have already been issued. This report is for informational purposes only.

### BEEKEEPING

None

### OPERATOR

Licensing Period – July 1, 2022 – June 30, 2024

Applicant	Place of Employment	Recommended Approval by Fort Atkinson Police Department
Franki Elmore	Country Inn and Suites	Y
Michele Scolman-Heizmann	Beauty and the Bean	Y
Christopher Frommell	Kwik Trip 1506	Y
Orvis Fuentes-Flores	Walgreens	Y
Chirstina Marie Parish	Shell Gas Station	Y
Patricia Bolton	Open	Y
Bryanna Duddeck	Bridge Event Venue	Y
Brenden Brass	Bridge Event Venue	Y
Jennifer Oas	Bridge Event Venue	Y

### MOBILE MERCHANT

David Rabl	Rabl's Trees	Y
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### DOOR-TO-DOOR RESIDENTIAL / DIRECT SELLER

None



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

## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Michelle Ebbert, City Clerk/Treasurer/Finance Director

**RE:** 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

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### BACKGROUND

The City of Fort Atkinson is committed to supporting quality special events throughout the community. The Special Event Guide and Application was created to assist with planning events in the city and to allow appropriate contact information be obtained and forwarded to Departments. The planning guide is designed to assist members of the community in the planning, preparation and running of events and programs in Fort Atkinson.

The Special Event Guide defines a special event as a planned extraordinary occurrence or temporary aggregation of attractions, open to the public, that (a) is conducted on public property, (b) is conducted on private property and has a substantial impact on public property, (c) has activities that request special temporary licenses; or (d) require special city services, whether open to the public or not, including but not limited to, any of the following: street closures, provisions of barricades, garbage cans, stages or special no parking signs, special electrical services, or special police protection. Special events include, but not limited to, neighborhood and community festivals, parades, processions, fairs, and bicycle or foot races.

### DISCUSSION

**Event:** Fort Atkinson Animated Holiday Light Display – Fort Polar Path

**Dates and Hours of Event:** November 5, 2023 through January 5, 2024

**Locations:** Janesville Ave Bike Path in front of Jones Dairy Farm heading north to the Rotary Depot Pavilion

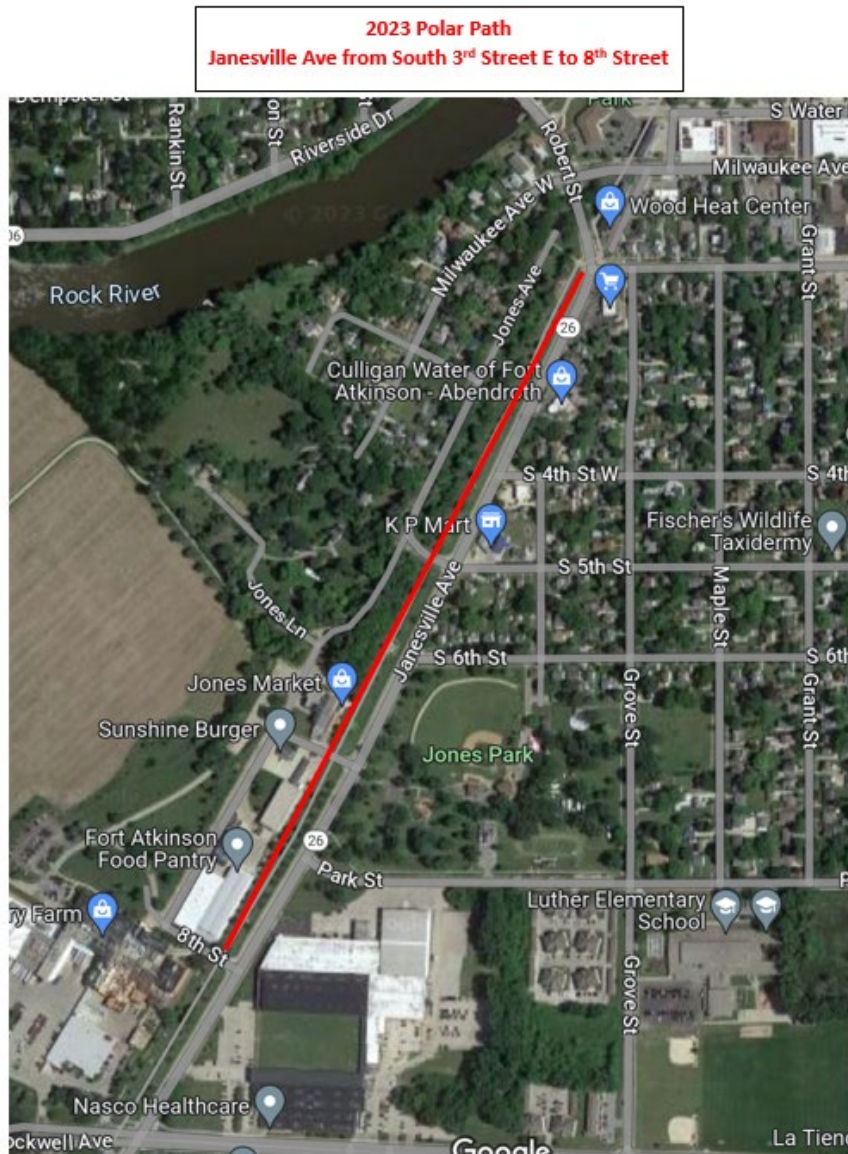
**Contact Person:** Mariah Hadler

**Estimated Number of Attendees:** 5000+ - open to community, outdoor light display

Event information was routed to Departments with the following comments without concerns:

The Beautification Council requested the installation of 4-6 electrical boxes on the light poles on the 700-800 block of the bike path. Electrical work to be performed by Water Superintendent

Jeff Armstrong and City Electrician Nick Armstrong. No additional walk through or permits required.



### **FINANCIAL ANALYSIS**

The City intends to invoice the event organizers for any work associated with the installation and maintenance of the requested electrical boxes along the bike trail. Additionally, staff will continue to monitor the use of electricity for this event. If the increase in usage for this event is quantifiable, staff will invoice that to the event organizers as well.

### **RECOMMENDATION**

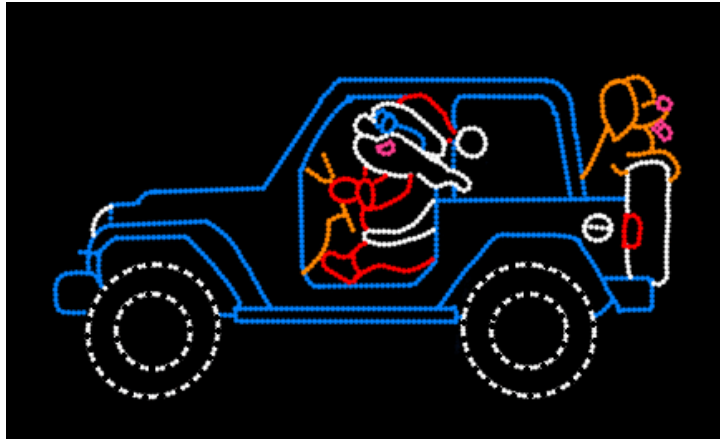
Staff recommends that City Council approve the Fort Atkinson Animated Holiday Light Display from November 5 2023 through January 5, 2024.

### **ATTACHMENTS**

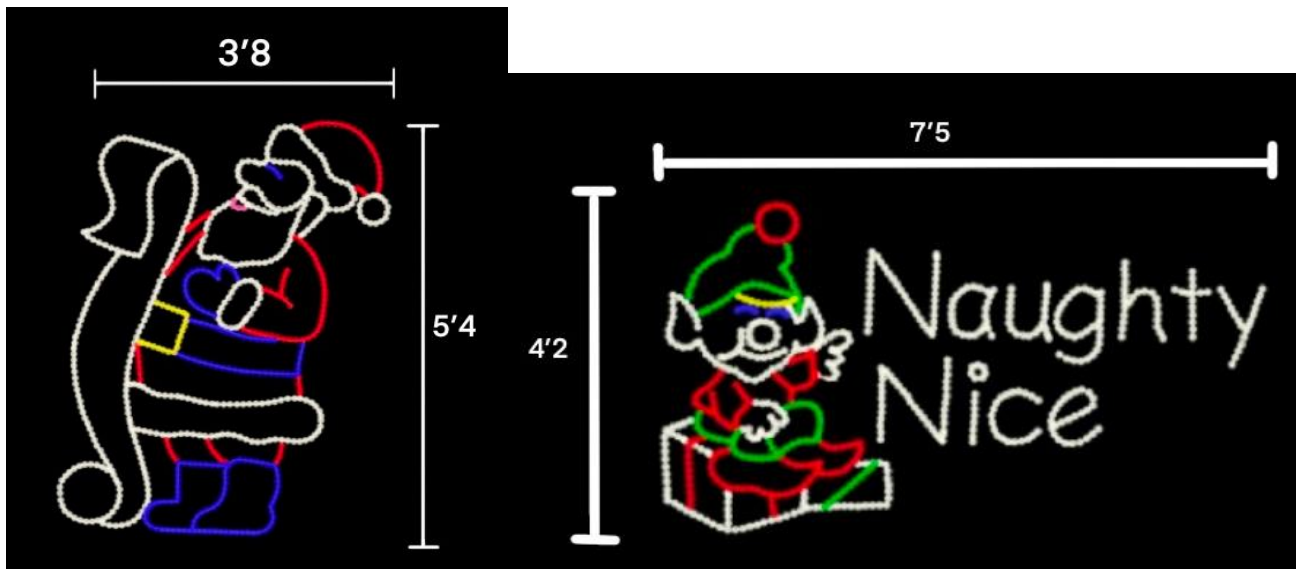
Special Event Application, 2023 Holiday Light Displays

## New for 2023

### 1. Off Road Santa 6'7" H x 12'10" W



### 2. Santa and Elf Checking List



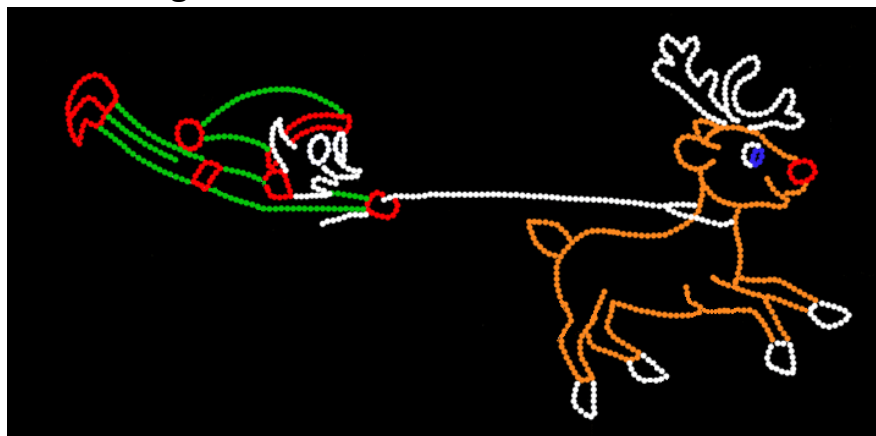
### 3. Santa in Boat 5' H x 9'4" W



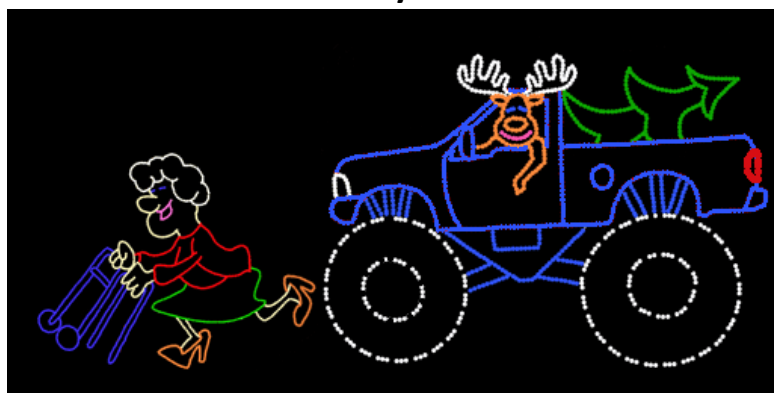
4. 4 Car Train 3'7" H x 17' W



5. Elf Catching Reindeer 6'4" H x 11'W



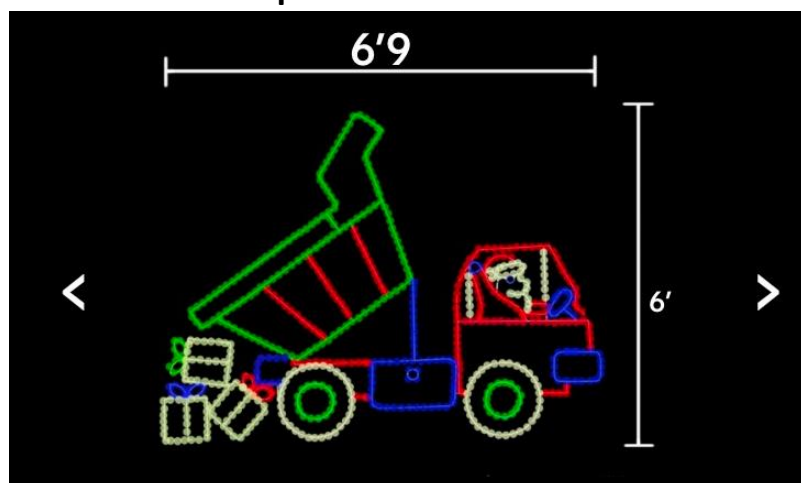
6. Reindeer 4x4 with Granny 7' H x 10'1" W



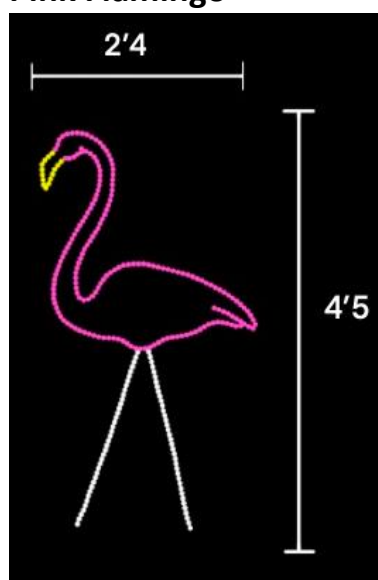
7. Pogo Elf 8'2" H x 11' W



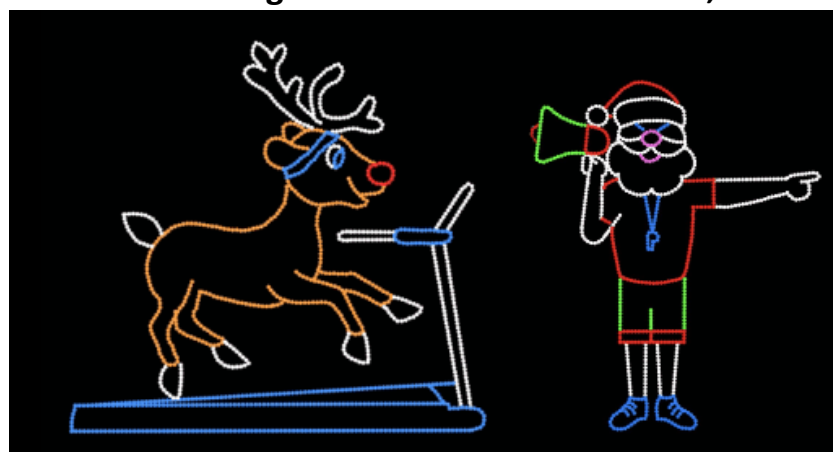
### 8. Santa in the Dump Truck



### 9. Pink Flamingo



### 10. Reindeer Training: Coach Claus = 6'H x 5'9"W, Run Run Rudy = 6'11"H x 7'5"W



**11. Large Santa Sleigh 6'10"H x 45'W**

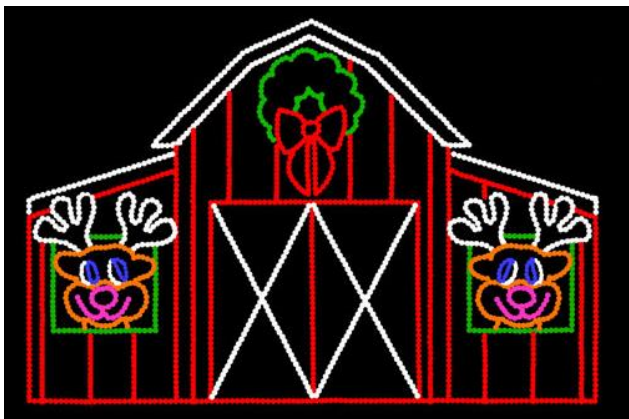


**Possible Additions yet in 2023 based on Funding**

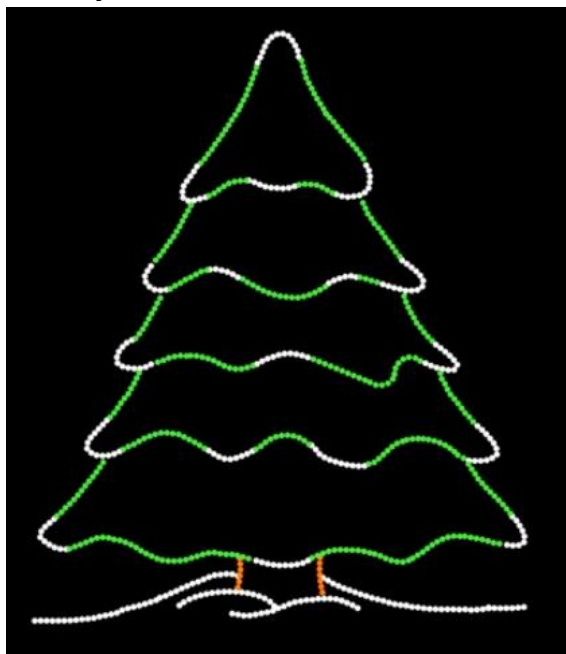
**1. Elf in the Hay 7'H x 11'5"W**



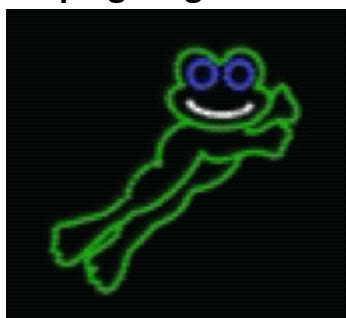
**2. Reindeer Barn 7'1"H x 10'6"W**



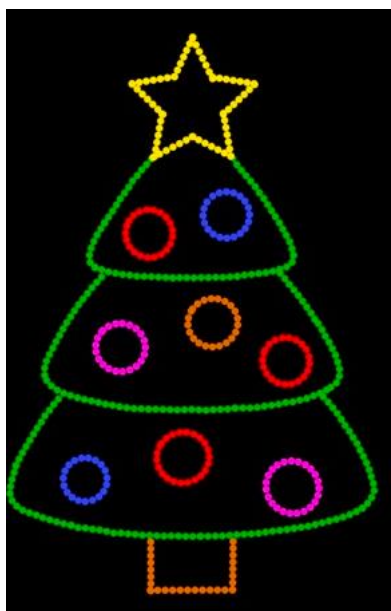
3. Snowy Tree 10 ft x 8'4"



4. Leaping Frog 8'6" x 10' W



5. Tree with Ornaments 7'8" H 5'2"W



YEAR	ITEM NAME	ITEM #	BUSINESS	PRICE	PAID AMOUNT	SUPPLIES
2023	OFF ROAD SANTA	ORJ68-LED	Schafer family	1150		300
2023	Santa and Elf Checking List	SE963-LED	Schafer Family	840		250
2023	SANTA IN BOAT	SSB64-LED	Schafer Family	750		250
2023	4 CAR TRAIN	TR700-LED	Schafer Family	1080		300
2023	ELF CATCHING REINDEER	ER338-LED	Schafer Family	960	6160	250
2023	REINDEER 4X4 WITH GRANNY	GRT56-LED	Pete's Tire	1848	2148	300
2023	POGO ELF	PG474-LED	Rock River Optical	1380	1680	300
2023	SANTA IN THE DUMP TRUCK	DT491	FCCU	1002	1302	300
2023	PINK FLAMINGO (57 SCENE)	FM839-LED	Debra Rusch	119	119	0
2023	REINDEER TRAINING	RDT355-LED	Edward Jones	\$1,125	1732	300
2023	LARGE SANTA SLEIGH	SSD925-LED	Group below	\$3,540		
			Blodgett		500	
			Jason Schultz		1800	
			Nasco		1200	
	ADDITIONAL ITEMS THAT MAY BE ADDED 2023					
2023	ELF IN THE HAY	EH373-LED	Festival		870	
2023	REINDEER BARN	RDB27-LED	Festival		1194	
2023	SNOWY TREE (PUT WITH GNOMES)	SNT22-LED	Beautification Council		450	
2023	LEAPING FROG (GO WITH SANTA FISHING)	LF402-LED	Beautification Council		700	
2023	TREE WITH ORNAMENTS (NEXT TO SANTA 57)	TD350-LED	Beautification Council		350	

YEAR	ITEM NAME	ITEM #	BUSINESS	PRICE	PAID AMOUNT	SUPPLIES
2022	BASKETBALL SANTA	BB892-LED	JM Carpets	642	892	250
2022	MERRY CHRISTMAS ANIMATED		Wayne Hayes	930	1675	400
2022	SANTA IN 57	SFT57	Wayne Hayes	675		0
2022	SANTA'S GREEN TRACTOR AND WAGON	STG881-LED	W & A	774	1024	300
2022	FLASH THE DOG & Dog House	XDX232LED	Paddys Paws	480	780	300
2022	ELF CARRYING CANDY CANE	ECC82-LED	Paddy Coughlins	420	720	300
2022	SANTA COP WITH ELF	SC538-LED	1062 Salon	690	990	300
2022	ELF WITH THREE PRESENTS		Group	264		
2022	3 PRESENT STACK	PS728-LED	Group	270		
2022	TEDDY BEAR	TB319-LED	Group	300		
2022	THE JACK IN THE BOX	JB348-LED	Group	414		
2022	THE TRICYCLE	TC551-LED	Group	240		
2022	NORTH POLE EXPRESS TRAIN	NPE87-LED	Rotary	2394	2644	250
2022	THE LITTLE ANGEL	LA895LED	Group	119		
2022	SANTA FISHING ON DOCK 8F245LED	8F245LED	Abendroth	732	982	250
<b>TOTAL</b>				9344	9707	2350



## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Tom Williamson, Superintendent of Public Works

**RE:** Presentation relating to Public Works & Parks Operations facility to be located at 600 Talcott Avenue

---

### BACKGROUND

The City has spent several years evaluating, planning, and designing a new facility to house Public Works and Parks Operations. The City first commissioned an assessment of the state of the public works facility in 2016 and found that the facility was rapidly deteriorating. However, the City did not pursue the project at that time. The City commissioned a more thorough assessment in 2022, which began the current planning and design process. For the last several months, City staff has been working with architects from Angus Young to design a new facility that will serve the needs of the City well into the future.

### DISCUSSION

Attached to the memo are the latest plans for the facility. At tonight's meeting, the architect, Bradley Werginz with Angus Young will walk Council through the design and discuss the details of the interior and exterior features. City staff will provide information to Council on the proposed schedule moving forward as well as the cost and source of funding for the project.

### FINANCIAL ANALYSIS

The project is estimated to cost between \$15-20 million. The architect's latest estimate will be presented in the meeting; however, the actual cost will not be known until proposals from general contractors are provided later this year. The City intends to include this project in the 2024-2025 general obligation borrowing. The City's financial advisor, Justin Fischer from Baird, will present information relating to the proposed borrowing at the City Council meeting on December 5<sup>th</sup>.

### RECOMMENDATION

No action is required for this item. Staff encourages members of the City Council to submit questions to the City Manager prior to the Council meeting so that staff can be prepared to provide thorough answers at the meeting.

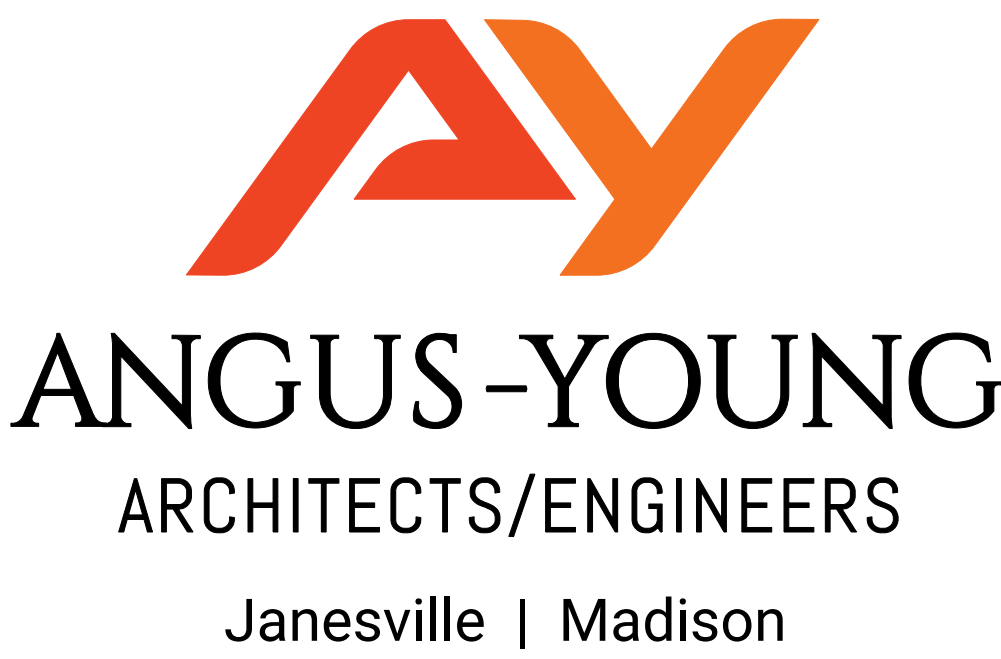
### ATTACHMENTS

Design Plans and Elevation Renderings

NEW PUBLIC WORKS FACILITY

CITY OF FORT ATKINSON

700 JAMES PLACE FORT ATKINSON, WI 53538



NEW PUBLIC WORKS FACILITY  
CITY OF FORT ATKINSON

AY PROJECT NUMBER: 76130

REGULATORY DATA:

**BUILDING CODE**  
WISCONSIN ENROLLED 2015 IBC

**USE AND OCCUPANCY CLASSIFICATION**  
S-2 VEHICLE STORAGE GARAGE W/ ACCESSORY BUSINESS  
S-1 (VEHICLE REPAIR GARAGE)  
NON-SEPARATED USE - FULLY SPRINKLED

**GENERAL BUILDING HEIGHT AND AREA LIMITS**  
HEIGHT ABOVE GRADE PLANE LIMIT = 75  
STORIES ABOVE GRADE PLANE LIMIT = 3  
TOTAL ALLOWABLE AREA = 70,000 S.F.  
TOTAL ALLOWABLE AREA W/ FRONTAGE INCREASE = 77,682 S.F.

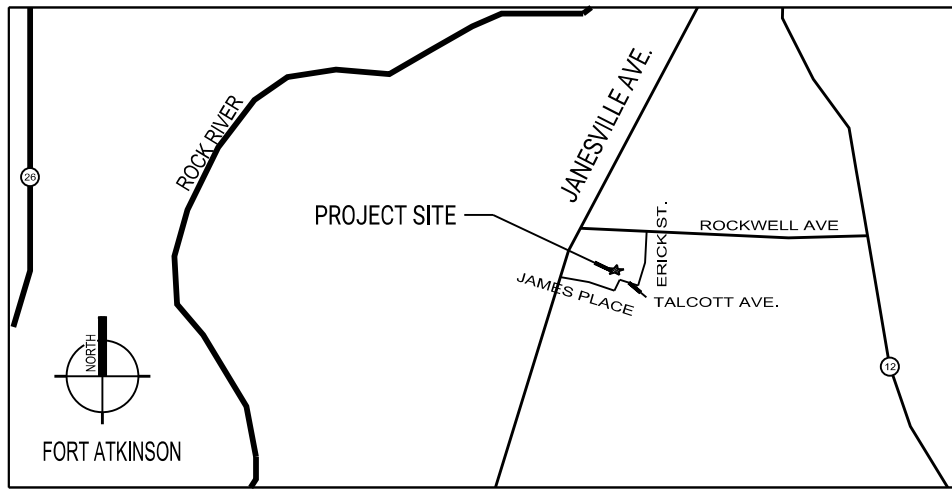
**ACTUAL BUILDING HEIGHT AND AREAS**  
HEIGHT = 34 FEET  
STORIES ABOVE GRADE PLANE = 1  
TOTAL BUILDING AREA = 65,688 S.F.  
MEZZANINE AREA = 9,869 S.F.

**FIRE SUPPRESSION**  
FULL - NFPA 13

SITE AERIAL:



LOCATION MAP:



ISSUANCES / REVISIONS		
NO:	DESCRIPTION:	DATE:
DD	DESIGN DEVELOPMENT REVIEW DRAWINGS	08/10/2023
DD	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023

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REGISTRATION STAMP

35	30	25	20	15	10	05
34	29	24	19	14	09	04
33	28	23	18	13	08	03
32	27	22	17	12	07	02
31	26	21	16	11	06	01

DETAILS IN THIS SET ARE PLACED ON THE SHEETS AND NUMBERED WITH RESPECT TO THE GRID ABOVE. CONSEQUENTLY, DETAILS ON A GIVEN SHEET MAY OR MAY NOT BE NUMBERED CONSECUTIVELY.

608.756.2326  
www.angusyoung.com

COVER SHEET

G001

SHEET INDEX:

GENERAL	
G001	COVER SHEET
CIVIL	
CD100	EXISTING AND DEMOLITION SITE PLAN PHASE 1
CD100A	EXISTING AND DEMOLITION SITE PLAN PHASE 2
C100	SITE LAYOUT PLAN
C100A	SITE LAYOUT PLAN WITH PHASE 2 REMOVAL
C100	SITE LAYOUT PLAN
C300	SITE GRADING PLAN
C400	SITE UTILITY PLAN
C600	LANDSCAPE PLAN
ARCHITECTURAL	
A101	FIRST FLOOR PLAN
A101A	ENLARGED OFFICE AREA PLAN
A101B	ENLARGED MAINTENANCE AREA PLAN
A101C	EXISTING GARAGE PLAN
A102	MEZZANINE/CLEAR STORY PLAN
A105	OVERALL ROOF PLAN
A401	EXTERIOR ELEVATIONS
A402	SALT SHED PLAN AND ELEVATIONS
A403	EXISTING GARAGE BUILDING ELEVATIONS



EXTERIOR RENDERING - REFERENCE ONLY

PROJECT TEAM

OWNER:	ARCHITECT:	STRUCTURAL ENGINEER:	SITE DESIGNER:	MECHANICAL DESIGNER:	PLUMBING DESIGNER:	ELECTRICAL DESIGNER:
CITY OF FORT ATKINSON 101 N. MAIN STREET FORT ATKINSON, WI 53538	ANGUS-YOUNG ASSOCIATES, INC. 555 S. River St. Janesville, WI 53548	ANGUS-YOUNG ASSOCIATES, INC. 555 S. River St. Janesville, WI 53548	ANGUS-YOUNG ASSOCIATES, INC. 555 S. River St. Janesville, WI 53548	ANGUS-YOUNG ASSOCIATES, INC. 555 S. River St. Janesville, WI 53548	ANGUS-YOUNG ASSOCIATES, INC. 555 S. River St. Janesville, WI 53548	ANGUS-YOUNG ASSOCIATES, INC. 555 S. River St. Janesville, WI 53548
CONTACT: TOM WILLIAMSON EMAIL: twilliamson@fortatkinsonwi.gov PHONE: 920-597-9909	CONTACT: BRAD WERGINZ EMAIL: b.werginz@angusyoung.com PHONE: (608)756-2326	CONTACT: RYAN KOEHN	CONTACT: KATIE UDELL	CONTACT: Mechanical Contact	CONTACT: CHIP BRUNSWICK	CONTACT: MERLO ADALIN

SCALE 1" = 1'-0"

Plotted By: Kaleb

Plotted By: Kaleb

ORIGINAL SIZE 24" x 36"

SCHEDULE B - PART II, EXCEPTIONS	
(Based on a Commitment for Title Insurance Commitment No.: 57456 with a Commitment Date of March 10, 2023, at 7:00 AM)	
Exception 1-4 not survey related	
5. Rights or claims of parties in possession not shown by public records.	
6. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete survey of the Land.	
7. Easements or claims of easements not shown by public records.	
8. Any claim of adverse possession or prescriptive easement.	
Exception 9 not survey related	
10. Public or private rights, if any, in such portion of the subject premises as may be presently used, laid out or dedicated in any manner whatsoever, for street (highway) and/or alley purposes.	
11. Notes, Conditions, Setbacks, Restrictions, Reservation for easement(s), Storm, Sewer, drainage and/or sanitary district assessments (if any), association dues, all other matters as set forth in restrictions and/or on the recorded plat of Fair Oaks and CSM No. 56. NOTHING TO MAP.	
12. Easement to Wisconsin Telephone Company recorded on 01/10/1920 in Volume 4 of Misc on Page 635.	
(Does not affect parcels) EASEMENT FALLS OUTSIDE OF SURVEY AREA.	
13. Easement to Wisconsin Gas & Electric Co. recorded on 12/02/1921 in Volume 167 of Records on Page 364.	
(Does not affect parcels) EASEMENT FALLS OUTSIDE OF SURVEY AREA.	
14. Easement to Wisconsin Gas & Electric Co. recorded on 01/08/1947 in Volume 15 of Misc on Page 164.	
(Affects parcels) EASEMENT IS NOT MAPPABLE.	
15. Sewer and Wastewater Agreement and related rights recorded 03/04/1948 in Volume 17 of Misc on Pages 31 and 35.	
(Does not affect parcels)	
16. Easement to Wisconsin Gas & Electric Co. recorded 06/10/1950 in Volume 18 of Misc on Page 81 and 83.	
(Does not affect parcels) EASEMENT FALLS OUTSIDE OF SURVEY AREA.	
17. Easement to Wisconsin Bell recorded on 03/15/1988 in Volume 713 of Records on Page 882 as Document No. 838917.	
(Does not affect parcels) EASEMENT FALLS OUTSIDE OF SURVEY AREA.	
18. Easement with the City of Fort Atkinson recorded in Volume 608 on Page 641.	
(Affects Parcel 1) MAPPED 50' WIDE SANITARY SEWER EASEMENT.	
19. Easement to Wisconsin Electric Power Co. recorded on 10/13/2078 in Volume 577 of Records on Page 396.	
(Does not affect parcels) EASEMENT FALLS OUTSIDE OF SURVEY AREA.	
20. Sanitary Sewer Easement recorded 07/20/1986 in Volume 720 of Records on Page 250 as Document No. 842960.	
(Does not affect parcels) MAPPED 25' WIDE SANITARY SEWER EASEMENT.	
21. Easement recorded on 08/22/1997 in Volume 1007 on Page 995.	
(Affects Parcel 1) MAPPED 50' WIDE SANITARY SEWER EASEMENT.	
Exceptions 22-24 not Survey related	

SCHEDULE B - PART II, EXCEPTIONS	
(Based on a Commitment for Title Insurance Commitment No.: 57505 with a Commitment Date of April 1, 2023, at 7:00 AM)	
Exception 1-4 not survey related.	
5. Rights or claims of parties in possession not shown by public records.	
6. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete survey of the Land.	
7. Easements or claims of easements not shown by public records.	
8. Any claim of adverse possession or prescriptive easement.	
Exception 9 not survey related.	
10. Public or private rights, if any, in such portion of the subject premises as may be presently used, laid out or dedicated in any manner whatsoever, for street (highway) and/or alley purposes.	
11. Easements, if any, of the public or any school district, utility, municipality or person, as provided in Section 66.1005(2) of the Statutes, for the continued use and right of entrance, maintenance, construction and repair of underground or overground structures, improvements or service in that portion of the subject premises which were formerly a part of Jamestown now vacated.	
12. Notes, Setbacks, Restrictions, Easements, Covenants, Storm Sewer, drainage and sanitary district assessments, if any, all other matters if any, as shown on Certified Survey Map No. 1084, recorded as Document No. 748437. NOTHING TO MAP.	
13. Notes, Setbacks, Restrictions, Easements, Covenants, Storm Sewer, drainage and sanitary district assessments, if any, all other matters if any, as shown on Certified Survey Map No. 203, recorded as Document No. 708846. NOTHING TO MAP.	
14. Possible Rights of others, and to ingress and egress, in the property described herein of the owner(s) to the South and West as shown on map(s) and aerial view.	
15. Covenants, Conditions and Restrictions as set forth in Agreement recorded on 03/04/86, in Volume 17 Misc. on Page 35.	
DOCUMENT MISSING FROM TITLE REPORT. COULD NOT OBTAIN FROM TAPESTRY.	
16. Easement to Wisconsin Electric Powers recorded on 10/13/1978 in Volume 577 of Records on Page 396 as Document No. 755959.	
(Does not affect parcels) MAPPED 5' WIDE OVERHEAD ELECTRIC EASEMENT.	
17. Easement to City of Fort Atkinson recorded on 03/09/1981 in Volume 608 of Records on Page 641 as Document No. 774949.	
(Affects Parcel 1) MAPPED 50' WIDE SANITARY SEWER EASEMENT.	
18. Easement to Wisconsin Electric Power Company recorded on 09/22/1978 in Volume 576 of Records on Page 387 as Document No. 755406.	
(Affects Parcel 1) MAPPED 5' WIDE OVERHEAD ELECTRIC EASEMENT.	
19. Covenants, Conditions and Restrictions as set forth in Warranty Deed recorded on 07/20/88, in Volume 720 on Page 250 of Records as Document No. 842968.	
20. Easement to Wisconsin Electric Power Company recorded on 03/09/1981 in Volume 608 of Records on Page 641 as Document No. 774949.	
(Affects Parcel 2) MAPPED 10' WIDE UNDERGROUND ELECTRIC EASEMENT.	

Surveyor's Certificate:

To: i) City of Fort Atkinson  
ii) Fidelity Land Title, Ltd.  
iii)

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1), 7(c), 8, 11(a), 11(b), and 18 of Table A thereof.

Dated this 26th day of April, 2023.

Chris Ruetten, S-2942  
Professional Land Surveyor  
RuettenC@AyresAssociates.com  
(262) 523-4488

Legal Description of This Survey Pursuant to Chapter 236, WI Statutes:

Parcel north of James Place  
1. Chris Ruetten, of Ayres Associates, Professional Land Surveyor, do hereby certify that I have surveyed and mapped Lot 2 Certified Survey Map (CSM) No. 203, Lot 2 of Certified Survey Map (CSM) No. 1084, and Lot 2 Block 9 of Fair Oaks Addition, all located in the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 5, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin, bounded and described as follows:  
Beginning at a point on the East line of Lot 2 Block 9 of Fair Oaks Addition and a point on the West right of way line of Erick St., thence along said West right of way line and along a curve to the right with a radius of 1217.41 feet, bearing a chord bearing South 17°42'00" West 155.51 feet, a distance of 155.88 feet, thence continuing along said West right of way line South 77°15'15" West, 118.38 feet, thence along the arc of a curve to the right with a radius of 30.00 feet, bearing a chord bearing South 62°41'37" West 42.48 feet, a distance of 47.20 feet to the Northern right of way line of Talcott Ave., thence North 72°14'01" East, 164.94 feet, thence along said Northern right of way line, 154.84 feet, thence continuing along said Northern right of way line and along the arc of a curve to the left with a radius of 40.38 feet, bearing a chord bearing South 62°52'16" West 127.55 feet, a distance of 141.52 feet, thence continuing along said Northern right of way line South 16°10'52" West, 88.61 feet to the Northern right of way line of James Pl., and from A to B of the description, thence North 72°30'02" West, along said North right of way line, 238.20 feet to the Southeast corner of Lot 2 of CSM 203, thence continuing along said North right of way line North 72°30'02" West, 141.21 feet, thence continuing along said North right of way line and along the arc of a curve to the left with a radius of 686.14 feet, bearing a chord bearing North 74°40'19" West 68.10 feet, a distance of 68.12 feet, thence North 10°50'19" East, 81.68 feet, thence North 52°47'00" East, 302.71 feet to a point on the South line of Lot 1 of CSM 1084, thence South 89°29'11" East along said South line, 302.20 feet, thence continuing along said South line South 89°29'11" East, 206.14 feet to the Point of Beginning.  
Containing 21,915.97 square feet or 4.965 acres more or less of land. Subject to all covenants, conditions, restrictions, and easements of record.

GENERAL NOTES:

- Existing vehicular access to this subject property is via James Place, Talcott Ave., and Erick St., being a public rights-of-way.
- Field work completed in April 2023.
- The following improvements that are shown, but not limited to, pavement, utilities, and other improvements may exceed the Relative Positional Accuracy under Section 3.E.v. of the 2021 Minimum Standard Detail requirements for ALTA/NSPS Land Title Surveys. This is due to the variations in the improvements listed above and soil erosion.
- There are no gaps, gores, or strips on the parcel.

Legal Description of This Survey Pursuant to Chapter 236, WI Statutes:

Parcel south of James Place  
1. Chris Ruetten, of Ayres Associates, Professional Land Surveyor, do hereby certify that I have surveyed and mapped that part of the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 5, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin, bounded and described as follows:  
Commencing at Point A, thence South 69°34'22" West, 67.36 feet to a point on the South right of way line of James Pl. and the Point of Beginning, thence along said South right of way line and along the arc of a curve to the right with a radius of 25.00 feet, bearing a chord bearing South 72°34'50" West 39.07 feet, a distance of 44.35 feet to a point on the West right of way line of Talcott Ave., thence along the arc of a curve to the left with a radius of 1034.00 feet, bearing a chord bearing South 64°54'16" West 12.37 feet, a distance of 12.38 feet, thence North 72°30'02" West, 335.07 feet, thence North 10°50'19" East, 54.28 feet to a point on the South right of way line of James Pl., thence along said South right of way line and along the arc of a curve to the right with a radius of 40.38 feet, bearing a chord bearing South 62°52'16" East 128.88 feet, a distance of 28.88 feet, thence continuing along said South right of way line South 72°30'02" East, 338.28 feet to the Point of Beginning.  
Containing 18,652.09 square feet or 4.248 acres more or less. Subject to all covenants, conditions, restrictions, and easements of record.

Legal Description:

(Based on a Commitment for Title Insurance Commitment No.: 57456 with a Commitment Date of March 10, 2023, at 7:00 AM)

Parcel 1:  
The South 50 feet of Lot 2, Block 9, Fair Oaks Addition to the City of Fort Atkinson, Jefferson County, Wisconsin. Tax Key No.: 226-0514-0912-005. Address: 918 Erick St.

Parcel 2:  
PARCEL A: A part of North 1/2 of Section 9, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin, described as follows: Beginning on the South line of Lot 2, Block 9, Fair Oaks Addition to the City of Fort Atkinson, at a point 123.72 feet North 87°19'19" West, 123.72 feet, thence North 2°41'15" West, 102.33 feet, thence South 87°19'19" East, 102.33 feet, thence North 1°19'31" East, 144.87 feet to the Southwest corner of said Lot 2, thence South 2°41'15" West, 102.33 feet, thence South 87°19'19" East, 134.87 feet, thence North 2°41'15" East, 102.33 feet to the place of beginning.

PARCEL B: A part of North 1/2 of Section 9, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin, described as follows: Beginning at the Southeast corner of Lot 2, Block 9, Fair Oaks Addition to the City of Fort Atkinson, thence North 87°19'19" West, 123.72 feet, thence North 2°41'15" West, 102.33 feet, thence South 87°19'19" East, 102.33 feet to an iron stake on the West line of Erick Street, being the point of curvature of a curve with a radius of 1217.41 feet, thence North 16°28'28" East, along the chord of said curve a distance of 105.16 feet to the place of beginning. Tax Key: 226-0514-0912-006. Address: 932 Erick St.

Parcel 3:  
A part of North 1/2 of Section 9, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin, described as follows: Commencing at the Southwest corner of Lot 2, Block 9, Fair Oaks Addition to the City of Fort Atkinson, thence South 16°28'28" West, 105.16 feet along the chord of a curve having a radius of 1217.41 feet to the point of beginning, thence South 16°28'28" West, 18.20 feet, thence South 63°28'28" West, 42.42 feet along the chord of a circle having a radius of 30 feet, thence North 71°31'31" East, 50 feet, thence North 18°29'28" East, 125.56 feet, thence South 87°19'19" East, 83.14 feet to the point of beginning. Tax Key: 226-0514-0912-067. Address: 1000 Erick St. S 600 Talcott Ave.

Parcel 4:  
A 14,075 square foot lot set forth on Certified Survey Map No. 56 recorded in Volume 1 of Certified Surveys on Page 76, as Document No. 888223, being a part of the Northwest 1/4 and the Northeast 1/4 of Section 5, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin. Tax Key: 226-0514-0912-008. Address: 610 Talcott St.

Legal Description:

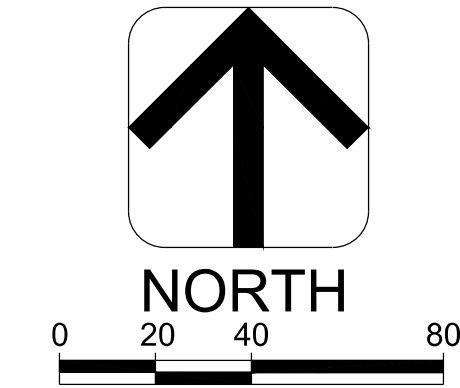
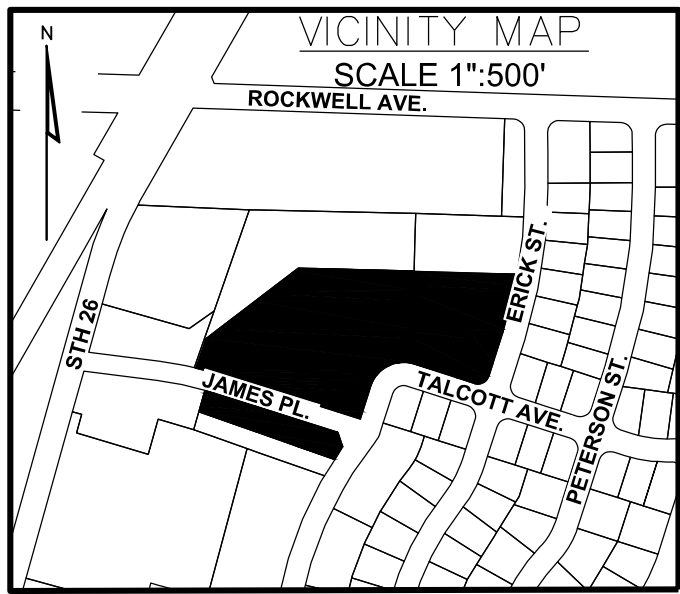
(Based on a Commitment for Title Insurance Commitment No.: 57505 with a Commitment Date of April 1, 2023, at 7:00 AM)

Parcel 1:  
Lot 2 of Certified Survey Map No. 1084 recorded in Volume 3 of Certified Surveys on Page 626 as Document No. 748437, being a part of the Northeast 1/4 of Section 9, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin, ALSO Beginning at the Southeast corner of Lot 2 of Certified Survey Map No. 203 recorded in Volume 1 of Certified Surveys on Page 250 as Document No. 708846, located in the Northeast 1/4 of Section 5, Township 5 North, Range 14 East, City of Fort Atkinson, thence North 13°20' East 85.18 feet to the Northeast corner of said Lot 2, thence North 76°30'30" West, 207.64 feet to a point on the West property line of Lot 2 of CSM in Volume 3 on Pages 626 and 627, thence Southwesterly 84 feet more or less along the West line of said Lot 2 of CSM in Volume 3 on Page 626 extended to the point of intersection of said West line extended and the North right of way line of James Place, thence Southwesterly 215 feet more or less along the North right of way line of James Place to the point of beginning, ALSO including all land lying between the described parcel and Lot 2 of Certified Survey Map No. 3 on Page 626 on the North and East sides of the described property resulting from survey variance, if any. EXCEPTING THEREFROM Land Described in Deed recorded in Volume 626 of Records on Page 153 as Document No. 786166. FURTHER EXCEPTING THEREFROM Land Described in Deed recorded in Volume 626 of Records on Page 293 as Document No. 802957. FURTHER EXCEPTING THEREFROM Land Described in Deed recorded in Volume 720 of Records on Page 250 as Document No. 842968.

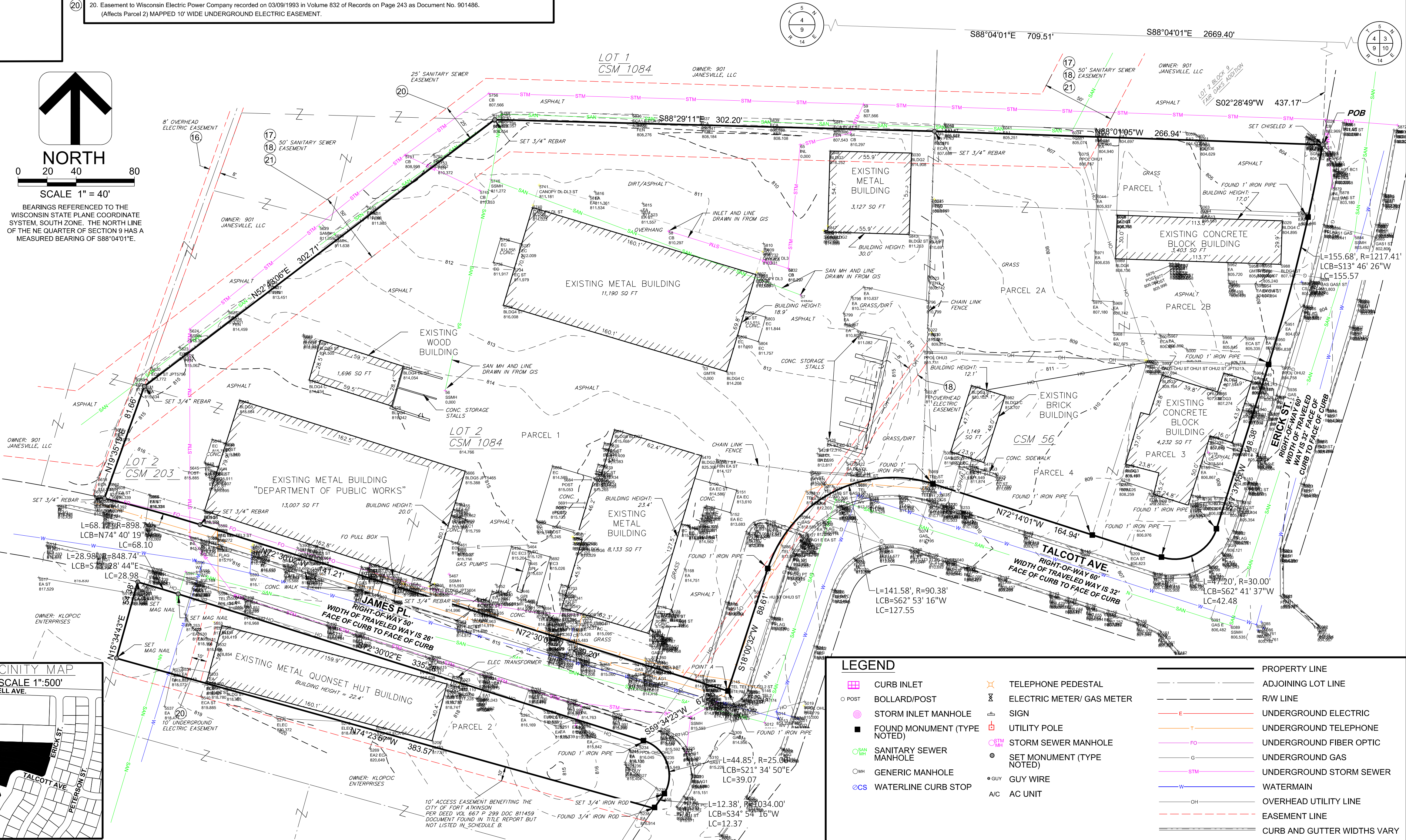
Parcel 2:  
All that portion of land located in the Northeast 1/4 and the Northwest 1/4 of Section 9, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, State of Wisconsin, LYING SOUTH OF James Place, LYING NORTH of land described in Document No. 831986, LYING WEST of Talcott Ave, LYING EAST of Land Described in Document No. 832241. Tax Key No.: 226-0514-0912-008. 226-0514-0912-002. Address: James Pl. - Public Works

Table A Items:

- Monuments are as shown and described hereon.
- Address: 700 James Place, Fort Atkinson, WI 53538
- Flood Zone Classification: Zone "X" per Flood Insurance Rate Map Community Panel No. 53050311E, with an effective date of February 4 2013. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
- Gross land is 230,563 Square Feet (5.29 Acres)
- Elevations are referenced to the NAVD83(2011) vertical datum in which the North Quarter Corner of Section 9, T5N, R14E has an elevation of 803.265'
- (a). Exterior building dimensions at ground level as shown hereon.
- (b)(1). Exterior buildings footprint as shown hereon.
- (c). Measured heights of buildings as shown hereon.
- Substantial features and improvements located on the premises are as shown hereon.
- (a). Underground utility map was provided by client from their GIS.
- (b). Evidence of underground utilities shown on map, per Digger's Hotline Ticket #13 20231309281, 20231309241. Source information from plans and markings will be combined with observed evidence of utilities pursuant to section 3.E.v. To develop a view of the underground utilities however, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyors assessment of the location of the utilities where additional or more detail information is required, the client is advised that excavation and/or a private utility locate request may be necessary.
- Pursuant to Sections 5 and 6 (and applicable selected Table A items, excluding Table A item 1), include a part of the survey and plottable offsets (i.e., appurtenant) easements disclosed in documents provided to or obtained by the surveyor. All plottable easements from title work shown hereon.



BEARINGS REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE NORTH LINE OF THE NE QUARTER OF SECTION 9 HAS A MEASURED BEARING OF S88°04'01"E.



LEGEND	
	CURB INLET
	BOLLARD/POST
	STORM INLET MANHOLE
	FOUND MONUMENT (TYPE NOTED)
	SANITARY SEWER MANHOLE
	GENERIC MANHOLE
	WATERLINE CURB STOP
	TELEPHONE PEDESTAL
	ELECTRIC METER/ GAS METER
	SIGN
	UTILITY POLE
	STORM SEWER MANHOLE
	SET MONUMENT (TYPE NOTED)
	GUY WIRE
	AC UNIT
	PROPERTY LINE
	ADJOINING LOT LINE
	RW LINE
	UNDERGROUND ELECTRIC
	UNDERGROUND TELEPHONE
	UNDERGROUND FIBER OPTIC
	UNDERGROUND GAS
	UNDERGROUND STORM SEWER
	WATERMAIN
	OVERHEAD UTILITY LINE
	EASEMENT LINE
	CURB AND GUTTER WIDTHS VARY

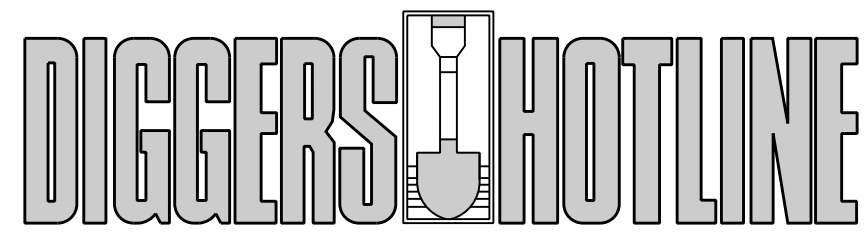
DR BY		BUL	PROJ NO	76-0352	1	ADDED NOTES		NO DATE		REVISION		NO DATE		REVISION		NO DATE		REVISION	
CHK BY		CJR	DATE	04/26/2023	NO	DATE		DATE		DATE		DATE		DATE		DATE		DATE	

700 JAMES PLACE- CITY OF FORT ATKINSON  
FORT ATKINSON, WI

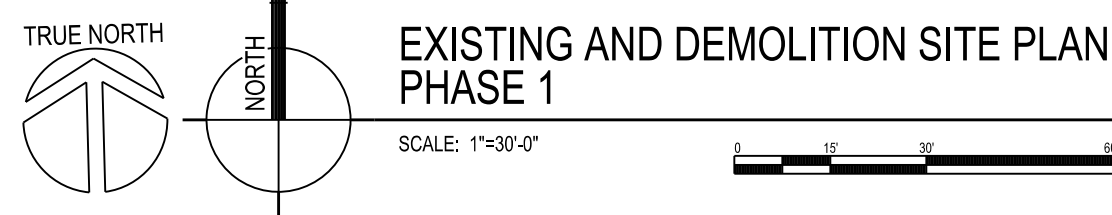
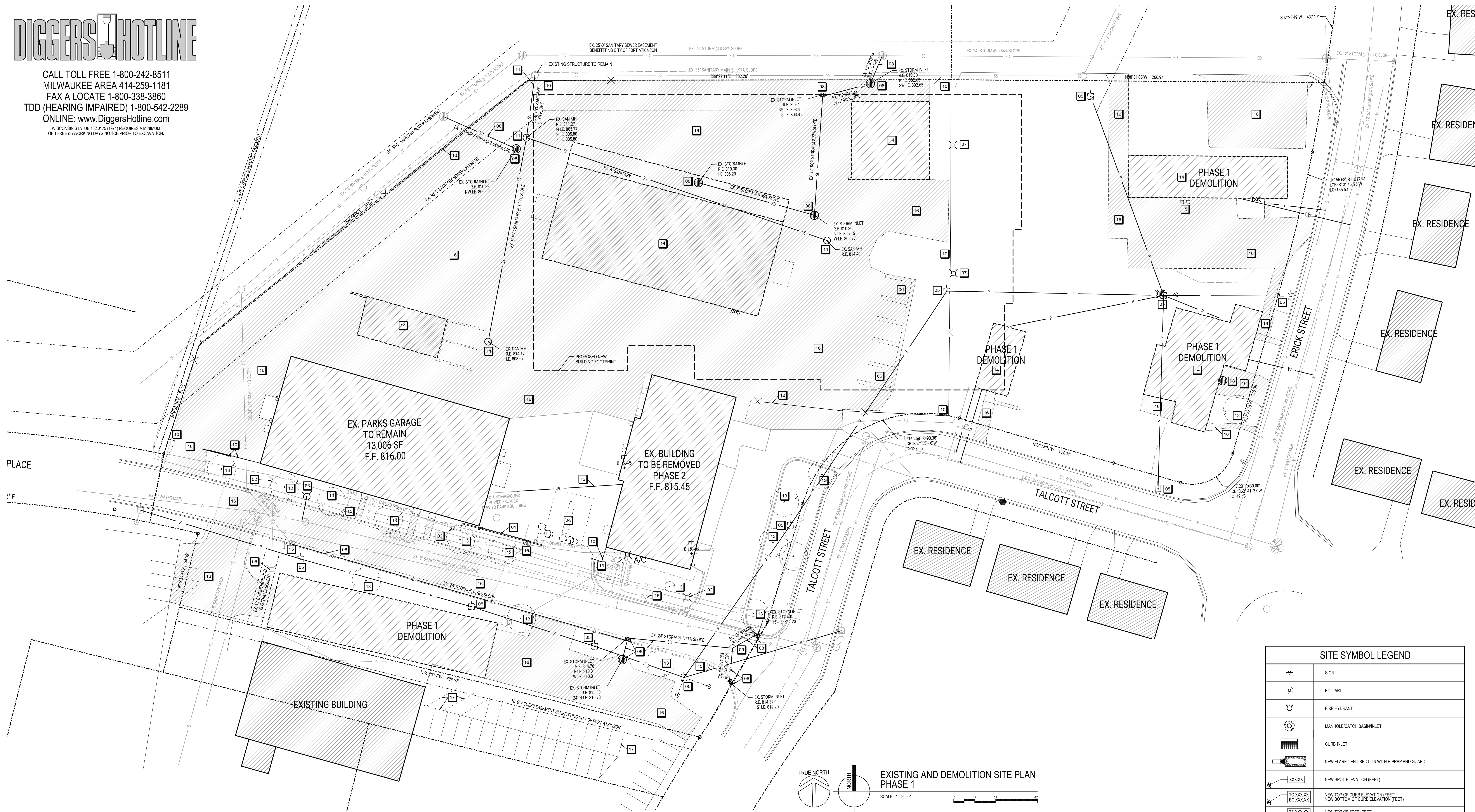
20975 Swenson Drive Suite 200  
Waukesha, WI 53188  
(262) 523-4488  
AyresAssociates.com

ALTA/ NSPS LAND TITLE SURVEY

1 OF 1



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WISCONSIN STATUTE 182.1175 (1974) REQUIRES A MINIMUM  
OF THREE (3) WORKING DAYS NOTICE PRIOR TO EXCAVATION.



KEYNOTES

- 01 EXISTING CANTILEVER GATE TO BE REPURPOSED BY CITY. CONTRACTOR TO SET ASIDE FOR CITY REUSE.
- 02 EXISTING ABOVE-GRADE TELEPHONE BOXES TO BE REPLACED WITH BELOW-GRADE BOXES AND DRIVEABLE COVERS. COORDINATE WITH TELEPHONE COMPANY.
- 03 EXISTING HYDRANT TO BE RELOCATED, SEE SHEET C400 FOR NEW LOCATION.
- 04 REMOVE EXISTING FUELING SYSTEM, FIELD VERIFY UTILITY DISCONNECTIONS.
- 05 OVERHEAD POWER LINES AND UTILITY POLES TO BE REMOVED BY WE ENERGIES, CONTRACTOR SHALL COORDINATE WITH WE ENERGIES AS NEEDED.
- 06 REMOVE EXISTING BUNKER BLOCKS AND REUSE FOR NEW BUNKER AREAS, COORDINATE WITH CITY ON STORAGE LOCATION.
- 07 REMOVE EXISTING LIGHT POLES, TYP.
- 08 REMOVE EXISTING STORM SEWER AND STRUCTURES, REUSE EXISTING STORM SEWER WHERE FEASIBLE.
- 09 EXISTING STORM STRUCTURE TO REMAIN AND RECONNECT NEW STORM SEWER TO EXISTING STRUCTURE, SEE SITE UTILITY PLAN SHEET C400.
- 10 REMOVE EXISTING CHAIN LINK FENCE AND GATE.
- 11 REMOVE EXISTING SANITARY STRUCTURES AND LATERAL, CUT EXISTING LATERAL CONNECTION AT MAIN 3' FROM EXISTING STRUCTURE AND CAP AND SEAL.
- 12 RECONNECT EXISTING POWER FEED TO EXISTING PARKS BUILDING FROM NEW DPW BUILDING, COORDINATE TIMING WITH CONSTRUCTION WORK AND OWNER.
- 13 CLEAR AND GRUB EXISTING TREES AND SHRUBS, TYP.
- 14 REMOVE EXISTING BUILDINGS AND FOUNDATIONS, COORDINATE WITH UTILITIES ON DISCONNECTION, FIELD VERIFY.
- 15 REMOVE EXISTING SIGNS AND BOLLARDS, TYP.
- 16 REMOVE EXISTING PAVEMENT AND CURB & GUTTER, TYP. SAWCUT EXISTING PAVEMENT EDGE AT STREET, TYP.
- 17 REMOVE EXISTING PAVEMENT STRIPING, TYP. SEE SHEET C100 FOR NEW STRIPING ON NEIGHBORING PROPERTY.

SITE SYMBOL LEGEND	
	SIGN
	BOLLARD
	FIRE HYDRANT
	MANHOLE/CATCH BASIN/INLET
	CURB INLET
	NEW FLARED END SECTION WITH RIPRAP AND GUARD
	NEW SPOT ELEVATION (FEET)
	NEW TOP OF CURB ELEVATION (FEET)
	NEW BOTTOM OF CURB ELEVATION (FEET)
	NEW TOP OF STEP (FEET)
	NEW BOTTOM OF STEP (FEET)
	RIM OR INVERT ELEVATION (FEET)
	WATER VALVE OR GAS VALVE
	GAS METER
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER AND CT CABINET
	NEW STRUCTURE OR ADDITION
	EXISTING STRUCTURE

ALL SYMBOLS MAY NOT BE USED IN THIS SET.



ISSUANCES / REVISIONS		
NO.	DESCRIPTION	DATE
DD	DESIGN DEVELOPMENT	08/10/2023
DD	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023

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PROJECT NUMBER  
76130

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JJS

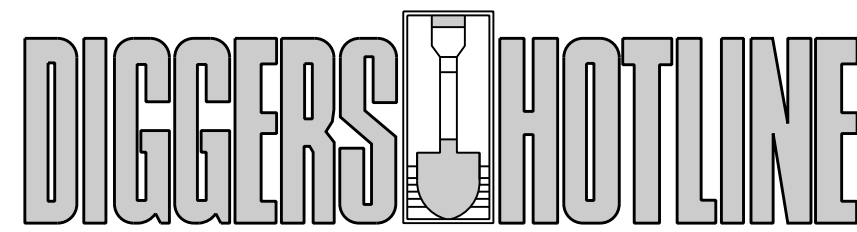
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KAU

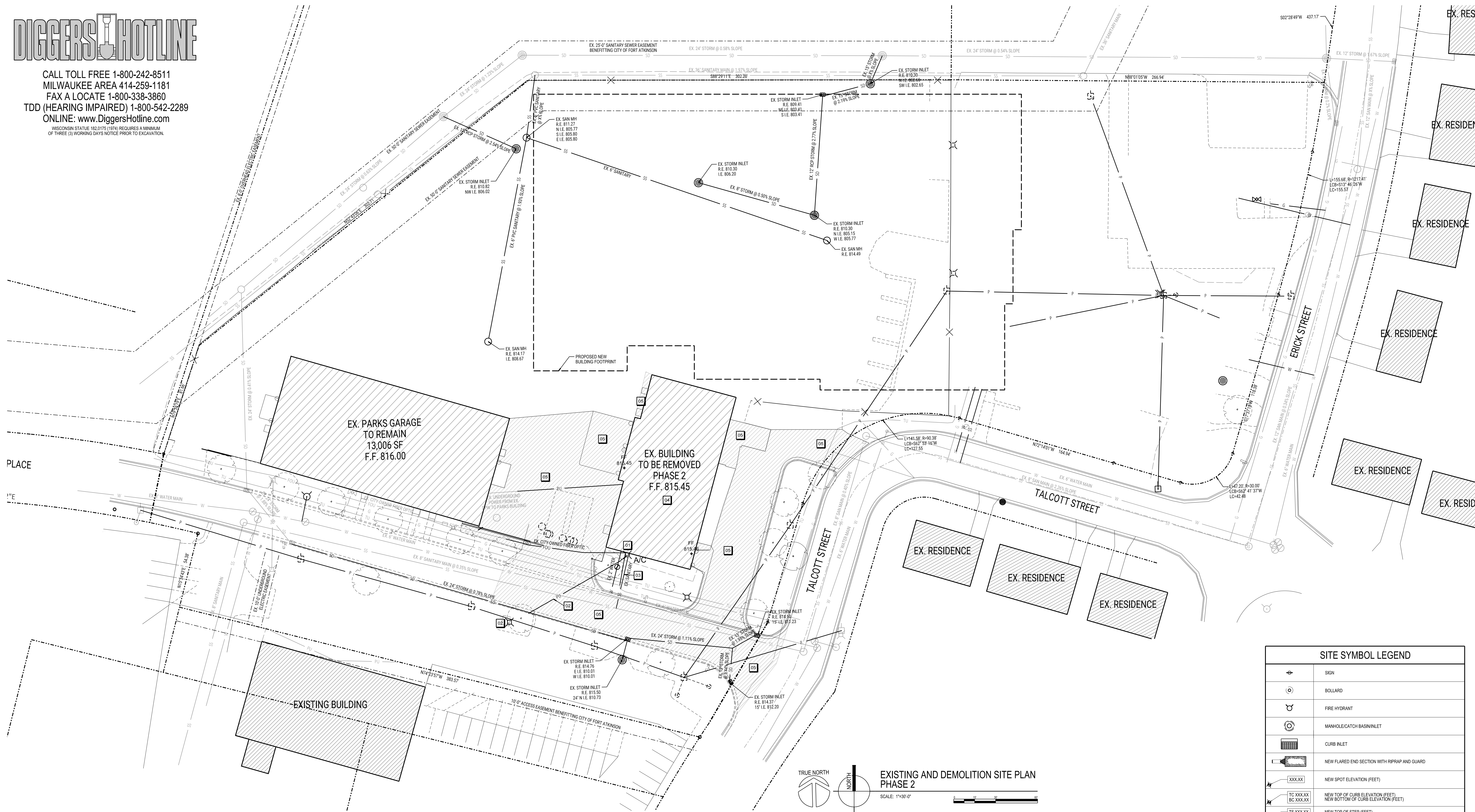
EXISTING AND DEMOLITION  
SITE PLAN - PHASE 1

CD100

PRELIMINARY - NOT FOR CONSTRUCTION



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OF THREE (3) WORKING DAYS NOTICE PRIOR TO EXCAVATION.



EXISTING AND DEMOLITION SITE PLAN  
PHASE 2  
SCALE: 1"=30'-0"

- KEYNOTES
- 01 REMOVE EXISTING TELEPHONE BOX AND FEED. COORDINATE WITH TELEPHONE COMPANY.
  - 02 REMOVE EXISTING TRANSFORMER AND FEED TO PHASE 2 BUILDING REMOVAL.
  - 03 REMOVE EXISTING SANITARY LATERAL. CAP AND SEAL AT MAIN. TYP.
  - 04 REMOVE EXISTING PHASE 2 BUILDING AND FOUNDATION. COORDINATE WITH UTILITIES ON DISCONNECTION. FIELD VERIFY.
  - 05 REMOVE EXISTING PAVEMENT. TYP.

SITE SYMBOL LEGEND	
	SIGN
	BOLLARD
	FIRE HYDRANT
	MANHOLE/CATCH BASIN/INLET
	CURB INLET
	NEW FLARED END SECTION WITH RIPRAP AND GUARD
	NEW SPOT ELEVATION (FEET)
	NEW TOP OF CURB ELEVATION (FEET)
	NEW BOTTOM OF CURB ELEVATION (FEET)
	NEW TOP OF STEP (FEET)
	NEW BOTTOM OF STEP (FEET)
	RIM OR INVERT ELEVATION (FEET)
	WATER VALVE OR GAS VALVE
	GAS METER
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER AND CT CABINET
	NEW STRUCTURE OR ADDITION
	EXISTING STRUCTURE

ALL SYMBOLS MAY NOT BE USED IN THIS SET.



ISSUANCES / REVISIONS

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DD	DESIGN DEVELOPMENT	08/10/2023
DD	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023

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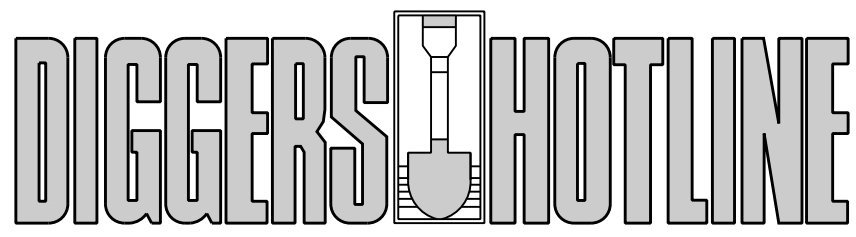
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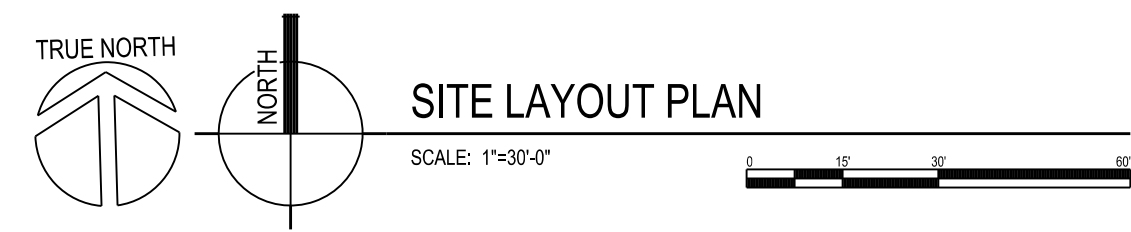
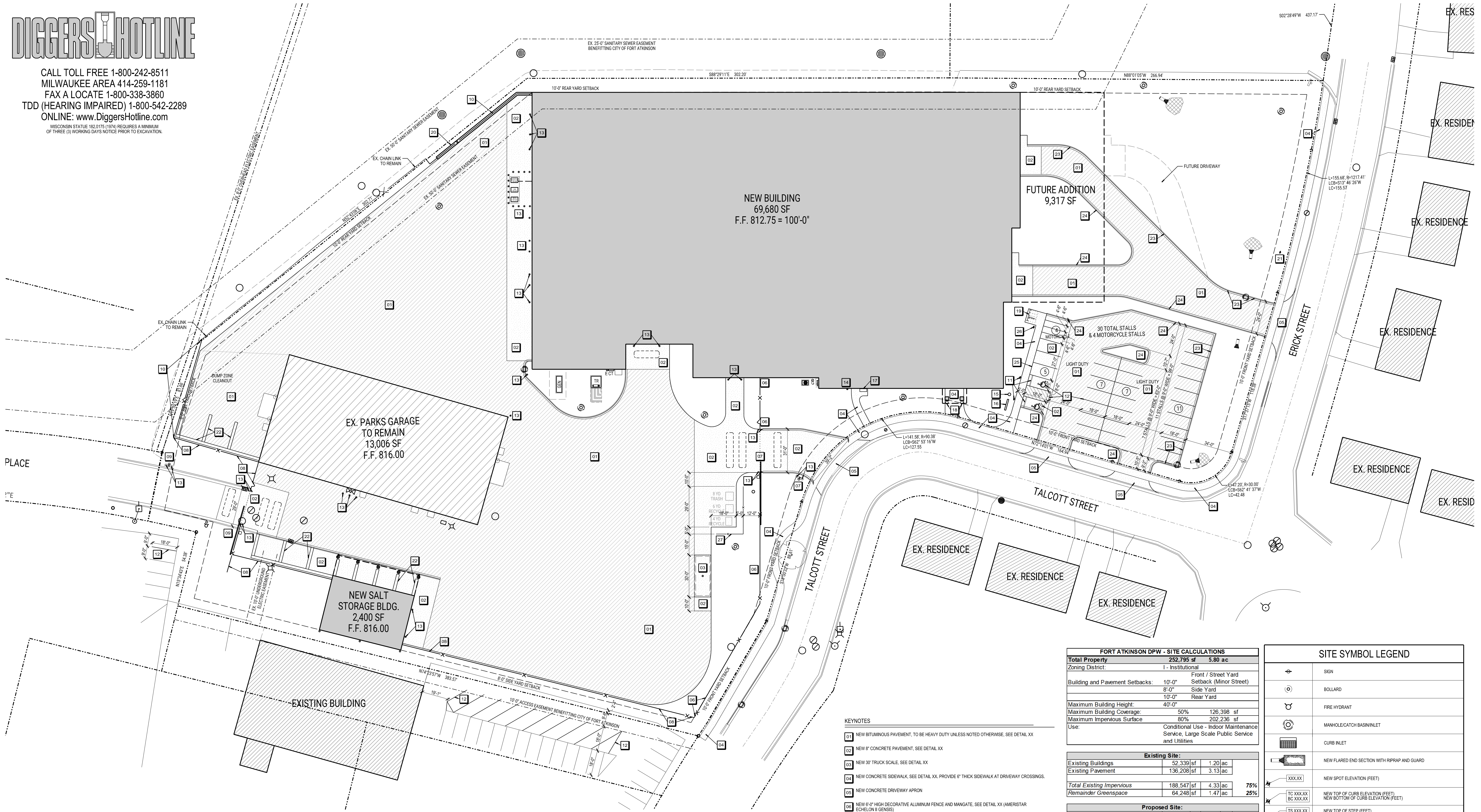
EXISTING AND DEMOLITION  
SITE PLAN - PHASE 2

CD100A

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WISCONSIN STATUTE 182.1175 (1974) REQUIRES A MINIMUM  
OF THREE (3) WORKING DAYS NOTICE PRIOR TO EXCAVATION.



- KEYNOTES**
- 01 NEW BITUMINOUS PAVEMENT, TO BE HEAVY DUTY UNLESS NOTED OTHERWISE, SEE DETAIL XX
  - 02 NEW 8" CONCRETE PAVEMENT, SEE DETAIL XX
  - 03 NEW 30" TRUCK SCALE, SEE DETAIL XX
  - 04 NEW CONCRETE SIDEWALK, SEE DETAIL XX, PROVIDE 6" THICK SIDEWALK AT DRIVEWAY CROSSINGS.
  - 05 NEW CONCRETE DRIVEWAY APRON
  - 06 NEW 6'-0" HIGH DECORATIVE ALUMINUM FENCE AND MANGATE, SEE DETAIL XX (AMERISTAR ECHELON 3 GENIS)
  - 07 NEW 6'-0" HIGH DECORATIVE ALUMINUM HEAVY-DUTY CANTILEVER SLIDE GATE, 30'-0" CLEAR OPENING WITH GATE OPERATOR, DETECTOR LOOPS AND CARD READER, SEE DETAILS XX, PROVIDE KNOX BOX AT GATE.
  - 08 NEW 6'-0" HEAVY DUTY HIGH BLACK COATED CHAIN LINK FENCE, TOP OF POLE FOUNDATIONS 8" BELOW FINISH GRADE (TYPICAL EACH POST), SEE DETAIL XX, PROVIDE 2'-0" WIDE STONE MULCH MOW STRIP CENTERED ON EACH SIDE OF FENCE.
  - 09 NEW 6'-0" HIGH HEAVY-DUTY BLACK COATED CHAIN LINK CANTILEVER SLIDE GATE, 30'-0" CLEAR OPENING WITH GATE OPERATOR, DETECTOR LOOPS AND CARD READER, SEE DETAILS XX, PROVIDE KNOX BOX AT GATE.
  - 10 NEW 6'-0" HEAVY DUTY CHAIN LINK FENCE (NON-COATED), TOP OF POLE FOUNDATIONS 8" BELOW FINISH GRADE (TYPICAL EACH POST), SEE DETAIL XX
  - 11 NEW BARRIER-FREE PARKING STALL SIGNAGE AND WHEEL STOPS, SEE DETAIL XX.
  - 12 NEW 4" YELLOW PAINT STRIPE, TYP.
  - 13 NEW 6" BOLLARD, TYP, SEE DETAIL XX
  - 14 NEW FIRE DEPARTMENT CONNECTION WITH KNOX BOX
  - 15 NEW 20'-0" HIGH FLAGPOLE WITH UPLIGHTS, SEE DETAIL XX
  - 16 NEW MONUMENT SIGN WITH UPLIGHTS, SEE DETAIL XX
  - 17 NEW BENCH, BY OWNER
  - 18 NEW PLANTERS, BY OWNER
  - 19 NEW BIKE RACK, SPARTAN SINGLE SIDED 4-BIKE RACK, SURFACE MOUNTED WITH POWDER COAT FINISH, COLOR TO BE SELECTED DURING SUBMITTAL PROCESS, OR APPROVED EQUAL.
  - 20 NEW CAST-IN-PLACE CONCRETE RETAINING WALL EXTENDING 6' ABOVE DRIVEWAY GRADE, WITH CHAIN LINK FENCE POSTS INTEGRATED INTO WALL, SEE DETAIL XX
  - 21 NEW SIGN, "STORMWATER MANAGEMENT SYSTEM - NATIVE LANDSCAPE RESTORATION", SEE DETAIL XX
  - 22 NEW CONCRETE BLOCK BUNKERS, COORDINATE WITH OWNER, UTILIZE EXISTING BLOCK FROM SITE AND NEW BLOCK PROVIDED BY OWNER AS NEEDED.
  - 23 NEW RECEIVER CURB AND GUTTER, SEE DETAIL XX
  - 24 NEW REJECT CURB AND GUTTER, SEE DETAIL XX
  - 25 NEW TURN-DOWN CURB, SEE DETAIL XX, SEE GRADING PLAN FOR GRADES OF PAVEMENT AND TOP OF CURB, PARTICULARLY FOR BARRIER-FREE PARKING STALL ACCESS.
  - 26 NEW MOTORCYCLE PARKING STALL SIGNAGE
  - 27 NEW 6'-0" HIGH SOLID WOOD FENCE, SEE DETAIL XX

FORT ATKINSON DPW - SITE CALCULATIONS			
Total Property	252,795 sf	5.80 ac	
Zoning District	I - Institutional		
Building and Pavement Setbacks:			
10'-0"	Front / Street Yard		
8'-0"	Setback (Minor Street)		
10'-0"	Side Yard		
40'-0"	Rear Yard		
Maximum Building Height	40'-0"		
Maximum Building Coverage	50%	126,398 sf	
Maximum Impervious Surface	80%	202,236 sf	
Use	Conditional Use - Indoor Maintenance Service, Large Scale Public Service and Utilities		

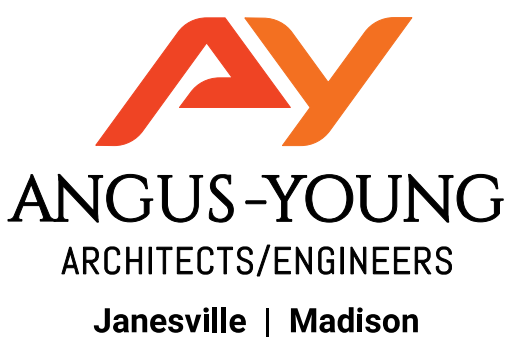
Existing Site:			
Existing Buildings	52,330 sf	1.20 ac	
Existing Pavement	136,208 sf	3.13 ac	
Total Existing Impervious	188,547 sf	4.33 ac	75%
Remainder Greenspace	64,248 sf	1.47 ac	25%

Proposed Site:			
Existing and New Building	85,086 sf	1.95 ac	
Existing and New Pavement	104,657 sf	2.40 ac	
Total New & Existing Impervious	189,743 sf	4.36 ac	75%
Remainder Greenspace	63,052 sf	1.45 ac	25%
Total Reduction in Impervious Area	1,196 sf		

PARKING REQUIREMENTS			
	Qty	Parking Calculation	Required
Public Service & Utility	30	1 space per employee on largest shift	30
Total Required: 30			
Total Auto Parking Provided: 29			
Total Motorcycle Parking Provided: 4			
Total Bicycle Parking Provided: 4			

SITE SYMBOL LEGEND	
	SIGN
	BOLLARD
	FIRE HYDRANT
	MANHOLE/CATCH BASIN/LET
	CURB INLET
	NEW FLARED END SECTION WITH RIPRAP AND GUARD
	NEW SPOT ELEVATION (FEET)
	NEW TOP OF CURB ELEVATION (FEET)
	NEW BOTTOM OF CURB ELEVATION (FEET)
	NEW TOP OF STEP (FEET)
	NEW BOTTOM OF STEP (FEET)
	RIM OR INVERT ELEVATION (FEET)
	WATER VALVE OR GAS VALVE
	GAS METER
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER AND CT CABINET
	NEW STRUCTURE OR ADDITION
	EXISTING STRUCTURE

- SITE GENERAL NOTES**
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  - FIELD VERIFY ALL EXISTING AND PROPOSED UTILITIES, ELEVATIONS AND DIMENSIONS.
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  - BUILDING SHALL BE ORIENTED PARALLEL AND PERPENDICULAR TO EXISTING BUILDING AND/OR PROPERTY LINE AS SHOWN ON DRAWING.
  - ALL EXTERIOR CONCRETE SIDEWALKS AND YARD SLABS SHALL BE 4,000 PSI. ALL CONCRETE PAVEMENT SHALL BE 4,500 PSI UNLESS NOTED OTHERWISE.



CITY OF FORT ATKINSON  
  
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NO.	DESCRIPTION:	DATE:
01	DESIGN DEVELOPMENT	08/10/2023
02	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023

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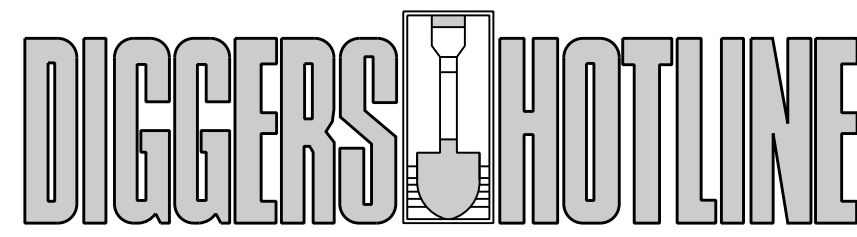
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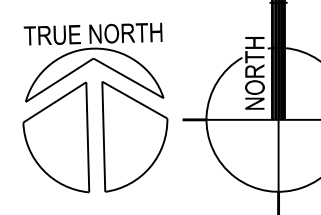
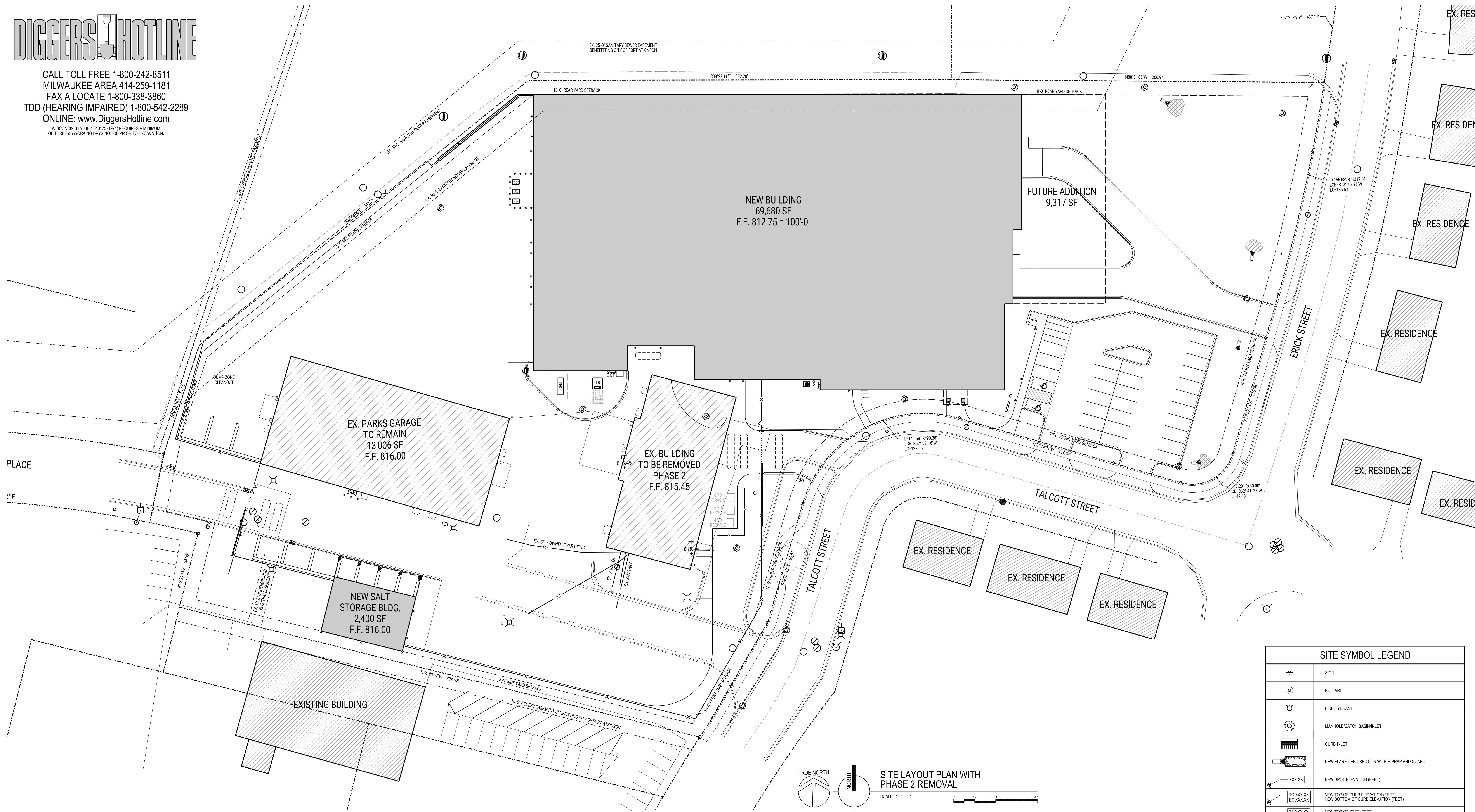
SITE LAYOUT PLAN

C100

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SITE LAYOUT PLAN WITH  
PHASE 2 REMOVAL

SCALE: 1"=30'-0"

SITE SYMBOL LEGEND	
	SIGN
	BOLLARD
	FIRE HYDRANT
	MANHOLE/CATCH BASIN/INLET
	CURB INLET
	NEW FLARED END SECTION WITH RIPRAP AND GUARD
	NEW SPOT ELEVATION (FEET)
	NEW TOP OF CURB ELEVATION (FEET)
	NEW BOTTOM OF CURB ELEVATION (FEET)
	NEW TOP OF STEP (FEET)
	NEW BOTTOM OF STEP (FEET)
	RIM OR INVERT ELEVATION (FEET)
	WATER VALVE OR GAS VALVE
	GAS METER
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER AND CT CABINET
	NEW STRUCTURE OR ADDITION
	EXISTING STRUCTURE

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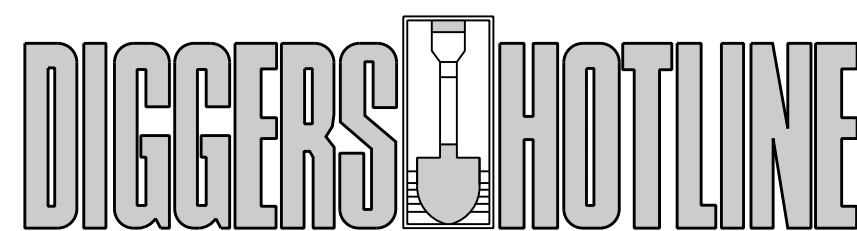
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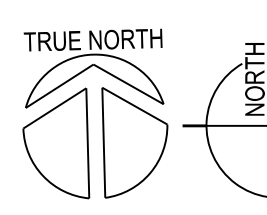
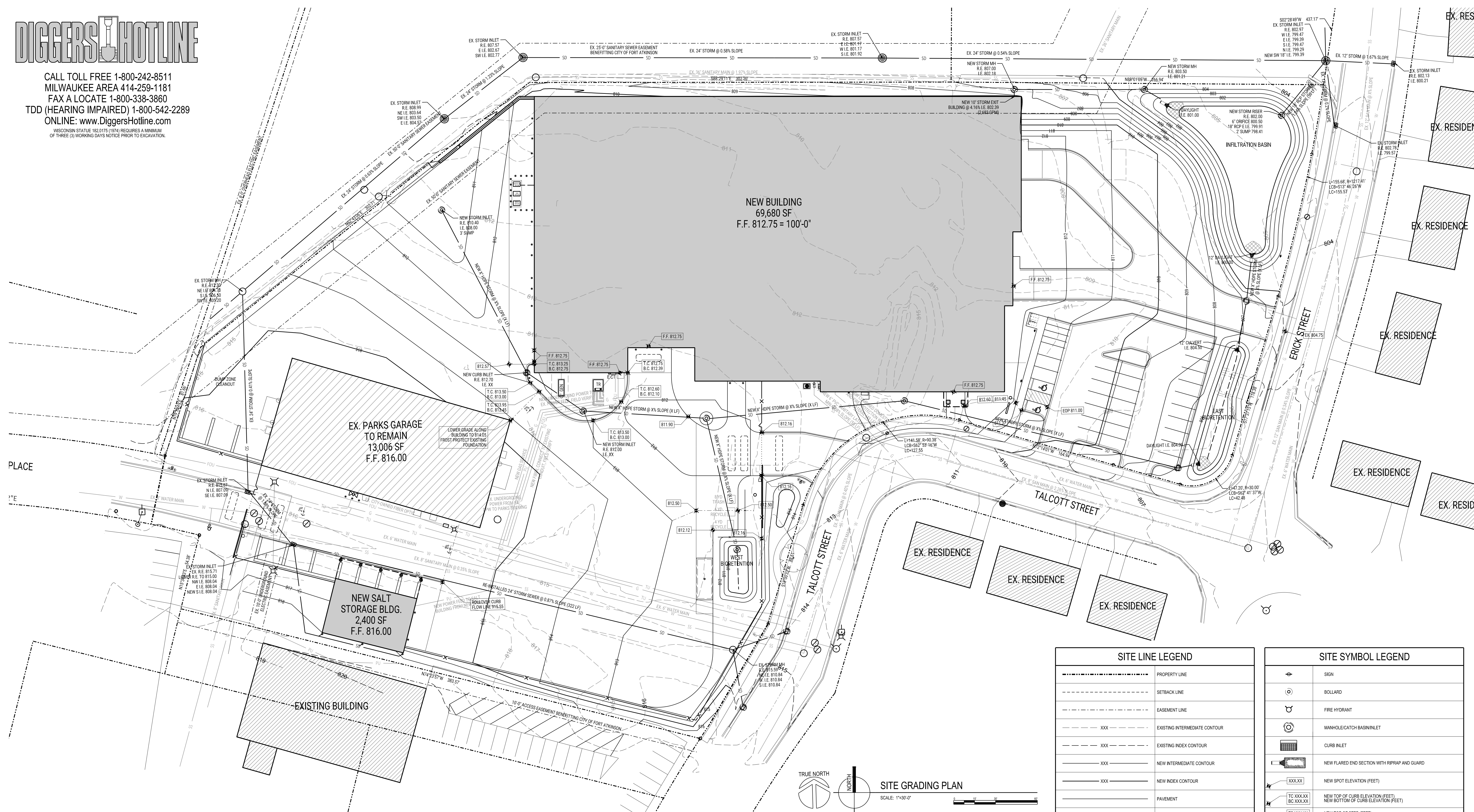
SITE LAYOUT PLAN  
WITH PHASE 2 REMOVAL

C100A

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SITE GRADING PLAN

SCALE: 1"=30' 0"

SITE LINE LEGEND

---	PROPERTY LINE
---	SETBACK LINE
---	EASEMENT LINE
XXX	EXISTING INTERMEDIATE CONTOUR
XXX	EXISTING INDEX CONTOUR
XXX	NEW INTERMEDIATE CONTOUR
XXX	NEW INDEX CONTOUR
---	PAVEMENT
---	FENCE
SD	STORM DRAIN
SS	SANITARY SEWER
W	WATER
G	GAS
P	ELECTRICAL POWER
PU	UNDERGROUND ELECTRICAL POWER
FOU	UNDERGROUND FIBER OPTIC
T	TELEPHONE
TU	UNDERGROUND TELEPHONE
CATV	CABLE
---	EDGE OF TREES OR SHRUBS

NOTE: ALL LINE TYPES MAY NOT BE USED IN THIS SET.

SITE SYMBOL LEGEND

	SIGN
	BOLLARD
	FIRE HYDRANT
	MANHOLE/CATCH BASIN/INLET
	CURB INLET
	NEW FLARED END SECTION WITH RIPRAP AND GUARD
	NEW SPOT ELEVATION (FEET)
	NEW TOP OF CURB ELEVATION (FEET)
	NEW BOTTOM OF CURB ELEVATION (FEET)
	NEW TOP OF STEP (FEET)
	NEW BOTTOM OF STEP (FEET)
	RBM ON INVERT ELEVATION (FEET)
	WATER VALVE OR GAS VALVE
	GAS METER
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER AND CT CABINET
	NEW STRUCTURE OR ADDITION
	EXISTING STRUCTURE

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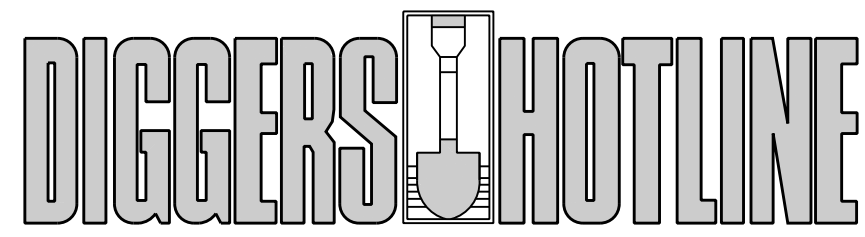
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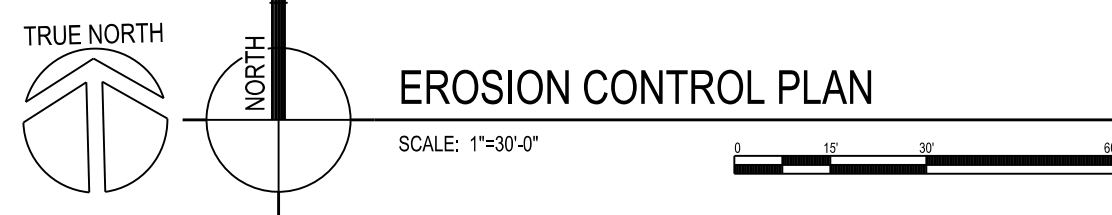
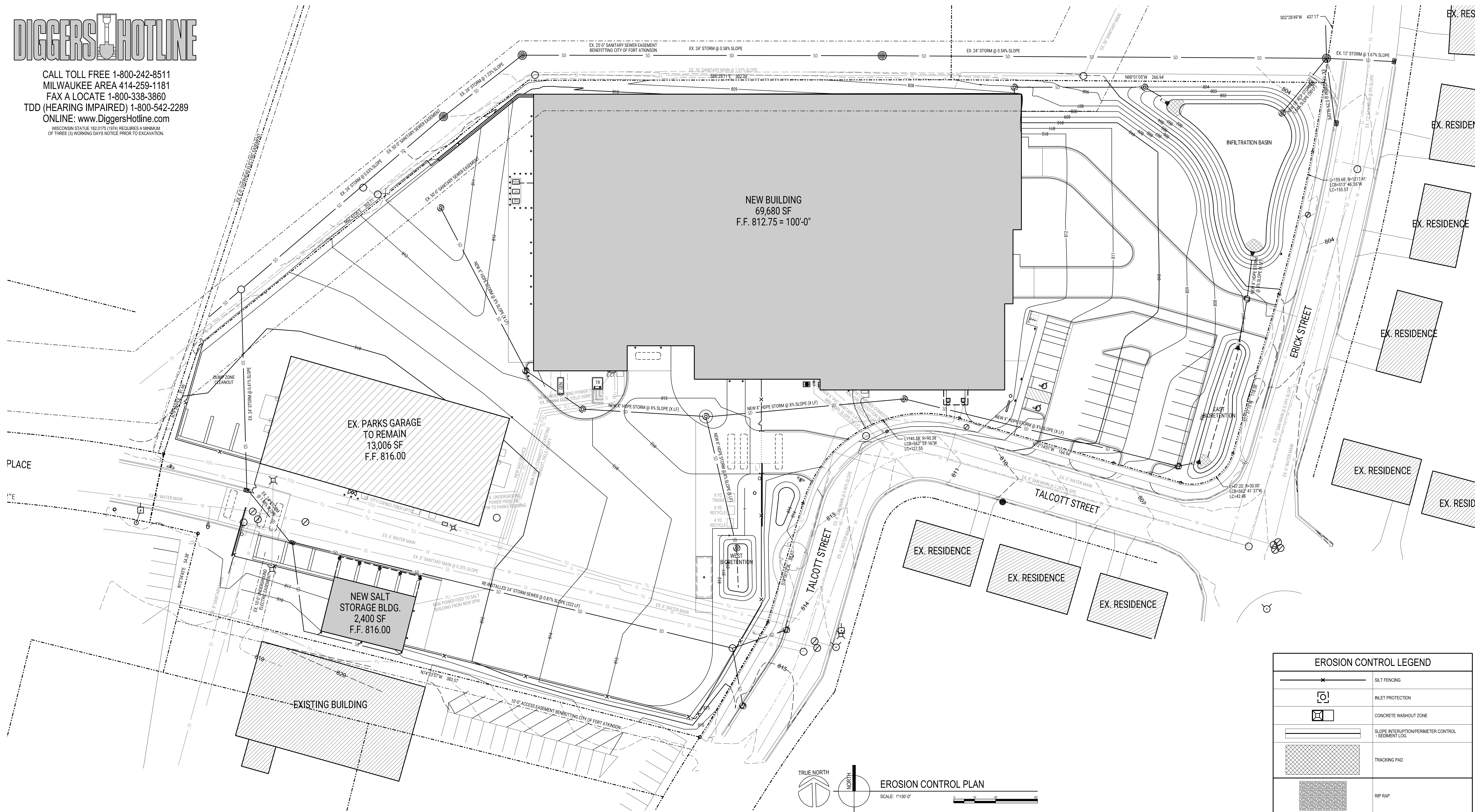
SITE GRADING PLAN

C300

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EROSION CONTROL LEGEND	
	SILT FENCING
	INLET PROTECTION
	CONCRETE WASHOUT ZONE
	SLOPE INTERRUPTION/PERIMETER CONTROL
	TRACKING PAD
	RIP RAP

NOTE: ALL SYMBOLS MAY NOT BE USED IN THIS SET.



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EROSION CONTROL PLAN

**C301**

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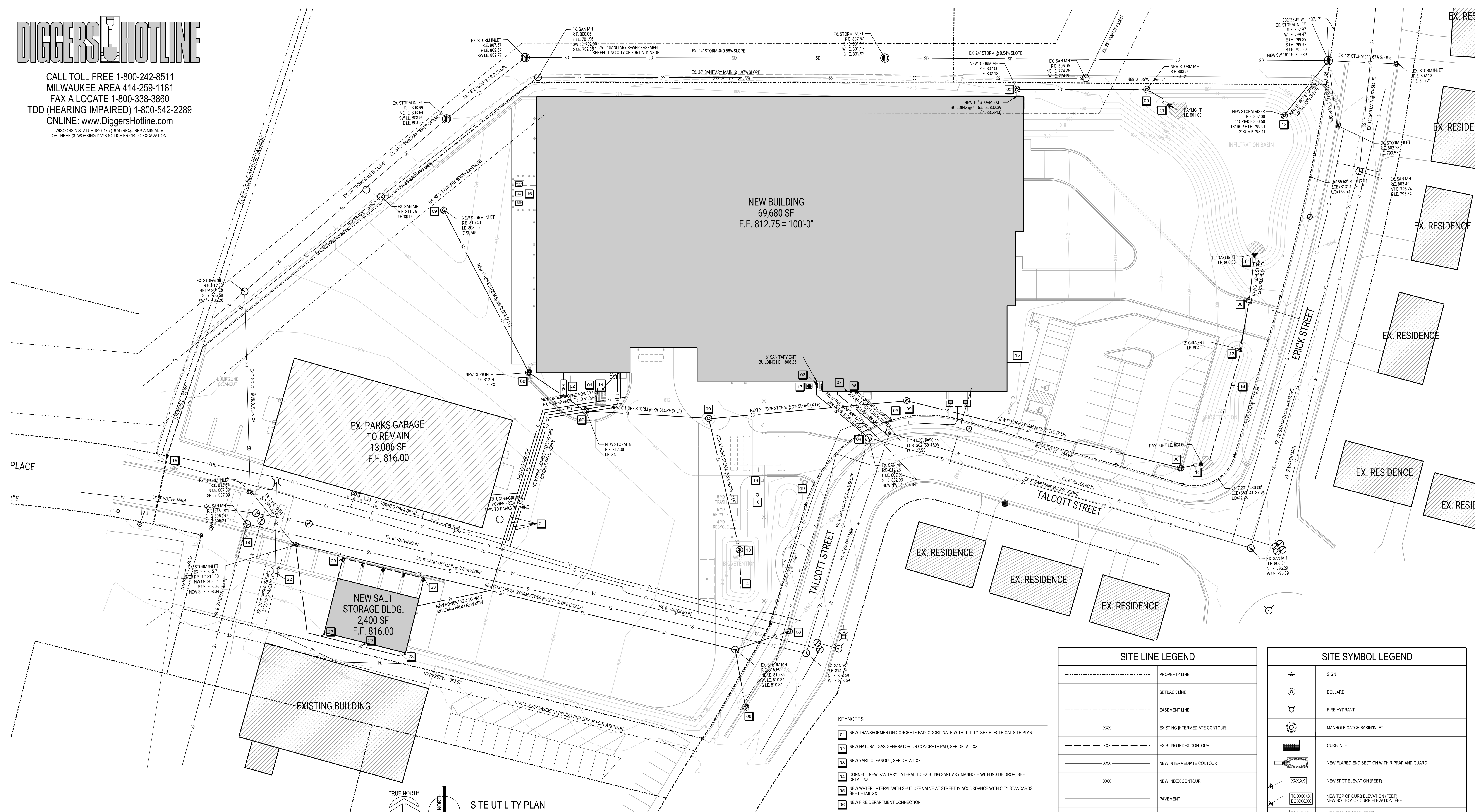
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SCALE: 1"=30'-0"

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PLOTTED BY: KatieU








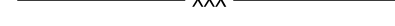
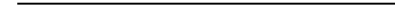
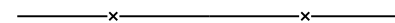










ORIGINAL SIZE: 24" x 36"



## KEYNOTES

- |     |  |
|-----|--|
| 151 | NEW TRANSFORMER ON CONCRETE PAD, COORDINATE WITH UTILITY. SEE ELECTRICAL SITE PLAN                       |
| 152 | NEW NATURAL GAS GENERATOR ON CONCRETE PAD. SEE DETAIL XX   |
| 153 | NEW YARD CLEANOUT. SEE DETAIL XX   |
| 154 | CONNECT NEW SANITARY LATERAL TO EXISTING SANITARY MANHOLE WITH INSIDE DROP. SEE DETAIL XX                |
| 155 | NEW WATER LATERAL WITH SHUT-OFF VALVE AT STREET IN ACCORDANCE WITH CITY STANDARDS. SEE DETAIL XX         |
| 156 | NEW FIRE DEPARTMENT CONNECTION   |
| 157 | NEW IRRIGATION TIE-IN. IRRIGATION DESIGN/BUILD CONTRACTOR SHALL COORDINATE SYSTEM WITH INTERIOR PLUMBING |
| 158 | NEW CURB INLET STORM CATCH BASIN. SEE DETAIL XX  |
| 159 | NEW ROUND STORM CATCH BASIN. SEE DETAIL XX   |
| 160 | NEW WEST BIORETENTION STORM RISER. SEE DETAIL XX   |
| 161 | NEW CONCRETE FLARED END SECTION WITH RPP RAP. SEE DETAIL XX  |
| 162 | NEW INFILTRATION STORM RISER. SEE DETAIL XX  |
| 163 | NEW CONCRETE FLARED END SECTION. SIMILAR TO DETAIL XX (NO RPP RAP)                                       |
| 164 | NEW #6" DRAIN TILE. SEE BIORETENTION DETAIL XX   |
| 165 | NEW CONDUIT FOR FUTURE ELECTRICAL CHARGING STATION   |
| 166 | NEW FUEL TANKS WITH FUEL LINES. SEE MECHANICAL PLANS FOR CONTINUATION                                    |
| 167 | NEW MECHANICAL EQUIPMENT ON CONCRETE PAD. SEE DETAIL   |
| 168 | NEW YARD HYDRANT. SEE DETAIL XX  |
| 169 | NEW GATE OPERATOR, DETECTOR LOOPS AND CARD READER. SEE DETAILS XX  |
| 170 | NEW LIGHT POLE, LOCATION TO BE DETERMINED  |
| 171 | NEW TELEPHONE, FIBER, POWER AND GAS LATERALS. COORDINATE WITH UTILITIES ON FINAL ROUTE                   |
| 172 | EXISTING TELEPHONE BOX, RELOCATE AT OWNERS DIRECTION IN COORDINATION WITH OWNER, FIDELITY                |
| 173 | NEW BURIED DOWNSPOUT CONNECTION. SEE DETAIL XX   |

### SITE LINE LEGEND

	PROPERTY LINE
	SETBACK LINE
	EASEMENT LINE
	EXISTING INTERMEDIATE CONTOUR
	EXISTING INDEX CONTOUR
	NEW INTERMEDIATE CONTOUR
	NEW INDEX CONTOUR
	PAVEMENT
	FENCE
	STORM DRAIN
	SANITARY SEWER
	WATER
	GAS
	ELECTRICAL POWER
	UNDERGROUND ELECTRICAL POWER
	UNDERGROUND FIBER OPTIC
	TELEPHONE
	UNDERGROUND TELEPHONE
	CABLE
	EDGE OF TREES OR SHRUBS

NOTE: ALL LINE TYPES MAY NOT BE USED IN THIS SET

### SITE SYMBOL LEGEND

	SIGN
	BOLLARD
	FIRE HYDRANT
	MANHOLE CATCH BASIN INLET
	CURB INLET
	NEW FLARED END SECTION WITH RIPRAP AND GUARD
	NEW SPOT ELEVATION (FEET)
	NEW TOP OF CURB ELEVATION (FEET)
	NEW BOTTOM OF STEP (FEET)
	NEW TOP OF STEP (FEET)
	NEW BOTTOM OF STEP (FEET)
	RE / IE XXXXX
	RE / IE XXXXX
	WATER VALVE OR GAS VALVE
	GAS METER
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	TRANSFORMER
	ELECTRIC METER AND CT CABINET
	NEW STRUCTURE OR ADDITION
	EXISTING STRUCTURE

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APPROVED BY \_\_\_\_\_

J.J.S.

REVELLER, D.

REVIEWED BY  
DTM

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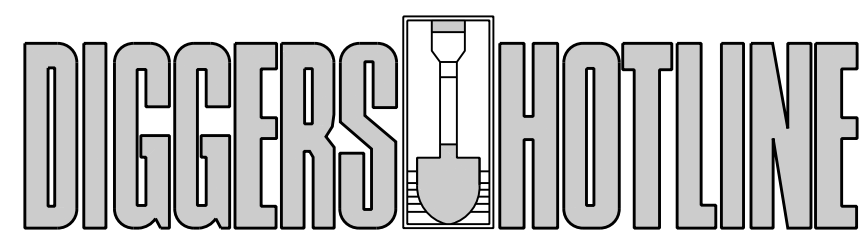
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SITE UTILITY (DI)

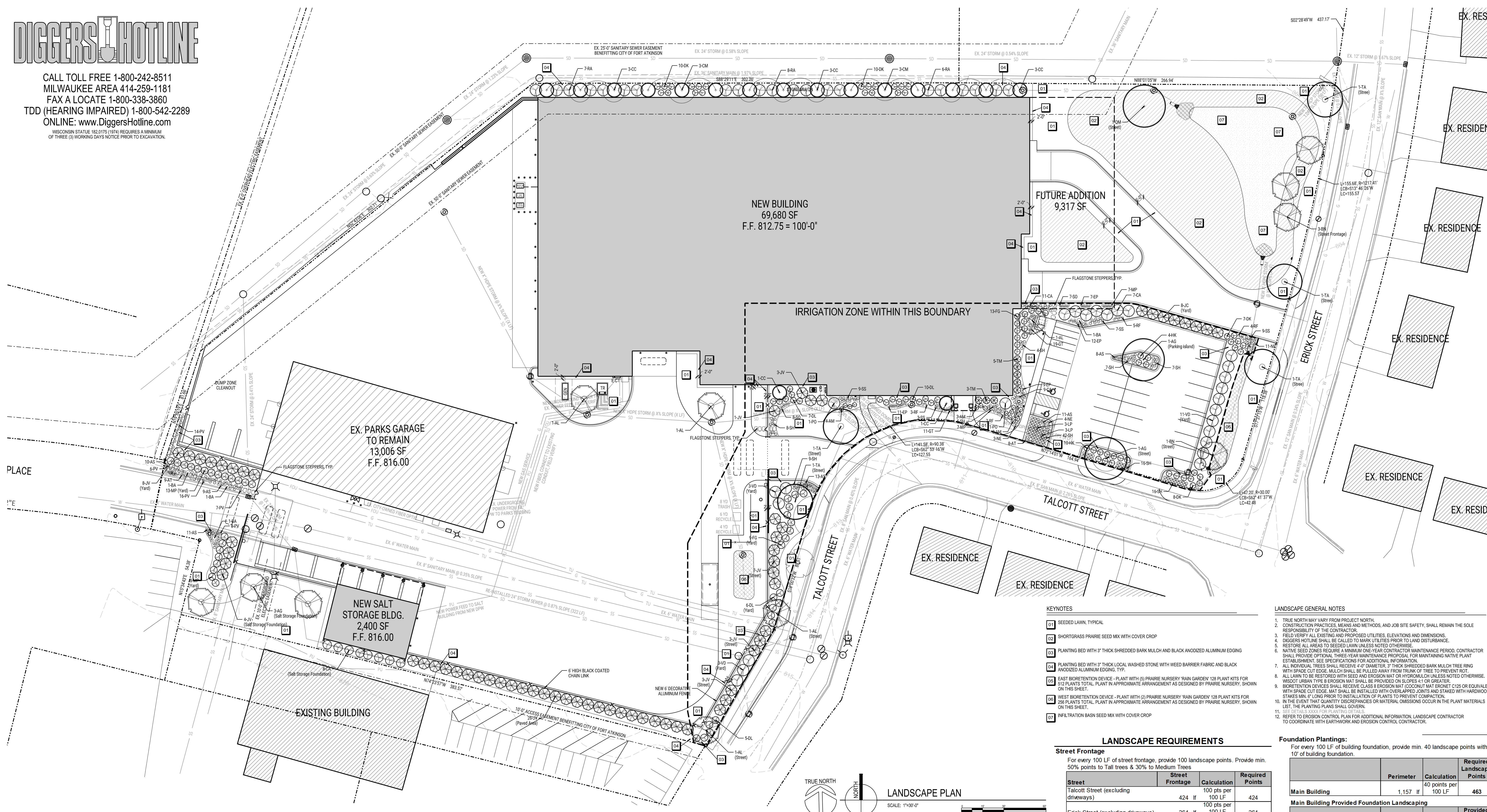
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#### KEYNOTES

- SEEDED LAWN, TYPICAL
- SHORTGRASS PRAIRIE SEED MIX WITH COVER CROP
- PLANTING BED WITH 3" THICK SHREDDED BARK MULCH AND BLACK ANODIZED ALUMINUM EDGING
- PLANTING BED WITH 3" THICK LAYER WASHED STONE WITH WEED BARRIER FABRIC AND BLACK ANODIZED ALUMINUM EDGING, TYP.
- EAST BIOTRETION DEVICE - PLANT WITH (5) PRAIRIE NURSERY RAIN GARDEN 128 PLANT KITS FOR 512 PLANTS TOTAL PLANT IN APPROXIMATE ARRANGEMENT AS DESIGNED BY PRAIRIE NURSERY, SHOWN ON THE STREET
- WEST BIOTRETION DEVICE - PLANT WITH (2) PRAIRIE NURSERY RAIN GARDEN 128 PLANT KITS FOR 256 PLANTS TOTAL PLANT IN APPROXIMATE ARRANGEMENT AS DESIGNED BY PRAIRIE NURSERY, SHOWN ON THE STREET
- INFILTRATION BASIN SEED MIX WITH COVER CROP

#### LANDSCAPE GENERAL NOTES

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- DIGGERS HOTLINE SHALL BE CALLED TO MARK UTILITIES PRIOR TO LAND DISTURBANCE.
- RESTORE ALL AREAS TO SEEDING LAWN UNLESS NOTED OTHERWISE.
- SEEDING REQUIRE A MINIMUM ONE-YEAR CONTRACTOR MAINTENANCE PERIOD. CONTRACTOR SHALL PROVIDE OPTIONAL THREE-YEAR MAINTENANCE PROPOSAL FOR MAINTAINING NATIVE PLANT ESTABLISHMENT. SEE SPECIFICATIONS FOR ADDITIONAL INFORMATION.
- ALL INDIVIDUAL TREES SHALL RECEIVE 4" DIAMETER, 3" THICK SHREDDED BARK MULCH TREE RING AND 2" THICK SHREDDED BARK MULCH TREE RING.
- ALL MULCH TO BE RESTORED WITH SEED AND EROSION MAY OR HYDROMULCH UNLESS NOTED OTHERWISE.
- WISCONSIN LAW 182.0175 (1974) REQUIRES A MINIMUM OF THREE (3) WORKING DAYS NOTICE PRIOR TO EXCAVATION.
- BIOTRETION DEVICES SHALL RECEIVE CLASS B EROSION MAT (COCONUT MAT ERONET C125 OR EQUIVALENT) WITH SHIELD EDGE. MAT SHALL BE INSTALLED WITH OVERLAPPING JOINTS AND STABED WITH HARDWOOD STAKES MIN. 6" LONG PRIOR TO INSTALLATION OF PLANTS TO PREVENT COMPACTING.
- IN THE EVENT THAT QUANTITY DISCREPANCIES OR MATERIAL OMISSIONS OCCUR IN THE PLANT MATERIALS LIST, THE PLANTING PLANS SHALL GOVERN.
- REFER TO EROSION CONTROL PLAN FOR ADDITIONAL INFORMATION. LANDSCAPE CONTRACTOR TO COORDINATE WITH EARTHWORK AND EROSION CONTROL CONTRACTOR.

#### LANDSCAPE REQUIREMENTS

##### Street Frontage

For every 100 LF of street frontage, provide 100 landscape points. Provide min. 50% points to Tall trees & 30% to Medium Trees

Street	Street Frontage	Calculation	Required Points
Talcott Street (excluding driveways)	424 lf	100 pts per 100 LF	424
Erick Street (excluding driveways)	264 lf	100 pts per 100 LF	264
		Subtotal	688

Plant	Point Value	Quantity	Provided Landscape Points
Large Deciduous Tree, 1.5" Cal. (Includes 1 existing tree to remain)	50	ea	4
Medium Deciduous Tree, 1.5" Cal.	15	ea	2
Tall/Medium Evergreen (to be utilized in lieu of Medium Deciduous Tree, with point value to align with Med. Deciduous Tree)	15	ea	13
		Subtotal	425

Plant	Point Value	Quantity	Provided Landscape Points
Large Deciduous Tree, 1.5" Cal.	50	ea	4
Medium Deciduous Tree, 1.5" Cal.	15	ea	6
		Subtotal	260

Note: 1 Large Tree located on west side of infiltration basin.

Plant	Point Value	Quantity	Provided Landscape Points
Tall/Medium Evergreen	33	ea	26
		Subtotal	858

Plant	Point Value	Quantity	Provided Landscape Points
Tall/Medium Evergreen	33	ea	26
		Subtotal	858

Foundation Plantings:  
For every 100 LF of building foundation, provide min. 40 landscape points within 10' of building foundation.

Plant	Point Value	Quantity	Provided Landscape Points
Medium Deciduous Tree	16.5	ea	3
Low Deciduous Tree	10	ea	15
Tall/Medium Evergreen	33	ea	4
Medium Deciduous Shrub	3.3	ea	30
Low Deciduous Shrub	1	ea	45
Evergreen Low Shrub	3	ea	8
Perennial Plantings	1	ea	198
		Subtotal	698

Plant	Point Value	Quantity	Provided Landscape Points
Medium Deciduous Tree	16.5	ea	3
Tall/Medium Evergreen	33	ea	4
Medium Deciduous Shrub	3.3	ea	8
		Subtotal	208

Plant	Point Value	Quantity	Provided Landscape Points
Large Deciduous Tree, 1.5" Cal.	55	ea	8
Medium Deciduous Tree	16.5	ea	8
Tall/Medium Evergreen	33	ea	37
Tall Deciduous Shrub	3	ea	185
Evergreen Low Shrub	3	ea	8
Medium Deciduous Shrub	3.3	ea	15
Bioretention, per sf	1	ea	1,291
		Subtotal	1,814

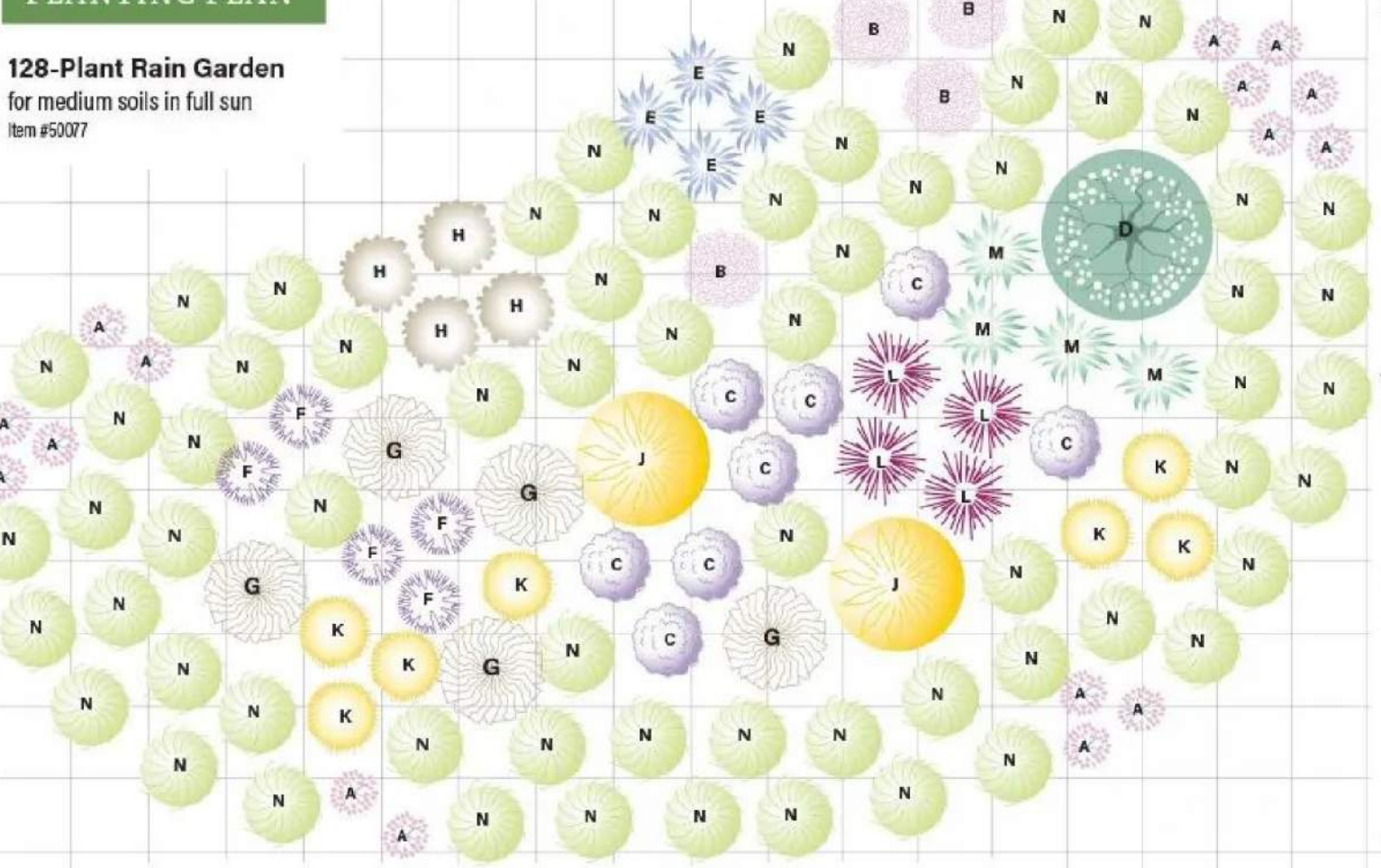
Plant	Point Value	Quantity	Provided Landscape Points
Large Deciduous Tree, 1.5" Cal.	55	ea	8
Medium Deciduous Tree	16.5	ea	8
Tall/Medium Evergreen	33	ea	37
Tall Deciduous Shrub	3	ea	185
Evergreen Low Shrub	3	ea	8
Medium Deciduous Shrub	3.3	ea	15
Bioretention, per sf	1	ea	1,291
		Subtotal	1,814

Plant	Point Value	Quantity	Provided Landscape Points
Large Deciduous Tree, 1.5" Cal.	55	ea	8
Medium Deciduous Tree	16.5	ea	8
Tall/Medium Evergreen	33	ea	37
Tall Deciduous Shrub	3	ea	185
Evergreen Low Shrub	3	ea	8
Medium Deciduous Shrub	3.3	ea	15
Bioretention, per sf	1	ea	1,291
		Subtotal	1,814

#### LANDSCAPE PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	INSTALLED SIZE	ROOT	MATURE SIZE	QTY
<b>TREES:</b>						
AG	Aesculus glabra 'JIN Select'	Early Glow Buckeye	2" Cal.	B.B.	35' H x 35' W	5
AL	Amelanchier laevis 'Cumulus'	Cumulus Serviceberry	2" Cal.	B.B.	25' H x 20' W	3
BN	Betula nigra	River Birch	6" High Multistem	B.B.	60' H x 25' W	4
CC	Carpinus caroliniana 'J.M. Upright'	Fraser Maple	6" High Multistem	B.B.	20' H x 8-10' W	11
CM	Cornus mas 'Golden Glory'	Golden Glory Dogwood	6" High Multistem	B.B.	20' H x 15' W	6
JV	Juniperus virginiana 'Hill'	Hill Dundee Juniper	6" H	B.B.	20' H x 6-8' W	55
QM	Quercus macrocarpa	Bur Oak	2" Cal.	B.B.	70' H x 60' W	1
TA	Tilia americana 'Kronm'	Sweet Street Linden	2" Cal.	B.B.	50' H x 25' W	5
<b>SHRUBS:</b>						
AM	Aronia melanocarpa 'UCONAM165' PPAF	Low Shrub Mound Black Chokeberry	1" H	2-3 Gallon	12' H x 2-3' W	15
CA	Corylus americana	American Filbert	3" H	Container	8' H x 8' W	15
DL	Dierilla lonicera	Dwarf Bush Honeysuckle	18-24" H	2-4 Gallon	3-4' H x 3-4' W	28
DK	Dierilla x 'D2X88544' PP27, 548	Kodak Orange Bush Honeysuckle	18-24" H	2-4 Gallon	3-4' H x 3-4' W	35
FG	Fothergilla gardenii 'Beaver Creek'	Beaver Creek Dwarf Fothergilla	24" High	4 Gallon	3-4' H x 3-4' W	22
HK	Hypericum kalmianum	St. John's Wort	4-5 Gallon	Container	3-4' H x 3-4' W	14
JC	Juniperus chinensis 'Sea Green'	Sea Green Juniper	18-24" H	4-5 Gallon	4-5' H x 4-5' W	8
MP	Myrica pennsylvanica	Northern Bayberry	18" High	Cont.	4-5' H x 4-5' W	21
PO	Physocarpus opulifolius 'Seward'	Summer Wine Ninebark	3" H	5 Gallon	5-6' H x 4-5' W	2
RA	Rhus aromatica 'Gro Low'	Gro Low Fragrant Sumac	18-24" H	2-4 Gallon	2-3' H x 5-6' W	21
TM	Taxus x media 'Everlow'	Everlow Yew	18-24" High	Cont.	2-3' H x 4-5' W	8
VD	Viburnum dentatum 'Christom'	Blue Muffin Arrowwood Viburnum	4-5 Gallon	Container	6' H x 5' W	17
<b>GRASSES:</b>						
CA	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	Gallon		5' H x 12' W	20
PV	Panicum virgatum 'Rotstrahlbusch'	Rotstrahlbusch Switch Grass	1 Gallon		4' H x 2' W	51
SH	Sporobolus heterophyllus	Prairie Dropseed	1 Gallon		24" H x 24" W	114
SS	Schizachyrium scoparium 'The Blues'	The Blues Little Bluestem	1 Gallon		3' H x 18" W	28
<b>PERENNIALS:</b>						
AS	Allium 'Summer Beauty'	Summer Beauty Onion	4.5" Pot		18" H x 12" W	62
AT	Asclepias tuberosa	Butterfly Weed	4.5" Pot		18" H x 12" W	17
BA	Baptisia australis	False Indigo	4.5" Pot		3-4' H x 2-3' W	4
EP	Echinacea purpurea	Purple Coneflower	4.5" Pot		30" H x 18" W	39
GT	Geum triflorum	Prairie Smoke	4.5" Pot		12" H x 12" W	30
LP	Liatris pycnostachya	Prairie Blazing Star	4.5" Pot		2-5' H x 1-2' W	6
MP	Monarda punctata	Spotted Bee Balm	4.5" Pot		12-24" H x 12" W	14
NE	Nepeta 'Early Bird'	Early Bird Catmint	4.5" Pot		12" H x 18" W	18
RF	Rudbeckia fulgida var. sullivantii 'Little Goldstar'	Little Goldstar Black-Eyed Susan	4.5" Pot		14-18" H x 12" W	19
SO	Symphoricarpos oolentangiense	Sky Blue Aster	4.5" Pot		2-3' H x 2' W	15

#### PLANTING PLAN



A. Hocking Pink Onion (36)	E. Blue Flag Iris (4)	J. Sweet Black Eyed Susan (2)
B. Hot Milkweed (5)	F. Prairie Bluebell (8)	K. Iris (sulfur) (2)
C. New England Aster (8)	G. Wild Quinine (5)	L. Ironweed (4)
D. White False Indigo (8)	H. Smooth Penstemon (8)	M. Culver's Root (8)



SECTION N. For Setback (4)

PRELIMINARY - NOT FOR CONSTRUCTION



ISSUANCES / REVISIONS		
NO. / DESCRIPTION	DATE	
DD / DESIGN DEVELOPMENT	08/10/2023	
DD / CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023	

Plant	Point Value	Quantity	Provided Landscape Points
Medium Deciduous Tree	16.5	ea	3
Low Deciduous Tree	10	ea	15
Tall/Medium Evergreen	33	ea	4
Medium Deciduous Shrub	3.3	ea	30
Low Deciduous Shrub	1	ea	45
Evergreen Low Shrub	3	ea	8
Perennial Plantings	1	ea	198
		Subtotal	698

Plant	Point Value	Quantity	Provided Landscape Points
Medium Deciduous Tree	16.5	ea	3
Tall/Medium Evergreen	33	ea	4
Medium Deciduous Shrub	3.3	ea	8
		Subtotal	208

Plant	Point Value	Quantity	Provided Landscape Points
Large Deciduous Tree, 1.5" Cal.	55	ea	8
Medium Deciduous Tree	16.5	ea	8
Tall/Medium Evergreen	33	ea	37
Tall Deciduous Shrub	3	ea	185
Evergreen Low Shrub	3	ea	8
Medium Deciduous Shrub	3.3	ea	15
Bioretention, per sf	1	ea	1,291
		Subtotal	1,814

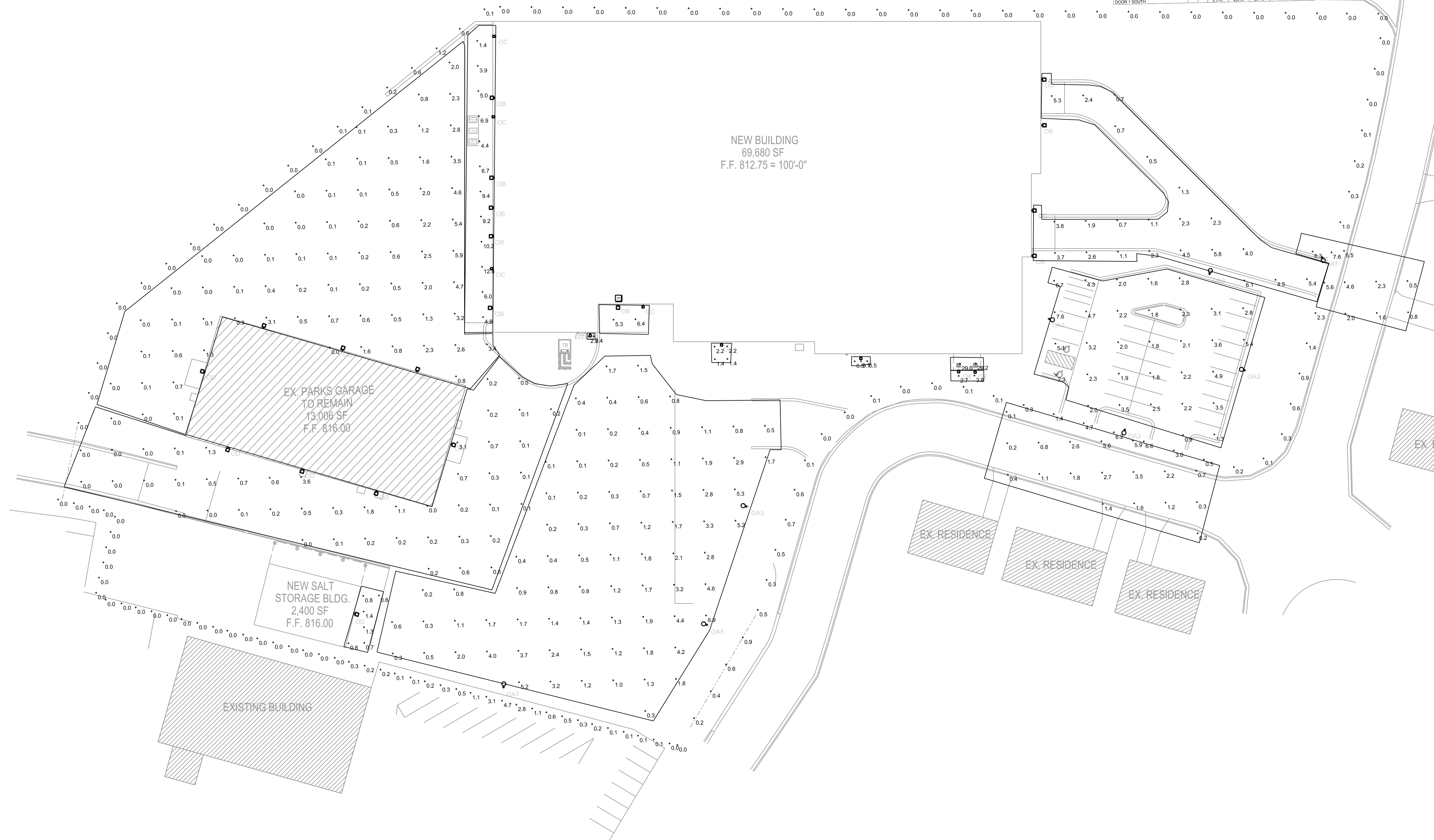
Plant	Point Value	Quantity	Provided Landscape Points
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Bioretention, per sf	1	ea	1,291
		Subtotal	1,814

01 TYPE OC FIXTURE MOUNT AT 9'-0" AFG CENTERED ABOVE OVERHEAD DOOR

Schedule	Manufacturer	Capacity	Description	Number	Unit Price	Buy Price
QA3	COOPER LIGHTING (FORMERLY EATON)	GLUON-24-INCH-TRK	GALILEO 24-INCH AND READWAY LUMINAIRE LIGHTS, 10000 LUMENS, 100W, 120V, 5000 KELVIN, EIGHT-POINT, 10-1/2 INCHES	48	453	
OD	COOPER LIGHTING (FORMERLY EATON)	XTOR3R-W	CRISTOFORO 10 IN WALL MOUNTED LED	1	2100	1910
OC	COOPER LIGHTING (FORMERLY EATON)	XTOR18	CRISTOFORO 18 IN WALL MOUNTED LED	1	1417	1260
OC	COOPER LIGHTING (FORMERLY EATON)	DIMC-4-12-LED-E-54	GALILEO 14 IN LUMINAIRE, 12 IN DI, 3000 KELVIN, 10000 LUMENS, 100W, 120V, 5000 KELVIN, EIGHT-POINT, 10-1/2 INCHES	32	369	
OB	COOPER LIGHTING (FORMERLY EATON)	DIMC-4-12-LED-E-54	GALILEO 14 IN LUMINAIRE, 12 IN DI, 3000 KELVIN, 10000 LUMENS, 100W, 120V, 5000 KELVIN, EIGHT-POINT, 10-1/2 INCHES	32	369	
OK	CORTECH LIGHTING	CYRUS-12-LED-54	CYRUS 12 IN LED CYLINDER, CEMENT MOUNT WITH 14 IN SPREAD LEGS	1	1187	1060
OK	CORTECH LIGHTING	CYRUS-12-LED-54	CYRUS 12 IN LED CYLINDER, CEMENT MOUNT WITH 14 IN SPREAD LEGS	1	1187	1060

Stations					
Description	Symbol	Avg	Max	Min	MaxMin
DOOR SOUTH		+ 1.8%	2.2%	1.4%	1.8%
DOOR SOUTH		+ 7.6%	8.7%	6.3%	1.6%
DOOR SOUTH		+ 3.3%	3.8%	2.5%	1.6%
DOOR SOUTH		+ 3.0%	6.3%	0.5%	12.6%
NEW SLAT STREET OVERHEAD DOOR		+ 0.3%	1.4%	0.0%	2.7%
NEW SOUTHERN EXTERIOR ENTR. DOOR		+ 1.1%	5.0%	0.1%	NA
OVERHEAD DOOR SOUTH		+ 5.9%	6.4%	5.3%	1.2%
PARKING LOT		+ 3.0%	7.6%	0.5%	8.4%
PARKING LOT SW		+ 1.3%	7.6%	0.1%	8.4%
SOUTH ENTRANCE		+ 1.6%	6.9%	0.1%	65.6%
SOUTH ENTRANCE		+ 0.2%	4.7%	0.0%	NA
SOUTH ENTRANCE		+ 1.1%	5.0%	0.1%	NA
TACOTT STREET		+ 1.8%	5.9%	0.1%	59.0%
UNDER CANOPY		+ 20.1%	29.2%	29.1%	0.0%
UNDER CANOPY		+ 2.8%	8.1%	0.5%	12.0%
WEST EXTERIOR		+ 0.7%	12.8%	1.4%	5.1%
WEST EXTERIOR		+ 6.1%	1.2%	0.5%	NA
WEST EXTERIOR		+ 2.5%	2.9%	1.6%	1.0%

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PROJECT NUMBER  
76130

APPROVED BY  
JJS

REVIEWED BY  
BTW

DRAWN  
MJA

## SITE LIGHTING PHOTOMETRIC CALCULATIONS

# ES01





ISSUANCES / REVISIONS		
NO.	DESCRIPTION	DATE
DD	DESIGN DEVELOPMENT	08/18/2023
DD	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023

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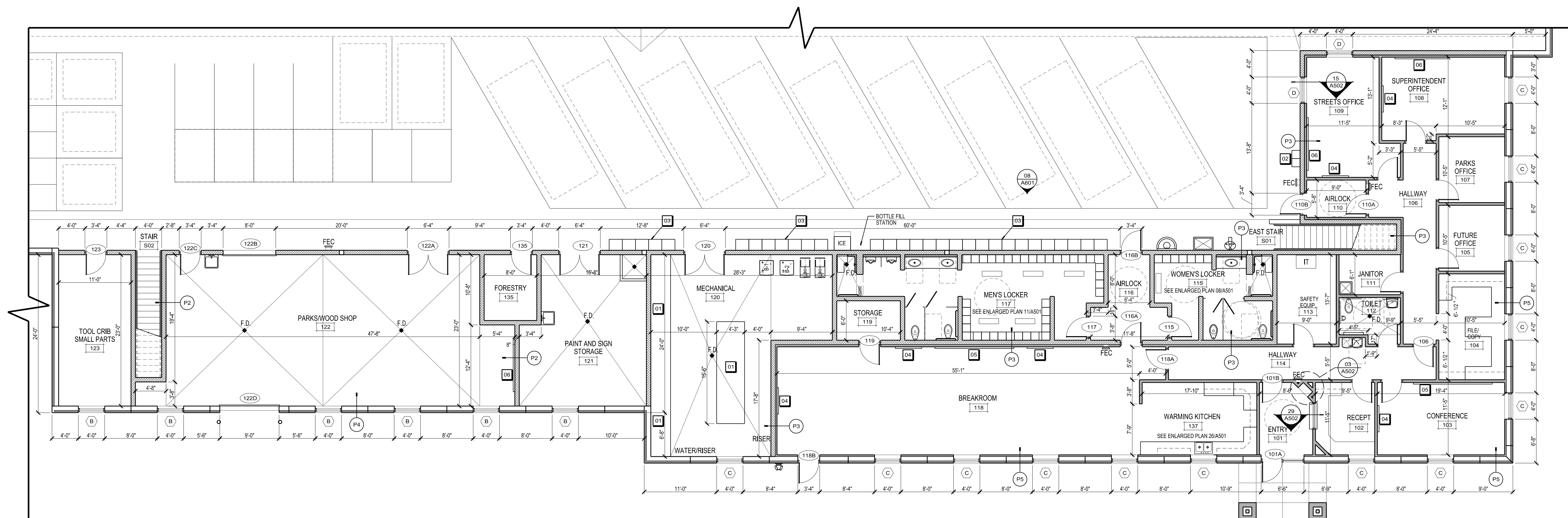
APPROVED BY  
JJS

REVIEWED BY  
BTW

DRAWN BY  
BTW

ENLARGED OFFICE AREA PLAN

A101A



- KEYNOTES
- 01 4" CONCRETE EQUIPMENT PAD
  - 02 12" x 12" STACKING METAL LOCKERS (10 TOTAL)
  - 03 24" WIDE WALL MOUNTED OPEN FRONT GEAR LOCKERS, QUANTITY PER PLAN.
  - 04 WALL MOUNTED TV PROVIDED BY OWNER, INSTALLED BY CONTRACTOR. PROVIDE WOOD BLOCKING IN WALL CAVITY.
  - 05 12'-0" WIDE x 48" TALL MARKERBOARD, CONTRACTOR PROVIDED AND INSTALLED.
  - 06 8'-0" WIDE x 48" TALL MARKERBOARD, CONTRACTOR PROVIDED AND INSTALLED.

ENLARGED OFFICE AREA PLAN  
SCALE: 1/8"=1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

SCALE: 1/8"=1'-0"

X:\76130\ad\76130a\A101A.dgn

PLOTTED BY: Kabeul

ORIGINAL SIZE: 24" x 36"



ISSUANCES / REVISIONS

NO.	DESCRIPTION	DATE
DD	DESIGN DEVELOPMENT	08/10/2023
DD	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023


08/10/2023 10/28/2023

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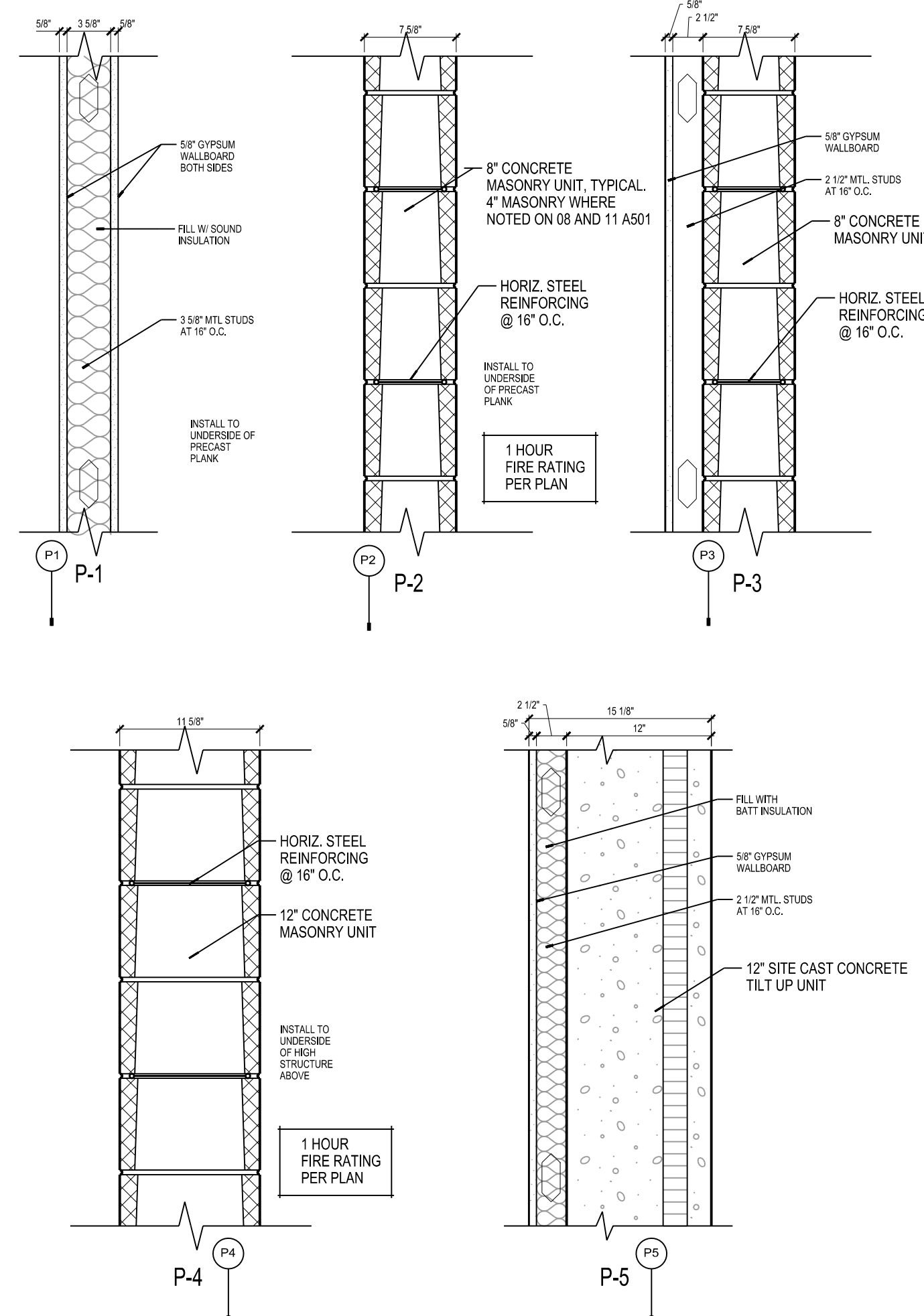
APPROVED BY  
JJS

REVIEWED BY  
BTW

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BTW

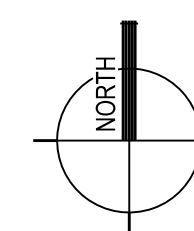
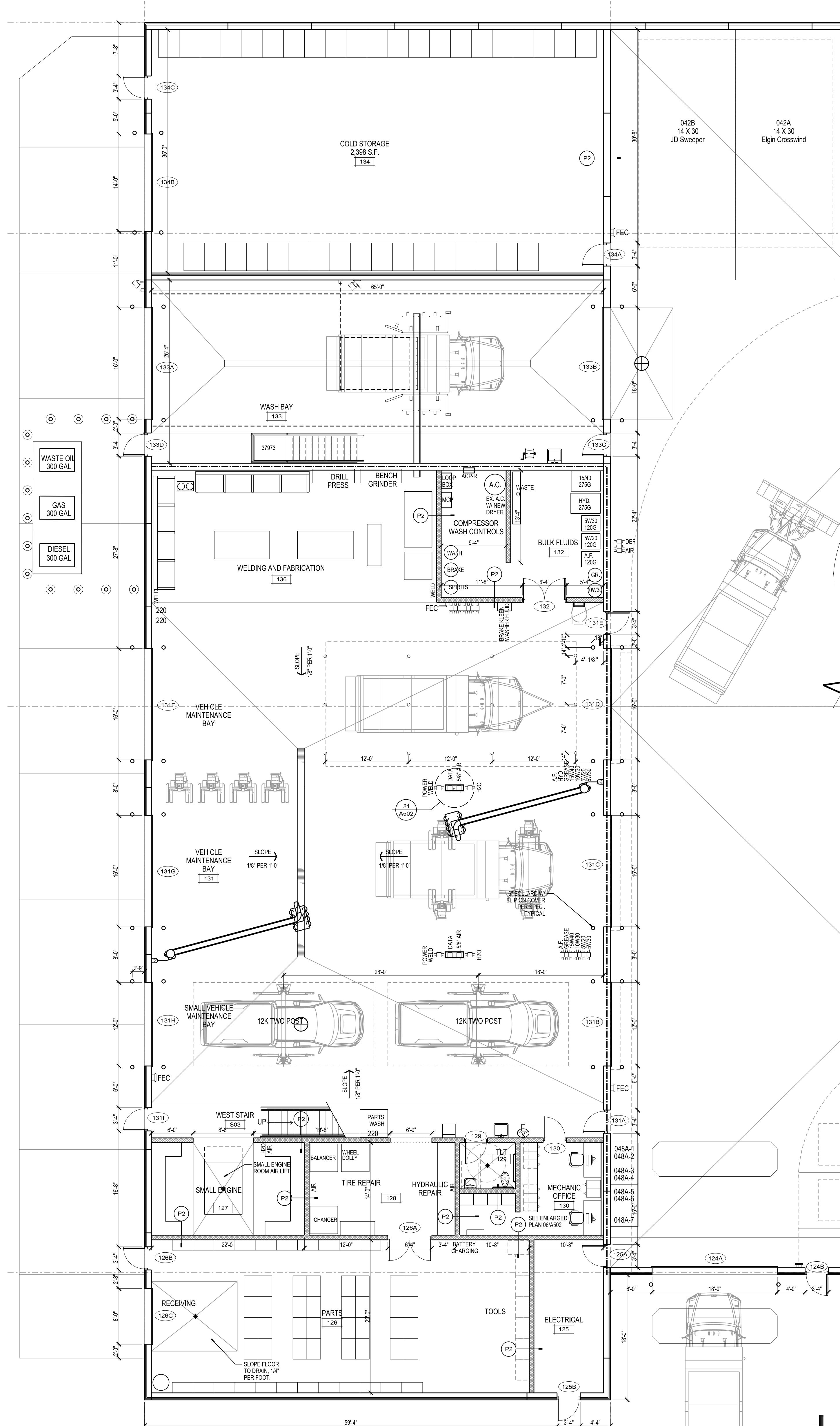
ENLARGED MAINTENANCE AREA PLAN

A101B



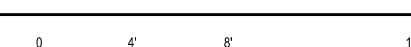
27 PARTITION TYPES  
A101B

SCALE: 1/12"=1'-0"



ENLARGED MAINTENANCE AREA PLAN

SCALE: 1/8"=1'-0"



PRELIMINARY - NOT FOR CONSTRUCTION

SCALE 1/8"=1'-0"

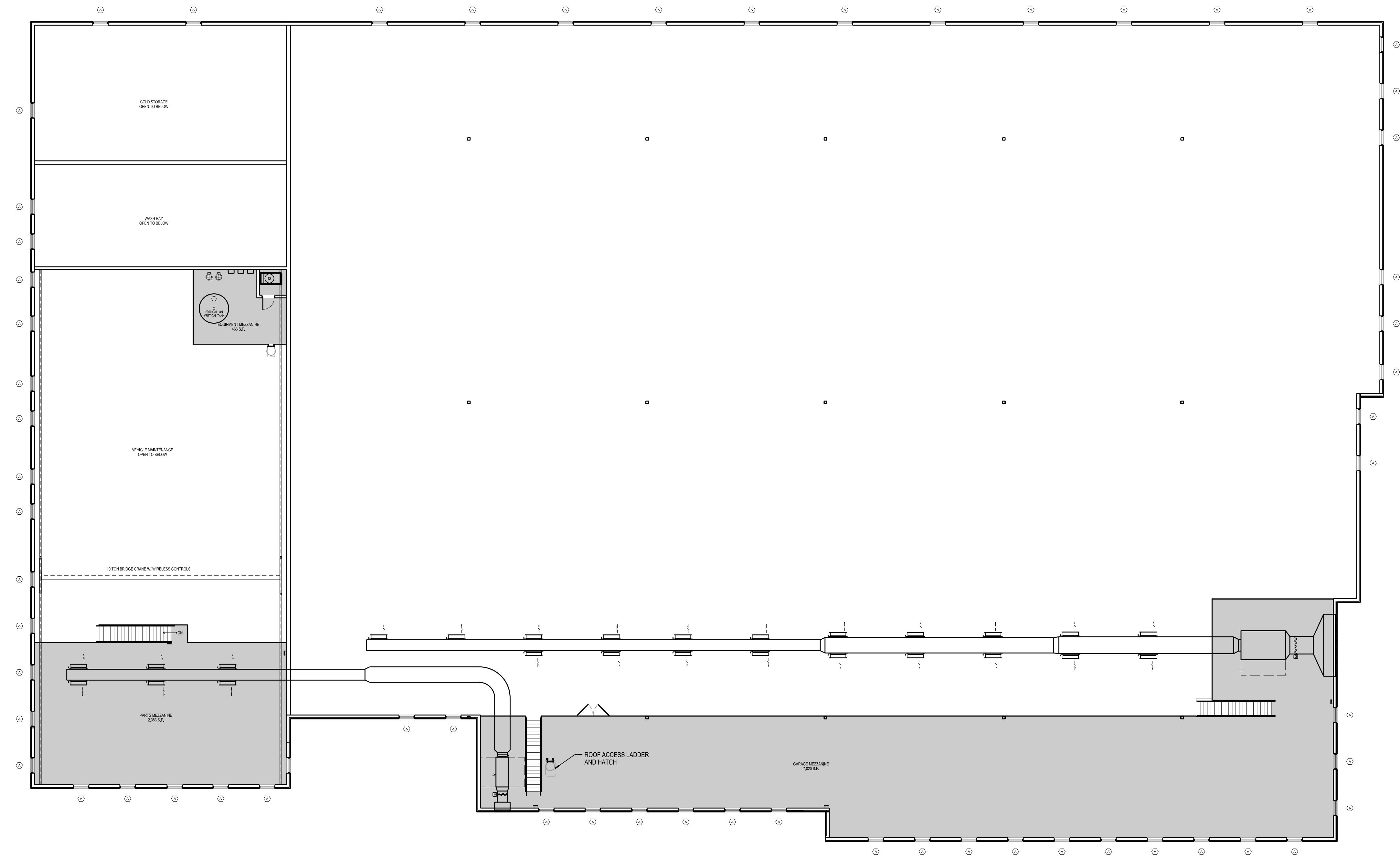
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PLOTTED BY: Kaleb

ORIGINAL SIZE: 24" x 36"

ORIGINAL SIZE: 24" x 36"

PRELIMINARY - NOT FOR CONSTRUCTION

[illegible]

PROJECT NUMBER  
76130

APPROVED BY  
JJS

REVIEWED BY  
BTW

DRAWN BY  
BTW

A102



- 01 ROOF DRAIN WITH OVERFLOW DRAIN SEE DETAIL 03/0105
- 02 24" x 36" ROOF HATCH SEE DETAIL 06/0105
- 03 EXHAUST FAN SEE DETAIL 08/0105 FOR CURB DETAIL
- 04 VENT THROUGH ROOF PIPE SEE DETAILS 01 & 02/0105

1. REFER TO ELECTRICAL, MECHANICAL, AND PLUMBING DRAWINGS FOR PENETRATIONS THROUGH ROOF. GENERAL CONTRACTOR SHALL FLASH ALL ROOF PENETRATIONS AND MECHANICAL SUPPORTS IN ACCORDANCE WITH THE DRAWINGS AND THE MANUFACTURER'S RECOMMENDATIONS TO OBTAIN ROOF WARRANTY.
2. ALL PRE-FINISHED ROOF EDGE COPING TO HAVE 12" VERTICAL FACE WITH DRIP EDGE ON EXTERIOR SIDE.
3. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ROOF CURB BLOCKING AND LEVELING OF CURB TOPS.
4. ROOF STRUCTURE TO BE SLOPED 1/4" PER FOOT TO PERMIT POSITIVE FLOW TO ROOF DRAINS.

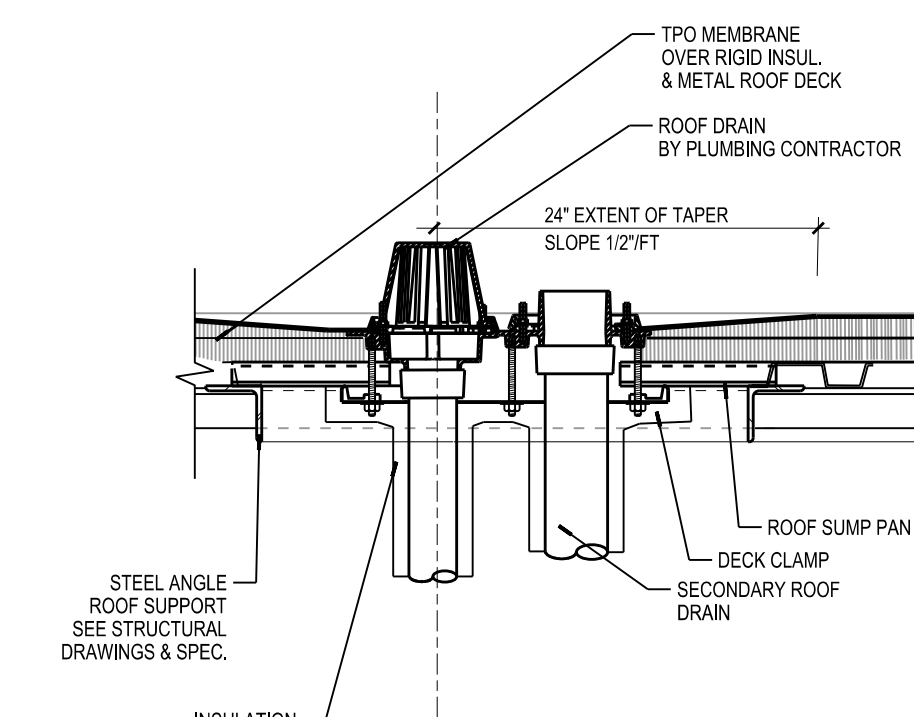
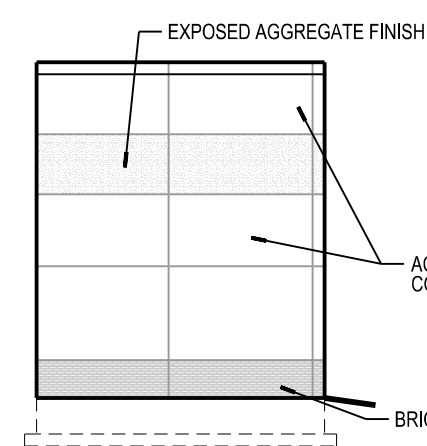


Diagram illustrating the components of a roof-to-wall flashing detail:

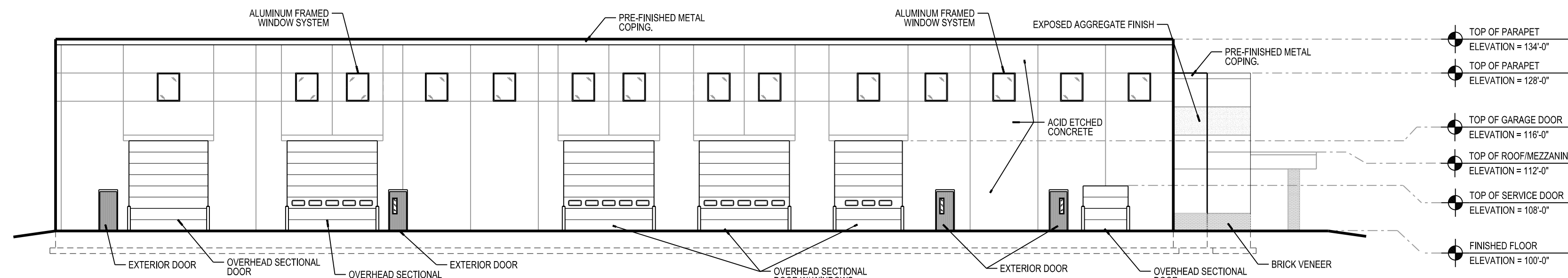
- AP SEALANT OR HIGH GRADE SEALANT
- CONTINUOUS BEAD OF LAP SEALANT
- STAINLESS STEEL CLAMPING RING (SEE NOTES)
- FIELD FABRICATED METAL HOOD
- PRE-MOLDED TPO PIPE FLASHING
- MANUFACTURER'S RECOMMENDED SEALANT
- PRIMER
- BONDING ADHESIVE

01 VENT FLASHING SECTION AT METAL DECK  
A105 SCALE: 1 1/2"=1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



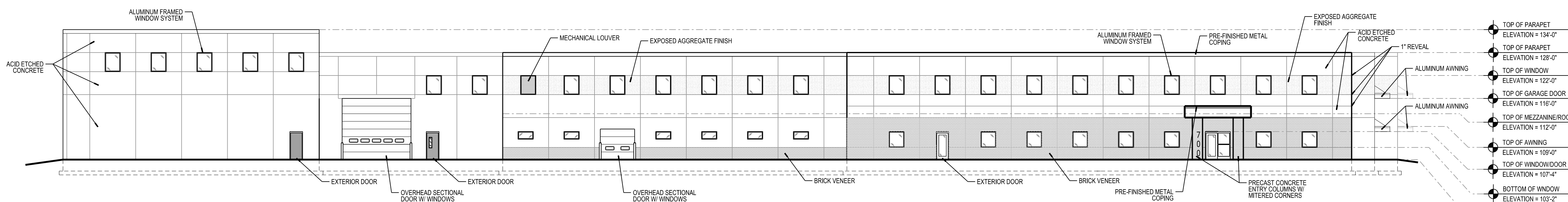
29  
A401 PARTIAL WEST ELEVATION  
SCALE: 1/16" = 1'-0"



09  
A401 WEST ELEVATION  
SCALE: 1/16" = 1'-0"

MATERIAL PERCENTAGES: WEST ELEVATION

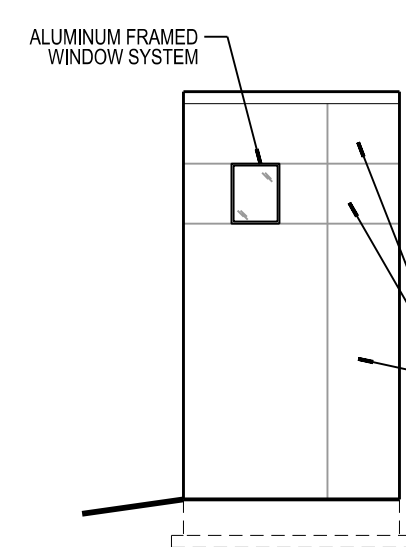
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- EXPOSED AGGREGATE = 2%
- BRICK VENEER = 2%



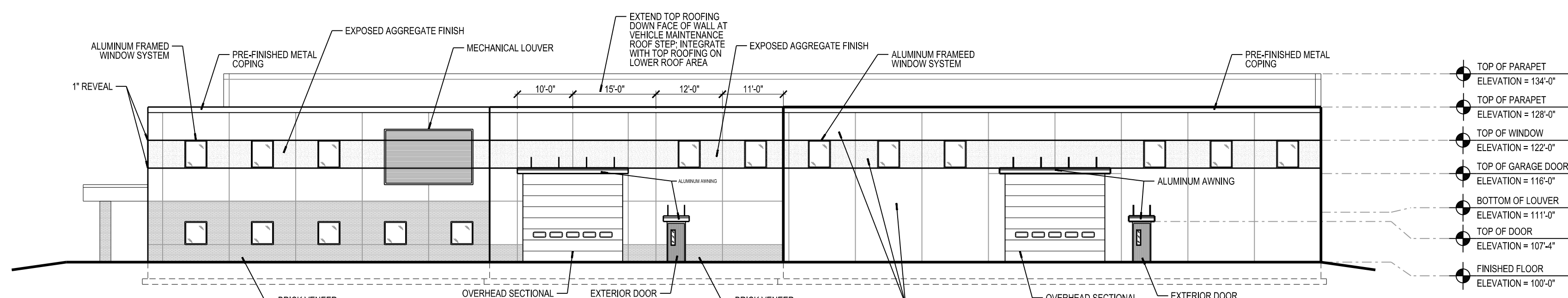
08  
A401 SOUTH ELEVATION  
SCALE: 1/16" = 1'-0"

MATERIAL PERCENTAGES: SOUTH ELEVATION

- ACID ETCHED CONCRETE = 76%
- EXPOSED AGGREGATE = 9%
- BRICK VENEER = 15%



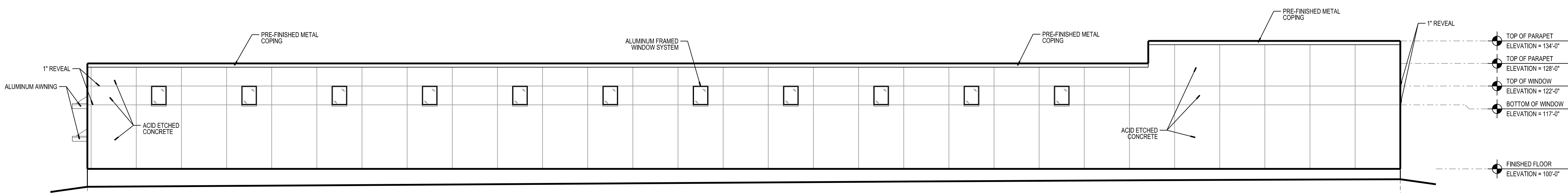
27  
A401 PARTIAL EAST ELEVATION  
SCALE: 1/16" = 1'-0"



07  
A401 EAST ELEVATION  
SCALE: 1/16" = 1'-0"

MATERIAL PERCENTAGES: EAST ELEVATION

- ACID ETCHED CONCRETE = 80%
- EXPOSED AGGREGATE = 9%
- BRICK VENEER = 11%



06  
A401 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"

MATERIAL PERCENTAGES: NORTH ELEVATION

- ACID ETCHED CONCRETE = 100%
- EXPOSED AGGREGATE = 0%
- BRICK VENEER = 0%

ISSUANCES / REVISIONS

NO.	DESCRIPTION	DATE
DD	DESIGN DEVELOPMENT	08/10/2023
DD	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023

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APPROVED BY  
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REVIEWED BY  
BTW

DRAWN BY  
RMB

EXTERIOR ELEVATIONS

A401

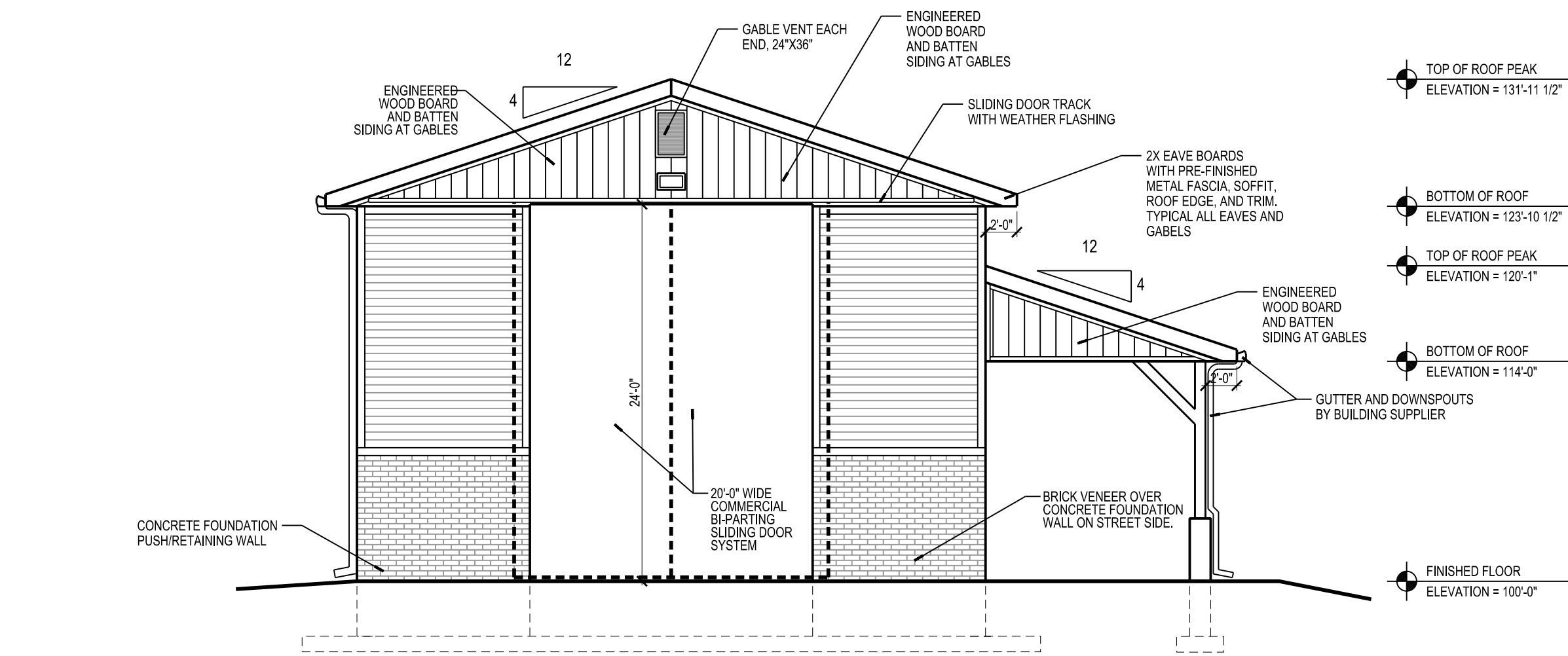
PRELIMINARY - NOT FOR CONSTRUCTION

SCALE: 1/8"=1'-0"

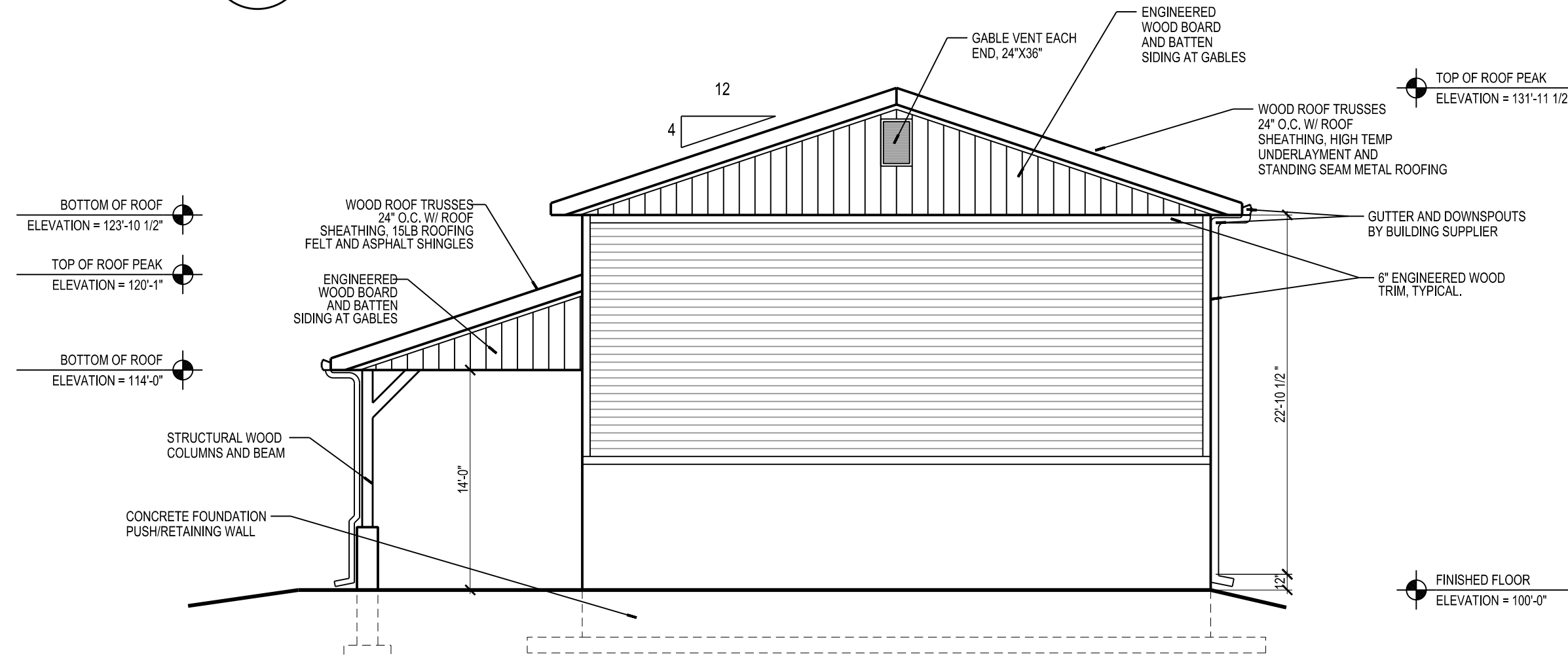
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PLOTTED BY: Kaleb

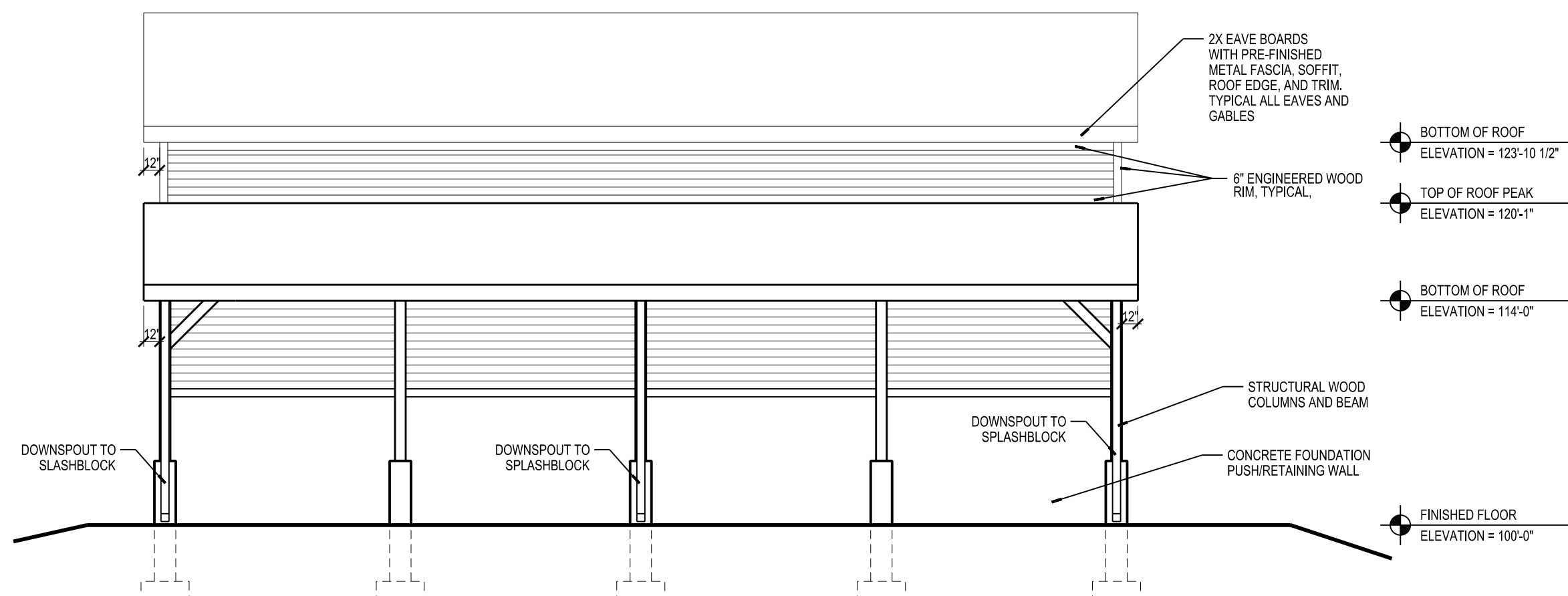
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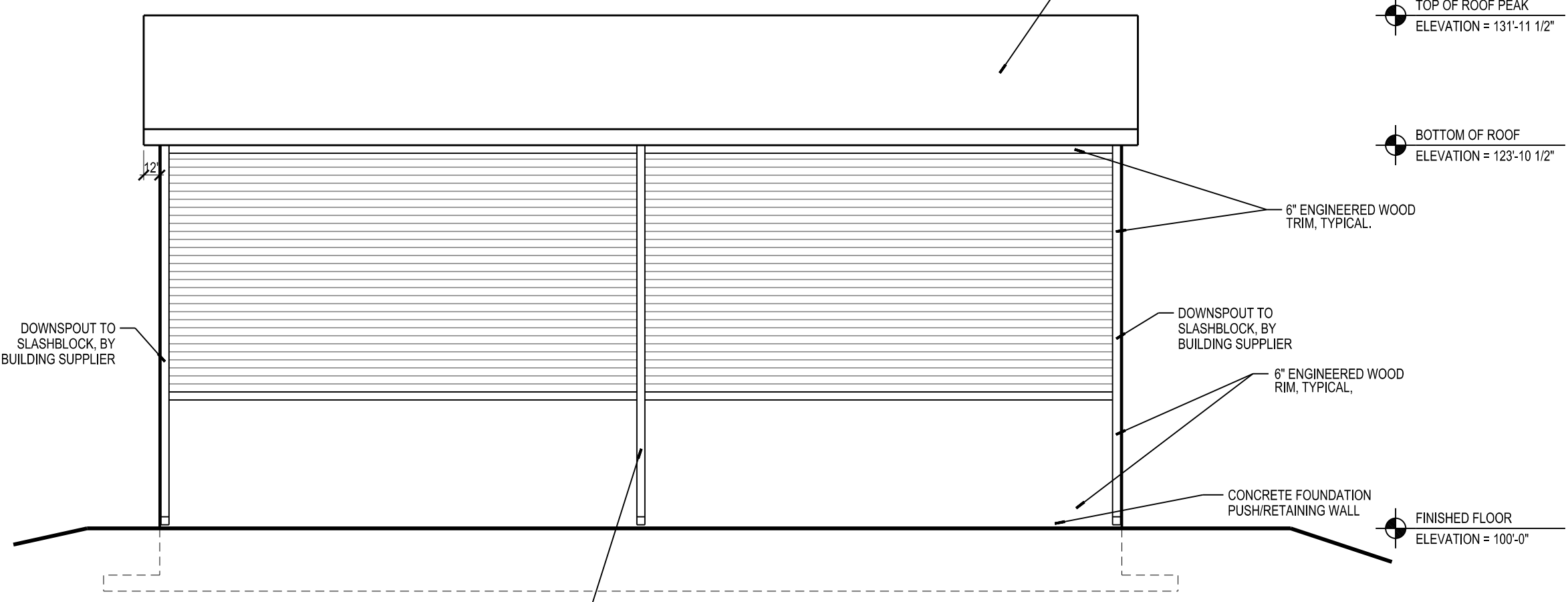
34 EAST ELEVATION  
A402 SCALE: 1/8" = 1'-0"



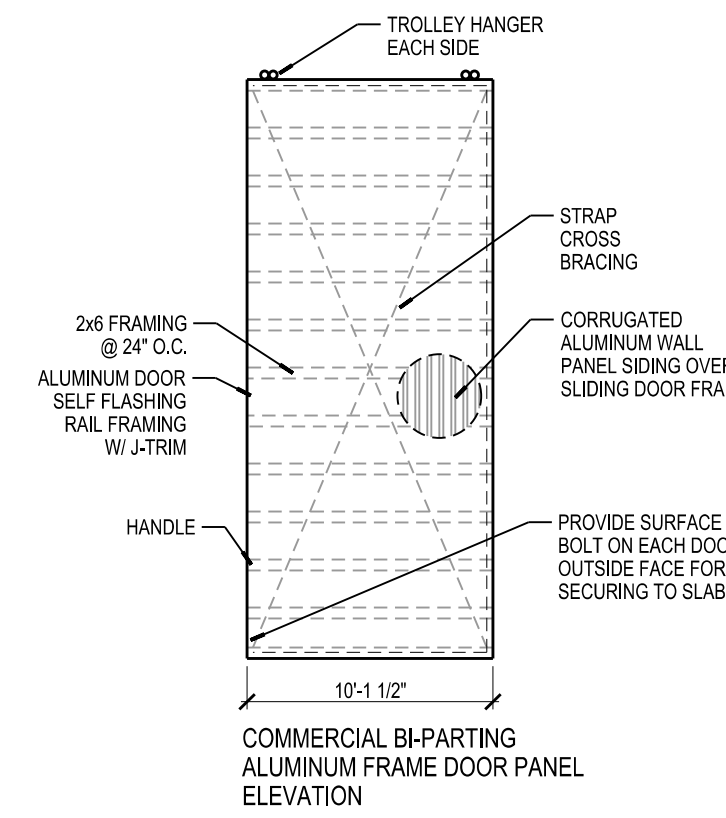
33 WEST ELEVATION  
A402 SCALE: 1/8" = 1'-0"



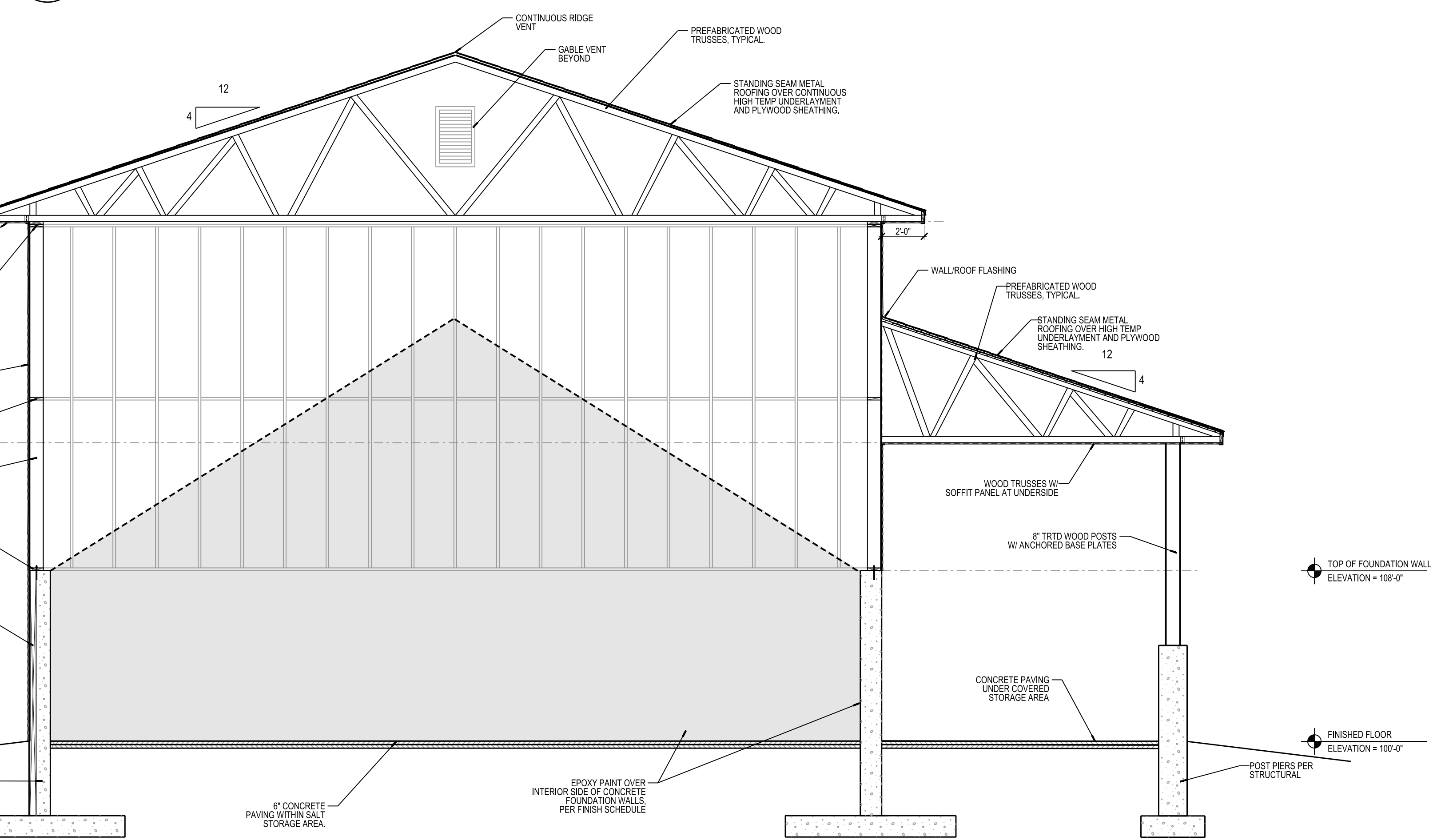
32 NORTH ELEVATION  
A402 SCALE: 1/8" = 1'-0"



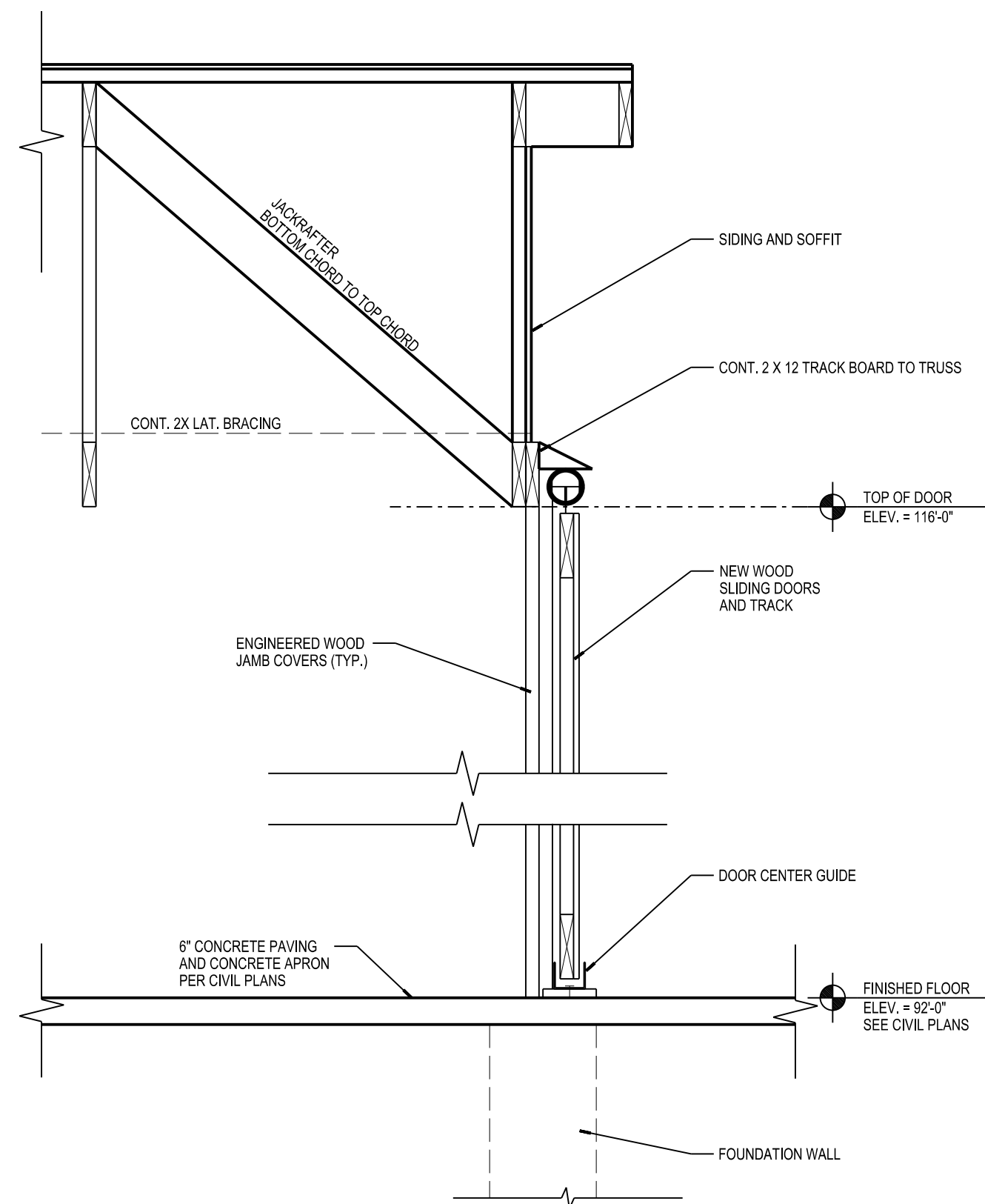
31 SOUTH ELEVATION  
A402 SCALE: 1/8" = 1'-0"



10 MONO TRUSS BEARING CONNECTION  
A402 SCALE: 1/12"=1'-0"

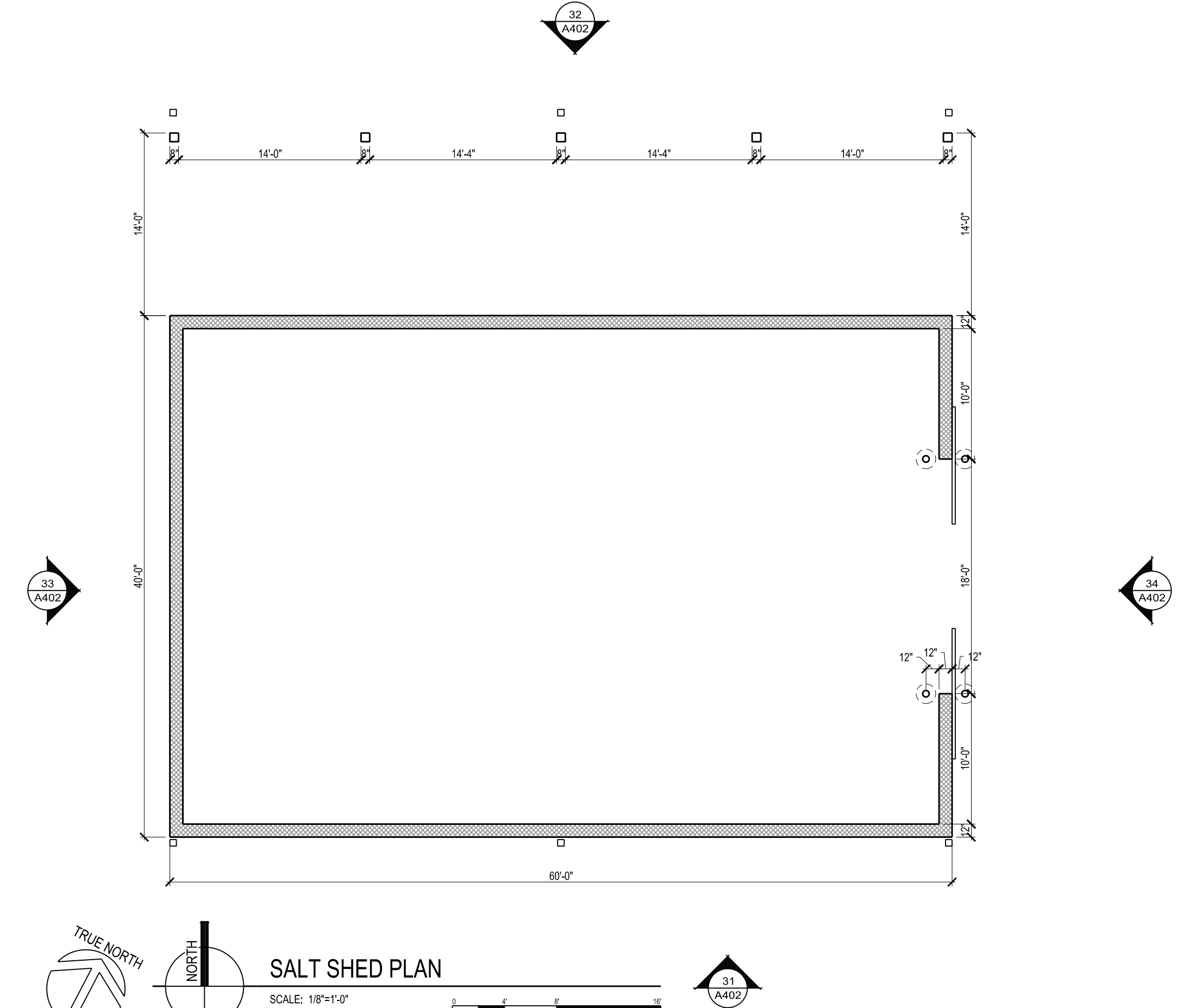


18 SALT SHED SECTION  
A402 SCALE: 1" = 1'-0"



16 WALL SECTION AT SLIDING DOOR  
A402 SCALE: 3/4"=1'-0"

From Salt Storage Handbook					
Salt Institute					
Rectangular Building			Salt is 80#/CF		
Tons of Salt	921	tons			
Width	38	ft	CF Base	13,740	550
Length	58	ft	Pile Center	1,624	65
Ht of Storage at wall (h)	8	ft	Pile ends	5,715	229
Angle of repose for salt	0.62487	32 degrees	End to door	1,946	78
Height of pile (Ph)		11.87 ft		23,024	921
length btn pile ht and door (LTD)		12.80268 ft			



SALT SHED PLAN  
SCALE: 1/8"=1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

ISSUANCES / REVISIONS

NO.	DESCRIPTION	DATE
DD	DESIGN DEVELOPMENT	08/10/2023
DD	CITY SITE PLAN REVIEW SUBMITTAL	09/28/2023

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PROJECT NUMBER  
76130

APPROVED BY  
JJS

REVIEWED BY  
BTW

DRAWN BY  
RMB

SALT SHED PLAN  
AND ELEVATIONS

[illegible]

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PROJECT NUMBER  
76130

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APPROVED BY  
JJS

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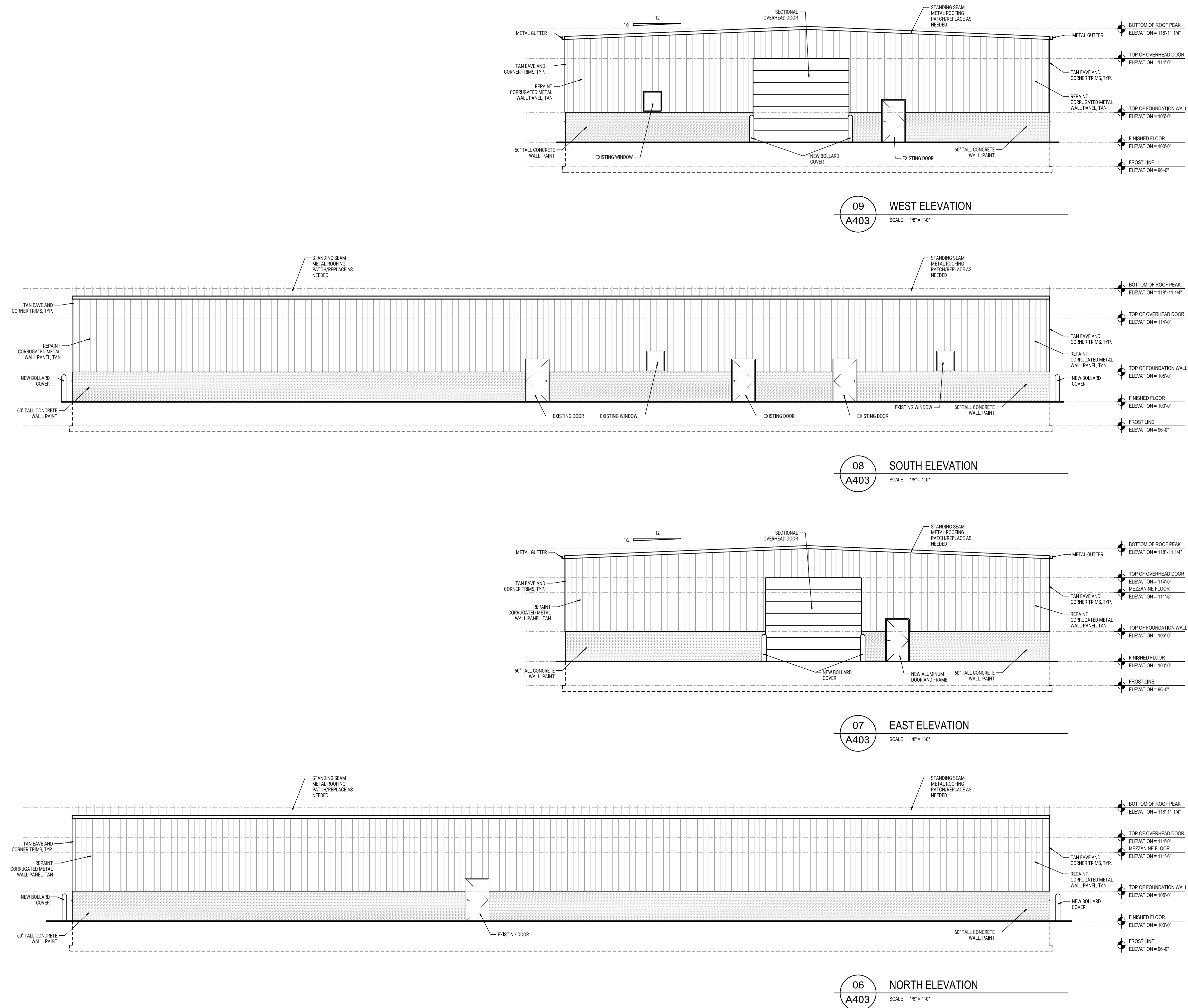
REVIEWED BY  
BTW

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DRAWN BY  
RMB

EXISTING GARAGE  
BUILDING ELEVATIONS

**A403**



PRELIMINARY - NOT FOR CONSTRUCTION











## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Rebecca Houseman, City Manager

**RE:** Second Reading of Substitute Amendment #1, an Ordinance amending Section 94-151 of the City of Fort Atkinson Municipal Code relating to the use of All-Terrain Vehicles (ATVs) on City Streets

---

### BACKGROUND

The Ordinance Committee 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 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.

Included in this packet are the following:

- Substitute Amendment #1: an Ordinance amending Section 94-151 of the City of Fort Atkinson Municipal Code allowing the use of ATVs/UTVs on City streets
- The July 6, 2023 packet of information provided to the Ordinance Committee
- 2023 off-highway vehicle fatal accident summary as of 9.14.23

### RECOMMENDATION

Allowing ATVs on state highways within the City and on City streets is a policy decision that must be made by the City Council, who have been elected to make such decisions.

Staff does not support changing the City's ordinances to allow for ATV use in the City due to the safety and enforcement concerns, as well as the lack of consistent regulatory direction from the State of Wisconsin. Staff recommends that the City Council delay any decisions relating to ATV use within the City until such time that the State provides additional direction relating to the applicability of state motor vehicle laws to ATVs.

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

**SUBSTITUTE AMENDMENT #1**

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 94-151 OF THE CITY OF FORT ATKINSON  
CODE OF GENERAL ORDINANCES  
RELATING TO THE USE OF ALL-TERRAIN VEHICLES (ATVS) ON CITY STREETS**

**WHEREAS**, the City of Fort Atkinson (the City) has previously adopted ordinances regulating the use and operation of all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs) via Sec. 94-151 adopting Wis. Stats. 23.33(11)(a); and

**WHEREAS**, this ordinance is enacted pursuant to 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV/UTV operation, which is hereby incorporated and adopted; and

**WHEREAS**, Local ATV/UTV clubs have volunteered to provide funds to the City to pay for appropriate signage; and the City will accept such donations and use funds to install signage in the manner and locations City staff deem necessary to implement this ordinance; and

**WHEREAS**, the City further finds that its present ordinances regulating the use of ATVs and UTVs must be restated and adopted.

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

**Section 1.** Repeals Sec. 94-151 of the Ordinances.

**Section 2.** Recreates Sec. 94-151 of the City of Fort Atkinson Municipal Code to read as follows:

“Sec. 94-151. – State Laws Adopted for clarity purposes.

- A. The provisions of Wis. Stats. § 23.33, and the defining regulations found in Wis. Admin. Code NR Ch. 64 with respect to the regulation of all-terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited in this section.
- B. The operator of ATV/UTV shall be subject to Wis. Stats. Sections 341.057, 346.02(11), 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.21, 346.215(3), 346.22, 346.27, 346.33, 346.35, 346.37, 346.39, 346.44, 346.46, 346.47, 346.48, 346.50, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.62, 346.71,

346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 364.94(1) and (9); and Sections 347.06(3), 347.07(2), 347.14(1), 347.39(1); and 347.48(4). Acts required to be performed or prohibited by such Statutes are required or prohibited by this Chapter.

Sec. 94-152. – Definitions.

- A. All-terrain vehicle (ATV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a paved road, and that has, and was manufactured with, all of the following:
1. A weight, without fluids, of 900 pounds or less.
  2. Four or more tires.
  3. A steering handlebar, single or dual headlights, a tail and brake light.
  4. A width of no more than 50 inches.
- B. Utility-terrain vehicle (UTV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:
1. A weight, without fluids, of 3,000 pounds or less.
  2. Four or more tires.
  3. A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
  4. A steering wheel, tail and brake lights, and two headlights.
  5. A width of no more than 65 inches.
  6. A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.

7. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).
- C. ATV/UTV Route: A street designated for use by ATV/UTV vehicle operators by the governmental agency having jurisdiction as authorized by this Chapter.
- D. Operate: To exercise physical control over the speed or direction of an all-terrain vehicle or physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it into motion.
- E. State Trunk Highway: Any highway designated pursuant to Wis. Stat. §84.29 as part of the state trunk highway system.
- F. City Streets: Every named, paved public right-of-way within the corporate limits of the City, inclusive of State Connecting Highways, and excluding alleys.

Sec. 94-153. – All-terrain/Utility Terrain vehicle routes. ATV/UTV usage shall be authorized on all City streets.

Sec. 94-154. – Age Requirement. All ATV/UTV operators shall be 18 years or older to operate an all-terrain vehicle on road routes in the City, holding a valid Wisconsin Driver's License. The operator, upon request from any law enforcement officer, state patrol, or inspector under Wisconsin Statutes 110.07(1), conservation warden, or municipal peace officer shall display said operator's license to said agent as well as proof of insurance and registration.

Sec. 94-155. – Speed Limits. All ATV/UTV operators shall observe the posted speed limits on City streets.

Sec. 94-156. – Registration and Display of Registration. All ATV/UTV vehicles operated within the City of Fort Atkinson on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources and display such registration on the ATV/UTV vehicle.

Sec. 94-157. – Operating Requirements.

- A. All ATV/UTV operators shall ride single file on the right side of the City Street but shall not operate on any unpaved or shoulder section of City Streets.
- B. Headlights and taillights shall be present and on at all times.

- C. All-terrain/utility terrain vehicles shall yield the right-of-way to non-motorized vehicles, such as bicycles and pedestrians.
- D. No person shall leave or allow an all-terrain/utility terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- E. No owner having charge or control of an all-terrain/utility terrain vehicle shall authorize or permit any person to operate such all-terrain vehicle who is not permitted under state law to operate an all-terrain/utility terrain vehicle or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- F. Wis. Stat. § 346.63, which prohibits the operation of a motor vehicle while under the influence of an intoxicant or other drugs, shall apply to the operation of an all-terrain/utility terrain vehicle at any place within the City.
- G. No person shall operate an all-terrain/utility terrain vehicle in the City between 10:00 P.M. and 5:00 A.M.
- H. No operator or passenger of an all-terrain/utility terrain vehicle may possess in or on an all-terrain/utility terrain vehicle on any City Street in the City of Fort Atkinson, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- I. No operator shall operate an ATV/UTV so as to cause the tires thereof to squeal, the horn to blow excessively, the motor to race excessively, or by emitting unnecessary and loud muffler noises.
- J. During special events within the City limits, the Chief of Police, with the approval of the City Manager, is granted authority to allow for all-terrain/utility terrain vehicle operation on City streets for the duration of going to or coming from said event or during a parade. An operator needs to contact the Fort Atkinson Police Department and provide their name, all terrain/utility terrain device type and registration number, and the Chief of Police will review the request for permission and notify the individual either verbally or in writing of his/her decision.
- K. Groups of 25 or more ATV/UTV operators shall notify the Fort Atkinson Police Department before entering the legal boundaries of the City.

- L. ATVs/UTVs shall only be operated on paved surfaces, unless yielding the right-of-way. ATVs/UTVs shall not operate in any public municipal property, public park, public walking trail, public sidewalk, public alley, public unpaved surface, or on any private property without permission of the property owner; except that operators may park ATVs/UTVs in public parking lots in accordance with any other ordinance requirements.
- M. Operators shall have liability insurance consistent with State of Wisconsin requirements for motor vehicles and shall have and provide proof of said insurance while operating an ATV/UTV.
- N. Parking. ATVs/UTVs shall be subject to all parking requirements and allowances of motor vehicles included in the City of Fort Atkinson Municipal Code, except that ATVs/UTVs shall not be parked overnight on any City Street or parking lot.
- O. Tires. Every ATV/UTV tire shall have at least 2/32-inch tread depth in every major tire groove measured at 2 points no less than 15 inches apart.
- P. Eye Protection. No person may operate an ATV/UTV without wearing any of the following eye protection: a protective face shield attached to the headgear, glasses, goggles, or a windshield on the ATV/UTV that rises a minimum of 15 inches above the handlebar or steering wheel. This section shall not apply to persons operating an ATV/UTV in a parade sanctioned by the City of Fort Atkinson.

Sec. 94-158. – Signage. City staff shall mark entrances to the City with signage in accordance with Wis. Admin. Code NR § 64.12 and NR § 64.12(7)c. Locations and placement must be approved by the Police Chief and Public Works Director. Signs shall be maintained by the City. No person may erect or remove any official sign unless authorized by the City.

Sec. 94-159. – Penalties. Any person who shall operate an all-terrain vehicle in violation of this section, in addition to the penalties of Wis. Stats. Chs. 346, 347, and Ch. 23.33 shall forfeit to the City not less than \$50.00, nor more than \$200.00, for each violation together with costs and assessments imposed under Wis. Stats. Ch. 814. This penalty section may be amended and set annually by the City Council.

Sec. 95-160. – Review and Sunset Provision. Information and statistics relating to incidents, accidents, and calls stemming from the use of ATVs/UTVs on City Streets shall be reviewed by the City Council every six months starting six months from the effective date of this ordinance, through a staff report. This ordinance will cease to be effective and automatically be repealed two years from the effective date

of the ordinance, unless specific action is taken by the City Council to extend the date of said ordinance.

**Section 3.** Upon its adoption, the clerk is hereby directed to send a copy of this ordinance to the Wisconsin Department of Transportation, the Wisconsin State Patrol, the Jefferson County Sheriff Department, the Wisconsin Department of Natural Resources, and the Fort Atkinson Police Department, pursuant to Wis. Stat. §23.33(11)b.

**Section 4.** Effective Date. This ordinance shall take effect on May 1, 2024, after passage, publication, and attestation as required by law.

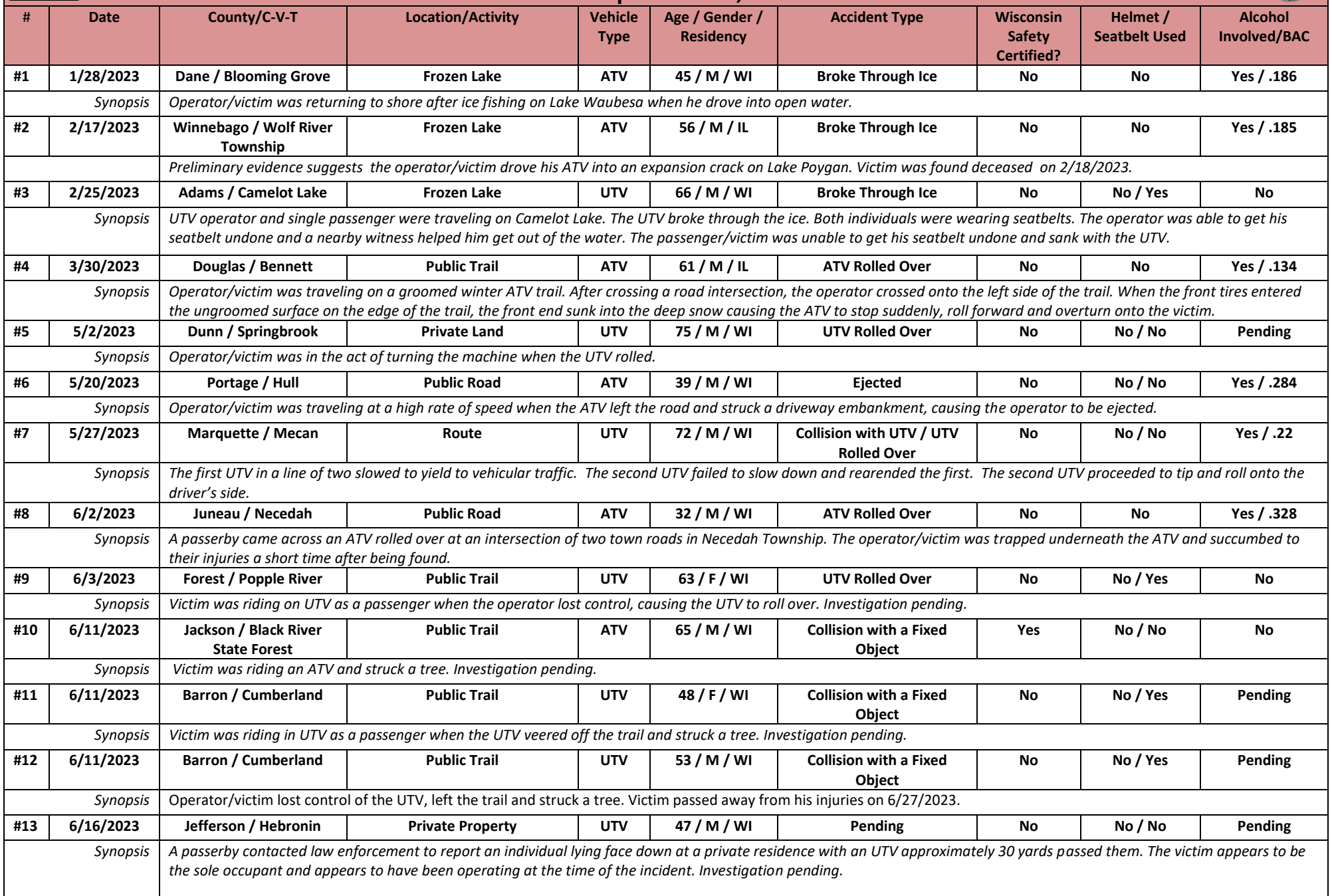
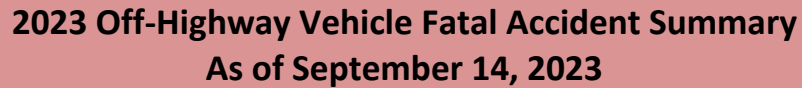
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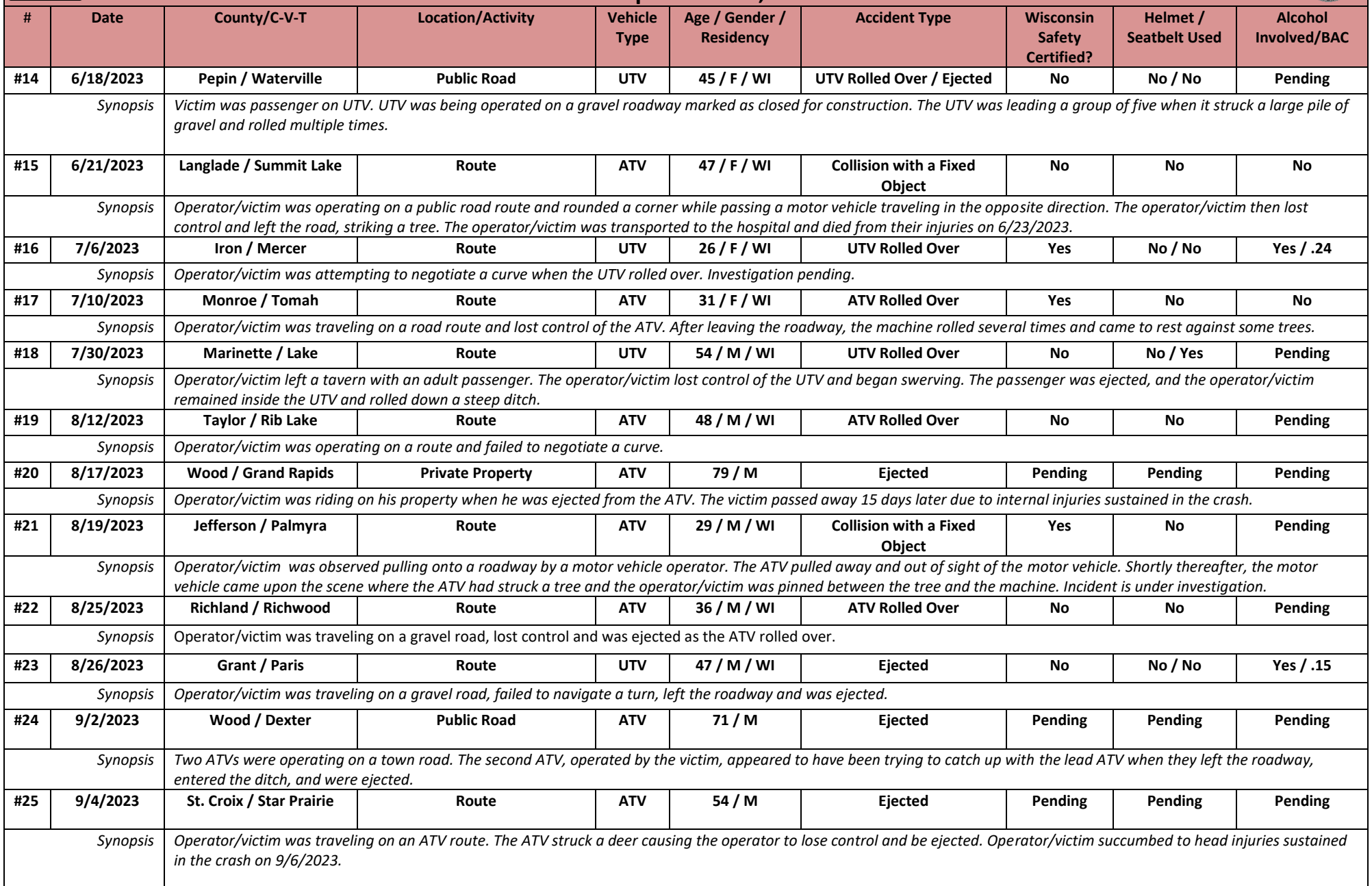
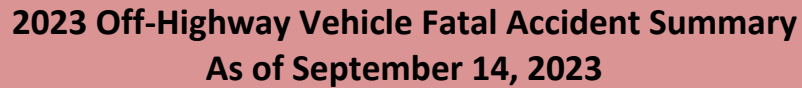
**Fort Atkinson City Council**

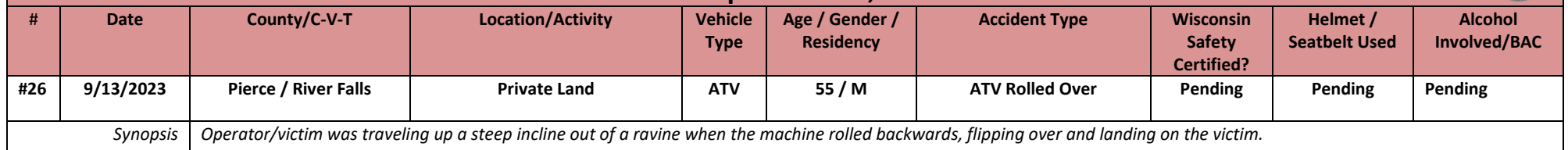
\_\_\_\_\_  
**Bruce Johnson, President**

ATTEST:

\_\_\_\_\_  
Michelle Ebbert, City Clerk/Treasurer/Finance Director









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

## MEMORANDUM

**DATE:** July 6, 2023

**TO:** Fort Atkinson Ordinance Committee

**FROM:** Rebecca Houseman, City Manager

**RE:** Discussion relating to ATV/UTV use in the City of Fort Atkinson

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### BACKGROUND

The Ordinance Committee is a standing committee of the City Council made up of the City Council President, who serves as the Chairperson, and two City Council members, who are appointed by the President annually after organization of the Council. While the function of this committee is not outlined in the City's ordinances, as its name suggests, it has been used historically to discuss and vet potential ordinance changes requested by City Council members or recommended by staff.

For the purposes of this memo, all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) will be collectively referred to as "ATVs." Wis. Stats. Section 23.33 allows ATVs and UTVs to operate on a state highway in certain cases. An ATV ordinance must be enacted by a municipality and/or county before operation may occur. Jefferson County enacted such an ordinance after the state law changed. Other municipalities in Jefferson County have also enacted such ordinances: Town of Koshkonong, City of Jefferson, Village of Johnson Creek, City of Lake Mills, City of Waterloo, and City of Whitewater. Currently, the City of Fort Atkinson does not allow ATVs to operate on state highways within the City, nor other City streets.

Several members of area ATV clubs have reached out to City staff and the City Council encouraging the City Council to consider allowing ATVs to be driven on City streets.

### DISCUSSION

This issue has come up before, specifically when the Town of Koshkonong considered a change to their ordinances to allow ATVs to operate within the Town. At the time in June 2022, Administrator Assistant (now Town Board Chairperson) Kim Cheney reached out to the City asking for an opinion on the Town's proposed ordinance. Staff provided the attached letter outlining opposition to the proposed ordinance.

The same items remain areas of concern for City staff when considering an ordinance allowing ATV use within the City limits: lack of proper safety equipment; off-road tires; helmet and eye protection; OWI laws and open intoxicants; exhaust and noise; enforcement; short term and

long-term responsibility for signage and route designation; general safety of drivers, riders, and other vehicle operators, pedestrians, and bicyclists; and communication.

As outlined above, many other municipalities in Jefferson County have changed ordinances to allow ATV use on their roads. Attached to this memo are several such ordinances.

### **FINANCIAL ANALYSIS**

Staff is not aware of any studies or quantitative data that suggests allowing ATVs in the City of Fort Atkinson will have a positive economic impact on the City or area businesses.

### **RECOMMENDATION**

Allowing ATVs on state highways within the City and on City streets is a policy decision that must be made by the City Council, who have been elected to make such decisions.

Staff does not support changing the City's ordinances to allow for ATV use in the City due to the safety and enforcement concerns outlined in this memorandum and the attachments.

If the Ordinance Committee would like staff to draft an ordinance allowing ATVs to operate on City streets, then staff will need additional information including, but not limited to the following:

- Responsibility for signage and route creation
- Insurance and registration requirements
- Vehicle requirements (tires, size, headlights, taillights, directionals, horn, seatbelts)
- Operating on private property
- Role of ATV Club(s)
- Permitted hours of operation
- Age limitations; helmet and eye protection for certain drivers/riders
- Penalties for violations
- Requirement for ordinance review after a period of time
- Enforcement of current traffic laws and ATV ordinance
- Open intoxicants and OWI enforcement

### **LINKS AND ATTACHMENTS**

[Link to DOT Information on ATVs and UTVs](#)

[The ATV Safety Institute's Golden Rules](#)

6.29.22 T. Kosh Letter – ATV.UTV Ordinance

Town of Caledonia's ATV Decision

Jefferson ATV Ord

Johnson Creek ATV Ord

Lake Mills ATV Ord

Waterloo ATV Ord

Whitewater ATV Ord

DNR ATV Fatality Reports (2021-2023)



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

*Sent via email*

June 29, 2022

Ms. Kim Cheney, Administrative Assistant  
Town of Koshkonong  
W5609 Star School Road  
Fort Atkinson, WI 53538

**RE: Town of Koshkonong Proposed ATV/UTV/RTV Ordinance**

Dear Ms. Cheney:

Thank you for emailing me on June 16, 2022 relating to a draft ATV/UTV/RTV ordinance (ATV ordinance") being considered by the Town Board of the Town of Koshkonong on July 20, 2022. The City Council of the City of Fort Atkinson has not taken any official action relating to ATVs or other similar vehicles on City streets. As such, the perspective provided in this letter is from City staff.

ATVs and other similar vehicles are prohibited on City roads. City staff does not support the operation of such vehicles on City roads for many reasons including, but not limited to the following:

- ATVs are not intended for roadway travel and the manufacturers indicate this on their manuals and warning stickers on the units.
- The safety features, brakes and tires are not built or suited to perform on roadways which increases the potential danger to the rider.
- The addition of another type of vehicle on roads increases the danger for other vehicles, bicyclists, and pedestrians.
- ATV tires are designed for dirt and rough roads, not for paved terrain. The wide tires with big tire threads create opportunities for roll overs and loss of control during quick or avoidance turns.
- ATVs can lack certain safety features, such as turn signals, headlights, and tail lights. Some even lack brake lights. They also lack speedometers, horns, windshields, etc.
- There are no laws in place that require the use of a helmet or the wearing of eye protection when operating an ATV.
- Drivers of ATVs are not subject to the same impairment/OWI laws as those driving legal vehicles. If an ATV driver is impaired while driving, he or she is only subject to a DNR violation.
- Most ATVs are louder and produce more exhaust than legal vehicles on the road.
- The ATV Safety Institute does not support roadway travel as a safe option. They have developed 8 Golden Rules for safety and #2 is: "Never ride on paved roads except to cross when done safely and permitted by law – another vehicle could hit you. ATVs are designed to be operated off-highway." <https://atvsafety.org/the-golden-rules/>

City staff members have reviewed the draft ATV ordinance as emailed on June 16<sup>th</sup> and have the following specific concerns:

- 1) **Enforcement:** The City of Fort Atkinson Police Department would have a “zero tolerance” policy on enforcement of the City’s prohibition of ATVs on City roads. Citations would likely be issued for all violations. Note that many people do not know where Town roads end and City roads begin. This is especially true on Hackbarth Road, which jogs in and out of the City. The Jefferson County Sheriff’s Department has few officers on duty at any given time and a large area to cover. The DNR does not have active enforcement officers relating to ATV use. Enforcement of the ATV ordinance would likely be minimal within the Town.
- 2) **Responsibility:** The ATV ordinance requires a Club to register with the Town and be responsible to promote safe ATV use and fund signage. What if no Club takes on such a role? What if a Club takes on this role for the short term, but becomes inactive in the longer term? What kind of accountability does the Club have if Section 28.18(d) is not followed? There is no section relating to the revocation of Club designation. Likewise, there are not any sections that outline consequences to the Club if the ordinance is violated nor the expectations for “promoting safe and responsible ATV/UTV/RTV use...”
- 3) **Safety:** As previously mentioned, ATVs are not manufactured to be driven on paved roads. Even if additional safety measures are required, such as those outlined in Section 28.18(g)9. through 11., there is no mechanism for enforcement. Riders would have to be at least 16 years old and only ATV use relating to farming operations would be permitted between 11:00 p.m. and 5:00 p.m., but enforcement is a major concern.
- 4) **Communication:** If the Town closes a route or a road to ATV use, how would that be communicated to Town residents, visitors, or guests? How would ATV riders know if the designated Club ceases to exist but route signs remain? How much signage will be required showing where routes will be located?

If the Town Board chooses to enact this ATV ordinance or a similar ordinance, City staff recommends that any roads that border the City of Fort Atkinson be included in the list of exceptions outlined in Section 28.18(e)3. Such recommended roads include Hackbarth Road, Banker Road, Main Street, High Street, Fox Hill Road, and any others that border the City limits.

The City respects the authority of the Town Board to govern their own community and regulate this matter and others which are in the best interest of the Town. City staff was asked to share information and perspective on the matter and has done so through this letter.

If you have any questions, please reach out via email at [rlemire@fortatkinsonwi.gov](mailto:rlemire@fortatkinsonwi.gov) or by phone at (920) 563-7760.

Sincerely,

*Rebecca Houseman LeMire*

Rebecca Houseman LeMire  
Fort Atkinson City Manager

## **Town Makes Decision on ATV/UTV Use of Town Roads**

### **Background**

Late in 2018, the Town of Caledonia was asked by ATV/UTV owners and clubs to open town roads to ATV/UTV use. Because of the lack of public land in Caledonia for off road trails, none exist at this point and future development of off road trails for ATV/UTV use is unlikely. Additionally, ATV/UTV use of the many snowmobile trails in the town will not be permitted. As a result, the only place to ride in Caledonia is on private land and, if permitted, municipal roads, so club members asked for town roads to be opened for their use. The Town Board understands this situation and agreed to look into it. The use of municipal roads by ATV/UTVs is a divisive topic with strong opinions on both sides. The Town Board felt it was essential to consider the benefits and impacts on all 1650+ residents in the Town in addressing this request. The Town Board also felt it was important to get the facts relating to this matter to ensure the best possible decision would be made. Supervisor Bill Abba was assigned to investigate and bring back the necessary information so the Town Board could make an appropriate decision.

The Town Board prioritized four considerations in making the ATV/UTV decision; 1.) safety of residents and users of town roads, 2.) the ability to effectively enforce and prosecute applicable laws, 3.) the maintenance of the local rural environment enjoyed here, and 4.) the cost implications to residents. Over a period of six months numerous contacts with individuals and organizations that could provide facts on this topic were made including the WDNR, Waupaca County District Attorney and Sheriff, the Wisconsin DOT, insurance providers, a number of attorneys, and others. The State of Wisconsin Statutes and WDNR Administrative Codes were obtained and studied in detail. The latest annual report (2018) of the WDNR Recreational Enforcement and Safety Department was obtained and studied. Discussions with the Vilas County Recreation Department were also initiated to learn about the experiences in that County with the extensive use of recreational vehicles in northern Wisconsin. Conversations were held with other townships and county representatives to learn from their perspectives and research.

The Town Board has reviewed this information and decided not to open town roads for ATV/UTV use at this time. This decision will be revisited as new information is obtained that changes the findings. We will explain the Town Boards rationale in this article.

### **Findings**

State Statute 23.33 and DNR Administrative Code NR64 control most aspects of ATV/UTV operation in Wisconsin. State Statute 23.33 passes authority to designate local municipal roads as ATV/UTV routes to the responsible local government body, in our case that would be the Town of Caledonia. Municipal roads can be designated as "routes" for ATV/UTVs to use by passing a local town ordinance in "strict conformity" with the State Statute 23.33. Waupaca County approved an ordinance which passes authority to make the ATV/UTV decision for the County Highways within a township to the local Town Board. This ordinance requires a 35 mph speed limit on the county roads. The Wisconsin DOT has made the decision that Highways 45 and 96 will not be opened to ATV/UTV traffic, except for the short 35 mph stretch in Readfield. The Town Board was designated by the DOT to make the decision on that portion of Hwy 96.

When operating on municipal roads, ATV/UTVs must be driven on the paved surface of the road only and can not be driven on the road's shoulders or ditches because of the potential to damage these parts of the road. Snowmobiles, on the other hand, are not permitted on any paved roads except to cross them, and must use the many off road snowmobile trails that are available and in some cases the ditches along roads. ATV/UTVs, therefore, will be traveling amongst all other traffic on opened roads, which does not happen with snowmobiles. The State already has an exemption in place for on road use of ATV/UTVs for agricultural use and for use by the disabled. A permit from the State is required for these uses and the vehicle must be used on the paved surface of the road and in compliance with the exemption rules.

Unlike the northern portions of the State where recreational use of these vehicles is extensive and great economic benefit is realized, little if any economic benefit is likely in Caledonia. There are no hotels, gas stations, lakes, recreational trails, parks, retail outlets, repair shops for ATV/UTV drivers to patronize. No incremental taxes are expected to be collected. The three restaurants/taverns in Caledonia would likely be the only businesses for riders to patronize. And while we would hope these businesses would benefit from ATV/UTV traffic if an ordinance was passed, there would still be no tax benefit back to the town. We expect that ATV/UTV traffic would be "pass through" traffic and some local resident use. All costs for the required signage and ordinance enforcement would need to be picked up by the existing property tax levy requiring a tax increase or further cuts in road maintenance spending to offset these costs.

State Statute 23.33 was thoroughly studied and legal interpretations were sought to understand what is required of ATV/UTV users when operating on municipal roads. Four concerning issues were identified from this research that ultimately became an important part of this decision. Each will be reviewed in the next sections:

- 1.) State Statutes require all motorized vehicles using public roadways to have minimum liability insurance coverage in case of accidents and injury. State Statute 23.33 does not require ATV/UTVs to have this coverage when operating on municipal roads even though they are operating in traffic. If you are involved in an accident resulting in damage to property or injury and caused all or in part by an uninsured ATV/UTV driver, your insurance may have to cover it. **The Town Board believes all drivers should be required to have this basic liability coverage in order to operate on public roads.** The town can not require insurance in its ordinance because we must be in "strict conformity" with the State Statute and the Statute does not require insurance coverage, so we can't. Some communities have written insurance requirements into their local ordinances, but we have been advised this is not enforceable. **The Town Board believes this is a serious safety concern and a major flaw in the Statute that must be addressed by the State.**
- 2.) State Statute 23.33 does not require a driver's license to operate in traffic on municipal roads. Twelve year olds can drive ATV's and unlicensed sixteen year olds can drive UTVs in traffic, obviously without having completed drivers training on the rules of the

road. And they can do so at the posted speed limit for other vehicles on that road. Of even greater concern is that ATVs are arguably more difficult to drive versus UTVs, yet twelve year olds can drive ATVs but you need to be sixteen to drive UTVs - this makes little sense. Imagine the following totally legal situation:

An unlicensed twelve year old drives an ATV ( which the manufacturers association says should not be used on paved roads for safety reasons), in traffic, without basic liability insurance coverage, on narrow town roads with deep ditches and small shoulders, at 55 mph.

While it is true that this child is to be accompanied by a person eighteen years old or older on a second machine, **this seems like a serious safety issue, especially with the heavy truck traffic in the Town of Caledonia.**

A second concerning issue created by not requiring a valid driver's license to drive ATV/UTVs on municipal roads involves operating under the influence. A person who has lost their driver's privileges because of OWI convictions can continue to use the public roads in traffic by driving an ATV/UTV. No drivers license is required so they have not lost their ATV/UTV driving privilege. If caught driving under the influence while on an ATV, they can be fined but not deprived of their ability to continue operating on municipal roads. **The Town Board believes this is a safety issue for our residents and must be addressed by the State. The Board believes if these vehicles are going to operate on municipal roads, a valid driver's license must be required.**

- 3.) Many municipalities and counties have passed local ordinances allowing ATV/UTVs to use their roads. All of the ordinances that we have seen have a requirement that the speed limit for ATV/UTVs is 35 mph or lower if the road has a speed limit below 35. We believe these municipalities expected that this speed limit is enforceable. This appears to not be the case. Statute 23.33 does not specify a speed limit for ATV/UTVs on municipal roads and, therefore, any speed limit set in a local ordinance is not enforceable according to the Statutes strict conformity requirement. The Waupaca County District Attorney, the Wisconsin Towns Association legal staff, and our town attorney all advise that 35 mph is not enforceable. The only enforceable ATV/UTV speed limit is the same limit that is imposed for all other vehicles on that road - the posted speed limit. The majority of the roads in Caledonia have 45 or 55 mph speed limits so the enforceable speed limit for ATV/UTVs would be as high as 55 mph in this township. **The Town Board believes Statute 23.33 must be amended to include enforceable speed limits that reflect the safe speed limit for these vehicles on the road in traffic.**
- 4.) Lastly, It is unclear which agency and at whose expense the rules governing ATV/UTV use on municipal roads would be enforced. The State Statute 23.33 is enforced by DNR wardens and other law enforcement agencies, and these agencies' costs are covered by the State when enforcing this Statute. But the designation of local roads as ATV/UTV

routes is a local ordinance. We have been told by the DNR that they would not enforce local ordinances, they only enforce the state law, so they would not enforce our local ordinance. We have no local police department to enforce any ordinance we may create so we would need to depend on the Waupaca County Sheriff to enforce any ATV/UTV ordinance we may enact. The Sheriff's Office has served our community very well over the years and would assist as best they can. When enforcing local ordinances in the past, the Sheriff's Office has required the Town to pay expenses and officer time. These costs, along with the signage costs required in the Statute 23.33, would then have to be paid for by the Town of Caledonia out of property tax revenues. As said earlier, no new revenues will be generated by allowing ATV/UTV use of town roads, so property tax revenues would need to be used. **The Town Board is very concerned about the continued increases in expenses and continued demand on an already overstretched Sheriff's Office.**

After considering all of this information, **the Town Board believes there are a number of serious issues with the State Statute 23.33 that need to be corrected by the State legislature.** These issues involve safety concerns, cost and enforcement coverage issues, and the ability to enforce the ordinance we may create. We hope that municipalities and the clubs would work together to address these issues with our State legislators. **Until Statute 23.33 is amended to correct these issues the Town Board does not believe passing an ordinance allowing ATV/UTV use of town roads is in the best interests of our residents.** The Town Board is willing to reconsider this decision in the future as these issues are addressed.

Finally, while studying this issue for the past months, many conversations were held with supporters of allowing ATV/UTV use of town roads. Often, we would be told to "just pass the ordinance, there are no issues with this in the communities that have passed it". Well, this is not entirely true and the data from the DNR bears that out. After reviewing the data from the 2018 Annual Report from the DNR Recreational Safety and Enforcement group, it is clear that safety issues do exist with ATV/UTV use that do require enforcement support and spending. There are nearly 400,000 registered ATV/UTVs in Wisconsin and the number is growing rapidly, and this number does not include out of state machines that are brought to Wisconsin. It is hard to imagine that adding this many vehicles to State roads, trails, and private lands would result in "no issues". In 2018, there were 26 fatalities with ATV/UTVs in Wisconsin, half on municipal roads. This is more than either boats or snowmobiles experienced and is troubling when you consider ATV/UTVs are not allowed on a lot of roads at this point. Additionally, 1430 citations were issued for violations. While ATV/UTVs make up 32% of the total registered recreational vehicles in the State, they are involved in 42% of all incidents involving injuries. Even more troubling, certain operators of ATV/UTVs are required to have completed safety training and carry a certificate when riding, yet nearly half of these individuals who were involved in injury causing accidents, did not have one.

The Town Board does understand the desire to operate these vehicles on our roads and does think that could happen one day. At this point with the best interests of all in mind, however, there are too many issues to approve this now.

[1] Editor's Note: This ordinance also repealed former Art. II, All-Terrain Vehicles, adopted 7-5-2016 by Ord. No. 6-16.

## § 265-19 State laws adopted.

- A. The provisions of § 23.33, Wis. Stats., and the defining regulations found in Ch. NR 64, Wis. Adm. Code, with respect to the regulation of all-terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited in this section.
- B. The operator of an ATV/UTV shall be subject to §§ 346.02(11), 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.21, 346.215(3), 346.22, 346.27, 346.33, 346.35, 346.37, 346.39, 346.44, 346.46, 346.47, 346.48, 346.50, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. Stats. Acts required to be performed or prohibited by such statutes are required or prohibited by this article.

## § 265-20 Definitions.

As used in this article, the following terms shall have the meanings indicated:

### ALL-TERRAIN VEHICLE (ATV)

A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:

- A. A weight, without fluids, of 900 pounds or less.
- B. Three or more tires.
- C. A steering handlebar, single or dual headlights, a taillight and brake light.
- D. A width of no more than 50 inches.

### ALL-TERRAIN VEHICLE CLUB

A club consisting of individuals that promote the recreational use of all-terrain vehicles.

### ATV/UTV ROUTE

A street designated for use by ATV/UTV vehicle operators by the governmental agency having jurisdiction as authorized by this article.

### OPERATE

To exercise physical control over the speed or direction of an all-terrain vehicle or physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it into motion.

### STATE TRUNK HIGHWAY

Any highway designated pursuant to § 84.29, Wis. Stats., as part of the state trunk highway system, exclusive of connecting highways.

### STREETS

Every highway within the corporate limits of the City except alleys.

### UTILITY-TERRAIN VEHICLE (UTV)

A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:

- A. A weight, without fluids, of 3,000 pounds or less.
- B. Four or more tires.
- C. A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
- D. A steering wheel, taillights and brake lights, and two headlights.
- E. A width of no more than 65 inches.
- F. A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.
- G. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).

## § 265-21 All-terrain/utility-terrain vehicle routes.

- A. ATV/UTV usage shall be authorized on all City streets except as follows:

[Amended 10-4-2022 by Ord. No. 6-22]

(1) No usage on Business State Highway 26 North on Main Street from Puerner Street to North Watertown Avenue/Junction Road.

B. ATV/UTV vehicles shall not be operated on any sidewalk within the City of Jefferson.

C. The Jefferson Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

### **§ 265-22 Age requirement.**

All ATV/UTV operators shall be 16 years or older to operate an all-terrain vehicle on road routes in the City holding a valid Wisconsin driver's license. All sixteen-year-old licensed riders who have not attained the age of 18 shall be required to wear a helmet and eye protection. The operator, upon request from any law enforcement officer, state patrol, or inspector under § 110.07(1), Wis. Stats., conservation warden, or municipal peace officer, shall display said operator's license to said agent as well as proof of insurance and registration.

### **§ 265-23 Speed limit.**

[Amended 10-4-2022 by Ord. No. 6-22]

All ATV/UTV operators shall observe the posted speed limits on City streets.

### **§ 265-24 Registration.**

All ATV/UTV vehicles operated within the City of Jefferson on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources.

### **§ 265-25 Operating requirements.**

A. All ATV/UTV operators shall ride single file on the right side of the pavement but shall not operate on the shoulders or in the ditch.

B. Headlights and taillights shall be on at all times.

C. All-terrain/utility-terrain vehicles shall yield the right-of-way to nonmotorized vehicles, such as bicycles and pedestrians.

D. No person shall leave or allow an all-terrain/utility-terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

E. No owner having charge or control of an all-terrain/utility-terrain vehicle shall authorize or permit any person to operate such all-terrain vehicle who is not permitted under state law to operate an all-terrain/utility-terrain vehicle or who is under the influence of an intoxicant or a dangerous or narcotic drug.

F. Section 346.63, Wis. Stats., which prohibits the operation of a motor vehicle while under the influence of an intoxicant or other drugs, shall apply to the operation of an all-terrain/utility-terrain vehicle at any place within the City.

G. No person shall operate an all-terrain/utility-terrain vehicle in the City between the hours of 10:00 p.m. and 8:00 a.m.

H. No operator or passenger of an all-terrain/utility-terrain vehicle may possess in or on an all-terrain/utility-terrain vehicle on any street or highway in the City of Jefferson any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.

I. During special events within the City limits, the Chief of Police is granted authority to allow for all-terrain/utility-terrain vehicle operation on City streets for the duration of going to or coming from said event or during a parade. An operator needs to contact the Jefferson Police Department and provide their name, all-terrain/utility-terrain device type and registration number, and the Chief of Police will review the request for permission and notify the individual either verbally or in writing of his/her decision.

J. Groups of 25 or more ATV/UTV operators shall notify the Jefferson Police Department before entering the legal boundaries of the City.

[Added 10-4-2022 by Ord. No. 6-22]

### **§ 265-26 Signage.**

A. Organized all-terrain vehicle clubs shall be responsible for marking all all-terrain vehicle routes with uniform all-terrain route signs in accordance with §§ NR 64.12 and 64.12(7)c, Wis. Adm. Code, which locations and placement must be approved by the Police Chief and Public Works Director.

B. All-terrain/utility-terrain vehicle clubs shall be responsible for creating and circulating a map or maps illustrating the City's current all-terrain vehicle routes.

### **§ 265-27 Violations and penalties.**

Any person who shall operate an all-terrain vehicle in violation of this article, in addition to the penalties of Ch. 346, Wis. Stats., shall forfeit to the City not less than \$50, nor more than \$200, for each violation, together with costs and assessments imposed under Ch. 814, Wis. Stats. This penalty section may be amended and set annually by the Common Council.

**ORDINANCE NO. 02-23**

STATE OF WISCONSIN: VILLAGE OF JOHNSON CREEK: JEFFERSON COUNTY

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**AN ORDINANCE REPEALING AND RECREATING  
SECTIONS 221-10 AND 221-18 A. OF THE MUNICIPAL CODE**

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THE VILLAGE BOARD OF THE VILLAGE OF JOHNSON CREEK, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 221-10 is hereby repealed and recreated to read as follows:

§ 221-10. All-terrain vehicles and utility terrain vehicles.

A. State laws adopted.

(1) Except as otherwise specifically provided in this chapter, the provisions of §§ 23.33, 345.11(1r), 346.02(11), 885.235(1), Wis. Stats., and the regulations in Ch. NR 64, Wisconsin Administrative Code Ch. NR 64, with respect to the regulation of all-terrain vehicles and utility terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes and regulations are required or prohibited in this chapter.

(2) The adoption of § 346.02(11), Wis. Stats., by reference is intended to include the rules of the road therein enumerated which are as follows: §§ 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.71, 346.87 to 346.91, 346.92(1) and 346.94(1) and (9), Wis. Stats.

B. Operation of all-terrain vehicles and utility terrain vehicles on Village roads. All-terrain vehicles and utility terrain vehicles may be operated on all Village roads, except as prohibited or restricted by an official posted route sign, § 23.33, Wis. Stats., Wisconsin Administrative Code NR 64, or this chapter.

C. Operation of all-terrain vehicles and utility terrain vehicles on Jefferson County highways. All-terrain vehicles and utility terrain vehicles may be operated on Jefferson County highways, except as prohibited or restricted by an official posted route sign, § 23.33, Wis. Stats., Wisconsin Administrative Code NR 64, Jefferson County Code of Ordinances, or this chapter. All requirements for the operation of all-terrain vehicles and utility terrain vehicles on Village roads shall also apply to the operation of all-terrain vehicles and utility terrain vehicles on Jefferson County highways. If a conflict arises between this chapter and the Jefferson County Code of Ordinances regarding the operation of all-terrain vehicles

and utility terrain vehicles on Jefferson County highways, the more restrictive provision shall apply.

D. Operating requirements. The following requirements apply to the operation of all-terrain vehicles and utility terrain vehicles on all Village roads:

- (1) No person shall operate an all-terrain vehicle or utility terrain vehicle between the hours of 10:00 p.m. and 5:00 a.m.
- (2) Operators shall have liability insurance.

E. Modification or suspension of route.

- (1) Modification of route. The route designated for the operation of all-terrain vehicles and utility terrain vehicles in the Village shall be established by ordinance of the Village Board. Any modification to the route designated for all-terrain vehicles and utility terrain vehicles shall be approved by ordinance of the Village Board.
- (2) Temporary suspension of route. The Village Department of Public Works Director and Chief of Police shall each have the sole authority to suspend the operation of all-terrain vehicles and utility terrain vehicles on any road, route, or segment thereof in the Village due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. The Public Works Director or Chief of Police may suspend the operation of all-terrain vehicles and utility terrain vehicles for any time period necessary to accomplish the purpose of this section.

F. Intoxicants in an all-terrain vehicle or utility terrain vehicle.

- (1) No person may drink alcohol beverages while he or she is in an all-terrain vehicle or utility terrain vehicle when an all-terrain vehicle or utility terrain vehicle is upon a Village road.
- (2) No person may possess on his or her person, in an all-terrain vehicle or utility terrain vehicle upon a Village road, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- (3) The owner of an all-terrain vehicle or utility terrain vehicle, or the operator of an all-terrain vehicle or utility terrain vehicle if the owner is not present in the all-terrain vehicle or utility terrain vehicle, shall not keep, or allow to be kept in the all-terrain vehicle or utility terrain vehicle when it is upon a Village road, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released. This subsection does not apply if the bottle or receptacle is kept in the trunk or other area of the all-terrain vehicle or utility terrain

vehicle not normally occupied by the operator or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the operator and passengers.

- G. Route signs. All initial required route signs will be installed and maintained by the Village Department of Public Works. All signs shall comply with the Federal Manual on Uniform Traffic Control Devices. No person may erect or remove any official designated route sign unless authorized by Village Department of Public Works in writing. No person shall operate an all-terrain vehicle or utility terrain vehicle contrary to any authorized and official posted sign.
- H. All-terrain vehicle and utility terrain vehicle trails designated. Except as provided in § 23.33, Wis. Stats., no person shall operate an all-terrain vehicle or utility terrain vehicle upon any public right-of-way in any public park, golf course, public walking trail, public sidewalk, or any public municipal property in the Village.
- I. Violations and penalties. Any person who operates an all-terrain vehicle or utility terrain vehicle in violation of this section, in addition to the penalties of § 23.33 and Ch. 346, Wis. Stats., shall forfeit to the Village not less than \$50, nor more than \$200, for each violation, together with costs and assessments imposed under Ch. 814, Wis. Stats. This penalty section may be amended and set annually by the Village Board.

SECTION 2: Section 221-18 A. is hereby repealed and recreated to read as follows:

- A. Uniform offenses. Forfeitures for violation of any provision of Chs. 341 to 348, Wis. Stats., adopted by reference in § 221-1 or 221-6A of this chapter, Ch. 350, Wis. Stats., adopted by reference in § 221-6A, or § 23.33, Wis. Stats. and Wisconsin Administrative Code NR 64, adopted by reference in § 221-10 of this chapter shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses, together with the costs of prosecution, and in default of payment any person convicted of such violation may be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed 90 days.

SECTION 3: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Johnson Creek,  
Jefferson County, Wisconsin this \_\_\_\_ day April, 2023.

VILLAGE OF JOHNSON CREEK,

BY: \_\_\_\_\_

John L. Swisher, President

ATTEST:

Susan L. Caine, Clerk

Date Introduced:

Date Adopted:

Date Posted:

Date Published:

City of Lake Mills, WI  
Saturday, March 18, 2023

## Chapter 609. Vehicles, All-Terrain

[Adopted by the City Council of the City of Lake Mills 6-3-1997 by Ord. No. 769B (Title 6, Ch. 6, of the 2009 Code of Ordinances). Amendments noted where applicable.]

### § 609-1. Definition.

As used in this chapter, the definition of an "all-terrain vehicle," and all other definitions set forth in § 23.33(1), Wis. Stats., are incorporated herein by reference.

### § 609-2. Adoption of state statutes.

The provisions of § 23.33, Wis. Stats., are incorporated herein by reference, as the same exist as of the adoption of this chapter, or as the same be amended from time to time. These provisions relate to the registration, rules of operation, age restrictions, equipment requirements and accident reporting requirements as set forth in § 23.33, Wis. Stats.

### § 609-3. Enforcement; violations and penalties.

Any person violating any provision of this chapter shall be subject to the issuance of a citation in conformance with § 23.54, Wis. Stats., and the deposit schedule adopted and revised by the Wisconsin Judicial Conference. Upon conviction of any violation under this chapter, a forfeiture, penalties and costs as set forth in § 23.33(13), Wis. Stats., exclusive of penalties requiring imprisonment, may be imposed by the court.

### § 609-4. Route designation.

[Added 10-4-2022 by Ord. No. 1238A]

- A. Pursuant to § 23.33(8)(b)(2), Wis. Stats., and Jefferson County Ordinance No. 2021-01, the following highways and roads are hereby designated as ATV and UTV routes: all official City roads and county highway segments within the jurisdiction of the City of Lake Mills so long as the road is signed in accordance with the Wisconsin Statutes.
- B. The City of Lake Mills Police Chief shall have the authority to temporarily suspend operation on any City route or segment thereof due to hazards, construction, emergency conditions, road damage or any other condition deemed appropriate for public safety.

### § 609-5. Route signs.

[Added 10-4-2022 by Ord. No. 1238A]

- A. All ATV/UTV routes are to be signed pursuant to § 23.33(8)(e)(3) and (4), Wis. Stats.

- B. All ATV/UTV routes shall be marked with uniform ATV and UTV route signs in accordance with § NR 64.12(7), Wis. Adm. Code.
- C. Pursuant to § 23.33(8)(f), Wis. Stats., no person may do any of the following in regard to signs marking City ATV/UTV routes:
- (1) Intentionally remove, damage, deface, move, or obstruct any ATV/UTV route or trail sign if the sign is legally placed by the state or any municipal or local government or duly authorized personnel of such state and local or municipal governments.
  - (2) Possess any uniform ATV or UTV route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless said person obtained the uniform ATV or UTV route or trail sign or standard in a lawful manner. Possession of an ATV or UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

## § 609-6. Operation.

[Added 10-4-2022 by Ord. No. 1238A]

- A. Operation of ATVs/UTVs pursuant to this chapter shall be in accordance with all municipal, county, state and federal laws and regulations.
- B. Persons operating an ATV or UTV on an ATV/UTV route within the City of Lake Mills pursuant to this chapter must be at least 16 years of age and hold a valid driver's license. A probationary license is acceptable for the purposes of this section.
- C. ATVs/UTVs shall be operated on the extreme right side of the roadway unless making a left turn. Operation of ATVs/UTVs within bicycle lanes is prohibited.
- D. ATVs/UTVs may be operated on paved surfaces only unless yielding the right-of-way.
- E. ATV/UTV operators are required to have applicable liability insurance.
- F. ATVs/UTVs shall not be operated at a speed greater than the posted speed limit with a maximum speed of 35 mph.
- G. ATVs/UTVs may not be operated on any ATV/UTV route without fully functioning headlights, taillights, and brake lights. Use of additional light bars or lighting is not allowed.
- H. ATVs/UTVs may not be operated on any ATV/UTV route between the hours of 10:00 p.m. and 5:00 a.m.
- I. All ATVs and UTVs must display current Wisconsin registration decals and rear registration plates.
- J. No person under the age of 18 may operate or be a passenger in an ATV/UTV on an ATV/UTV route without wearing a helmet.
- K. All ATVs/UTVs shall be operated in single file.
- L. No ATV/UTV may be operated on any ATV/UTV route if the vehicle does not meet all applicable federal and state noise and pollution standards. No modified exhausts are allowed.

## § 609-7. Enforcement; violations and penalties.

[Added 10-4-2022 by Ord. No. 1238A]

- A. Pursuant to § 23.33(12), Wis. Stats., this chapter shall be enforced by any law enforcement officer authorized to enforce the laws of the City of Lake Mills.

- B. The penalties for violating provisions of this chapter are set forth in § 23.33(13)(a), Wis. Stats., and are incorporated herein by reference.

## § 609-8. Agricultural use.

[Added 10-4-2022 by Ord. No. 1238A]

- A. ATVs and UTVs legally registered for private agricultural use are exempt from this chapter.
- B. ATVs and UTVs legally registered for private agricultural use are subject to the laws and regulations of Chs. 23.33 and 23.335, Wis. Stats., and Chs. NR 64 and NR 65, Wis. Adm. Code.

## § 609-9. Cost.

[Added 10-4-2022 by Ord. No. 1238A]

- A. The cost of the ATV/UTV route signs, installation, and maintenance will be paid for by Quad County Runners Inc. or any successor organization or group. Within 30 days of the passage of this chapter, Quad County Runners Inc. will coordinate with the Director of Public Works of the City of Lake Mills to determine the location of the ATV/UTV route signs to be installed at all designated points as required by this chapter and any applicable county or state laws and regulations.
- B. Quad County Runners Inc. will be responsible for the installation of ATV/UTV route signs in accordance with the provisions of this chapter.
- C. ATV/UTV route signs shall be dedicated to the City of Lake Mills and become the property of the City of Lake Mills upon installation.
- D. The City of Lake Mills reserves the right to send an invoice to Quad County Runners Inc. or its successor organization for reimbursement of costs to the City for any ATV/UTV route sign replacement or maintenance.

## § 609-10. Mandatory ordinance review.

[Added 10-4-2022 by Ord. No. 1238A]

The City Manager shall direct staff review of this chapter by no later than April 2024, giving due consideration to the recreation and economic values to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic safety and other traffic risks since the enactment of this chapter to make findings whether or not the benefits of continuing this chapter outweigh repealing or amending this chapter. The review shall include but not be limited to evaluation by the Departments of Public Works, Police, Facilities and Grounds, and Finance. Results of the review and findings shall be forwarded to the City Council no later than the date of the first regular City Council meeting in June 2024.

Waterloo, WI

- C. Vehicles prohibited. No person shall at any time operate a motor vehicle other than a school bus engaged in transporting or picking up passengers and service vehicles engaged in deliveries or pickups upon any school drive which is designated for those vehicles only.

[Amended by Ord. No. 97-7]

- D. One-way traffic. No person shall operate a motor vehicle contrary to the one-way traffic signs posted on any school drive.

### **§ 350-12 Trains obstructing streets.**

No person shall stop any railroad train, locomotive or car upon or across any highway or street crossing in the City or leave the same standing upon such crossing longer than five minutes, except in cases of accident or breakdown. Any conductor, engineer, brakeman or other person in charge thereof or responsible therefor who shall violate this section shall, upon conviction thereof, be subject to a penalty as provided in Chapter 1, § 1-4, of this Code.

### **§ 350-13 Off-road vehicles.**

[Amended 4-6-2017 by Ord. No. 2017-02; 2-21-2019 by Ord. No. 2019-01]

- A. Intent. The City of Waterloo adopts the following all-terrain vehicle trails and routes for the operation of all-terrain vehicles and utility terrain vehicles upon roadways and City-owned property throughout Waterloo. Following due consideration of the recreational value to connect trail opportunities and weighed against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes and trails have been created.
- B. State laws adopted. The statutory provision in § 23.33, Wis. Stats., and Chs. 340 to 348, Wis. Stats., establishing definitions and regulations with respect to ATVs and UTVs, and Ch. NR 64, Wis. Adm. Code, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein is hereby required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

#### **ALL ATV/UTV VEHICLE TRAIL**

A marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways or highways, except those roadways that are seasonally not maintained for motor vehicle traffic.

#### **ALL-TERRAIN VEHICLE (ATV)**

A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on three or more tires.

[Amended 5-20-2021 by Ord. No. 2021-04]

#### **OFF-ROAD VEHICLES**

Shall include, but not be limited to, minibikes, all-terrain vehicles, and utility terrain vehicles.

#### **UTILITY TERRAIN VEHICLE (UTV)**

Any of the following:

- (1) A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all the following:

(a) A weight, without fluids, of 2,000 pounds or less.

(b) Four or more tires.

[Amended 5-20-2021 by Ord. No. 2021-04]

(c) A cargo box installed by the manufacturer.

(d) A steering wheel.

(e) A taillight.

(f) A brake light.

(g) Two headlights.

(h) A width of not more than 65 inches.

(i) A system of seat belts, or similar system, for restraining each occupant of the device in the event of an accident.

(j) A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device.

(2) A commercially designed and manufactured motor driven device to which all the following applies: All other applicable words or phrases defined within § 23.33, Wis. Stats., and Ch. 340.01, Wis. Stats., are incorporated within this section.

(a) It has a weight, without fluids, of more than 900 pounds but not more than 2,000.

(b) It has a width of 50 inches or less.

(c) It is equipped with a seat designed to be straddled by the operator.

(d) It travels on tires.

[Amended 5-20-2021 by Ord. No. 2021-04]

D. Regulated. No person shall operate an off-road vehicle on any City street, alley, park, or parking lot; on any public lands or parking lots held open to the public; or on any land zoned residential within the City except as provided below:

[Amended 4-18-2019 by Ord. No. 2019-02]

(1) Designation of all-terrain and utility terrain vehicle routes. Pursuant to § 23.33(8)(b)2., Wis. Stats., all City-maintained streets, roads and alleys are designated as all-terrain and utility terrain vehicle routes unless posted.

(a) Under Wis. Stat., § 23.33(8)(b)1., the City of Waterloo designates STH 19 as an ATV route from the 25/40 MPH speed limit transition to Canal Road. The route shall not be effective unless the Department of Transportation approves the route under Wis. Stat., § 23.33(8)(b)3.

[Added 9-2-2021 by Ord. No. 2021-07]

(2) Conditions of operation. In addition to the provisions in § 23.33, Wis. Stats., and Chs. 340 to 348, Wis. Stats., the following conditions apply:

(a) "ATV/UTV vehicle route" means a highway or sidewalk designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

(3) The City of Waterloo reserves the right to close or modify routes and trails at any time.

(4) The City of Waterloo or its designee shall maintain all route and trail signs within the City of Waterloo. The City of Waterloo shall maintain all route signs erected on state highways within the City of Waterloo.

(5) All ATV/UTV routes and trails shall be signed in accordance with Chs. NR 64.12 and NR 64.12(7)(c), Wis. Stats.

(6) All City of Waterloo streets, roads and alleys are designated as ATV/UTV routes, not including county highways, state trunk highways, or connecting highways unless Jefferson County and/or the Department of Transportation approves or is required to approve the designation.

(7) Per § 23.33 (11)(am)(4), Wis. Stats., the City of Waterloo authorizes the operation of ATVs/UTVs on all highways that have a speed limit of 35 miles per hour or less that are located within the territorial boundaries of the City of Waterloo.

(8) Conditions of route use. As a condition for the use of these trails and routes, the following conditions shall apply to all operators and passengers as applicable:

(a) All ATV/UTV units shall be registered in accordance with WI DNR regulations.

(b) All ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with Ch. 346, and § 23.33, Wis. Stats.

(c) No ATV/UTV shall be operated at a speed greater than the posted street speed limit unless posted otherwise.

(d) All operators of ATVs or UTVs are subject to Wis. Stats. and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements.

(e) No ATV/UTV may be operated on any designated trail or route without fully functional headlights, taillights and brake lights. Operators must display a lighted headlight and taillight at all times while on the trail or route.

(f) All ATV/UTV operators shall ride single file.

(g) ATV/UTVs may be operated on paved roadway surfaces only.

(h) No ATV/UTV may be operated on any designated route between the hours of 10:00 p.m. and 7:00 a.m. daily, unless otherwise authorized by the Chief of Police.

(i) ATV/UTVs that do not meet Wisconsin State or local noise pollution requirements may not be operated on any trail or route.

(j) Operation within any municipal park unless specifically designated is prohibited.

(k) Operation on any sidewalk unless specifically designated is prohibited.

- (l) No person shall leave or allow any ATV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition. Insurance is required for all ATVs/UTVs operated within the City of Waterloo.
- (m) DOT. Approved protective helmets will be worn for all operators and passengers of any ATV/UTV for persons under the age of 18 years old.
- (n) A valid Department of Transportation driver's license is required to operate any ATV/UTV.
- (9) In accordance with § 23.33 (11)(am)(3), Wis. Stats., the operation of ATVs and UTVs is authorized on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and is located within the territorial boundaries of the City of Waterloo, regardless of whether the City of Waterloo has jurisdiction over the highway. The City of Waterloo authorizes the operation of ATVs on STH 19 from the 35/45 MPH speed limit transition to Heil Street, under Wis. Stat., §§ 23.33(4)(d)3.b. and (11)(am)3. to cross over the Mauneshia River tributary provided that a person crossing a bridge shall do all the following:  
[Amended 9-2-2021 by Ord. No. 2021-07]
  - (a) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing;
  - (b) Stay as far to the right of the roadway or shoulder as practicable;
  - (c) Stop the vehicle prior to the crossing;
  - (d) Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder; and
  - (e) Exit the highway as quickly and safely as practicable after crossing the bridge.

### § 350-14 Violations and penalties.

[Amended 6-2-2003 by Ord. No. 2003-3; 9-20-2007 by Ord. No. 2007-18; 4-19-2018 by Ord. No. 2018-04]

The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with statutory court costs and penalty assessment, if applicable.

- A. State forfeiture statutes. Forfeitures for violation of §§ 340.01 to 348.28, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.
- B. State fine statutes. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.
- C. Local regulations. The penalty for violations of §§ 350-2 through 350-13 of this chapter shall be as provided in Chapter 1, § 1-4, of this Code.
- D. Penalty for parking violations. Notwithstanding any other penalty provided in this chapter, the forfeiture for parking violations other than those violations contained in the state statutes, as adopted by reference in § 350-1 of this chapter, shall be as hereinafter provided plus costs, fees, and surcharges associated with the prosecution thereof which are required or authorized by state statute or administrative regulation, as follows:
  - (1) \$20 if paid within five days of the issuance of the violation citation.
  - (2) \$60 if paid after five days.
  - (3) Except for a motor vehicle used by a physically disabled person as defined under § 346.503(1) Wis. Stats., a \$100 fine shall be issued for stopping, standing or parking in spaces reserved for vehicles displaying special registration plates or special identification cards.

### § 350-15 Enforcement.

- A. Enforcement procedure. This chapter shall be enforced in accordance with the provisions of §§ 345.20 to 345.53, and § 66.0114, Wis. Stats.  
[Amended 9-20-2007 by Ord. No. 2007-18]
- B. Duty of police to enforce. City police officers shall enforce all the provisions of this chapter.
- C. Uniform citation. The uniform citation promulgated under § 345.11, Wis. Stats., shall be used for all moving and nonmoving traffic violations, except parking violations.
- D. Notice of demerit points and receipts. Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in § 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.
- E. Parking citations. Citations for all parking violations under this chapter shall conform to § 345.28, Wis. Stats., and shall permit direct mail payment of the applicable forfeiture to the Police Department within five days of the issuance of the citation in lieu of a court appearance.

**ORDINANCE NO. 2031A****AN ORDINANCE CREATING CHAPTER 11.45****Allowing the Operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) on Whitewater Streets Located in Jefferson County (Excluding City Streets Located Within the Boundaries of the University of Wisconsin – Whitewater Campus)**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 11.45, is hereby created to read as follows:

11.45.010 **General.** This ordinance is enacted pursuant to sections 62.11 (5) and 23.33 Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operation, which is hereby adopted and incorporated herein.

11.45.020 **Applicability and Enforcement.** The provisions of this Ordinance shall apply to all streets, roads and highways, hereinafter at times referred to as City Streets, in the City of Whitewater, Jefferson County, Wisconsin (except City streets located within the boundaries of the University of Wisconsin - Whitewater campus) and the provisions of this ordinance shall be enforced by the City of Whitewater Police Department.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed in this Chapter.

11.45.030 **Limitations.** The following limitations apply to all areas of operation designated in this Ordinance:

(a) Operators and passengers of ATVs/UTVs shall comply with all federal, state and local laws, orders, regulations, restrictions and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

(b) This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.

(c) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.

(d) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

(e) ATVs/UTVs operators are required to have applicable liability insurance.

(f) ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.

(g) ATVs/UTVs may not be operated on any city street without fully functional headlights, taillights and brake lights.

(h) ATVs/UTVs may not be operated on any city street between the hours of 10:00 p.m. and 5:00 a.m.

(i) No person may operate an ATV/UTV on any city street without a valid driver's license and shall display the license on demand from any law enforcement officer or official described in section 23.33 (12) Wis. Stats.

(j) The operation of an ATV/UTV shall be limited to traveling on a direct route from the initial starting point of the vehicle to a Jefferson County highway, or from a Jefferson County highway to a specific destination in the City of Whitewater, Jefferson County, Wisconsin. Operating ATV/UTV vehicles on City streets for other purposes is prohibited.

**11.45.040 Routes.**

(a) Any modification to the routes designated for ATV/UTV use shall be approved by the Common Council.

(b) The routes designated as an ATV/UTV vehicle route shall be as follows: streets, roads and highways in the City of Whitewater, Jefferson County, Wisconsin (excluding City streets located within the boundaries of the University of Wisconsin - Whitewater campus).

(c) The City Manager or his or her designee shall have the authority to suspend operation on any route or segment thereof due to hazards, construction, emergency conditions, road damage or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the City of Whitewater website.

**11.45.050 Route Signs.**

(a) All initial route signs will be installed and maintained by the City of Whitewater Public Works Department in cooperation with the Jefferson County Highway Department.

(b) No person may erect or remove any official designated route sign unless authorized by the City of Whitewater Public Works Department in writing.

(c) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

**11.45.060 Penalties.**

(a) This Ordinance shall be enforced by the City of Whitewater Police Department, or any other law enforcement official as set forth in section 23.33 (12) Wis. Stats., including the issuance of citations under section 66.0113 Wis. Stats.

(b) The penalties set forth in section 23.33 (13) (a) Wis. Stats., are adopted and incorporated by reference herein.

**11.45.070 Severability.**

(a) Should any subsection, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid.

**11.45.080 Maintenance.**

(a) Designation of City of Whitewater streets and roads as ATV/UTV routes does not impose upon the City of Whitewater a greater duty of care or responsibility for maintenance of those segments than that required for any other street or road. Operators of ATV/UTVs on City streets assume all the usual and normal risks of ATV/UTV operation.

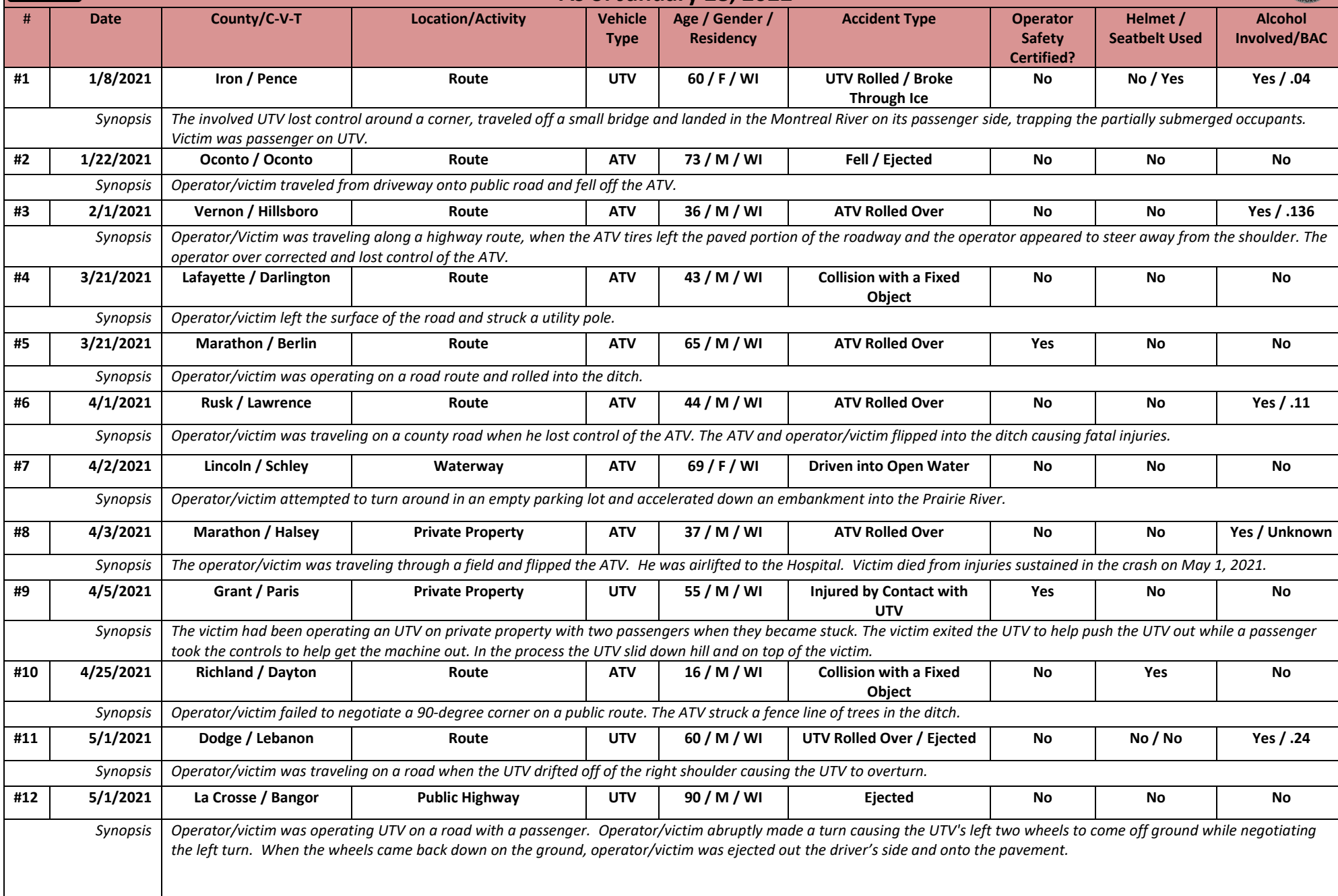
11.45.090 **Council Review.** This ordinance is enacted to operate in conjunction with Jefferson County Ordinance number 2021-01. Jefferson County will begin a review process of its ordinance on November 30, 2022 for the purpose of determining if Jefferson County's experience with its ordinance has been positive. The City of Whitewater Public Works Committee shall monitor Jefferson County's review process and provide the City Council with a report on Jefferson County's findings and actions no later than March 1, 2023.

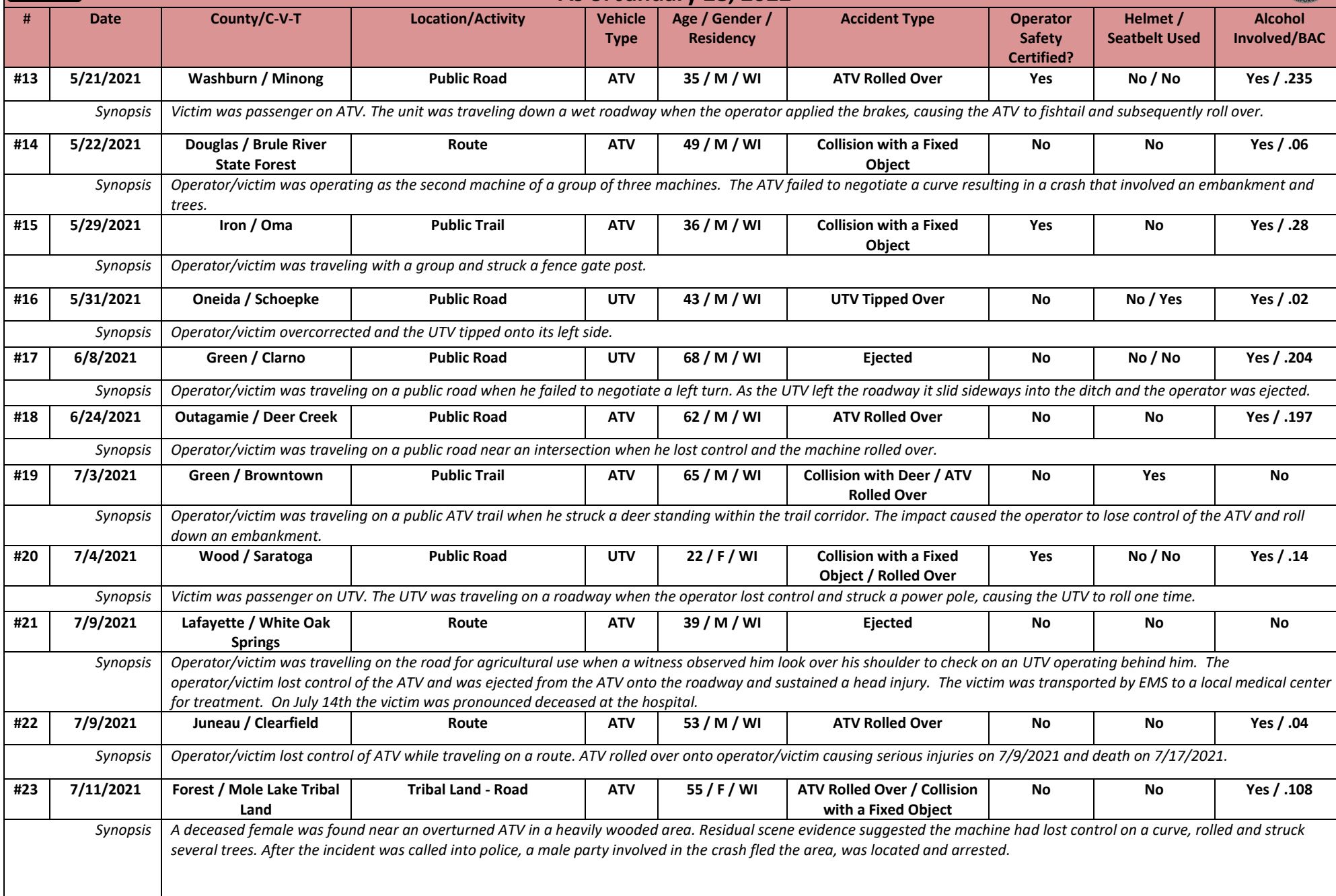
Ordinance introduced by Council Member Allen, who moved its adoption.

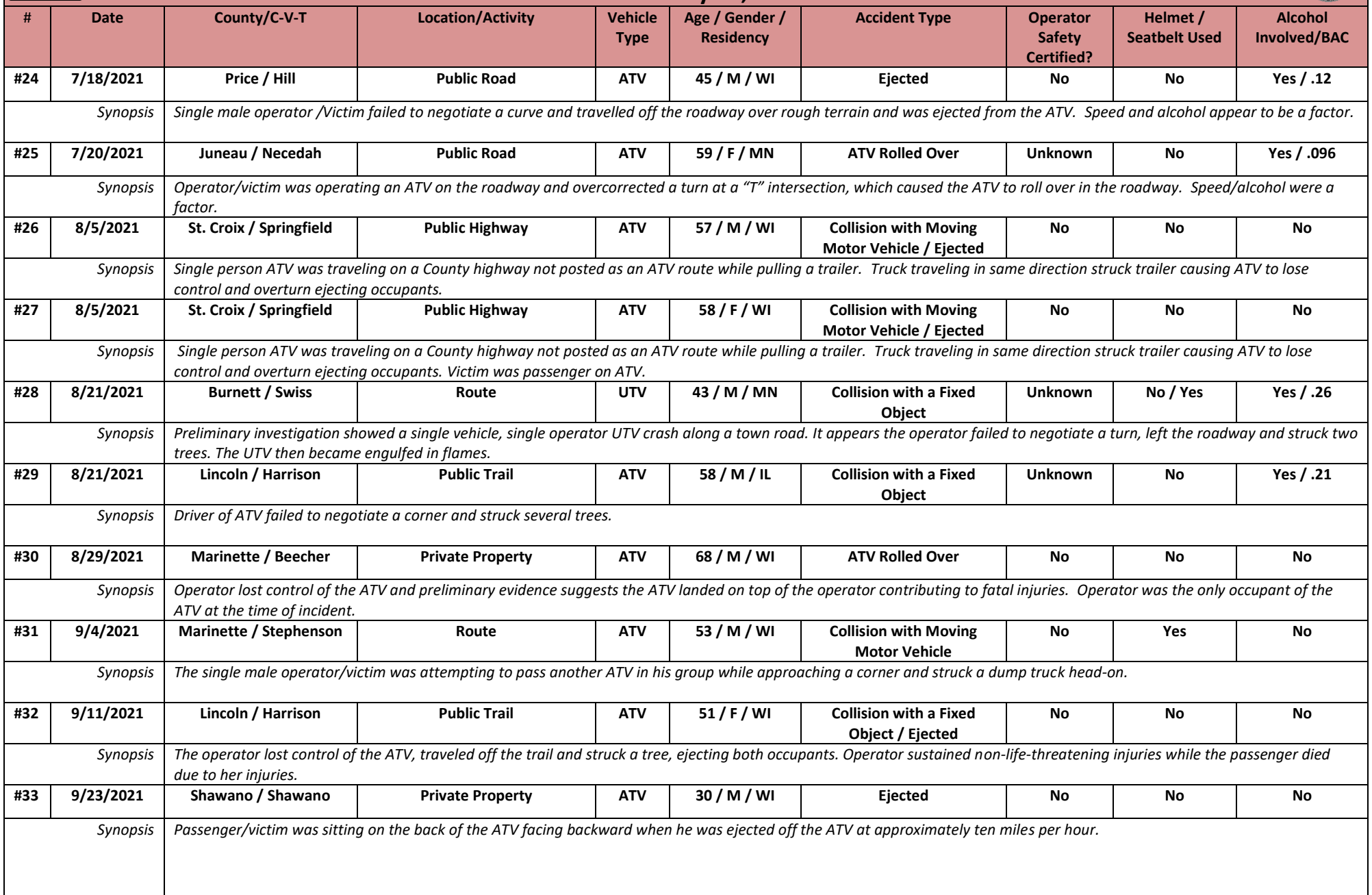
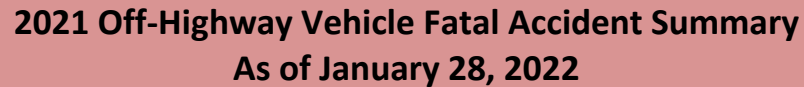
Seconded by Council Member Smith. AYES: Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: November 2, 2021.

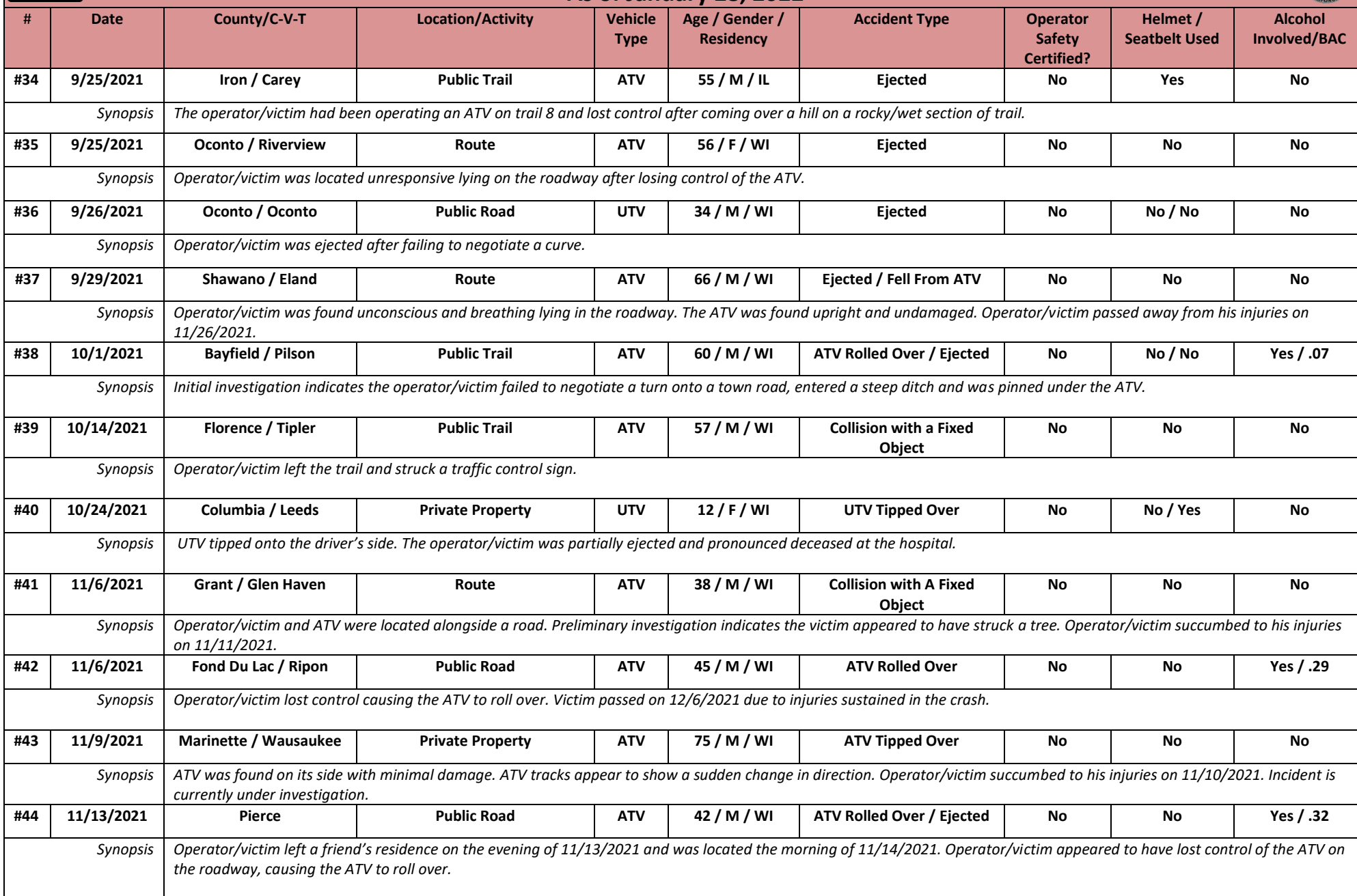
Cameron L. Clapper, City Manager

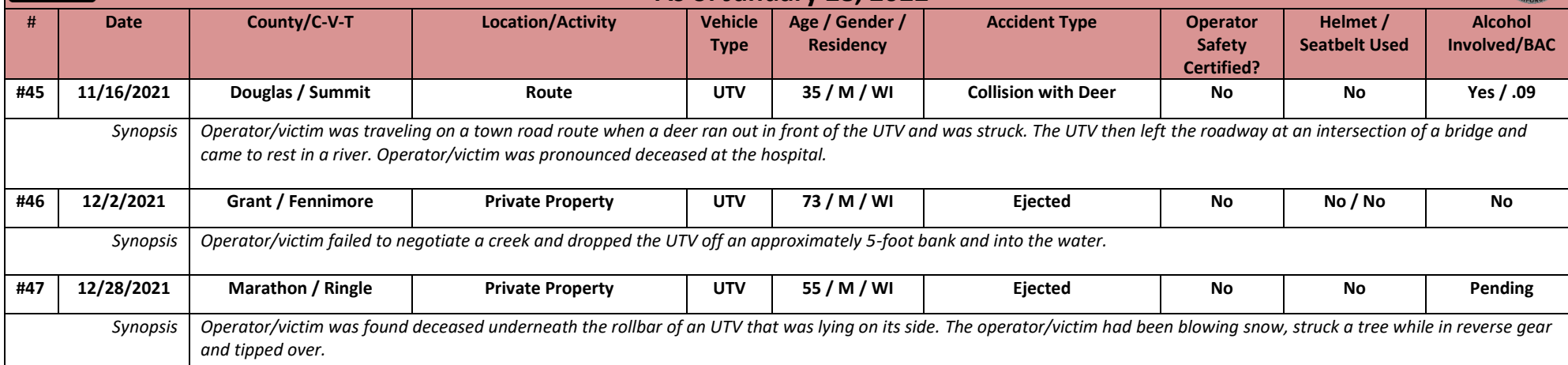
Michele R. Smith, City Clerk

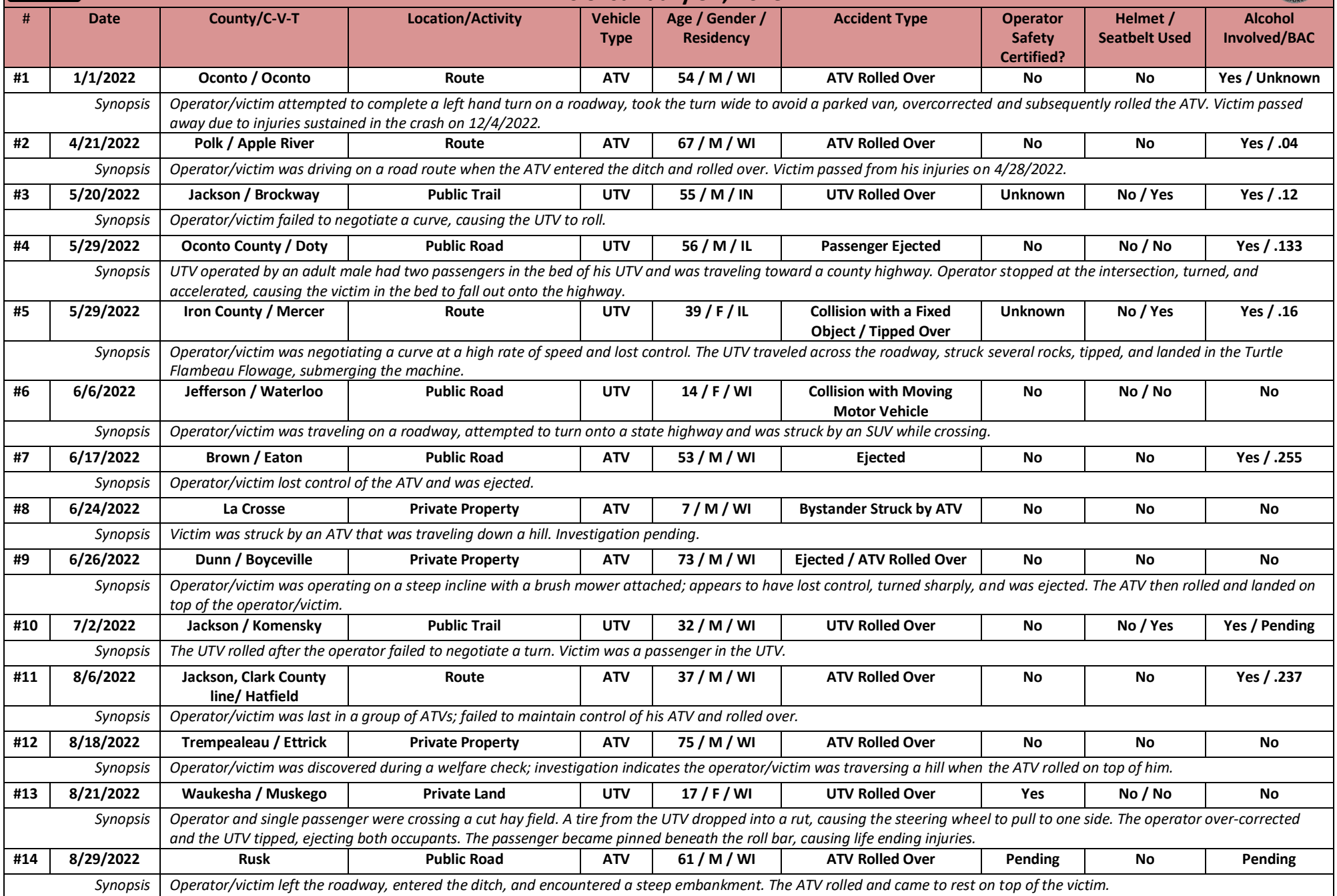


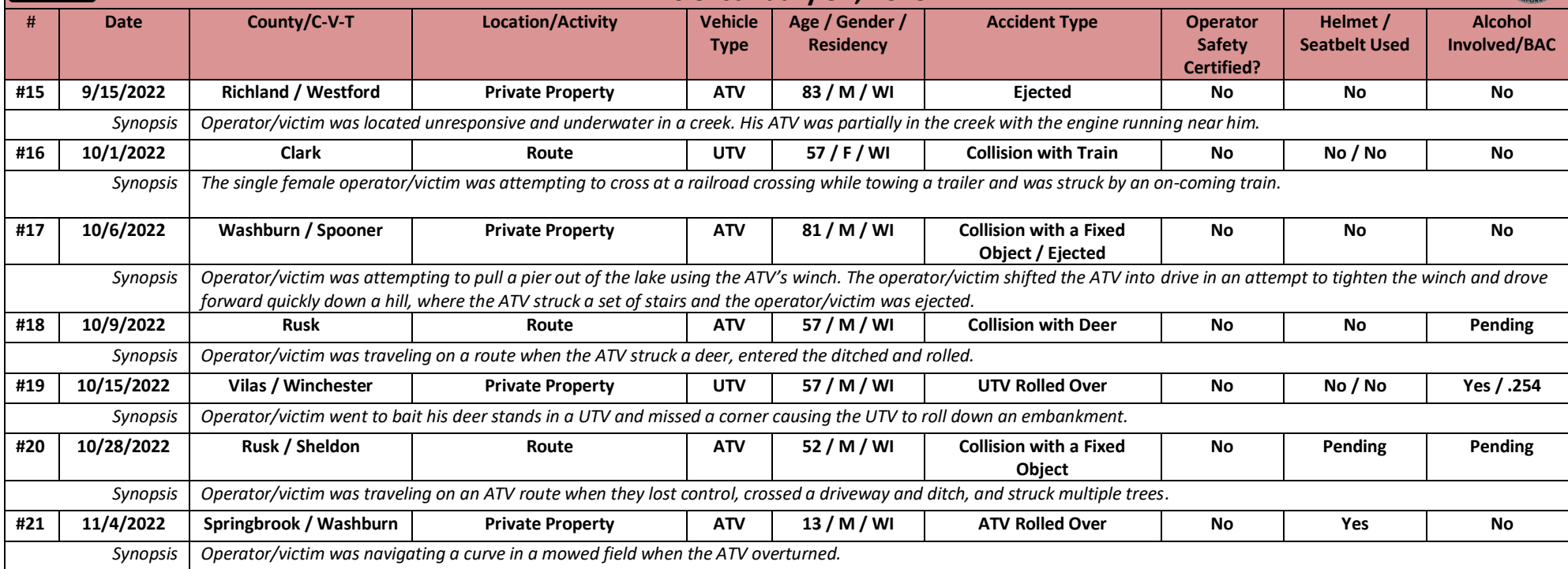


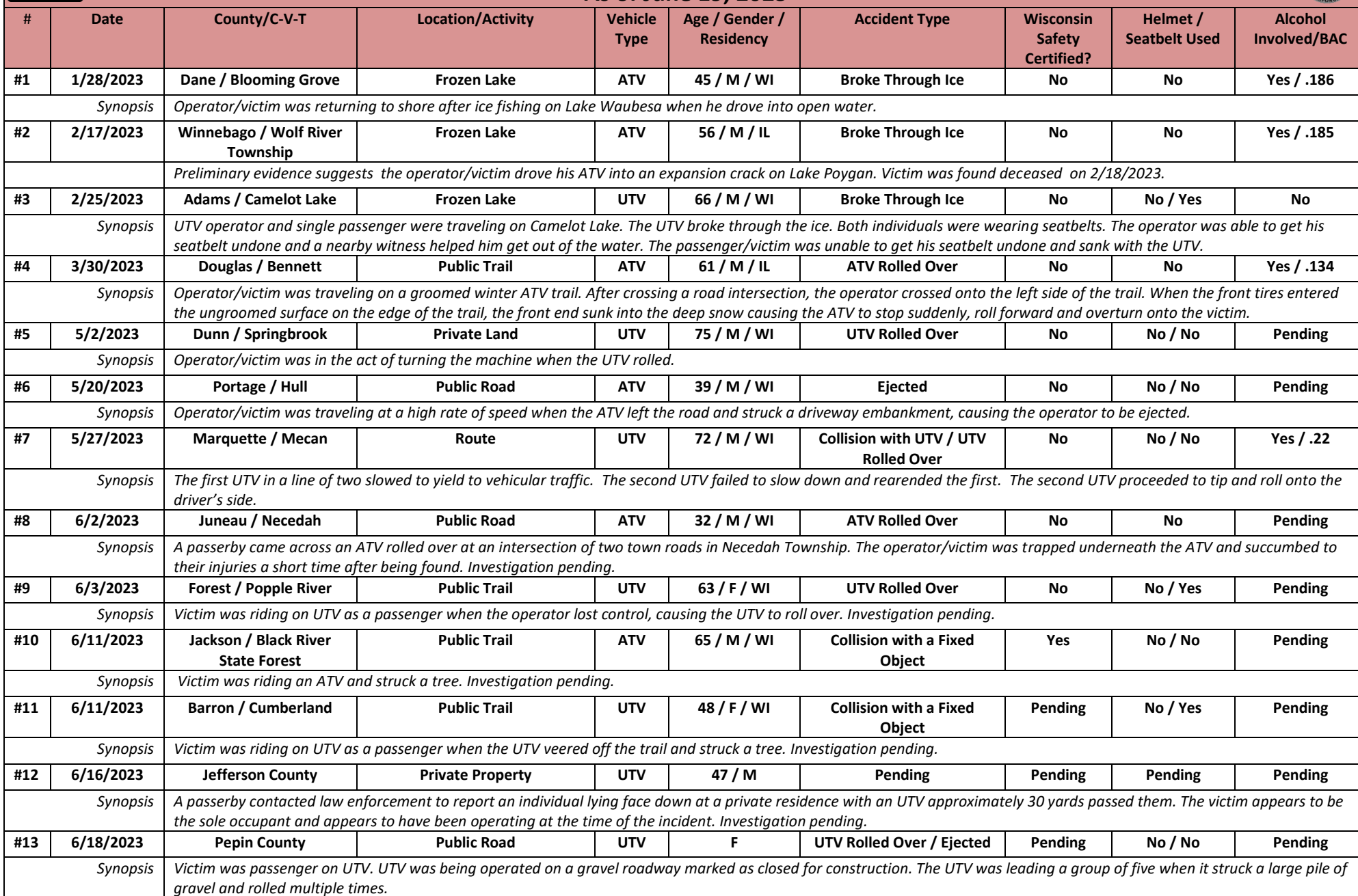
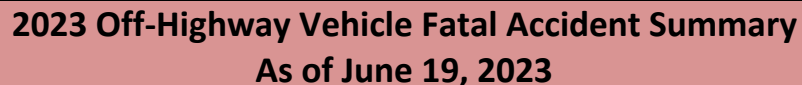














## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Brooke Franseen, Parks and Recreation Director

**RE:** 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**

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### BACKGROUND

The City completed its 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 CORP recommends revisions to section 70.04.04 in the Land Division and Development Ordinance relating to imposing Park Impact fees for new housing development. However, State Statutes require any municipality that imposes impact fees to have a sound basis of analysis to support the fees. Thus, any modification to the City's existing Park Impact fees requires supporting analysis.

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.

The City Council hired Vandewalle and Associates in April 2023 to serve as the City's Park Impact Fee Analysis consultant and produce such a report.

A Park Impact Fee workshop was held on September 5, 2023 between City Council and Parks and Recreation Advisory Board members, as well as the Plan Commission and Economic Development Commission, were invited to attend.

The purpose of the workshop was to review the draft fees and amendments, educate all groups on potential outcomes and ways to approach park fees, discuss potential impacts to affordable

housing, and gather feedback on the preferred approach to any fee changes that should be made.

All participants filled out a questionnaire at the workshop, which revealed unanimous support for the recommended park impact fees.

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.

### **DISCUSSION**

Ben Rohr, V&A Planner, has conducted a data analysis and draft ordinance amendment, including updated park cost figures for the analysis component. Ben and Staff have worked through various iterations of the Park Impact fees with keeping the impact on housing costs in mind.

The following is the schedule for the remainder of this process:

- October 17, 2023: City Council second reading
- November 7, 2023: City Council third reading

### **FINANCIAL ANALYSIS**

The financial analysis for this proposal is included in the Impact Fee Needs Assessment document.

### **RECOMMENDATION**

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.

Staff recommends that the City Council offer a second 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 and direct the City Manager to prepare them for a third and final reading at the meeting on November 3, 2023.

### **ATTACHMENTS**

- Draft Impact Fee Needs Assessment
- Draft Chapter 70 Land Division and Development Ordinance Amendments
- Park Impact Fee Adoption Ordinance

**Draft**

**City of Fort Atkinson  
Parkland Dedication, Fee In Lieu of Land  
Dedication, and Impact Fee  
Needs Assessment  
Date: August 25, 2023**

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## SECTION 1: INTRODUCTION

The purpose of this document is to evaluate and update the City's current park fees under Wisconsin Statute, Chapter 66, Section 66.0617 Impact Fees and its fee in lieu of land dedication under Wisconsin Statute, Chapter 236, Section 236.45 Local Subdivisions Requirements.

This document is intended to be utilized in conjunction with the City of Fort Atkinson's 2023-2028 Comprehensive Outdoor Recreation Plan (CORP), and any subsequent updates that may be made to this plan. The CORP provides the full Inventory of existing facilities, including deficiencies and identification of new public facilities. It also sets the City's recommended standard for parkland provided per 1,000 residents over the next decade. Finally, the CORP identifies the need for this report and corresponding amendments to the City's Land Division Ordinance in relationship to parkland dedication, fee in lieu of parkland dedication, and park impact fees.

Impact fees are needed to assist in financing the capital costs associated with trails and park facility improvement and development. The parkland dedication and fee in lieu of land dedication is needed to assist in acquisition of suitable land for public parks or financing the acquisition or initial improvement of land for public parks.

Per state statutes, impact fees may be used to finance the capital costs of constructing highways and other transportation facilities, sewage treatment facilities, storm and surface water handling facilities, water facilities, parks, playgrounds, and land for athletic fields, solid waste and recycling facilities, fire and police facilities, emergency medical facilities, and libraries. "Capital costs" means the costs to construct, expand or improve public facilities, including the cost of land. Up to ten percent of capital costs can be for related legal, engineering, and design costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities; vehicles; or the costs of equipment to construct, expand or improve public facilities.

All monies collected from fee revenues, and interest earned thereon, imposed via impact fees shall be used for the purpose of paying the proportionate costs of providing public parks, playgrounds, open spaces, and athletic fields. In addition to those purposes, this revenue can be used for supporting the expansion or improvement of recreation facilities that may become necessary because of increased land development and population within the City.

The City currently employs a land dedication requirement and fee in lieu of land dedication requirement (70.04.03 and 70.04.04):

FIGURE 1.0: CITY OF FORT ATKINSON EXISTING LAND DEDICATION AND FEE IN LIEU STANDARDS

Development Type	Requirement
Land Dedication	
Single-Family and Two Family	1,000 sf/du
Multi-Family	750 sf/du
Commercial and Industrial	4% of total land area
Fee In Lieu of Land Dedication	
All Development Types	\$1,600/unit or 8% or Raw Land

*No park improvement or impact fee is currently employed by the City of Fort Atkinson.*

As documented below, the City expects to experience population growth through 2045. Planning responsibly for new growth within a community is one of many challenges facing local governments. Effective accommodation of this development requires the construction and upgrade of public facilities and infrastructure to serve new residents, as well as additional parkland to accommodate growth.

It is common that during the construction and upgrade of public infrastructure, many residents and businesses that will occupy the newly developed areas of the community may not yet be present. The

purchase of land and the development of land often precedes the occupation of the property. While this may be an obvious fact, it holds important consequence for the public financing of new development. In order to apportion the public costs of new development fairly and responsibly, some measure must be undertaken to ensure that the entire cost of accommodating new development is not born solely by the current residents of the municipality. One such measure to accomplish this goal is the use of impact fees and a fee-in-lieu of land dedication to offset the initial cost to local taxpayers of satisfying the additional demand on the public infrastructure and parkland.

Updates to this report should be made on a regular basis taking into consideration adjustments needed to construction costs, raw land costs, and changes in growth and/or other assumptions that are incorporated into the fee calculations. It is recommended that the City of Fort Atkinson update this report every 5 years, at a minimum.

## **SECTION 2: STATUTORY REQUIREMENTS**

Wisconsin's Impact Fee Statute 66.0617 prescribes the types of public infrastructure for which an impact fee may be charged, the costs that may be included in developing an impact fee, as well as the obligations on the part of the issuing municipality prior to and subsequent to the fee being charged. In addition, if a municipality charges a fee in lieu of land dedication in accordance with Wisconsin State Statute 236.45(6) (am), the municipality must follow the procedures under s. 66.0617 (3) to (5) and meet the requirements under s. 66.0617 (6) to (10). This report serves to provide the data and analysis required by state statutes to form the basis of imposing parkland dedication, fee in lieu of parkland dedication, and park impact fees in the City of Fort Atkinson.

Portions of each required element were derived from and can be referenced in the City's CORP, this report, and the Land Division Ordinance (Chapter 70).

### **Public Facilities Needs Assessment**

- Inventory of existing facilities, including deficiencies
- Identification of new public facilities
- Estimated (or actual) capital cost of new facilities
- Effect of recovering capital costs on affordable housing
- Available for public inspection and copying in the office of the clerk

### **Impact Fee Standards**

- Rational relationship to the need for new facilities
- Proportionality
- Actual costs or reasonable estimates
- Net of other charges
- Net of grants
- Must exclude improvements to address deficiencies
- May not include expenses for operation or maintenance of a public facility
- Payable by the developer or property owner to the City in full upon the issuance of a building permit by the City

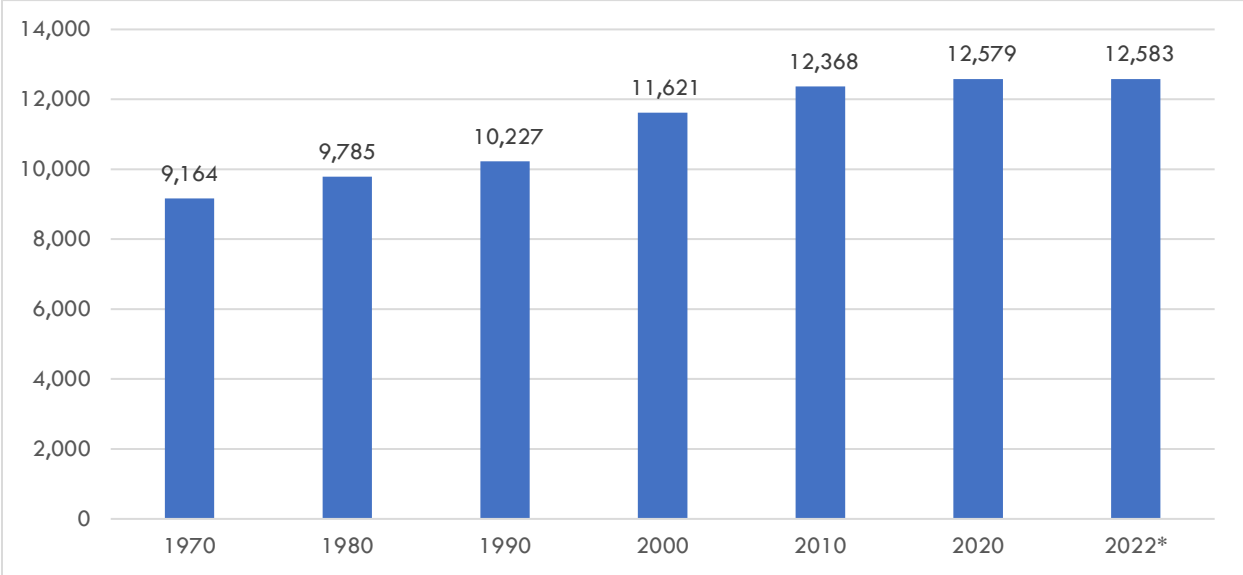
### **Accounting Requirements:**

- Use of funds restricted
- Subject to refund
- Specify appeal process

### SECTION 3: EXISTING CONDITIONS AND PROJECTIONS

The City of Fort Atkinson experienced periods of moderate population growth and other periods of stagnant population change between 1970-2022. Like many communities across Jefferson County, only very minimum population growth has occurred over the last decade.

FIGURE 1.1 CITY OF FORT ATKINSON POPULATION TRENDS



\*Source: WisDOA, 2022 Population Estimates.  
Source: U.S. Census Bureau, 1970-2020 Census.

FIGURE 1.2 CITY OF FORT ATKINSON POPULATION CHANGE PER DECADE

1970-1980	1980-1990	1990-2000	2000-2010	2010-2022*
7%	5%	14%	6%	2%

\*Source: WisDOA, 2022 Population Estimates.  
Source: U.S. Census Bureau, 1990-2020 Census.

Since the market has fluctuated over the past 50 years, it is important to factor in multiple projection scenarios to account for the various outcomes that could occur in the future. Six different population projection scenarios for the City through the year 2045 were calculated and compared.

These projections were derived using a variety of methodologies:

- **Linear Growth Rate 1990-2022, 2000-2022, 2010-2022.** This set of projections were calculated using the average annual population change over the time period and projecting that rate forward to 2045. The average annual population change for the various time periods ranged from 18 to 74 new residents per year.
- **Compounded Percentage Rate 1990-2022, 2000-2022, and 2010-2022.** These estimations are determined utilizing the annual average percentage change over the time period and extrapolating that rate forward to 2045. The average annual percentage change for the three time periods ranged from 0.1%-0.7% annual growth.

Based upon these scenarios, the City’s population is projected to be between 12,995-14,276 in the year 2045. For the purposes of this report, the City will utilize the Compounded Growth scenario from 2000-2022. This approach factors in population growth pre- and post-Great Recession. Market conditions, regional growth, and City’s policies will influence the actual rate of population growth.

FIGURE 1.3 CITY OF FORT ATKINSON POPULATION PROJECTIONS

	2022*	2025	2030	2035	2040	2045	2022-2045	
							# Change	% Change
Linear Growth 1990-2022 (1)	12,583	12,804	13,172	13,540	13,908	14,276	1,693	13%
Linear Growth 2000-2022 (1)	12,583	12,714	12,933	13,151	13,370	13,589	1,006	8%
Linear Growth 2010-2022 (1)	12,583	12,637	12,726	12,816	12,906	12,995	412	3%
Compounded Growth 1990-2022 (2)	12,583	12,857	13,326	13,813	14,317	14,840	2,257	18%
Compounded Growth 2000-2022 (2)	12,583	12,726	12,967	13,213	13,463	13,718	1,135	9%
Compounded Growth 2010-2022 (2)	12,583	12,638	12,730	12,822	12,915	13,009	426	3%

\*Source: WisDOA, 2022 Population Estimates.

Source: U.S. Census Bureau, 1990-2020 Census.

1. Extrapolated based on the average annual population change over the given years.

2. Extrapolated based on the average annual percent change over the given years.

In 2021, there were 5,305 total households in the City of Fort Atkinson. Based on the population projections above (Compounded Growth 2000-2022), the total number of projected future households was calculated. It is projected that in 2033, there will be 5,543 total households in Fort Atkinson or an increase of 238 between 2021-2033. This estimate was calculated using the total projected population difference between 2022-2033 (531) and multiplying that by WisDOA's projected household size for the City in 2030 (2.23 persons per household).

## SECTION 4: PARKLAND DEDICATION AND FEE IN LIEU OF LAND DEDICATION

Based on a projected growth of 531 residents by the year 2033, applied to the City's projected need of 8 acres of new parkland per 1,000 residents (per the City's adopted Comprehensive Outdoor Recreation Plan), the City would need to spend a minimum of \$168,000 in 2023 dollars for park land acquisition. Assuming the addition of 238 households, a fee-in-lieu of land dedication of \$741 per new single-family and two-family unit, \$556 per multi-family unit, and \$296 per senior unit would meet this demand.

The alternative dedication of 769 square feet per single-family and two-family unit, 577 square feet per multi-family unit, or 307 square feet per senior unit would satisfy the projected demand, if land dedication were preferred. However, any future land dedication must be suitable for the development of a neighborhood or community park. The City will continue to accept conservancy areas as donations to the park system; but these lands will not count toward this land dedication calculations. The process for arriving at these calculations is described in detail below.

Figure 1.4 shows the methodology used to generate the parkland dedication and fee in lieu of parkland dedication. Multi-family unit calculations are 75% of the single-family and two-family unit calculations to mirror the percentage difference associated with the existing standards and to reflect the higher density (more units per acre) that are yielded from a multi-family configuration in comparison to a single-family or two-family configuration. Senior unit calculations are 40% of the single-family and two-family unit calculations due to the lower associated impacts of serving this population with developed park space verses other unit types.

Single-family and two-family units are defined as those meeting the definitions of Single-Family, Mobile Home, Duplex, Twin House, or Two Flat in the City's Zoning Ordinance (Section 15.03.06(1)-(7)). Multi-Family units are defined as those meeting the definitions of Townhouse, Multiplex, Apartment, Apartments with Limited Commercial, Mixed Use Building, or Live/Work Building in the City's Zoning Ordinance

(Section 15.03.06 (8)-(10) and Section 15.03.08 (1)-(3)). Senior units are defined as those meeting the definition of age restricted to persons over fifty-five (55) years of age.

Boarding House Living Arrangements and Community Living Arrangements as defined in the City's Zoning Ordinance (Section 15.03.06(12)-(13)) are exempt from parkland dedication, fee in lieu of land dedication, and park impact fees. Additionally, any other form of Institutional Residential, outside of senior units as described above, meeting the definitions in Section 15.03.13(7) of the City's Zoning Ordinance are exempt from parkland dedication, fee in lieu of land dedication, and park impact fees.

FIGURE 1.4: PROJECTED PARKLAND DEDICATION AND FEE-IN-LIEU OF LAND DEDICATION

Calculation	Value
A Projected Population Growth in 2033	531 residents
B Projected Household Growth in 2033	238 households
C Acres Needed in 2033 to Satisfy 8 Acres/1,000 Residents*	4.2 acres
D Land Dedication Requirement per HH (Row C/Row B)	0.01765
E Estimated Unimproved Vacant Land Cost Per Acre in the City of Fort Atkinson (see Row F in Figure 1.5)	\$40,000
F Projected Cost of land acquisition (Row C*Row E)	\$168,000
G Legal, Engineering, and Design Costs (Row F*5%)	\$8,400
H Total Land Acquisition Costs (Row F + Row G)	\$176,400
I <b>Fee-in-lieu of Land Dedication per Single-Family or Two-Family Dwelling Unit (Row H/Row B)</b>	<b>\$741</b>
J <b>Land Dedication per Single-Family or Two-Family Dwelling Unit (Row D*43,560)</b>	<b>769 square feet</b>
K <b>Fee-in-lieu of Land Dedication per Multi-Family Dwelling Unit (Row H/Row B*75%)</b>	<b>\$556</b>
L <b>Land Dedication per Multi-Family Dwelling Unit (Row D*43,560*75%)</b>	<b>577 square feet</b>
M <b>Fee-in-lieu of Land Dedication per Senior Dwelling Unit (Row H/Row B*40%)</b>	<b>\$296</b>
N <b>Land Dedication per Senior Dwelling Unit (Row D*43,560*40%)</b>	<b>307 square feet</b>

\*Per the City of Fort Atkinson Comprehensive Outdoor Recreation Plan and Comprehensive Plan, the City's established level of service standard is 8 acres of parkland per 1,000 residents. Applying that standard to the projected household population growth above (531 residents), the City would anticipate a need for an additional 4.2 acres of parkland to maintain the intended level of service standard.

FIGURE 1.5: EXAMPLE RESIDENTIAL DEVELOPMENT LAND AND UTILITY COST ANALYSIS

Calculation	Value
A Example Land Area	40 Acres
B Housing Units Per Acre (Comprehensive Plan Recommendation)	4.5
C Projected Total Units (Row A*Row B)	180
D Average Residential Neighborhood Infrastructure Cost Per Unit*	\$40,000
E Projected Total Infrastructure Cost (Row C*Row D)	\$7,200,000
F Estimated Unimproved Vacant Land Cost Per Acre in the City of Fort Atkinson**	\$40,000
G Projected Total Land Costs (Row A*Row F)	\$1,600,000
H Total Example Residential Neighborhood Development Cost (Row G+H)	\$8,800,000
I Total Example Residential Neighborhood Development Cost Per Unit (Row G/Row C)	\$48,889

\*Infrastructure costs are based on real subdivision bids derived from other similar sized southeastern Wisconsin communities in 2022. (Source: V&A, 2023)

\*\*Estimated land costs per acre are based on a comparison of recent sales of ready-to-build residential lots and undeveloped, raw land sold for residential development in the City of Fort Atkinson. (Source: Jefferson County Register of Deeds, 2023)

## SECTION 5: ESTIMATED COST PROJECTIONS FOR FUTURE PARK IMPROVEMENTS

Each new park should have a minimum amount of playground equipment and recreational opportunities available. The cost of certain playground equipment varies with the age range of the intended users and the park type. Assumed park improvement costs associated with neighborhood and community parks based on actual park infrastructure bids are provided below in Figure 1.6. This analysis shows what would be required to cover the costs associated with improvements. However, it should be noted that this figure is approximate and subject to significant change associated with economic fluctuations and the rapid variation in material costs experienced over the past three years. As such, a 10% inflation estimate was added to the figure to account for infrastructure cost variability overtime.

FIGURE 1.6: PROJECTED IMPROVEMENTS BY PARK TYPE

		Neighborhood	Community
A	Pavilion with Restrooms	-	\$650,000 (1)
B	Small Open-Air Shelter	\$35,000 (1)	-
C	Playground	\$150,000 (Small)	\$300,000 (Large)
D	Seating/Picnic/Rest Area	\$5,000 (Small)	\$15,000 (Large)
E	Little League Baseball Field		\$200,000 (1)
F	Sport Court (Basketball, Pickleball, or Tennis without lights)	\$100,000 (2)	\$300,000 (6)
G	Full Sized Soccer/Play Field (without lights)	\$100,000 (1)	\$400,000 (4)
H	Sidewalks and Bike/Walking Path	\$100,000 (1)	\$300,000 (1)
I	Signage	\$5,000 (1)	\$15,000 (1)
J	Miscellaneous Landscaping and Lighting	\$20,000 (1)	\$50,000 (1)
K	Site Work	\$75,000	\$300,000
L	Parking Lot	\$24,000 (12 stalls)	\$96,000 (48 stalls)
M	<b>Total Cost of Facilities (Sum of Row A-L)</b>	<b>\$614,000</b>	<b>\$2,626,000</b>
N	<b>Typical Park Size (Based on NRPA Standards)</b>	<b>5 acres</b>	<b>20 acres</b>
O	<b>Total Facilities Costs per Acre (Row M/Row N)</b>	<b>\$122,800</b>	<b>\$131,300</b>
P	<b>Prioritized Development of Each Park Type (Assumed Equal Priority)</b>	<b>50%</b>	<b>50%</b>
Q	<b>Average Improvement Cost Per Acre (Row O*Row P)</b>	<b>\$127,050</b>	
R	<b>Average Improvement Cost Per Acre Plus 10% Inflation</b>	<b>\$139,755</b>	

Source: V&A, 2023

Figure 1.7 combines the projected park improvement costs (above) with the community's projected population and households to calculate a projected improvement cost per dwelling unit type.

FIGURE 1.7: PROJECTED RECREATION FACILITIES FEE

Calculation	Value
A Projected Additional Population in 2033 (Figure 1.4)	531
B Projected Additional Dwelling Units in 2033 (Figure 1.4)	238
C Calculated Additional Acres Needed (Figure 1.4)	4.2
D Average Park Improvement Cost per Acre Estimate (Figure 1.6)	\$139,755
E Projected Cost of Improvements (Row C*Row D)	\$589,971
F <b>Calculated Improvement Cost per Single-Family or Two-Family Dwelling Unit (Row E/Row B)</b>	<b>\$2,466</b>
G <b>Calculated Improvement Cost per Multi-Family Dwelling Unit (Row E/Row B*75%)</b>	<b>\$1,850</b>
H <b>Calculated Improvement Cost per Senior Dwelling Unit (Row E/Row B*40%)</b>	<b>\$987</b>

Potential additional costs associated with developing a new park also include road and utility improvements. Figure 1.8 illustrates those costs. However, these costs have not been included within this analysis to calculate park improvement costs. This methodology was used because road and utility infrastructure could be installed by the developer, another City source beyond park impact fees, or some combination thereof. Additionally, a new park could be configured in a variety of ways in which these costs may not be directly applicable to the development of the park itself. Due to these unknown variables, the road and utility costs are provided as reference to another potential park development cost that should be recognized as part of this analysis, but was not utilized in the calculated impact fees throughout this document.

FIGURE 1.8: ROAD AND UTILITIES IMPROVEMENTS CALCULATION

Calculation		Neighborhood	Community
A	Typical Park Size (Based on NRPA Standards) in Acres	5	20
B	Typical Park Size in Square Feet (Row A*43,560)	217,800	871,200
C	Conceptual Road Frontage on Two Sides in Linear Feet ( $\sqrt{\text{Row B} \times 2}$ )	933	1,867
D	Road and Utilities Improvement Cost per Linear Foot	\$750	\$750
E	Parkland Portion (Half) of Road and Utilities Improvement Cost per Linear Foot	\$375	\$375
F	Road and Utilities Improvement Cost for Typical Park (Row E*Row C)	\$350,018	\$700,036
G	Road and Utilities Improvement Cost per Acre for Typical Park (Row F/Row A)	\$70,004	\$35,002

Source: V&A, 2023

## SECTION 6: TOTAL IDENTIFIED MAXIMUM IMPACT FEES

The purpose of this analysis is to provide a methodology for how impact fees are calculated. Impact fees are not imposed upon existing residents and are only required for new construction of housing units in the City. In instances where development has dedicated lands, it will only be necessary to collect the improvement costs. However, where land dedication does not take place, the total identified impact fee should be imposed.

FIGURE 1.9 SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT TOTAL IDENTIFIED IMPACT FEES

Per Dwelling Unit	
Identified Maximum Land Dedication (Figure 1.4)	769 square feet
Identified Maximum Fee in Lieu of Land (Figure 1.4)	\$741
Identified Maximum Improvement Fee (Figure 1.7)	\$2,466
<b>Total Identified Maximum Impact Fee (Fee in Lieu of Land + Improvement Fee)</b>	<b>\$3,207</b>

FIGURE 1.10 MULTI-FAMILY DEVELOPMENT TOTAL IDENTIFIED IMPACT FEES

Per Dwelling Unit	
Identified Maximum Land Dedication (75% of Figure 1.4)	577 square feet
Identified Maximum Fee in Lieu of Land (75% of Figure 1.4)	\$556
Identified Maximum Improvement Fee (75% of Figure 1.7)	\$1,850
<b>Total Identified Maximum Impact Fee (Fee in Lieu of Land + Improvement Fee)</b>	<b>\$2,406</b>

FIGURE 1.11 SENIOR RESIDENTIAL DEVELOPMENT TOTAL IDENTIFIED IMPACT FEES

Per Dwelling Unit	
Identified Maximum Land Dedication (40% of Figure 1.4)	307 square feet
Identified Maximum Fee in Lieu of Land (40% of Figure 1.4)	\$296
Identified Maximum Improvement Fee (40% of Figure 1.7)	\$987
<b>Total Identified Maximum Impact Fee (Fee in Lieu of Land + Improvement Fee)</b>	<b>\$1,283</b>

## SECTION 7: RECOMMENDED IMPACT FEE

The City of Fort Atkinson recognizes that the models used in Section 4, 5, and 6 provide the maximum for which park impact fees may be established. However, in further analyzing the projected parkland provided today by the City and what will be needed over the next decade to reflect the adopted Comprehensive Outdoor Recreation Plan, a modified calculation has been produced. This recommended calculation and park impact fee more accurately represent the future needs of the community based on projected population increase, development potential, and the anticipated need of one new Neighborhood Park during that time period. The fees as illustrated shall be used as part of fee schedule for the City of Fort Atkinson.

FIGURE 1.12: PROJECTED IMPROVEMENTS BY PARK TYPE

		Neighborhood
A	Playground	\$150,000 (Small)
B	Seating/Picnic/Rest Area	\$5,000 (Small)
C	Sidewalks and Bike/Walking Path	\$50,000
D	Signage	\$5,000
E	Miscellaneous Landscaping and Lighting	\$20,000
F	Site Work	\$30,000
G	<b>Total Cost of Facilities (Sum of Row A-F)</b>	<b>\$260,000</b>
H	<b>Typical Park Size (Based on NRPA Standards)</b>	<b>5 acres</b>
I	Total Facilities Costs per Acre (Row G/Row H)	\$52,000
J	<b>Average Improvement Cost Per Acre Plus 10% Inflation</b>	<b>\$57,200</b>

Source: V&A, 2023

FIGURE 1.13: PROJECTED RECREATION FACILITIES FEE

Calculation		Value
A	Projected Additional Population in 2033 (Figure 1.4)	531
B	Projected Additional Dwelling Units in 2033 (Figure 1.4)	238
C	Calculated Additional Acres Needed (Figure 1.4)	4.2
D	Average Park Improvement Cost per Acre Estimate (Figure 1.12)	\$57,200
E	Projected Cost of Improvements (Row C*Row D)	\$240,240
F	<b>Calculated Improvement Cost per Single-Family or Two-Family Dwelling Unit (Row E/Row B)</b>	<b>\$1,009</b>
G	<b>Calculated Improvement Cost per Multi-Family Dwelling Unit (Row E/Row B*75%)</b>	<b>\$757</b>
H	<b>Calculated Improvement Cost per Senior Dwelling Unit (Row E/Row B*40%)</b>	<b>\$404</b>

FIGURE 1.14 SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT TOTAL RECOMMENDED IMPACT FEES

Per Dwelling Unit	
Recommended Land Dedication (Figure 1.4)	769 square feet
Recommended Fee in Lieu of Land (Figure 1.4)	\$741
Recommended Improvement Fee (Figure 1.12)	\$1,009
<b>Total Recommended Impact Fee (Fee in Lieu of Land + Improvement Fee)</b>	<b>\$1,750</b>

FIGURE 1.15 MULTI-FAMILY DEVELOPMENT TOTAL RECOMMENDED IMPACT FEES

Per Dwelling Unit	
Recommended Land Dedication (75% of Figure 1.4)	577 square feet
Recommended Fee in Lieu of Land (75% of Figure 1.4)	\$556
Recommended Improvement Fee (75% of Figure 1.12)	\$757
<b>Total Recommended Impact Fee (Fee in Lieu of Land + Improvement Fee)</b>	<b>\$1,313</b>

FIGURE 1.16 SENIOR RESIDENTIAL DEVELOPMENT TOTAL RECOMMENDED IMPACT FEES

	Per Dwelling Unit
Recommended Land Dedication (40% of Figure 1.4)	307 square feet
Recommended Fee in Lieu of Land (40% of Figure 1.4)	\$296
Recommended Improvement Fee (40% of Figure 1.12)	\$404
<b>Total Recommended Impact Fee (Fee in Lieu of Land + Improvement Fee)</b>	<b>\$700</b>

## SECTION 8: IMPACT ON HOUSING COSTS

Wisconsin Statutes 66.0617(4)(a)(3) requires estimating the effect of imposing park impact fees on housing costs within the municipality. The following assumptions were made in this analysis:

- Costs of the monthly mortgage payment are no more than 30 percent of a household's gross income
- Homeowners borrow no more than 3 times the City of Fort Atkinson's median household income for a home mortgage (which in 2021 was \$67,163 according to 2017-2021 U.S. Census American Community Survey data)
- Homeowners would make a minimum down payment of 5 percent of the total home cost
- A new developer would mortgage the new multi-family development for 30 years and spread the costs over that time period onto residents

The median value of an owner-occupied housing unit with a mortgage in Fort Atkinson in 2021 was \$171,300 (according to 2017-2021 U.S. Census American Community Survey data). This would equate to an approximate \$920 monthly mortgage payment. Additionally, according to U.S. HUD data for 2022 (Figure 1.17), the median family income in Jefferson County was \$95,900, which is approximately a median affordable home price of \$287,700 (3 times median family income). A \$287,700 mortgage would cost approximately \$1,544 a month in payments.

Using the City of Fort Atkinson's median household income in 2021 (\$67,136), if someone is spending 3 times that income for a home mortgage, and making a 5 percent down payment, then a median house in Fort Atkinson costs approximately \$211,563. This would equate to a typical monthly mortgage payment of \$1,082.

Fees for parkland acquisition and park improvements impact housing costs. When adding the recommended park impact fee of \$1,750 for single-family and two-family units (Figure 1.14), the mortgage amount would increase to \$213,313. Assuming the same 30-year mortgage at an interest rate of 5 percent, the monthly mortgage payment would increase to \$1,145 per month. This increase in monthly mortgage payments due to the imposition of the identified park impact fee is \$63 per month.

The median monthly rent in Fort Atkinson in 2021 is \$904 (2017-2021 U.S. Census American Community Survey). The median income for renter-occupied households in the City of Fort Atkinson is \$34,956 in (2017-2021 U.S. Census American Community Survey). For a renter spending less than 30% of their income on rent, the median "affordable" rent for a renter-occupied household is \$874. This equates to a \$30 existing gap between the median rent and median affordable rent in Fort Atkinson.

Fees for parkland acquisition and park improvements also impact rental costs. The recommended park impact fee is \$1,313 for multi-family units (Figure 1.15). When assuming a developer would mortgage the new multi-family development for 30 years and spread the costs over that time period onto residents, the monthly increase to rent equals \$4 per month, increasing the rent to \$908 per month.

Therefore, using the assumptions for median owner- and renter-occupied housing units in the City of Fort Atkinson, park fees would have some impact on the cost of housing.

FIGURE 1.17 MEDIAN FAMILY INCOMES AND AFFORDABLE HOME PRICES, JEFFERSON COUNTY

Jefferson County					
Median Family Area Income (AMI)	\$95,900				
Median Affordable Home Price	\$287,700				
Incomes	Persons Per Household				
	1	2	3	4	5
Low Income (80% of AMI)	\$52,300	\$59,750	\$67,200	\$74,650	\$80,650
Very Low Income (50% of AMI)	\$32,700	\$37,350	\$42,000	\$46,650	\$50,400
Extremely Low Income (30% of AMI)	\$19,600	\$22,400	\$2,500	\$30,000	\$35,140
Affordable Home Prices	1	2	3	4	5
Low Income (80% of AMI)	\$156,900	\$179,250	\$201,600	\$223,950	\$241,950
Very Low Income (50% of AMI)	\$98,100	\$112,050	\$126,000	\$139,950	\$151,200
Extremely Low Income (30% of AMI)	\$58,800	\$67,200	\$7,500	\$90,000	\$105,420

Source: U.S. HUD, 2023. Affordable home prices use an annual income multiplier of 3 (best practice debt to income ratio).

## SECTION 9: APPENDIX

As shown below, parkland dedication, fee in lieu of parkland dedication, and park impact/improvement fees are common amongst communities across Wisconsin and in Jefferson, Dodge, Dane, Walworth, and Waukesha counties. These figures vary by municipality, but the table below provides a summary of comparable communities in the region and the approach each takes.

FIGURE 1.18 NEIGHBORING COMMUNITY COMPARISON

Municipality	2022 Population	Existing Parkland Dedication	Existing Fee In Lieu of Parkland Dedication	Existing Park Impact or Improvement Fee
City of Fort Atkinson	12,583	<ul style="list-style-type: none"> <li>1,000 SF per single-family or duplex unit</li> <li>750 per multi-family unit</li> <li>4% of total acreage for commercial or industrial property</li> </ul>	<ul style="list-style-type: none"> <li>\$1,600/unit or 8% of raw land value</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
City of Beaver Dam	16,727	<ul style="list-style-type: none"> <li>5% of land area</li> </ul>	<ul style="list-style-type: none"> <li>\$250 per R1 lot, R2 unit, or three-bedroom multifamily unit</li> <li>\$200 per two-bedroom multifamily unit</li> <li>\$100 per one bedroom/efficiency multifamily unit</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
City of Cambridge	1,708	<ul style="list-style-type: none"> <li>1,423 SF per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$733 per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$791 per unit</li> </ul>
City of Columbus	5,530	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
City of Edgerton	5,997	<ul style="list-style-type: none"> <li>1,437 SF per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$1,040 per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$2,693 per unit</li> </ul>
City of Elkhorn	10,317	<ul style="list-style-type: none"> <li>1,045 SF per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$535 per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$874 per single-family unit</li> <li>\$681 per multi-family unit</li> </ul>
City of Jefferson	7,747	<ul style="list-style-type: none"> <li>2,000 SF per unit, or a minimum of 2 acres in total</li> </ul>	<ul style="list-style-type: none"> <li>Based on a contribution equivalent to the land requirement</li> </ul>	<ul style="list-style-type: none"> <li>\$600 per institutional residential unit</li> <li>\$1,000 per all other dwelling units</li> </ul>
Village of Johnson Creek	3,402	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>\$1,152 per unit</li> </ul>
City of Lake Mills	6,452	<ul style="list-style-type: none"> <li>1,740 SF per unit</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
City of Milton	5,710	<ul style="list-style-type: none"> <li>5% of land area</li> </ul>	<ul style="list-style-type: none"> <li>3% equalized value of all land, less any land dedicated for parks</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
Village of Mukwonago	8,384	<ul style="list-style-type: none"> <li>3,049 SF per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$942 per unit</li> </ul>	<ul style="list-style-type: none"> <li>\$600 per 1-bedroom unit</li> <li>\$900 per 2-bedroom unit</li> <li>\$1,200 per 3+ bedroom and single-family unit</li> </ul>

City of Stoughton	13,204	<ul style="list-style-type: none"> <li>• 1,468 SF per single family unit</li> <li>• 1,019 SF per two-family or multifamily unit</li> <li>• 528 SF per dwelling unit in group quarters</li> </ul>	<ul style="list-style-type: none"> <li>• \$2,674 per single family unit</li> <li>• \$1,838 per two-family or multifamily unit</li> <li>• \$952 per group quarters unit</li> </ul>	<ul style="list-style-type: none"> <li>• \$6,477 per single family unit</li> <li>• \$4,497 per two-family or multi-family unit</li> <li>• \$2,330 per group quarter unit</li> </ul>
City of Watertown	14,758	<ul style="list-style-type: none"> <li>• 1,296 SF per residential unit</li> <li>• 518 SF per institutional unit</li> </ul>	<ul style="list-style-type: none"> <li>• \$641 per unit</li> <li>• \$256 per institutional unit</li> </ul>	<ul style="list-style-type: none"> <li>• \$1,264 per unit</li> <li>• \$506 per institutional unit</li> </ul>
Village of Waunakee	15,426	<ul style="list-style-type: none"> <li>• Land equal to ten percent of the total area proposed to be subdivided.</li> </ul>	<ul style="list-style-type: none"> <li>• \$475 per single-family unit</li> <li>• \$315 per duplex or multi-family unit</li> </ul>	<ul style="list-style-type: none"> <li>• \$2,755.36 per single-family unit</li> <li>• \$1,873.64 per multi-family unit</li> </ul>
City of Whitewater	4,200	<ul style="list-style-type: none"> <li>• 1,047 SF per unit</li> </ul>	<ul style="list-style-type: none"> <li>• \$218 per unit (annually adjusted for inflation with a base year of 2002)</li> </ul>	<ul style="list-style-type: none"> <li>• \$514 per unit (annually adjusted for inflation with a base year of 2002)</li> </ul>
<b>Average of Comparable Communities*</b>		<ul style="list-style-type: none"> <li>• <b>1,612 SF per unit*</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>\$834 per unit*</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>\$1,872 per unit*</b></li> </ul>
<b>City of Fort Atkinson Recommended Approach</b>		<ul style="list-style-type: none"> <li>• <b>769 SF per single-family or two-family unit</b></li> <li>• <b>577 SF per multi-family unit</b></li> <li>• <b>307 SF per senior unit</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>\$741 per single-family or two-family unit</b></li> <li>• <b>\$556 per multi-family unit</b></li> <li>• <b>\$296 per senior unit</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>\$1,009 per single-family or two-family unit</b></li> <li>• <b>\$757 per multi-family unit</b></li> <li>• <b>\$404 per senior unit</b></li> </ul>

\*Only the highest figure per community for each category was used to calculate averages. The City of Fort Atkinson's existing land dedication and fee in lieu of land dedication was not included in this analysis. Additionally, any community that does not impose a particular fee or land dedication requirement is not included in this analysis.

## **DRAFT City of Fort Atkinson Land Division Ordinance Amendments**

### **Document Key:**

- Existing text in black
- Proposed new text in red underline

### **Section 70.04.03: Dedication or Reservation of Park and Public Lands**

- (1) Dedication Requirement. Each developer shall be required to dedicate land or pay fees in lieu of land for park or other public uses (see Section 70.04.04). This requirement ensures that adequate open spaces and sites for public uses may be properly located and reserved. The cost of providing public areas, such as but not limited to, parks, open space and future public uses are equitably apportioned on the basis of additional need created by the development. The location of such land to be dedicated shall be determined by the Plan Commission at the time of Preliminary Plat, Condominium Plat, or initial Certified Survey Map or development review. Where the dedication is not compatible with the ~~C~~omprehensive ~~P~~lan, ~~O~~fficial ~~M~~ap, Comprehensive Outdoor Recreation Plan, or for other reasons is not feasible as determined by the Plan Commission, and as approved by the City Council, the developer shall, in lieu thereof, pay to the City a fee as established by Section 70.04.04 herein and the City's Fee Schedule, or a combination thereof. Artificial drainageways, detention basins, and areas reserved for streets shall not be considered as satisfying land dedication requirements. Naturally occurring drainageways, floodplains, and wetlands are desirable open space lands and, if appropriate, may be included in dedicated or reserved lands, but these lands may not count for more than 25% of the required total.
- (2) General Design. In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, trails, open spaces, and other public purposes. Such sites are to be shown on the Preliminary Plat, Final Plat, CSM, or Condominium Plat and shall comply with the Comprehensive Plan, or component of said Plan, Comprehensive Outdoor Recreation Plan, or ~~e~~Official ~~m~~Map. Consideration shall be given to the preservation of scenic and historic sites, and blending open space, trails, and recreational areas with existing natural features such as stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, floodplain, and plant and animal communities.
- (3) Site Reservations Required.
  - (a) Where the area proposed to be divided contains a park, playground, trail, open space or other public area which is shown upon the ~~C~~omprehensive ~~P~~lan, Comprehensive Outdoor Recreation Plan, or ~~O~~fficial ~~M~~ap of the City of Fort Atkinson is greater in area than required for dedication based on subsection (4) below, shall be dedicated to the proper public agency, or shall be reserved for acquisition through agreement or purchase, within a two-year period, unless extended by mutual agreement. If the land is not acquired

during this period, it shall be released to the subdivider.

- (b) Land dedication options include:
    - 1. Reservation or dedication to the City, County, or State.
    - 2. Donation to a nonprofit conservation organization.
    - 3. Conservation easement.
  - (c) Open Space Preservation by deed restriction or restrictive covenant. Common open space to be preserved in perpetuity that is not dedicated, reserved, donated, or placed in an easement shall be protected by providing a deed restriction or restrictive covenant recorded with the Jefferson County Register of Deeds that prohibits any land division or development of said open space, except limited recreational amenities as approved by the agency or organization having jurisdiction.
  - (d) Whenever a surface drainage course (unless exempted by the City Engineer), river, or stream is located in the area being divided, the developer shall provide a conservation easement along each side of the river, stream, or drainage course for the purpose of protecting the river, stream, or drainage course. The width shall be equal to the estimated 25-year flood event boundary.
- (4) Minimum Dedication. The developer shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision, condominium or comprehensive development in accordance with the Needs Assessment. ~~The minimum dedication shall be:~~
- (a) Needs Assessment. For the purposes of the Dedication or Reservation of Park and Public Lands or the Park Impact Fees imposed under Section 70.04.04, a Parks Needs Assessment has been prepared on a city-wide basis and is available for inspection at the Clerk's Office. The Needs Assessment provides the rationale and basis for the land dedication and impact fees created under this Section and Section 70.04.04.
  - (b) Calculation of Land Dedication
    - 1. The Land Dedication requirements shall be imposed on individual properties based upon the number of dwelling units to be developed on the parcel and, if necessary, the number of dwelling units per multi-family or senior unit. These estimations shall be based on the zoning of the parcel and any further binding and recorded limitations on development imposed on the parcel.
    - 2. Land Dedication. The Land Dedication shall be made in accordance with this Section and the Needs Assessment in the amount as specified in the City's Fee Schedule.
  - ~~(a) — One thousand (1,000) square feet per residential unit for all single-family lot and duplex development;~~
  - ~~(b) — Seven hundred fifty (750) square feet per residential unit for all other multi-family dwelling units;~~
  - ~~(c) — Four percent (4%) of the total acreage intended for commercial or industrial purposes;~~

- (~~ce~~) Combination of Residential Uses. Where a combination of residential ~~and/or commercial~~ uses is intended, the minimum dedication shall be the sum obtained by adding the dedication requirements for each intended use. Where a definite commitment is made to the City by the developer with respect to those portions of the total acreage intended for single-family, ~~two-family duplex~~, multifamily, ~~and senior and commercial~~ development, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.
  - (~~de~~) Unknown Number of Dwelling Units. Where the plat, certified survey map, or condominium plat does not specify the number of residential dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the City Zoning Ordinance.
  - (~~ef~~) In no case shall an area of less than one acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands to increase its area.
  - (~~fg~~) Limitations: A subdivider shall not be required to dedicate more than one-third (1/3) of the total area of the plat to meet the objectives of this Section.
- (5) Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have unrestricted public access of twenty (20) feet in minimum width with a five-foot walkway and one (1) nine-foot paved entrance. This requirement may be waived by the Plan Commission if there is no need for a paved entrance or access is available from adjacent public lands or a publicly dedicated trail.
- (6) Deeded to the City. Land dedicated for public purposes shall be deeded to the City at the time the Final Plat, CSM, or Condominium Plat is approved. Land dedication can be accomplished by the Final Plat or CSM, or by separate document. Land dedication must be accomplished by separate document relative to a Condominium Plat. Any special restrictions or provisions shall be noted on the plat, CSM, or separate document.
- (7) Appeals. See Section 70.13.03.

#### **Section 70.04.04 ~~Park Development~~ Fees in Lieu of Land Dedication and Park Improvement Impact Fees.**

- (1) Introduction and Purpose: Pursuant to the authority of Sec. 236.45, Wis. Stats., the local development fees enabling legislation, the purpose of this Section is to establish the mechanism for the imposition of fees in lieu of land dedication as an alternative to or in combination with Section 70.04.03 to finance the capital costs of acquiring public park facilities. The purpose of this Section is also to establish park improvement impact development fees to finance the capital costs of ~~acquiring~~, establishing, upgrading, expanding, and constructing public park facilities which are necessary to accommodate future growth and land development. This Section is intended to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public park facilities within the City and its service areas, as they

are required to serve the needs arising out of land development.

- (2) Definitions. In addition to the definitions provided for in Wis. Stat. § 66.0617(1), as amendment, as applied in this Ordinance, the following words and terms shall be used:
- (a) Development or redevelopment shall mean the construction or modification of improvements to improved or unimproved real property that creates additional residential dwelling units.
- (b) Dwelling unit or residential dwelling unit means one or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for residential use by a single housekeeping unit.
- (3) ~~Use of Park Development Fees~~Impact Fees. In response to new and future development and population generating demands for new City parks and park infrastructure, the City Council hereby establishes Park Impact Fees city-wide as the mechanism to equitably require all developments to pay for the costs that are necessary to accommodate the development. The Park Impact Fees shall include both a Fee in Lieu of Land Dedication and Park Improvement Impact Fee. Funds collected from Park Impact Fees shall be used solely for the purpose of paying the proportionate costs to provide land for public parks and improvements of land for public parks that become necessary due to land development.
- (a) The Fee In Lieu of Land Dedication shall be the mechanism to equitably require all development to pay for public acquisition of land for parks to accommodate development. This fee is an alternative to or in combination with the Dedication or Reservation of Park and Public Lands as described in Section 70.04.03. Where, at the sole discretion of the Plan Commission, there is no land suitable for parks, open space or trails within the proposed land division or the dedication of land would not be compatible with the City's Comprehensive Plan, Comprehensive Outdoor Recreation Plan, or Official Map, the minimum size under Section 70.04.03(4) cannot be met, or the Plan Commission determines that a cash contribution would better serve the public interest, the Plan Commission shall require the subdivider to contribute a fee in lieu of land dedication.
- (b) The Park Improvement Impact Fee shall be the mechanism to equitably require all development to pay for necessary infrastructure in City parks to accommodate the development.

~~Funds collected from park development fees shall be used solely for the purpose of paying the proportionate costs to provide public parks that become necessary due to land development.~~

- (3) ~~Park Development Fee in Lieu of Land Dedication: Where, at the sole discretion of the Plan Commission, there is no land suitable for parks, open space or trails within the proposed land division or the dedication of land would not be compatible with the City's comprehensive plan or official map, the minimum size under Section 70.04.03(4) cannot be met, or the Plan Commission determines that a cash contribution would better serve the public interest, the Plan Commission shall require the subdivider to contribute a Park and Recreation Development Fee in lieu of land.~~

~~The fee shall be established by resolution by the City Council. Residential fees shall be determined by residential unit and Commercial/Industrial fees shall be determined by acreage.~~

- (4) Time of Payment. Park ~~Impact-Development~~ Fees shall be payable by the developer or property owner to the City in full upon the issuance of a building permit for a residence by the municipality, except where Section 66.0617(6)(g) of the Wisconsin Statutes applies.
- (5) Park Fund for Fees Collection: Funds paid to the City under ~~this Section the payment of fees in lieu of land dedication provisions~~ are to be placed in a separate account designated for park and public land acquisition and improvement. Said account shall be a continuing account and shall not lapse at the end of a budget period.
- (6) Needs Assessment. For the purposes of the Park Impact Fees imposed under this Section and Dedication or Reservation of Park and Public Lands under Section 70.04.03, a Parks Needs Assessment has been prepared on a city-wide basis and is available for inspection at the Clerk's Office. The Needs Assessment provides the rationale and basis for the impact fees and land dedication created under this Section and Section 70.04.03.

(7) Calculation of Impact Fees

- (a) The Park Impact Fees shall be imposed on individual properties based upon the number of dwelling units to be developed on the parcel and, if necessary, the number of dwelling units per multi-family and senior unit. These estimations shall be based on the zoning of the parcel and any further binding and recorded limitations on development imposed on the parcel.
- (b) Fee In Lieu of Land Dedication. The Fee In Lieu of Land Dedication shall be made in accordance with this Section and the Needs Assessment in the amount as specified in the City's Fee Schedule.
  - 1. In the event that the City collects the entirety of the land dedication requirement per Section 70.04.03, there is no additional fee in lieu of land dedication requirement.
  - 2. In the event that the City imposes only a portion of the land dedication requirement per Section 70.04.03 and such land does not fulfill the entirety of the land dedication requirement, a fee in lieu of land dedication shall be paid by the developer for the balance of the requirements as specified in Section 70.04.03. The fee, in such cases, shall be determined by subtracting the credited value of the dedicated land from the total fee which would have been imposed had no land been dedicated by the developer.
  - 3. In the event that the City does not impose a land dedication requirement per Section 70.04.03, a fee in lieu of land dedication shall be paid by the developer to meet all requirements as specified in Section 70.04.03.
- (c) Park Improvement Fee. The Park Improvement Fee shall be made in accordance with this Section and the Needs Assessment in the amount as specified in the City's Fee Schedule.

~~The Park Commission may, in its sole discretion, permit the subdivider to satisfy the~~

~~requirements of this Article by combining a land dedication with a fee payment. For example, if a land dedication of twenty five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventy five percent (75%) of the required per unit fee in lieu of land. If a land dedication of fifty percent (50%) of the required dedication is made, the subdivider shall also contribute an amount equal to fifty percent (50%) of the required per unit fee in lieu of land. If a land dedication of seventy five percent (75%) of the required dedication is made, the subdivider shall also contribute an amount equal to twenty five percent (25%) of the required per unit fee in lieu of land.~~

- ~~(87)~~ Exemptions. Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created, at the time of the building permit issuance for the new dwelling unit.
- ~~(98)~~ Development of Parks and Public Land. The improvement requirements for developing parks and public land are specified in Section 70.11.09.
- ~~(10)~~ Appeals. See Section 70.13.03.
- ~~(11)~~ Refunds. Any funds subject to a refund may be obtained upon application of the then-current owner of record, who shall be entitled to return of the original Park Impact Fee paid. The owner of record must submit a written application for a refund to the City Clerk within 180 days after the expiration of the applicable statutory time as prescribed in Wis. Stat. § 66.0617(9).
- ~~(12)~~ Deferral. If the total amount of impact fees due for a development shall be more than \$75,000, a developer may defer payment of the impact fees for a period of four years from the date of issuing the building permit or until six months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this subsection (12), the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality.
- ~~(13)~~ Accounting. At the time the municipality collects an impact fee, it shall provide the developer from which it received the fee an accounting of how the fee will be spent. The City Council shall place any fee collected pursuant to the provisions of Subsection (7)(b) in a separate interest-bearing, segregated fund to be used for land acquisition of adequate park, playground, recreation, athletic fields, and open space. The City Council shall place any fee collected pursuant to the provisions of this Subsection (7)(c) in a separate, interest-bearing, segregated fund to be used for recreation facilities improvements. The collected fees shall be utilized to construct park facilities for the plat, survey, or development.

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

**AN ORDINANCE  
TO AMEND THE CITY OF FORT ATKINSON LAND DIVISION CODE, CHAPTER 70 OF GENERAL  
ORDINANCES, RELATING TO PARK IMPACT FEES**

**WHEREAS**, the City Council of the City of Fort Atkinson, Wisconsin, does ordain as follows:

**WHEREAS**, the City has completed the 2023 Park Impact Fee Needs Assessment as required in Wisconsin State Statutes 66.0617; and

**WHEREAS**, based on said 2023 Park Impact Fee Needs Assessment, the City has determined amendments are needed to the City's Park Impact Fees under Sections 70.04.03 and 70.04.04 of the City of Fort Atkinson Chapter 70, Land Division Code; and

**WHEREAS**, the City has followed all required steps of Wisconsin State Statutes Section 66.0617 in the establishment of updated and new Park Impact Fees; and

**WHEREAS**, a Public Hearing was properly noticed in accordance with Wisconsin State Statutes and held on October 3, 2023 for the purpose of hearing citizen comments on the proposed amendments to the Land Division Ordinance and the 2023 Park Impact Fee Needs Assessment; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Atkinson approves the attached amendments as shown in Exhibit A herein to Chapter 70 of the City of Fort Atkinson Land Division Code, Sections 70.04.03 and 70.04.04 to update and enact Park Impact Fees based on the 2023 Park Impact Fee Needs Assessment.

**FURTHERMORE**, be is also resolved that this ordinance shall take effect as of January 1, 2024.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Fort Atkinson City Council**

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**Bruce Johnson, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director



## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Jedidiah Draeger, Building Inspector/Zoning Administrator

**RE:** 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**; an Ordinance to amend Section 94-432 of the Municipal Code relating to **vehicle and trailer parking**; and an Ordinance to repeal Section 94-434 relating to **taxicab parking**

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### BACKGROUND

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.

### RECOMMENDATION

The City Council had a first reading of the proposed amendments to Sections 94-432 and 94-434 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 relating to vehicle and trailer parking; surface standards; and taxi parking on September 19, 2023. A second reading of all ordinances was completed on October 3<sup>rd</sup>.

Staff recommends that the City Council provide a third reading of each of the attached ordinances and adopt them. Each ordinance amendment (3) requires a separate action by the City Council.

**ATTACHMENTS**

PC Staff Report Packet; Section 15.06.06 Parking Ordinance Amendments REDLINE; Section 15.06.06 Parking Ordinance Amendments FINAL; Section 94.432 Trailer Parking REDLINE; Section 94.432 Trailer Parking FINAL; Section 94.434 Repeal Taxi Parking REDLINE; and Section 94.434 Repeal Taxi Parking FINAL



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

## ZONING TEXT AMENDMENTS REPORT TO THE PLAN COMMISSION

**DATE:** September 12, 2023

**FILE NUMBER:** ZTA-2023-02

**PROPERTY ADDRESSES:** Not Applicable

**EXISTING ZONING:** Not Applicable

**PARCEL NUMBER:** Not Applicable

**PROPOSED ZONING:** Not Applicable

**OWNER:** Not Applicable

**EXISTING LAND USE:** Not Applicable

**APPLICANT:** City of Fort Atkinson

**REQUESTED USES:** Not Applicable

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### BACKGROUND ON ZONING TEXT AMENDMENT REVIEW:

The City of Fort Atkinson Zoning Ordinance Section 15.10.30 outlines the process for Zoning Text Amendments that reflects Wisconsin State Statutes Section 62.23(7)(d). Initiation of the request for amendments can come from a member of the public, Plan Commission, City Council, or City staff. This process requires an application (the proposed amendments), a public hearing before the Plan Commission, and action by both the Plan Commission and City Council.

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### REQUEST OVERVIEW:

The City completed a full Zoning Ordinance rewrite in 2020. Since that time, City staff have been applying the new ordinance to all relevant projects and processes. City staff believes that the ordinance is working well in accomplishing many of the community's goals, implementing the Comprehensive Plan, and providing the direction, guidance, and procedural steps needed in response to individual applications. However, similar to any plan or ordinance, overtime there are minor tweaks needed.

City staff has prepared the attached summary of 5 proposed Zoning Text Amendments and 1 proposed Amendment to Section 94-432 Parking restrictions. The proposed amendments address a few different sections of our ordinances with an overall theme of on and off-street parking. The proposed amendments do make some minor policy changes regarding Home Occupations regarding on street parking, however there are other proposed amendments that are relaxed to help accommodate those changes.

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### COMPREHENSIVE PLAN CONSISTENCY REVIEW:

Any proposed zoning amendment must be consistent with the City's Comprehensive Plan. The plan recommends a full rewrite of the City's Zoning Ordinance and Land Division Ordinance, which were completed in 2020 and 2022. Additionally, several specific recommendations for individual land use categories call for detailed plans associated with new development. Finally, the plan recommends

that the zoning ordinance be consistently applied in relationship to the plan's goals, recommendations, and policies. City staff believes that the proposed Zoning Text Amendments are in concert with the City's Comprehensive Plan.

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**PUBLIC NOTICE:**

A public hearing is required for Zoning Text Amendment review and action. All required public hearing notices have been properly posted in compliance with state law.

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**DISCUSSION:**

As City staff have worked with the new 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 proposed Zoning Amendments are a result of the collaboration of multiple city departments, residents, and other members of the community. The focus of the amendments is to address concerns regarding on-street trailer and commercial equipment parking. The proposed amendments do further restrict the on-street parking of trailers and equipment. However, the proposed amendments also relax off-street parking of trailers and equipment to accommodate those changes. The City's Management Team has reviewed the application and all comments have been included within this document.

Overall, the proposed amendments will improve the application of the ordinance and reflect consistency with adopted plans and community goals.

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**RECOMMENDATION:**

City staff recommends approval of the 5 proposed Zoning Text Amendments and 1 Chapter 94 – Traffic and Vehicles Text Amendment as outlined in the attached summary subject to the following conditions:

- Any other recommendations of City staff, the Plan Commission, and City Council.

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**ATTACHMENTS:**

- City of Fort Atkinson Proposed Zoning Ordinance Amendments

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

**AN ORDINANCE TO AMEND THE CITY OF FORT ATKINSON ZONING CODE,  
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES,  
RELATING TO HOME OCCUPATIONS AND OFF STREET PARKING STANDARDS**

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

**Section 1.** Section 15.03.28(4)(i) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

- (4) Home Occupation: Economic activities performed within a residential dwelling unit. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are limited to low intensity businesses and businesses with limited overlap of customer visits.

Regulations:

- (a) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.
- (b) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.
- (c) No more than two clients shall be seen at any given time.
- (d) No Home Occupations shall have outside employees or clients between the hours of 8:00 p.m. and 8:00 a.m.
- (e) There shall be no exterior evidence of the Home Occupation and no exterior alterations which change the character of the structure as a single-family dwelling unit.
- (f) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
- (g) There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical

interference, traffic congestion, or other nuisances resulting from the Home Occupation.

(h) The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(i) No vehicle larger than one-ton capacity truck or van that is used in conjunction with a home occupation shall be stored on the premises ~~or parked on adjacent residential streets.~~ This prohibition shall also include specialized mobile equipment. ~~Trailers will be allowed to park on the residential street provided that a home occupation permit is approved, the trailer is registered, and a fee paid, and the trailer is safely parked adjacent to the permitted property.~~ Vehicles and/or trailers permitted in conjunction with a Home Occupation Permit must be parked on private property in a legal parking space per Sections 15.06.03 and 15.06.06 and must not encroach on the number of off-street parking spaces required in Figure 15.06.06(a).

(j) No mechanical equipment or machinery shall be used other than is usually, customary, and incidental to the residence for domestic or hobby purposes.

(k) The percentage of the gross finished floor area that may be devoted to the Home Occupation(s) shall not exceed 20 percent of the principal structure, or 300 square feet, whichever is less.

(l) Home Occupations shall be carried out only by members of the immediate family residing on the premises and one non-resident employee.

(m) No structural alterations or construction involving features not customarily found in dwellings are allowed.

(n) The Home Occupation shall not involve manufacturing; processing; the sales or repair of large appliances, vehicles, or motors; commodity or equipment rental; care, grooming, breeding, or keeping of animals; or construction of equipment and machinery. Restaurants, taverns, clubs, amusement or entertainment establishments, or uses that dispatch persons other than the occupant of the residence or equipment from the premises are not permitted Home Occupations.

(o) Items may be sold or offered for sale on the premises if the sale occurs within the enclosed area of the dwelling unit or garage, is related to the business of the home occupation, and in-person sales are only made to by-appointment clients. Online sales are permitted.

(p) Minimum required parking: One space is required if there is a non-resident employee. Employee parking in the driveway is permitted.

(q) Permit Required.

1. The applicant shall submit a completed application and any supporting documentation to the Zoning Administrator.
2. A permit shall not be issued until the Zoning Administrator determines that the proposed Home Occupation complies with the standards as set forth in this ordinance.

(r) Special Permit Provisions.

1. Approvals/permits required by other regulatory bodies such as the Health, Police, or Fire Departments must be submitted prior to the issuance of the Home Occupation permit.
2. A permit for a Home Occupation is issued to an individual person. It is not transferable to any other resident, address, or other occupation. Upon termination of the permit holder's residency, the Home Occupation permit shall be null and void.
3. A permit for a Home Occupation shall be revocable by the Zoning Administrator, due to failure of the owner/operator to observe all requirements of the permit and/or Zoning Ordinance.

**Section 2.** Section 15.06.06(12)(a)3.c.i. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

3. Uncovered Parking Spaces (Not Located in Driveways).

- a. No more than 4 uncovered parking spaces shall be permitted per lot. Where no garage is provided, a shed shall be provided per the requirements of Section 15.03.06(1)(d), Section 15.03.06(2)(e), Section 15.03.06(5)(f), Section 15.03.06(6)(e), and Section 15.03.06(7)(e).
- b. Uncovered parking spaces shall meet principal structure setbacks and shall be screened per Section 15.06.06(9). See Figures 15.06.06d and 15.06.06e.

c. Uncovered parking spaces shall be surfaced in accordance with this Chapter within 365 days of building permit issuance. If not dust-free during the permitted 365 days, a minimum aggregate base of 4 inches is required. Uncovered parking spaces shall follow the surfacing requirements of Section 15.06.06(19).

- i. Paved pads surfaced with concrete, asphalt, and/or gravel may be used for recreation equipment trailer storage and/or residential utility trailer storage in any ~~provided interior side yard~~ or rear yard, provided the pad is not connected to the driveway and is screened from view per the requirements of Section 15.06.06(9).
- ii. Paved pads surfaced with concrete or asphalt are required for any motorized vehicles including passenger vehicles, light trucks, recreational vehicles (RVs), and any recreation equipment not on a trailer.

d. On interior lots, 1 uncovered parking space is permitted alongside a garage provided said space is not located between the building and the street or the building and the rear lot line and provided said space meets the side setbacks for accessory structures and pavement established in Article II. Parking spaces must be screened from view per Section 15.06.06(9). See Figure 15.06.06d.

e. On corner lots, 1 uncovered parking space is permitted alongside the garage provided said space is not located between the building and the street and provided said space meets the side setbacks for accessory structures established in Article II. Parking spaces must be screened from view per Section 15.06.06(9). See Figure 15.06.06e.

**Section 3.** Section 15.06.06(19) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(19) Surfacing.

(a) All off-street parking, loading, and traffic circulation areas outside of the right-of-way shall be graded and surfaced so as to be dust-free and properly drained and shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer. Acceptable pavement types include asphalt (4" minimum) or concrete (4" minimum), except that single and two-family

residentially zoned and used properties may use asphalt that is 3 inches thick outside of the right-of-way. All driveways approaches and parking areas located within the right-of-way shall be surfaced with a minimum thickness of ~~8 inches of base over 4 inches of asphaltic concrete, or~~ 6 inches of base under 6 inches of concrete. Subbase conditions may require the use of geotextiles, drainage, or additional base to ensure longevity of the asphalt or concrete surface course.

(b) The following shall be exempt from these surfacing requirements:

1. Driveways in the RH-35 district shall be exempt except for the first 20 feet of the driveway closest to the right-of-way, which shall be asphalt or concrete.
2. All agricultural land uses (Section 15.03.26).
3. Enclosed and screened outdoor storage areas. When such uses are discontinued, the area(s) shall comply with the surfacing requirements of Subsection (a), above, or shall be returned to vegetative ground cover.

(c) All new and replacement driveway approaches ~~driveway installation and driveway maintenance, including replacement of driveway pavement,~~ shall install the required public sidewalk through the street terrace upon surfacing and follow all requirements in subsection (a) above.

**Section 4.** Section 15.06.06(21)(c) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(21) Limitations on Uses of All Off-Street Parking Areas.

(a) All vehicles shall be in condition for safe and legal performance on public rights-of-way, be registered, and display current license plates.

(b) Under no circumstances shall any vehicle or equipment be used as living quarters, except for approved Campground land uses.

(c) Vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property, unless a ~~H~~home ~~O~~ccupation ~~per~~ Permit has been issued (See Section 15.03.28(4)). On a nonresidential property, such vehicles or equipment shall not be parked or stored outdoors, except in areas identified on an approved site plan for the purpose of heavy vehicle parking or an Outdoor Storage land use. Such vehicles or equipment include but are not limited to:

1. Construction equipment such as bulldozers, backhoes, skid steers, and forklifts
2. Dump and stake body style trucks
3. Cube type vans and trucks, longer than 21 feet
4. Landscaping business equipment such as tractors, tree spades, graders, and scrapers
5. Semi-trailers ~~and tractors~~
6. Concession, vending, and catering trailers
7. Commercial/industrial equipment trailers and lifts
8. Tow trucks, wreckers, or car carriers except for 1 light-duty tow truck (not a roll back, flat bed, or carrier type) with a gross vehicle weight not exceeding 12,000 pounds may be parked on a residential lot when on call, operating under the rotating call list established and kept by the City of Fort Atkinson Police Department
9. Amusement rides and similar vehicles

**Section 5.** Section 15.06.06(22) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(22) Limitations on Uses of Residential Off-Street Parking Areas. In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of passenger vehicles, which shall be regulated as follows:

(a) A maximum of one commercial vehicle per dwelling unit may be parked outdoors on residential property provided that the vehicle is used by a resident of the dwelling unit, has a manufacturer's gross vehicle weight rating of 2810,000 pounds or less, and is less than 21 feet in length.

(b) No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 2810,000 pounds, except recreational vehicles or motor homes are permitted if parked in a paved driveway or other legal off-street parking space.

(c) A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for human

occupation, the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.

**Section 6.** This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Fort Atkinson City Council**

\_\_\_\_\_  
**Bruce Johnson, President**

ATTEST:

\_\_\_\_\_  
Michelle Ebbert, City Clerk/Treasurer/Finance Director

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

**AN ORDINANCE TO AMEND THE CITY OF FORT ATKINSON ZONING CODE,  
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES,  
RELATING TO HOME OCCUPATIONS AND OFF STREET PARKING STANDARDS**

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

**Section 1.** Section 15.03.28(4)(i) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

- (4) Home Occupation: Economic activities performed within a residential dwelling unit. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are limited to low intensity businesses and businesses with limited overlap of customer visits.

Regulations:

- (a) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.
- (b) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.
- (c) No more than two clients shall be seen at any given time.
- (d) No Home Occupations shall have outside employees or clients between the hours of 8:00 p.m. and 8:00 a.m.
- (e) There shall be no exterior evidence of the Home Occupation and no exterior alterations which change the character of the structure as a single-family dwelling unit.
- (f) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
- (g) There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical

interference, traffic congestion, or other nuisances resulting from the Home Occupation.

(h) The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(i) No vehicle larger than one-ton capacity truck or van that is used in conjunction with a home occupation shall be stored on the premises. This prohibition shall also include specialized mobile equipment. Vehicles and/or trailers permitted in conjunction with a Home Occupation Permit must be parked on private property in a legal parking space per Sections 15.06.03 and 15.06.06 and must not encroach on the number of off-street parking spaces required in Figure 15.06.06(a).

(j) No mechanical equipment or machinery shall be used other than is usually, customary, and incidental to the residence for domestic or hobby purposes.

(k) The percentage of the gross finished floor area that may be devoted to the Home Occupation(s) shall not exceed 20 percent of the principal structure, or 300 square feet, whichever is less.

(l) Home Occupations shall be carried out only by members of the immediate family residing on the premises and one non-resident employee.

(m) No structural alterations or construction involving features not customarily found in dwellings are allowed.

(n) The Home Occupation shall not involve manufacturing; processing; the sales or repair of large appliances, vehicles, or motors; commodity or equipment rental; care, grooming, breeding, or keeping of animals; or construction of equipment and machinery. Restaurants, taverns, clubs, amusement or entertainment establishments, or uses that dispatch persons other than the occupant of the residence or equipment from the premises are not permitted Home Occupations.

(o) Items may be sold or offered for sale on the premises if the sale occurs within the enclosed area of the dwelling unit or garage, is related to the business of the home occupation, and in-person sales are only made to by-appointment clients. Online sales are permitted.

(p) Minimum required parking: One space is required if there is a non-resident employee. Employee parking in the driveway is permitted.

(q) Permit Required.

1. The applicant shall submit a completed application and any supporting documentation to the Zoning Administrator.
2. A permit shall not be issued until the Zoning Administrator determines that the proposed Home Occupation complies with the standards as set forth in this ordinance.

(r) Special Permit Provisions.

1. Approvals/permits required by other regulatory bodies such as the Health, Police, or Fire Departments must be submitted prior to the issuance of the Home Occupation permit.
2. A permit for a Home Occupation is issued to an individual person. It is not transferable to any other resident, address, or other occupation. Upon termination of the permit holder's residency, the Home Occupation permit shall be null and void.
3. A permit for a Home Occupation shall be revocable by the Zoning Administrator, due to failure of the owner/operator to observe all requirements of the permit and/or Zoning Ordinance.

**Section 2.** Section 15.06.06(12)(a)3.c.i. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

3. Uncovered Parking Spaces (Not Located in Driveways).

- a. No more than 4 uncovered parking spaces shall be permitted per lot. Where no garage is provided, a shed shall be provided per the requirements of Section 15.03.06(1)(d), Section 15.03.06(2)(e), Section 15.03.06(5)(f), Section 15.03.06(6)(e), and Section 15.03.06(7)(e).
- b. Uncovered parking spaces shall meet principal structure setbacks and shall be screened per Section 15.06.06(9). See Figures 15.06.06d and 15.06.06e.
- c. Uncovered parking spaces shall be surfaced in accordance with this Chapter within 365 days of building permit issuance. If not dust-free

during the permitted 365 days, a minimum aggregate base of 4 inches is required. Uncovered parking spaces shall follow the surfacing requirements of Section 15.06.06(19).

- i. Paved pads surfaced with concrete, asphalt, and/or gravel may be used for recreation equipment trailer storage and/or residential utility trailer storage in any or rear yard, provided the pad is not connected to the driveway and is screened from view per the requirements of Section 15.06.06(9).
- ii. Paved pads surfaced with concrete or asphalt are required for any motorized vehicles including passenger vehicles, light trucks, recreational vehicles (RVs), and any recreation equipment not on a trailer.

d. On interior lots, 1 uncovered parking space is permitted alongside a garage provided said space is not located between the building and the street or the building and the rear lot line and provided said space meets the side setbacks for accessory structures and pavement established in Article II. Parking spaces must be screened from view per Section 15.06.06(9). See Figure 15.06.06d.

e. On corner lots, 1 uncovered parking space is permitted alongside the garage provided said space is not located between the building and the street and provided said space meets the side setbacks for accessory structures established in Article II. Parking spaces must be screened from view per Section 15.06.06(9). See Figure 15.06.06e.

**Section 3.** Section 15.06.06(19) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(19) Surfacing.

(a) All off-street parking, loading, and traffic circulation areas outside of the right-of-way shall be graded and surfaced so as to be dust-free and properly drained and shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer. Acceptable pavement types include asphalt (4" minimum) or concrete (4" minimum), except that single and two-family residentially zoned and used properties may use asphalt that is 3 inches thick outside of the right-of-way. All driveway approaches and parking areas located within the right-of-way shall be surfaced with a minimum thickness of 6 inches of

base under 6 inches of concrete. Subbase conditions may require the use of geotextiles, drainage, or additional base to ensure longevity of the asphalt or concrete surface coarse.

(b) The following shall be exempt from these surfacing requirements:

1. Driveways in the RH-35 district shall be exempt except for the first 20 feet of the driveway closest to the right-of-way, which shall be asphalt or concrete.
2. All agricultural land uses (Section 15.03.26).
3. Enclosed and screened outdoor storage areas. When such uses are discontinued, the area(s) shall comply with the surfacing requirements of Subsection (a), above, or shall be returned to vegetative ground cover.

(c) All new and replacement driveway approaches shall install the required public sidewalk through the street terrace upon surfacing and follow all requirements in subsection (a) above.

**Section 4.** Section 15.06.06(21)(c) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(21) Limitations on Uses of All Off-Street Parking Areas.

(a) All vehicles shall be in condition for safe and legal performance on public rights-of-way, be registered, and display current license plates.

(b) Under no circumstances shall any vehicle or equipment be used as living quarters, except for approved Campground land uses.

(c) Vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property, unless a Home Occupation Permit has been issued (See Section 15.03.28(4)). On a nonresidential property, such vehicles or equipment shall not be parked or stored outdoors, except in areas identified on an approved site plan for the purpose of heavy vehicle parking or an Outdoor Storage land use. Such vehicles or equipment include but are not limited to:

1. Construction equipment such as bulldozers, backhoes, skid steers, and forklifts
2. Dump and stake body style trucks

3. Cube type vans and trucks, longer than 21 feet
4. Landscaping business equipment such as tractors, tree spades, graders, and scrapers
5. Semi-trailers
6. Concession, vending, and catering trailers
7. Commercial/industrial equipment trailers and lifts
8. Tow trucks, wreckers, or car carriers except for 1 light-duty tow truck (not a roll back, flat bed, or carrier type) with a gross vehicle weight not exceeding 12,000 pounds may be parked on a residential lot when on call, operating under the rotating call list established and kept by the City of Fort Atkinson Police Department
9. Amusement rides and similar vehicles

**Section 5.** Section 15.06.06(22) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(22) Limitations on Uses of Residential Off-Street Parking Areas. In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of passenger vehicles, which shall be regulated as follows:

- (a) A maximum of one commercial vehicle per dwelling unit may be parked outdoors on residential property provided that the vehicle is used by a resident of the dwelling unit, has a manufacturer's gross vehicle weight rating of 28,000 pounds or less, and is less than 21 feet in length.
- (b) No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 28,000 pounds, except recreational vehicles or motor homes are permitted if parked in a paved driveway or other legal off-street parking space.
- (c) A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for human occupation, the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.

**Section 6.** This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Fort Atkinson City Council**

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**Bruce Johnson, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND SECTION 94-432 OF THE CITY OF FORT ATKINSON  
CODE OF GENERAL ORDINANCES  
RELATING TO ON-STREET TRAILER PARKING**

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

**Section 1.** Section 94-432 of the City of Fort Atkinson Code of General Ordinances is hereby amended to read as follows:

**"Sec. 94-432. – Parking Restrictions.**

- (a) No person shall park, stop or leave standing any unattended vehicle when any part of the vehicle is nearer than ten feet to the centerline of the roadway. However, this provision shall not apply to narrow streets where the parking is restricted to one side only.
- (b) No person shall park, stop or leave standing any vehicle, whether attended or unattended, upon any street or municipal parking lot that has stalls marked thereon in such a manner so as to partially occupy more than one parking stall. However, this provision shall not apply to vehicles that due to their length exceed the parking markings.
- (c) No personnel shall park, stop or leave standing any unattended vehicle on the north side of West Milwaukee Avenue, from the intersection of Lumber Street to a point 55 feet east, unless said person is a current City of Fort Atkinson Fire Department personnel.

(d) Vehicle and Trailer parking. No person shall park, stop, or leave standing more than one vehicle and trailer combination in any public parking lot or on any City street, avenue, or alley adjacent to a residential property owned or rented by the owner or renter of the vehicle and trailer combination, except construction vehicles and trailers parking on the street adjacent to the side that is current being worked at with an active building permit. The location of such on-street parking must be able to safely accommodate the specified trailer and vehicle parked without causing any safety concerns, view obstructions, or other roadway obstructions.

(d)(e) Trailer parking. The purpose of this subsection is to prevent the use of city streets, avenues, alleys or public parking lots for storage of trailers.

- (1) It shall be unlawful for the owner or operator of a trailer to cause or permit such trailer to be parked, on any street, avenue, alley or public parking lot within the city, except construction company trailers that are parked on the street adjacent to the site that is currently being worked at, and boat trailers in the municipal lots on the west side of Mechanic Street, the east side of Mechanic Street (weekends only), and the east side of North High Street.
- (2) Trailers shall be permitted to temporarily park on the street to load, unload, or for emergency repairs if the police department is contacted prior to parking the trailer. The

trailer shall be parked adjacent to the property owned by the person making the request.

~~(3) Utility/business trailers shall be allowed to park on residential streets provided that:~~

- ~~a. The business owner/trailer user obtains a home occupation permit for the business;~~
- ~~b. The business trailer is registered with the police department (registration fee of \$25.00/year);~~
- ~~c. The business trailer can only be parked on the street adjacent to the residence having the home occupation permit;~~
- ~~d. The business trailer will be governed by the 48-hour parking requirement (section 94-431).~~

~~(4)~~(3) Motorhomes shall be governed by the current 48-hour parking requirements for motor vehicles (section 94-431). The motorhome shall be parked adjacent to the property of the motorhome owner, or the property/people being visited.

~~(5)~~(4) Semi-trailers parking on all streets, alleys and avenues is prohibited.

~~(6)~~(5) The fine for violating this subsection shall be not less than \$10.00, nor more than \$25.00 for each occurrence, and each day such violation continues shall constitute a separate offense.

~~(e)~~(f) Definitions.

*Camping trailer* means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

*Mobile home* means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction.

*Motorhome* means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

*Semi-trailer* means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home. A vehicle used with a ready-mix motor truck to spread the load is considered a semi-trailer.

*Trailer* means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home."

(Code 1969, § 20.08; Ord. No. 569, 11-21-00; Ord. No. 577, 9-18-02; Ord. No. 586, 12-4-01; Ord. No. 593, 8-6-02; Ord. No. 628, 3-15-05; Ord. No. 687, 9-15-09; Ord. No. 747, 3-15-16; Ord. No. 772, 11-8-18)

**Section 2.** This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Fort Atkinson City Council**

\_\_\_\_\_  
**Bruce Johnson, President**

ATTEST:

\_\_\_\_\_  
Michelle Ebbert, City Clerk/Treasurer/Finance Director

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

**AN ORDINANCE TO AMEND SECTION 94-432 OF THE CITY OF FORT ATKINSON  
CODE OF GENERAL ORDINANCES  
RELATING TO ON-STREET TRAILER PARKING**

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

**Section 1.** Section 94-432 of the City of Fort Atkinson Code of General Ordinances is hereby amended to read as follows:

**"Sec. 94-432. – Parking Restrictions.**

- (a) No person shall park, stop or leave standing any unattended vehicle when any part of the vehicle is nearer than ten feet to the centerline of the roadway. However, this provision shall not apply to narrow streets where the parking is restricted to one side only.
- (b) No person shall park, stop or leave standing any vehicle, whether attended or unattended, upon any street or municipal parking lot that has stalls marked thereon in such a manner so as to partially occupy more than one parking stall. However, this provision shall not apply to vehicles that due to their length exceed the parking markings.
- (c) No person shall park, stop or leave standing any unattended vehicle on the north side of West Milwaukee Avenue, from the intersection of Lumber Street to a point 55 feet east, unless said person is a current City of Fort Atkinson Fire Department personnel.
- (d) Vehicle and Trailer parking. No person shall park, stop, or leave standing more than one vehicle and trailer combination in any public parking lot or on any City street, avenue, or alley adjacent to a residential property owned or rented by the owner or renter of the vehicle and trailer combination, except construction vehicles and trailers parking on the street adjacent to the side that is current being worked at with an active building permit. The location of such on-street parking must be able to safely accommodate the specified trailer and vehicle parked without causing any safety concerns, view obstructions, or other roadway obstructions.
- (e) Trailer parking. The purpose of this subsection is to prevent the use of city streets, avenues, alleys or public parking lots for storage of trailers.
  - (1) It shall be unlawful for the owner or operator of a trailer to cause or permit such trailer to be parked, on any street, avenue, alley or public parking lot within the city, except construction company trailers that are parked on the street adjacent to the site that is currently being worked at, and boat trailers in the municipal lots on the west side of

Mechanic Street, the east side of Mechanic Street (weekends only), and the east side of North High Street.

- (2) Trailers shall be permitted to temporarily park on the street to load, unload, or for emergency repairs if the police department is contacted prior to parking the trailer. The trailer shall be parked adjacent to the property owned by the person making the request.
- (3) Motorhomes shall be governed by the current 48-hour parking requirements for motor vehicles (section 94-431). The motorhome shall be parked adjacent to the property of the motorhome owner, or the property/people being visited.
- (4) Semi-trailers parking on all streets, alleys and avenues is prohibited.
- (5) The fine for violating this subsection shall be not less than \$10.00, nor more than \$25.00 for each occurrence, and each day such violation continues shall constitute a separate offense.

(f) Definitions.

*Camping trailer* means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

*Mobile home* means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction.

*Motorhome* means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

*Semi-trailer* means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home. A vehicle used with a ready-mix motor truck to spread the load is considered a semi-trailer.

*Trailer* means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home."

(Code 1969, § 20.08; Ord. No. 569, 11-21-00; Ord. No. 577, 9-18-02; Ord. No. 586, 12-4-01; Ord. No. 593, 8-6-02; Ord. No. 628, 3-15-05; Ord. No. 687, 9-15-09; Ord. No. 747, 3-15-16; Ord. No. 772, 11-8-18)

**Section 2.** This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Fort Atkinson City Council**

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**Bruce Johnson, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO REPEAL SECTION 94-434 OF THE CITY OF FORT ATKINSON  
CODE OF GENERAL ORDINANCES  
RELATING TO TAXICAB PARKING**

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

**Section 1.** Section 94-434 of the City of Fort Atkinson Code of General Ordinances is hereby repealed:

**"Sec. 94-434. – ~~Taxicab Parking-Reserved.~~**

~~The first parking stall on the west side of North Main Street north of North Water Street West in front of the Municipal Building (101 North Main Street) shall be designated for taxicab parking only."~~

(Ord. No. 778, 5-7-19)

**Section 2.** This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Fort Atkinson City Council**

\_\_\_\_\_  
**Bruce Johnson, President**

ATTEST:

\_\_\_\_\_  
Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO REPEAL SECTION 94-434 OF THE CITY OF FORT ATKINSON  
CODE OF GENERAL ORDINANCES  
RELATING TO TAXICAB PARKING**

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

**Section 1.** Section 94-434 of the City of Fort Atkinson Code of General Ordinances is hereby repealed:

**"Sec. 94-434. – Reserved."**

(Ord. No. 778, 5-7-19)

**Section 2.** This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Fort Atkinson City Council**

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**Bruce Johnson, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director



## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Tom Williamson, Public Works Superintendent

**RE:** Review and possible action to authorize the City Manager to enter into a contract for tree removal and bulk brush grinding and hauling services

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### BACKGROUND

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.

The days following the storm event brought a myriad of neighboring communities, church groups, tree companies, and everyday people to the area to assist in cleanup of resident's yards, terrace areas, cemetery spaces, and park lands. The brush debris began to build on our terrace spaces in mass quantities. Along with all the brush, the city was faced with many downed and standing damaged trees throughout the area. The Department of Public Works immediately commenced an all-hands-on-deck approach to removing dangerous hanging limbs and standing trees. Once the City Arborists were comfortable that the majority of imminently dangerous limbs and trees were addressed, we commenced clearing the terrace areas by hauling large amounts of brush to the city-owned compost site. This operation from start to finish took 8 weeks of solid daily effort and left the city with over 20,000 cubic yards of brush and many remaining broken limbs and trees requiring removal left to be dealt with.

### DISCUSSION

The City Manager, Clerk, Fire Chief and Engineer have worked closely with Jefferson County and the State of Wisconsin Emergency Management System to acquire needed equipment, staff, and funding to help recover some of the costs associated with the serious nature of this storm event. In addition to the efforts described above, staff has completed a request for proposals for additional needed work for the removal of damaged trees and processing of the large quantity of brush left at the compost facility. Two such RFPs were released: one for the removal and trimming of damaged trees; and another for mass grinding of stockpiled brush and hauling of ground material.

Included with this memo, the Council will find the original Request for Proposal documents and the subsequent returned proposals, along with a bid tabulation.

### FINANCIAL ANALYSIS

The Department plans to utilize the existing Forestry Account (01-56-5611-07) for tree removal services and the existing Compost site Account (01-54-5471-05), to pay for the awarded contractor's services and anticipate reimbursement of 70% of the funds expended through the Wisconsin Emergency Management Fund. Below you will see the two bid tabulation spreadsheets for both the tree removal items and the bulk brush grinding and hauling item.

Bid Tabulation		
Bid Item	Bucklin's Tree Service	Mobile Reduction Specialists
Bid Item	Proposed Investment	Proposed Investment
Brush Grinding Services - Bid 40 Hours	\$ 27,000.00	\$ 18,000.00
Hauling Grindings - Bid 7200 CY	\$ 3,600.00	\$14,400.00 or \$45,000.00
Total Investment	\$ 30,600.00	\$32,400.00 or \$63,000.00

Bid Tabulation										
Bid Item	Unit	Est. Quantity	Treeo's Tree Service		Wachtel Tree Science		Mode Tree Care		Tree B Gone	
Bid Item			Unit Price	SubTotal	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal
Tree Removal	DBH - Inch	2966	\$ 18.14	\$ 53,803.24	\$ 35.00	\$ 103,810.00	Varies see bid	\$ 134,674.00	\$ 49.50	\$ 146,817.00
Standing Trunk Removal	DBH - Inch	426	\$ 11.14	\$ 4,745.64	\$ 35.00	\$ 14,910.00	Varies See Bid	\$ 7,785.00	\$ 39.50	\$ 16,827.00
Trimming	Crew - Hour	120	\$ 335.00	\$ 40,200.00	\$ 175.00	\$ 21,000.00	\$ 280.00	\$ 33,600.00	\$ 850.00	\$ 102,000.00
Stump Grinding	Each	162	\$ 125.00	\$ 20,250.00	\$ 125.75	\$ 20,371.50	\$ 77.81	\$ 12,605.50	\$ 174.00	\$ 28,188.00
Total Proposed Investment			\$ 118,998.88	\$ 160,091.50	\$ 188,664.50	\$ 293,832.00				

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute 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, both to be billed monthly upon submittal of unit completion documents and timesheet documentation for each individual bid item.

**ATTACHMENTS**

The Request for Proposal (RFP) released to bidders, all bidder responses including requested insurance information, and the prepared Bid Tabulations.



**CITY OF FORT ATKINSON, WI  
REQUEST FOR PROPOSAL (RFP)  
STORM DAMAGE TREE TRIMMING  
AND REMOVALS**

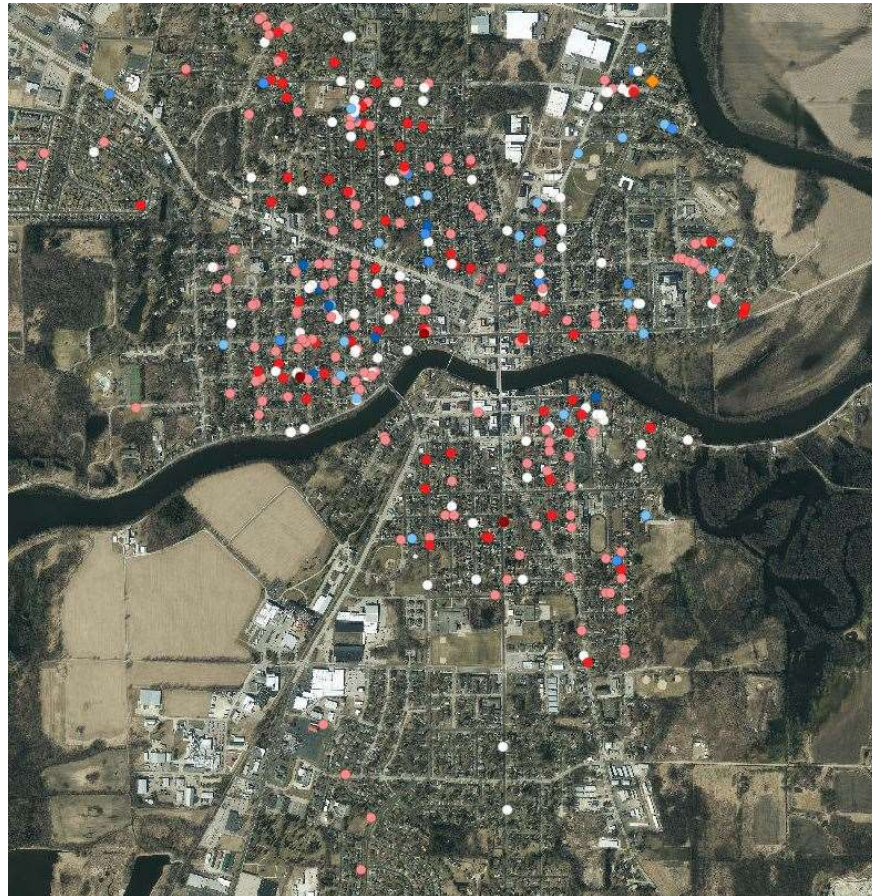
**Contact: Tom Williamson – 920.397.9909 [twilliamson@fortatkinsonwi.gov](mailto:twilliamson@fortatkinsonwi.gov)**

**Proposal Deadline: October 4, 2023 at 12 PM – email proposals only.**

## 1. PROJECT OVERVIEW

This is a Request for Proposals (RFP) for tree trimming and removals of storm damaged trees within the City of Fort Atkinson, to be completed by February 2, 2024.

The city sustained a large amount of tree damage in a storm event, with very high winds, that took place overnight on the 28<sup>th</sup> of July. The map below is a clip from the City GIS database and the varying degrees of damage are shown by color coded dots.



## 2. EXISTING DATA

The city has compiled the damage locations and tree assessment details within our GIS database. This link will provide access to this information.

<https://fortgis.maps.arcgis.com/apps/webappviewer/index.html?id=283963d794ce4718ae404fc2b84e37b4>.

A spreadsheet table of required work and locations is attached with this RFP for bidder reference.

### 3. REQUIRED SCOPE OF WORK

- Broken hanging limbs should be removed, chipped, and hauled to the City's compost site.
- Trees requiring removal should be removed. Brush and wood <10" Diameter chipped and hauled to the City's compost site. Large trunk wood hauled to a designated area in the City's compost site. Stumps shall be ground.
  - City Compost Site is located at the east end of Bark River Drive, in Fort Atkinson.
  - Restoration will be completed by City crews.

### 4. SCHEDULE

This work is required to be completed by the end of business on February 2, 2023, and a final invoice prepared, and submitted to the city, by the end of Business on March 8, 2023.

### 5. PROPOSAL DEADLINES

- a. Proposal Deadline: **October 4, 2023 – 12 PM.**
- b. **Proposal questions not received by September 29, 2023 may not be answered.**
- c. **Email proposals to : [twilliamson@fortatkinsonwi.gov](mailto:twilliamson@fortatkinsonwi.gov)**
- d. **Contract will be signed on or before 10/17/2023**

### 6. PROPOSAL EVALUATION

Proof of licensure and insurance will be required prior to award. Proposals will be awarded to the lowest responsible bidder.

BID FORM

ITEM	UNIT	EST. QTY	UNIT PRICE	SUBTOTAL
Tree Removal	DBH - Inch	2966		
Standing Trunk Removal	DBH - Inch	426		
Trimming	Crew-hour	120		
Stump Grinding	Each	162		

SIGNATURE:

DATE:

COMPANY:

Note: Contract will pay actual documented quantities using time sheets.



# **CITY OF FORT ATKINSON, WI**

## **RFP FOR BRUSH GRINDING SERVICES**

**Contact: Tom Williamson – 920.397.9909 [twilliamson@fortatkinsonwi.gov](mailto:twilliamson@fortatkinsonwi.gov)**

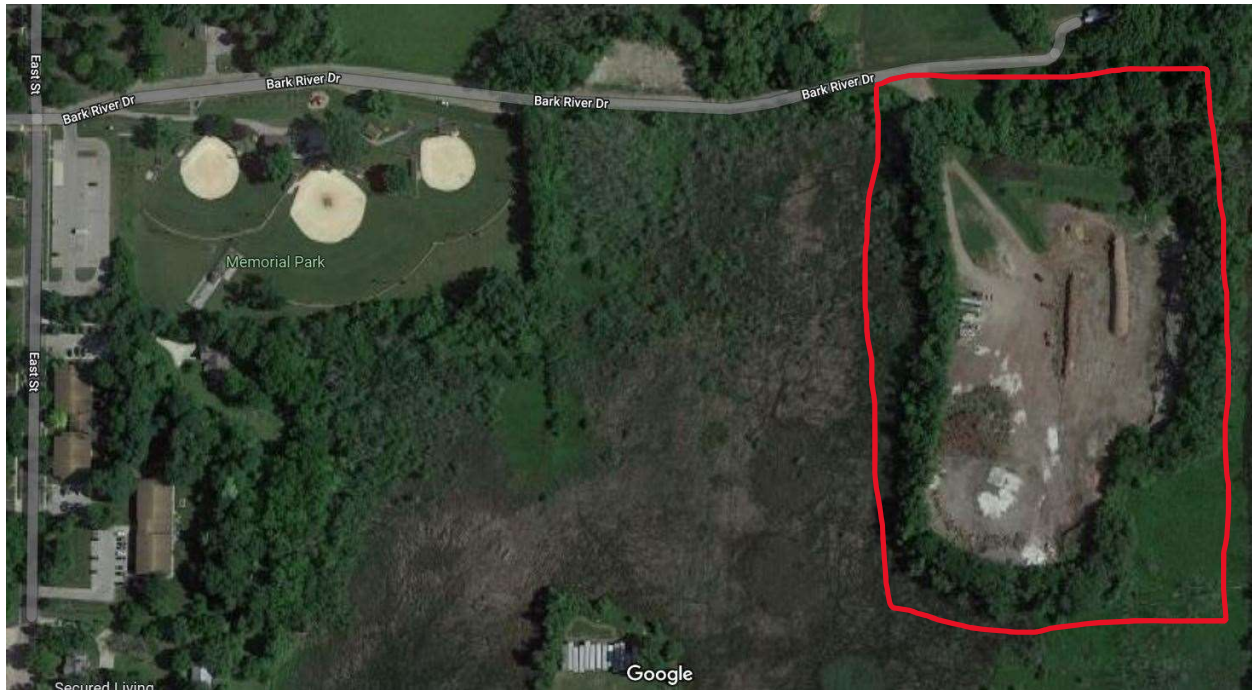
**Proposal Deadline: October 4, 2023, at 12 PM – email proposals only.**

## 1. PROJECT OVERVIEW

This is a Request for Proposals (RFP) for processing of a large municipal brush pile.

The City of Fort Atkinson has owned and operated a municipal compost site for many years. Part of the facility is used for residential brush collection storage and residential brush drop-off. Due to a severe storm event this large pile of brush (approx. 20,000 CY) requires processing, through grinding, to make suitable room for our resident public to haul brush to this location for future processing.

### Site Location Map



### Pile Location Detail



## 2. CITY PROVISIONS

The City of Fort Atkinson Department of Public Works will provide one (1) Front End Loader and one (1) Operator to assist the grinding operation in the management of materials. Trucking of processed material may be required, and as such the city may provide suitable local haul site location(s) and contact information for chosen contractor's optional use.

## 3. REQUIRED SCOPE OF WORK

Please provide a detailed proposal of costs for the processing of brush using a maximum 4" screen size and processing one time. Include a detailed description of the proposed work and a breakdown of hourly costs for equipment and labor.

## 4. SCHEDULE

The city requires this work to commence on, or after, February 5, 2024 and be completed by close of business March 1, 2024. Final invoice must be submitted to the city by March 8, 2023.

## 5. PROPOSAL DEADLINES

- a. Proposal Deadline: **October 4, 2023 – 12 PM.**
- b. **Email proposals to: [twilliamson@fortatkinsonwi.gov](mailto:twilliamson@fortatkinsonwi.gov)**

Please feel free to contact the Department of Public Works to arrange a site visit to evaluate the work, should you desire, prior to submitting your proposal.

## 6. PROPOSAL EVALUATION

Proof of licensure and insurance will be required prior to award. Proposals will be awarded to the lowest responsible bidder.

BID FORM

ITEM	UNIT	EST. QTY	UNIT PRICE	SUBTOTAL
Brush Grinding	Hour	40		
Hauling Grindings	Cubic Yard	7,200		

SIGNATURE:

DATE:

COMPANY:

Note: Contract will pay actual documented quantities using time sheets

CITY OF FORT ATKINSON, WI REQUEST  
FOR PROPOSAL (RFP)  
STORM DAMAGE TREE TRIMMING  
AND REMOVALS

Bid Provided by:

**Mode Tree Care llc**

**Kobs & Roberts Tree service llc**

Mode Tree Care llc

Nathan Mode – 414-331-7693 [modetreecare@gmail.com](mailto:modetreecare@gmail.com)

Kobs & Roberts Tree service

Charlie Kobs – 920-723-9495 [kobsrobertsservices1@gmail.com](mailto:kobsrobertsservices1@gmail.com)

## Company Overviews:

### Mode Tree Care llc

Nathan Mode born and raised in Fort Atkinson, is a ISA Certified arborist (WI-1280A).

### Kobs & Roberts Tree Service llc

Charlie Kobs born and raised in Fort Atkinson, is a ISA Certified arborist (WI-1561A)

## 1. PROJECT OVERVIEW

This is a Request for Proposals (RFP) for tree trimming and removals of storm damaged trees within the City of Fort Atkinson, to be completed by February 2, 2024.

## 3. REQUIRED SCOPE OF WORK

- Broken hanging limbs should be removed, chipped, and hauled to the City's compost site.
- Trees requiring removal should be removed. Brush and wood <10" Diameter chipped and hauled to the City's compost site. Large trunk wood hauled to a designated area in the City's compost site. Stumps shall be ground.
  - o City Compost Site is located at the east end of Bark River Drive, in Fort Atkinson.
  - o Restoration will be completed by City crews.

## 4. SCHEDULE

This work is required to be completed by the end of business on February 2, 2023, and a final invoice prepared, and submitted to the city, by the end of Business on March 8, 2023.

## 6. PROPOSAL EVALUATION

Proof of licensure and insurance will be required prior to award. Proposals will be awarded to the lowest responsible bidder.

BID FORM

ITEM	UNIT	EST. QTY In Inches	UNIT PRICE	SUBTOTAL
Tree Removal	DBH - Inch			\$49,072
	0-10inch DBH	31	\$25.00	(\$775)
	11-18inches	380	\$33.00	(\$12,540)
	19-28DBH	513	\$45.00	(\$23,085)
	29-36"DBH	188	\$54.00	(\$10,152)
	37+ DBH	40	\$63.00	(\$2,520)
Park Trees- Excluding Riverside Park				\$58,066
	0-10inch DBH	10	\$25.00	(\$250.00)
	11-18inches	261	\$33.00	(\$8,613)
	19-28DBH	539	\$45.00	(\$24,255)
	29-36"DBH	406	\$54.00	(\$21,924)
	37+ DBH	48	\$63.00	(\$3,024)
Riverside Park Tree Removals				\$27,536
	0-10inch DBH	0	\$25.00	\$0
	11-18inches	0	\$33.00	\$0
	19-28DBH	512	\$48.00	(\$23,136)
	29-36"DBH	30	\$58.00	(\$1,740)
	37+ DBH	38	\$70.00	(\$2660)
Standing Trunk Removal	DBH - Inch	426		\$7785
	0-10inch DBH	30	\$12.5	(\$375)

	11-18inches	250	\$16.5	(\$4,125)
	19-28DBH	146	\$22.5	(\$3,285)
	29-36"DBH	0	\$27	0
	37+ DBH	0	\$31.5	0
Trimming	Crew-Hour	120	\$280	\$33,600
Stump Grinding	Each	162	4.25/inch of DBH	\$12605.50
Total Price				\$188664.50

Terms of Bid:

1. Mode Tree Care llc and Kobs Roberts Tree Service llc will work with WE- Energies for any power line clearance needs. Power line clearance will be completed per WE-Energies time frame availability.
2. Trees within Power line right of way not cleared by WE- Energies will be discussed with city upon need.
3. DBH of tree removals will be measured and confirmed with diameter tape before removal. Removal and stump grinding price will be charged per actual measurement.
4. All tree work will be completed in a safe and timely manner in accordance with ANSI standards Z133.
5. All work will be completed by allotted deadline unless unforeseen circumstances(weather) delay work progression. Any delay will be communicated to city officials promptly.
6. Certificates of Insurance from both companies will be presented prior to contract award.

References:

Jefferson County Parks

JR Klement 920-723-3520

Town of Sullivan

Heather Rupnow 262-593-2388

City of Janesville

Ethan Lee [lee@ci.janesvill.wi.us](mailto:lee@ci.janesvill.wi.us)

City of Milton

Paul 608-921-0865

Town of Fulton

Town Clerk [fultonclerk@townoffulton.wi.gov](mailto:fultonclerk@townoffulton.wi.gov)

SIGNATURE:



DATE: 10/3/23

COMPANY: Mode Tree Care LLC

Kolts Robert



Phone 920-486-7043  
Fax 888-700-7730

936 Appleton Rd, Menasha, WI 54952

## Professional Services Agreement

Date: 09/26/2023

Bucklin Tree Service, LLC ("BTS") agrees to provide services in accordance with the terms and conditions of this Professional Services Agreement (the "Agreement"):

Customer Name	City of Fort Atkinson			
	(Business Name)			
	920-397-9909		<a href="mailto:twilliamson@fortatkinsonwi.gov">twilliamson@fortatkinsonwi.gov</a>	
	(Cell Phone)	(Work Phone)	(E-mail)	
Customer Name	Williamson		Tom	
	(Last)		(First)	
	(Cell Phone)	(Work Phone)	(E-mail)	
Billing Address	700 James Place		Fort Atkinson	WI 53538
	(Address)		(City)	(State) (Zip Code)
Service Location	Brush Pile @ Municipal Compost Site		Fort Atkinson	WI 53538
	(Address)		(City)	(State) (Zip Code)

BTS hereby proposes to furnish the materials and perform the labor necessary for the following project (the "Project"):

### GRINDING SERVICE

- Bucklin Tree Service, LLC will provide grinder service to grind brush pile. Grinder billed at \$525.00 per hour. Excavator billed at \$150.00 per hour. Per RFP 40 hours = \$27,000.00
- Customer will provide operator and support equipment to push up tailings when grinding.
- Bucklin's will provide all fuel for Bucklin equipment.
- Mobilization fee of \$1,200.00.
- Material to be hauled out at \$0.50/yard. Per RFP 7200 yards = \$3,600.00

Bucklin's does not grind dirt, rocks, metal or aged compost. Any damage incurred to grinder may be charged to customer. Bucklin's is not responsible for flying debris.

Terms of Payment: All accounts are net payable upon receipt of the invoice. A service charge of 1.67% will be added to accounts not fully paid 30 days subsequent to the invoice date.

Acceptance of proposal. The above price, specifications, and conditions are satisfactory and hereby accepted. Bucklin Tree Service, LLC is authorized to do the work as specified. Payment within 30 days upon completion.

CUSTOMER HEREBY ACKNOWLEDGES RECEIPT OF A FULL COPY OF THIS AGREEMENT, INCLUDING THE TERMS AND CONDITIONS CONTAINED ON THE BACK OF THIS AGREEMENT, WHICH ARE HEREBY DEEMED INCORPORATED BY REFERENCE. BY SIGNING BELOW, CUSTOMER FURTHER ACKNOWLEDGES ACCEPTANCE OF THIS AGREEMENT, INCLUDING THE TERMS AND CONDITIONS.

**BUCKLIN TREE SERVICE, LLC:**

**CUSTOMER:**

By: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

## Terms and Conditions

**1. Applicability; Entire Agreement:** These terms and conditions are the only terms, which govern the Project set forth on the reverse side of these terms from BTS. The Agreement, including these terms, comprise the entire agreement between the parties and supersede all prior or contemporaneous understandings, agreements, negotiations, representations and warranties and communications, both written and oral. These terms prevail over any of Customer's general terms and conditions. This Agreement expressly limits Customer's acceptance to the terms of this Agreement.

**2. Performance of Services:** BTS shall provide services to Customer as described in this Agreement. BTS shall use reasonable efforts to meet any performance dates specified in the Agreement, and any such dates shall be estimates only.

**3. Customer's Obligations:** Customer shall: (a) cooperate with BTS in all matters relating to the Project and provide such access to Customer's premises and other facilities, as BTS may reasonably request for the performance of its work pursuant to the Project; (b) respond promptly to any request to provide direction, information, approvals, authorizations or decisions that are reasonably necessary for BTS to perform its work in accordance with the requirements of this Agreement; and (c) remove any personal property, including, without limitation, vehicles, furniture and yard ornaments from Customer's premises in advance.

**4. Customer's Acts or Omissions:** In the event any act or omission of Customer or its agents, subcontractors, consultants or employees prevents BTS from performance of its obligations under this Agreement, BTS shall not be in breach of its obligations under this Agreement or otherwise liable for any costs, charges or losses sustained or incurred by Customer, in each case, to the extent arising directly or indirectly from such prevention or delay.

**5. Underground Utilities:** BTS shall notify Digger's Hotline to mark underground utilities including water, gas, electric, and cable, if BTS deems necessary. At BTS's request and as otherwise set forth in the Agreement, Customer shall arrange for a professional underground line service to mark any other lines for sprinkler lines, dog fences, septic systems, or other electric wires.

**6. Price:** The price for BTS's work performed on the Project is the price stated on the reverse side of these terms from BTS. Work performed on a time and materials basis includes all labor and materials supplied by BTS for performance of the Project, including, without limitation, travel to and from the work site, time spent performing work on the Project, time spent cleaning and organizing after work on the Project is completed, and debris disposal. Any additional work or equipment required by BTS to complete the Project caused by: (a) Customer's failure to make a condition known; (b) previously unknown circumstances; or (c) any other condition

not apparent in estimating the Project cost, shall be paid for by the Customer on a time and materials basis. All prices are subject to sales tax.

**7. Payment Terms:** Unless otherwise noted in the Agreement, payment is due upon invoice. BTS shall issue an invoice to Customer on or any time after performance of the work on the Project. Customer shall make all payments hereunder in US dollars by cash, check or credit card. Deposits are non-refundable. In the event BTS does not receive payment within five (5) days after becoming due, BTS may (a) charge interest on any such unpaid amounts at a rate of one and one-half percent (1.5%) per month, or, if lower, the maximum amount permitted under applicable law, from the date such payment was due until the date paid; and (b) suspend any further performance until Customer pays in full. If any payment obligation under this Agreement is not paid when due, Customer shall pay all costs of collection, including attorneys' fees, whether or not a lawsuit is commenced as part of the collection process.

**8. Customer's Right to Cancel:** PER ATCP 110 AND WISCONSIN STATUTE CHAPTER 423, YOU, THE CUSTOMER, MAY CANCEL THIS AGREEMENT BY MAILING A WRITTEN NOTICE TO BUCKLIN TREE SERVICE, LLC, 936 APPLETON ROAD, MENASHA, WI 54952 BEFORE MIDNIGHT OF THE THIRD (3RD) BUSINESS DAY AFTER YOU, THE CUSTOMER, SIGNED THIS AGREEMENT. IF YOU, THE CUSTOMER, WISH, YOU MAY USE THIS PAGE AS THAT NOTICE BY WRITING "I HEREBY CANCEL" AND ADDING YOUR NAME AND ADDRESS. A DUPLICATE OF THIS PAGE IS PROVIDED BY BTS FOR YOUR RECORDS.

**9. Wisconsin Construction Lien Notice:** AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, CLAIMANT (BTS) HEREBY NOTIFIES OWNER (CUSTOMER) THAT PERSONS OR COMPANIES PERFORMING, FURNISHING, OR PROCURING LABOR, SERVICES, MATERIALS, PLANS, OR SPECIFICATIONS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED CLAIMANT, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST PERFORM, FURNISH, OR PROCURE LABOR, SERVICES, MATERIALS, PLANS OR SPECIFICATIONS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO PERFORM, FURNISH, OR PROCURE LABOR, SERVICES, MATERIALS, PLANS, OR SPECIFICATIONS FOR THE

**CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. CLAIMANT AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.**

**10. Limitation of Liability:** IN NO EVENT SHALL BTS BE LIABLE TO CUSTOMER OR ANY THIRD PARTY FOR ANY LOSS OF USE, REVENUE OR PROFIT, OR FOR ANY CONSEQUENTIAL, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY OR PUNITIVE DAMAGES WHETHER ARISING OUT OF BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE, REGARDLESS OF WHETHER SUCH DAMAGES WERE FORESEEABLE AND WHETHER OR NOT BTS HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

**11. Indemnity and Hold Harmless Agreement:** Customer agrees to indemnify and hold harmless BTS and its agents and employees, from and against all claims, damages, losses and expenses, including attorneys' fees, for bodily injury, illness, or death, or for property damage, including loss of use, which are caused in whole or in part by the negligence, act or omission of the Customer, or that of anyone employed by them for whose acts Customer may be liable. Customer's obligation hereunder shall be excused only if the claims, damages, losses and expenses stem from BTS's negligence or other tortious acts.

**12. Insurance:** BTS will maintain insurance in commercially reasonable amounts calculated to protect itself from any and all claims of any kind or nature for damage to property or personal injury, including death, made by anyone, that may arise from activities performed or facilitated by this Agreement. BTS maintains workers compensation coverage on all employees, as well as a comprehensive general liability policy.

**13. Changes in Work:** Customer reserves the right to order work changes in the nature of additions, deletions or modifications, without invalidating this Agreement. Except as set forth, below, all such changes shall be memorialized in a written change request (a "Change Request") and be signed by both parties. BTS specifically reserves the right to refuse to honor any Change Requests if they are not in writing signed by both BTS and Customer. However, if BTS completes any changes in work based upon the verbal instruction of Customer, Customer will unconditionally pay and accept the cost of such materials and labor associated with the Change Request. BTS preserves its right to collect all sums due and owing for that work regardless of whether or not the Change Request was in writing. All Change Requests shall also include reasonable conforming changes in the price and the likely time required to implement the change.

**14. Customer's Representations and Warranties:** Customer warrants that: (a) Customer is the owner of all property where the specified work on the Project is to be performed; (b) Customer has the necessary rights and authority

to enter into and perform under this Agreement; and (c) all trees listed as part of the Project are located on Customer's property, and, if not, that the Customer has received full permission from the true property owner to allow BTS to perform the work specified as part of the Project.

**15. Cancellation:** Customer cannot terminate, cancel or modify this Agreement, in whole or in part, except with BTS's written consent.

**16. Waiver:** No delay or failure by BTS in exercising any right under this Agreement, nor any partial or single exercise of such right, shall constitute a waiver of that right or any other right.

**17. Force Majeure:** BTS shall not be liable for any loss, delay, injury or damage that may be caused by circumstances beyond its control including but not restricted to acts of God, war, terrorism, civil commotion, acts of government, fire, theft, corrosion, floods, freeze-ups, strikes, lockouts, differences with workmen, riots, explosions, quarantine restrictions, delays in transportation, shortage of vehicles, fuel, labor or materials, or malicious mischief.

**18. Governing Law:** This Agreement shall be governed and construed in accordance with the internal laws of the State of Wisconsin without giving effect to any choice or conflict of law provision or rule (whether of the State of Wisconsin or any other jurisdiction) that would cause the application of laws of any jurisdiction other than those of the State of Wisconsin. Any legal suit, action or proceeding arising out of or related to this Agreement shall be instituted exclusively in the courts of the State of Wisconsin in each case located in the city of Green Bay and County of Brown, and each party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action, or proceeding.

**19. Attorneys' Fees and Costs:** In any legal suit, action or proceeding arising out of this Agreement, including, without limitation, a collections action, the parties agree that the prevailing party shall be entitled to reasonable attorneys' fees and costs.

**20. Binding Effect:** This Agreement shall be binding upon and inure to the benefit of each of the parties hereto, their heirs, personal representatives, successors or assigns.

**21. Severability:** If any provision of this Agreement is illegal or unenforceable, that provision is severed from this Agreement and the other provisions remain in effect.

**22. Entire Agreement:** Each of the parties hereto agree and represent that this Agreement comprises the full and entire agreement between the parties affecting the Project and that no other agreement or understanding of any nature concerning the same has been entered into or will be recognized and that all negotiations, acts, work performed or payments made prior to the execution hereof shall be deemed merged in, integrated and superseded by this Agreement. This Agreement may not be modified unless done so by written agreement.

**23. Signatures:** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

**24. Photo Release:** Customer hereby agrees that BTS may use images from the Project for purposes of advertising, website, blog and magazine submissions and any other means of promotion of BTS's business. BTS hereby waives any right to payment, royalties or any other consideration for the use of images.



October 4, 2023

City of Fort Atkinson  
Attn: Mr. Tom Williamson  
Public Works Superintendent  
700 James Place  
Fort Atkinson, WI 53538

Mr. Williamson,

Enclosed please find our Proposal for: Fort Atkinson 2023 Forestry Storm Response Operations.

Wachtel Tree Science, Inc. is the oldest locally owned tree service company in Wisconsin and has been serving Wisconsin Urban Forestry for over 85 years. We have twenty-nine Certified Arborists on staff, plus five Board Certified Master Arborists, two Municipal Specialists, and five Tree Risk Assessment Qualified Arborists. Our staff has more credentialed arborists than any other firm in Wisconsin.

We have the initiative, passion, and professional expertise to assist the City in completing this project. Our commitment to the City is to not only provide storm damage mitigation services to the trees identified in this contract, but to do so in a professional and accountable manner. Our experience working with municipal forestry programs over the last 20+ years has provided a unique understanding of your expectations in our communication and efficient work operations. Our working partnership with Ruekert/Mielke allows us to provide weekly, if not daily, updates of our progress within your existing GIS application. Our access to capable staff and an array of diverse equipment allows us to confidently estimate this project's completion within 4 weeks of our agreed start date.

I feel you should also know that our commitment to the needs of our clients goes well beyond a completed project. Wachtel Tree Science is your trusted arborist. Our presence across Southern Wisconsin guarantees that we can be here for you when you have questions regarding urban forestry management in the future.

We look forward to the possibility of working with you and the City of Fort Atkinson.

Very truly yours,

Nathan Schuettelpelz, RCA #732  
Consulting Department Manager  
ISA Certified Arborist Municipal Specialist # WI-0887AM

Encl.



BID FORM

ITEM	UNIT	EST. QTY	UNIT PRICE	SUBTOTAL
Tree Removal	DBH - Inch	2966	\$35/ DBH - Inch	\$103,810.00
Standing Trunk Removal	DBH - Inch	426	\$35/ DBH - Inch	\$14,910.00
Trimming	Crew-hour	120	\$175/hour	\$21,000.00
Stump Grinding	Each	162	\$125.75/stump	\$20,371.50

SIGNATURE: *Nathan Schnetzpelt*

*Nathan Schnetzpelt*  
Consulting Department Manager

DATE: 10-4-23

COMPANY: Wachtel Tree Science, Inc.  
PO Box 716  
N72W28393 St. Paul Ave.  
Merton, WI 53056

Note: Contract will pay actual documented quantities using time sheets.

BID FORM

ITEM	UNIT	EST. QTY	UNIT PRICE	SUBTOTAL
Tree Removal	DBH - Inch	2966	18.14	53,803.24
Standing Trunk Removal	DBH - Inch	426	11.14	4,745.64
Trimming	Crew-hour	120	335-	40,200.00
Stump Grinding	Each	162	125-	20,250.00

SIGNATURE: *Mark Caswell*

DATE: 09/28/2023

COMPANY: *Trees Tree service, Inc.*  
*936 Appleton Rd*  
*Menasha, WI 54952*

*920.215.6274 office*  
*920.268.2919 mark*

Note: Contract will pay actual documented quantities using time sheets.

We will store all wood & brush @ city compost site until project is complete. We will then bring in a tub grinder to grind all material. All material will be hauled out. The grinding & haul out would be scheduled at a later date. Mark Caswell would coordinate with Tom Williamson.

BID FORM

ITEM	UNIT	EST. QTY	UNIT PRICE	SUBTOTAL
Brush Grinding	Hour	40	\$450.00	\$18,000.00
Hauling Grindings	Cubic Yard	7,200	See below	

SIGNATURE:

DATE:

COMPANY: Mobile Reduction Specialists, Inc.

Note: Contract will pay actual documented quantities using time sheets

Within 10 miles \$120.00 per load

Beyond 10 miles within 50 miles \$375.00 per load

Mobile Reduction is not responsible for disposal fee.

Subtotal  
 \$120.00 per load \$14,400.00  
 \$375.00 per load \$ 45,000.00

Mobile Reduction to propose a 3 year agreement.  
 1<sup>st</sup> year at quoted rate and each year thereafter  
 max cap of 7% per year increase.

Mobile Reduction Specialists will utilize 2" screens  
 as secondary screen w/ 4" screen as primary to  
 produce a more desirable end product for the  
 market place.

Tree-B-Gone, LLC  
1236 E Marquette St,  
Appleton, WI 54911

# Tree-B-Gone



Call/Text: Jason 920-309-2032  
Chad 920-737-8450

Email: Tree\_B\_Gone@yahoo.com  
Website: Treebgonewi.com

## BID FORM

ITEM	UNIT	EST. QTY	UNIT PRICE	SUBTOTAL
Tree Removal	DBH - Inch	2966	\$ 49.50	\$ 146,817.00
Standing Trunk Removal	DBH - Inch	426	\$ 39.50	\$ 16,827.00
Trimming	Crew- hour	120	\$ 850.00	\$ 102,000.00
Stump Grinding	Each	162	\$ 174.00	\$ 28,188.00

SIGNATURE:

A handwritten signature in black ink, appearing to read 'Chad Appleton', written over a light blue horizontal line.

DATE: 10/4/23

COMPANY: **Tree-B-Gone, LLC**

Note: Contract will pay actual documented quantities using time sheets.

Tree-B-Gone uses state-of-the-art equipment and processes which allows us to tackle the most difficult projects safely and efficiently. We strive to give our customers the best service and experience in the industry. Our expertise has helped the redevelopment authority of the City of Green Bay, the NEW Zoo, Proctor & Gamble, and many more.

We look forward to working with you on the details and development of this project.



Bid Tabulation										
Bid Item	Unit	Est. Quantity	Treeo's Tree Service		Wachtel Tree Science		Mode Tree Care		Tree B Gone	
Bid Item			Unit Price	SubTotal	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal
Tree Removal	DBH - Inch	2966	\$ 18.14	\$ 53,803.24	\$ 35.00	\$ 103,810.00	Varies see bid	\$ 134,674.00	\$ 49.50	\$ 146,817.00
Standing Trunk Removal	DBH - Inch	426	\$ 11.14	\$ 4,745.64	\$ 35.00	\$ 14,910.00	Varies See Bid	\$ 7,785.00	\$ 39.50	\$ 16,827.00
Trimming	Crew - Hour	120	\$ 335.00	\$ 40,200.00	\$ 175.00	\$ 21,000.00	\$ 280.00	\$ 33,600.00	\$ 850.00	\$ 102,000.00
Stump Grinding	Each	162	\$ 125.00	\$ 20,250.00	\$ 125.75	\$ 20,371.50	\$ 77.81	\$ 12,605.50	\$ 174.00	\$ 28,188.00
Total Proposed Investment			\$ 118,998.88		\$ 160,091.50		\$ 188,664.50		\$ 293,832.00	

Bid Tabulation		
Bid Item	Bucklin's Tree Service	Mobile Reduction Specialists
Bid Item	Proposed Investment	Proposed Investment
Brush Grinding Services - Bid 40 Hours	\$ 27,000.00	\$ 18,000.00
Hauling Grindings - Bid 7200 CY	\$ 3,600.00	\$14,400.00 or \$45,000.00
Total Investment	\$ 30,600.00	\$32,400.00 or \$63,000.00



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

## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Andy Selle, Director of Public Works

**RE:** Review and possible action relating to a one –lot Certified Survey Map for the Department of Public Works & Parks Operations facility to be located at 600 Talcott Avenue

---

### BACKGROUND

The proposed CSM 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.

### RECOMMENDATION

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 with the condition that the proposed sewer easement be added and lot setbacks, prior to final signature.

Staff recommends that the City Council approve the preliminary Certified Survey.

### ATTACHMENTS

PC Memo  
Preliminary CSM Application  
Preliminary CSM



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

## CERTIFIED SURVEY MAP REPORT TO THE PLAN COMMISSION

**DATE:** October 10, 2023

**APPLICANT:** City of Fort Atkinson

**PROPERTY ADDRESS:** 700 James Pl, 600 and  
932 Erick St, 610 Talcott.

**FILE NUMBER:** CSM-2023-14

**PARCEL NUMBERS:** 226-0514-0912-080,  
226-0514-0912-066, 226-0514-0912-068,  
226-0514-0912-067, 226-0514-0912-002

**EXISTING ZONING:** Institutional

**PROPOSED ZONING:** N/A

**OWNER:** City of Fort Atkinson

**EXISTING LAND USE:** Public Works / Vacant

**REQUESTED USES:** N/A

---

### REQUEST OVERVIEW:

The proposed CSM 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.

---

### PUBLIC NOTICE:

Public Notice is not required.

---

### COMPREHENSIVE LAND USE PLAN (2019):

The subject parcel lies within the [Janesville Ave Planning Area](#). A multi-use path is shown in the area, but was accomplished within the Rockwell Ave corridor instead, relieving the need for such at this location. Sidewalks will be installed on this new campus however, attending to improved pedestrian access. This CSM is in concert with the comprehensive plan.

# JANESVILLE AVE BUSINESS DISTRICT PLANNING AREA

CITY OF FORT ATKINSON  
FUTURES OPEN HOUSE



---

**OFFICIAL MAP (2022):**

The City's Official Map does not have any locations affecting the parcel.

---

**DISCUSSION:**

The Zoning of the parcels has been changed to Institutional at the October 3, 2023 City Council meeting. The proposed CSM meets all requirements for this Zoning District. An easement for an existing City sewer line will be added to the Final CSM for signature that runs along the north property line of the parcel.

---

**RECOMMENDATION:**

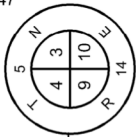
Staff recommends that the Plan Commission recommend the City Council approve this preliminary Certified Survey Map with the condition that the proposed sewer easement be added and reviewed by staff prior to final signature.

---

**ATTACHMENTS:**

Preliminary CSM Application

NORTHEAST CORNER OF  
SECTION 9-5-14  
FOUND MAG NAIL  
N. 336419.85  
E. 2277375.47



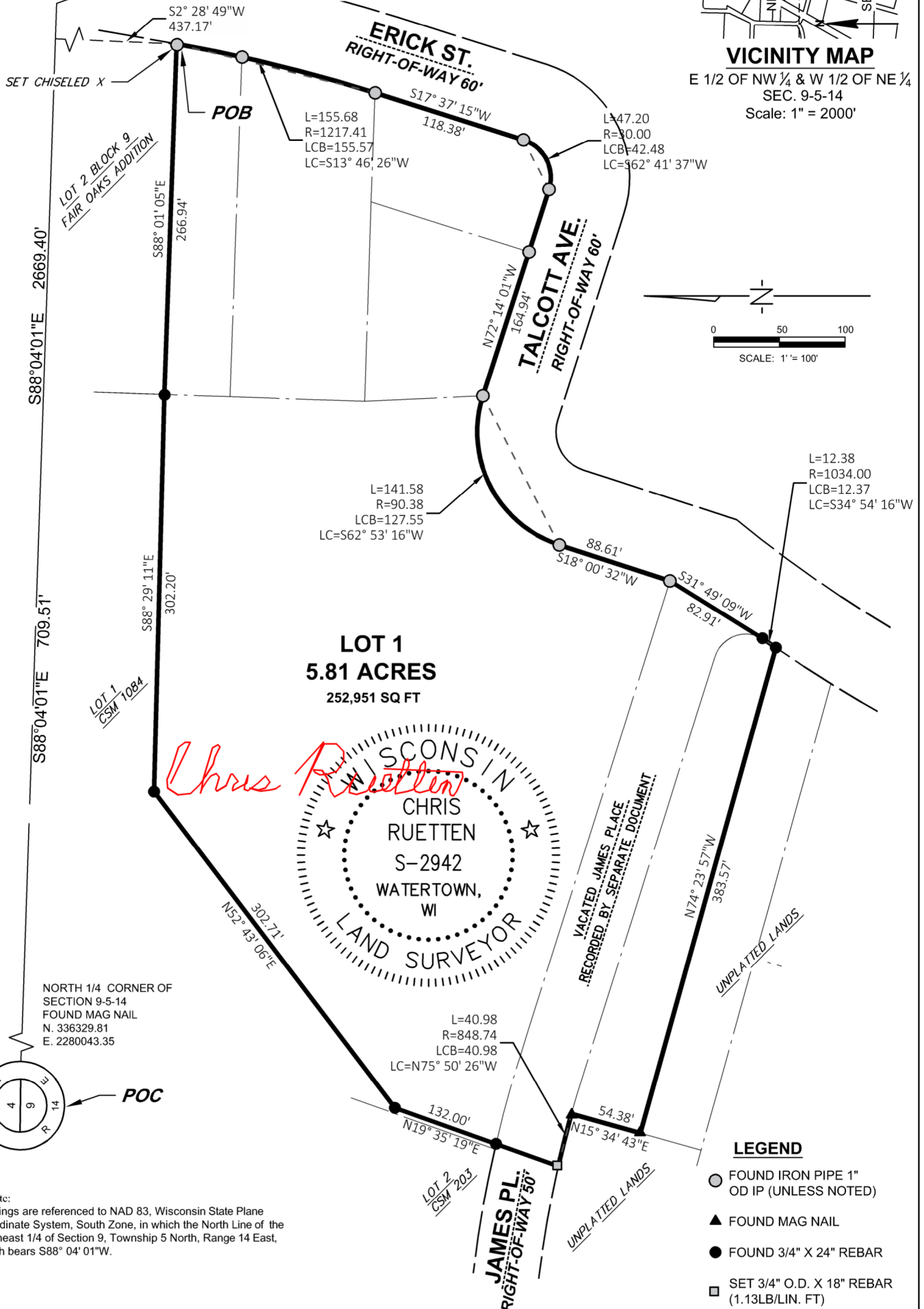
### CERTIFIED SURVEY MAP NO.

PART OF LOT 2 CERTIFIED SURVEY MAP (C.S.M.) NO. 203, LOT 2 OF  
CERTIFIED SURVEY MAP (C.S.M.) NO. 1084, PART OF LOT 2 BLOCK 9 OF  
FAIR OAKS ADDITION, AND PARTS OF THE NORTHEAST 1/4 OF THE  
NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF  
SECTION 9 TOWNSHIP 5 NORTH, RANGE 14 EAST, IN THE CITY OF FORT  
ATKINSON, JEFFERSON COUNTY, WISCONSIN.



### VICINITY MAP

E 1/2 OF NW 1/4 & W 1/2 OF NE 1/4  
SEC. 9-5-14  
Scale: 1" = 2000'



Note:  
Bearings are referenced to NAD 83, Wisconsin State Plane  
Coordinate System, South Zone, in which the North Line of the  
Northeast 1/4 of Section 9, Township 5 North, Range 14 East,  
which bears S88° 04' 01"W.

# AYRES

20975 Swenson Dr, Suite 200  
Waukesha, WI 53186  
(262) 523-4488

— — — — — PROPERTY LINE  
— — — — — EXISTING R/W LINE

SHEET 1 OF 4 SHEETS

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF LOT 2 CERTIFIED SURVEY MAP (C.S.M.) NO. 203, LOT 2 OF  
CERTIFIED SURVEY MAP (C.S.M) NO.1084, AND LOT 2 BLOCK 9 OF FAIR  
OAKS ADDITION, AND PART OF THE NORTHEAST 1/4 OF THE NORTHWEST  
1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9  
TOWNSHIP 5 NORTH, RANGE 14 EAST, IN THE CITY OF FORT ATKINSON,  
JEFFERSON COUNTY, WISCONSIN.

I, Chris Ruetten, of Ayres Associates, Professional Land Surveyor, do hereby certify

That I have surveyed part of and mapped part of Lot 2 Certified Survey Map (C.S.M.) No. 203, Lot 2 of Certified Survey Map (C.S.M) No.1084, and part of Lot 2 Block 9 of Fair Oaks Addition, and parts of unplatted lands all located in the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 9, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin, bounded and described as follows:

**COMMENCING** at the North Quarter Corner of Said Section 9; thence South 88°04'01" East along the North line of said Northeast Quarter, 709.51 feet; thence South 2°28'49" West 437.17 feet to a point on the East line of Lot 2 Block 9 of Fair Oaks Addition and a point on the West right of way line of Erick St. and the **POINT OF BEGINNING**; thence along said West right of way line and along a curve to the right with a radius of 1217.41 feet, having a chord bearing South 13°46'26" West 155.57 feet, a distance of 155.68 feet; thence continuing along said West right of way line South 17°37'15" West, 118.38 feet; thence along the arc of a curve to the right with a radius of 30.00 feet, having a chord bearing South 62°41'37" West 42.48 feet, a distance of 47.20 feet to the Northerly right of way line of Talcott Ave; thence North 72°14'01" West along said Northerly right of way line, 164.94 feet; thence continuing along said Northerly right of way line and along the arc of a curve to the left with a radius of 90.38 feet, having a chord bearing South 62°53'16" West 127.55 feet, a distance of 141.58 feet; thence continuing along said Northerly right of way line South 18°00'32" West, 88.61 feet to the North right of way line of vacated James Pl.; thence South 31°49'09" West along said right of way line, 82.91 feet; thence along the arc of a curve to the left with a radius of 1034.00 feet, having a chord bearing South 34°54'16" West 12.37 feet, a distance of 12.38; thence North 74°23'57" West, 383.57 feet; thence North 15°34'43" East, 54.38 feet to a point on the South right of way line of vacated James Pl.; thence along said South right of way line and along the arc of a curve to the right with a radius of 848.74 feet, having a chord bearing of North 75°50'26" West 40.98 feet, a distance of 40.98 feet; thence North 19°35'19" East, 132.00 feet; thence North 52°43'06" East, 302.71 feet to a point on the South line of Lot 1 of CSM 1084; thence South 88°29'11" East along said South line, 302.20 feet; thence continuing along said South line South 88°01'05" East, 266.94 feet to the **Point of Beginning**.

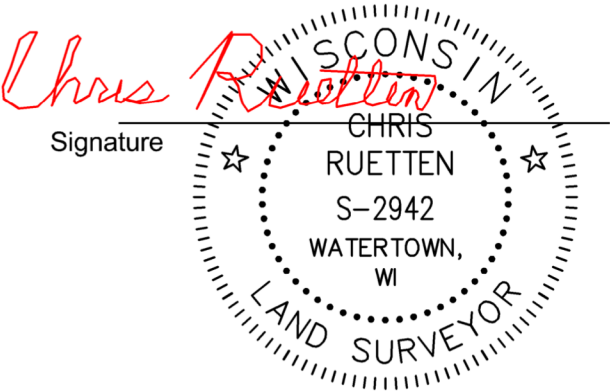
Contains 252,951 SQ FT or 5.81 acres of land more or less

That I have made the survey, land division, and map by the direction of the City of Fort Atkinson  
That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Fort Atkinson in surveying, dividing and mapping the same.

Christopher Ruetten, Professional Wisconsin Land Surveyor, 2942

9-1-2023  
Date



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF LOT 2 CERTIFIED SURVEY MAP (C.S.M.) NO. 203, LOT 2 OF  
CERTIFIED SURVEY MAP (C.S.M) NO.1084, PART OF LOT 2 BLOCK 9 OF  
FAIR OAKS ADDITION, AND PARTS OF THE NORTHEAST 1/4 OF THE  
NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF  
SECTION 9 TOWNSHIP 5 NORTH, RANGE 14 EAST, IN THE CITY OF FORT  
ATKINSON, JEFFERSON COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE:

City of Fort Atkinson, municipal a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, mapped, and dedicated as represented on this map and in consideration of the approval of the map by the Common Council and in accordance Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Fort Atkinson in surveying, dividing and mapping the same.

This agreement shall be binding on the undersigned and assigns.

In Witness Whereof, City of Fort Atkinson has caused these presents to be signed by  
Bruce Johnson, its Council President; and countersigned by Michelle Ebbert, its Clerk, at  
\_\_\_\_\_, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 2023.

In the presences of:

City of Fort Atkinson  
(Corporate Name)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
Bruce Johnson, Council President

\_\_\_\_\_  
(Witness)

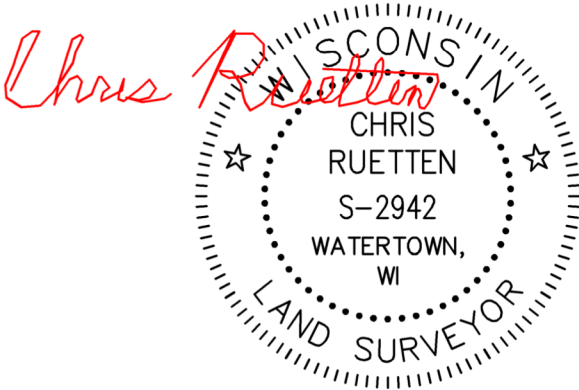
\_\_\_\_\_  
Michelle Ebbert, Clerk

STATE OF WISCONSIN)  
JEFFERSON COUNTY ):SS

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2023, \_\_\_\_\_ Council  
President, and \_\_\_\_\_, Clerk of the above named corporation, to me known as the person  
who executed the foregoing instrument, and to me known to be the President and Secretary of the corporation, and  
acknowledged that the executed the foregoing instrument as such officers as the deed of said corporation, by its  
authority.

(Notary Seal)

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
State of Wisconsin  
My Commission expires \_\_\_\_\_



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF LOT 2 CERTIFIED SURVEY MAP (C.S.M.) NO. 203, LOT 2 OF  
CERTIFIED SURVEY MAP (C.S.M) NO.1084, PART OF LOT 2 BLOCK 9 OF  
FAIR OAKS ADDITION, AND PARTS OF THE NORTHEAST 1/4 OF THE  
NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF  
SECTION 9 TOWNSHIP 5 NORTH, RANGE 14 EAST, IN THE CITY OF FORT  
ATKINSON, JEFFERSON COUNTY, WISCONSIN.

**COMMON COUNCIL CERTIFICATE:**

Resolved that the Certified Survey Map, in the City of Fort Atkinson, Jefferson County, corporate owner, is hereby approved by the Common Council.

In consideration of the approval of the map by the Common Council and in accordance Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Fort Atkinson in surveying, dividing and mapping the same.

All conditions have been met as of the \_\_\_\_ day of \_\_\_\_\_, 2023,  
Date: \_\_\_\_\_ Signed \_\_\_\_\_,  
Bruce Johnson, Council President

I hereby certify that the forgoing is true and correct copy of a resolution adopted by the Common Council of the City of Fort Atkinson

Date: \_\_\_\_\_ Signed \_\_\_\_\_,  
Michelle Ebbert, City Clerk/Treasurer

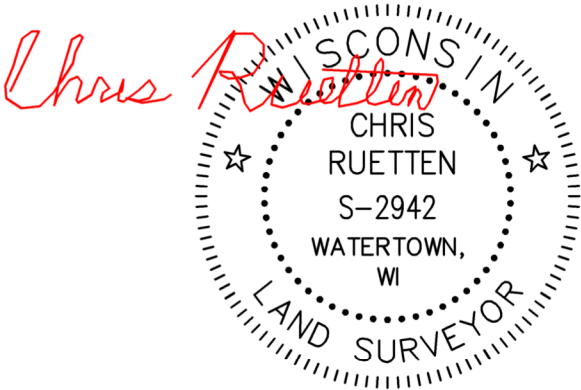
**CITY OF FORT ATKINSON PLAN COMMISSION APPROVAL CERTIFICATE:**

Approved by the Plan Commission, City of Fort Atkinson

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023,

Signed \_\_\_\_\_,  
\_\_\_\_\_, Chariman

Signed \_\_\_\_\_,  
\_\_\_\_\_, Secretary





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

## MEMORANDUM

**DATE:** October 17, 2023

**TO:** Fort Atkinson City Council

**FROM:** Andy Selle, Director of Public Works

**RE:** Review and possible action relating to a one-lot Certified Survey Map for the Kutz property located at 307 Wilson Ave.

---

### BACKGROUND

The property owner 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.

### RECOMMENDATION

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

### ATTACHMENTS

PC Memo  
Preliminary CSM Application  
Preliminary CSM



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

## **CERTIFIED SURVEY MAP REPORT TO THE PLAN COMMISSION**

**DATE:** October 10, 2023

**FILE NUMBER:** CSM-2023-10

**PROPERTY ADDRESS:** 307 Wilson Ave

**EXISTING ZONING:** Single Family Residential (SR-7)

**PARCEL NUMBER:** 226-0514-0422-112

**PROPOSED ZONING:** N/A

**OWNER:** Ron Kutz/Kutz Trust

**EXISTING LAND USE:** Residential

**APPLICANT:** Ron Kutz/Kutz Trust

**REQUESTED USES:** Residential

---

### **REQUEST OVERVIEW:**

The property owner would like to create a 7,000 square foot lot for sale. A Sanitary Sewer Easement Agreement will need to be signed by all parties involved.

---

### **PUBLIC NOTICE:**

Public Notice is not required.

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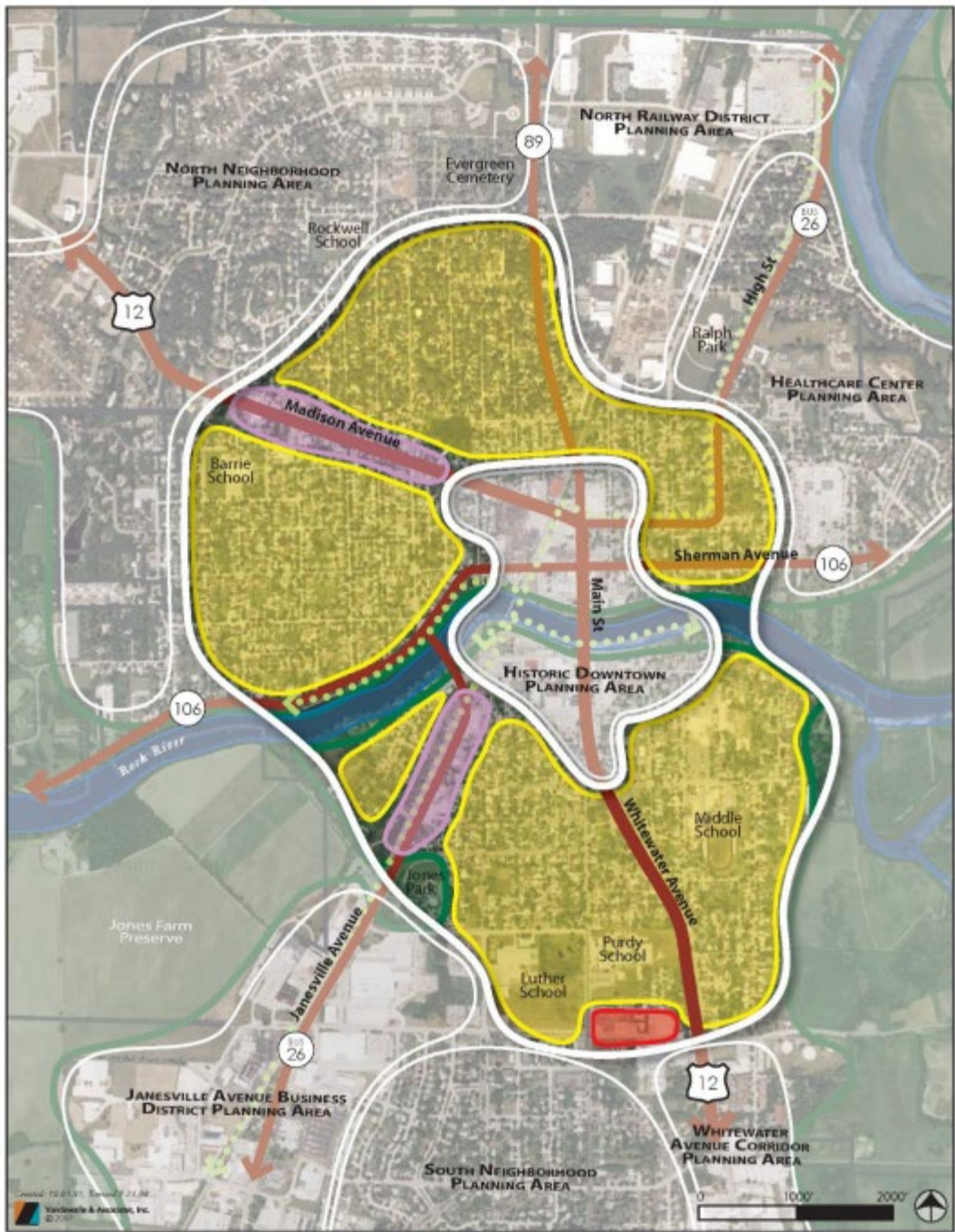
### **COMPREHENSIVE LAND USE PLAN (2019):**

The current parcel is in the [Central Neighborhood Planning Area](#). The current and proposed properties are and will remain in concert with the City of Fort Atkinson Comprehensive Plan which shows this area as a residential neighborhood.

# CENTRAL NEIGHBORHOODS PLANNING AREA

FIGURE: 2.16

CITY OF FORT ATKINSON  
FUTURES OPEN HOUSE



---

**OFFICIAL MAP (2022):**

There are no items in the area on the City's Official Map.

---

**DISCUSSION:**

The proposed parcel will be Zoned SR-7, and meets the minimum dimensions and requirements of the zoning code. This proposed parcel does include a sanitary lateral for the parcel at 1220 Janette Street. The easement is shown on the CSM and will be communicated to any potential buyer. The residents at 1220 Janette as well as the applicant have been in communication and are in agreement with the split.

---

**RECOMMENDATION:**

Staff recommends that the Plan Commission recommend the City Council approve this 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

---

**ATTACHMENTS:**

Preliminary CSM Application



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

## City of Fort Atkinson Certified Survey Map Application

This form is designed to be used by the Applicant as a guide to submitting a complete application for review of a Certified Survey Map by the City to process the application.

APPLICANT Name, company, and client (if applicable): Mark E. Anderson,  
Anderson Land Surveying LLC

Phone number: 920-563-8162 Email: andersonlandsurvey@gmail.com

OWNER Name, company, and client (if applicable): Kutz Trust c/o Ron Kutz

Phone number: 608-698-8419 Email: annronkutz@gmail.com

Postal address for proposed CSM: 307 Wilson Ave., Fort Atkinson

Parcel Identification Numbers Involved: 226-0514-0422-112

Brief description of proposed division or combination and purpose: \_\_\_\_\_

Create a 7000 sq.ft. lot for sale.

### I Application Packet Requirements

The Applicant shall submit one electronic copy of the application.

- ☒ A map of the subject property to scale depicting:
  - ☒ All lands and boundaries for the parcel(s)
  - ☒ Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
  - ☒ All lot dimensions of the subject property.
  - ☒ A graphic scale and a north arrow.
- ☒ Legal Description
- ☒ All easements, setbacks or land restrictions on the parcel(s)



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

## II Process Checklist

- |  |             |
|--|-------------|
| <input type="checkbox"/> Application fee of \$100 plus \$10 per additional lot received by City Treasurer<br>(Maximum \$500) | Date: _____ |
| <input type="checkbox"/> Receipt of complete application packet by Zoning Administrator                                      | Date: _____ |
| <input type="checkbox"/> City Staff Review   | Date: _____ |
| <input type="checkbox"/> Plan Commission Public Hearing, review and recommendation   | Date: _____ |
| <input type="checkbox"/> City Council review and action  | Date: _____ |

Dated this 29 day of June, 20 23

Respectfully submitted,

Mark E. Gule  
(Signature of Applicant)

**ROGERS & WESTRICK, S.C.**

Attorneys at Law  
93 North Main Street

Fort Atkinson, Wisconsin 53538

Christopher J. Rogers (Retired)  
David R. Westrick

Phone 920/563-5577  
Fax 920/563-3577

December 19, 2019

Ronald and Ann Kutz  
225 Johnson Street  
Cambridge, WI 53523

**RE: Lot 3 of CSM No. 6000, Wilson Street, Fort Atkinson, Wisconsin.**

Dear Mr. and Mrs. Kutz:

You were previously notified by letter that it was necessary to correct the Warranty Deed for the real property referenced above because we had to add language referencing the agreement between the City of Fort Atkinson and your Trust concerning sidewalk installation.

I have enclosed the recorded correction document. Please keep this important document with the recorded Warranty deed in a secure location.

Thank you.

Very truly yours,

**ROGERS & WESTRICK, S.C.**



**David R. Westrick**  
DRW/sh

Enclosure

8 0 9 4 1 4 8  
Tx: 4081643  
1417419

State Bar of Wisconsin Form 00-2011  
**CORRECTION INSTRUMENT**

Under Wis. Stat. § 706.085

Document Number

Document Name

Office of Register of Deeds  
Jefferson County, WI  
RECEIVED FOR RECORD  
11/25/2019 10:05:42 AM  
Staci M. Hoffman  
Total Pages: 3  
REC FEE: 30.00  
TRANSFER FEE:  
EXEMPT # 77.25 (3)

Undersigned hereby states that a certain document ("conveyance") titled as  
Warranty Deed (type of document), and  
executed between Statcert, Inc., Grantor, and  
Kutz Trust Dated April 27, 2017, Grantee, was recorded in Jefferson  
County, Wisconsin, on July 23, 2019, in volume \_\_\_\_\_, page  
\_\_\_\_\_, as document number 1411817, and contained the following error:

Language needs to be added regarding the agreement between the City of Fort Atkinson  
and the Buyers regarding sidewalk installation as set forth on the Offer to Purchase.

Undersigned makes this Correction Instrument for the purpose of correcting the  
conveyance as follows:

to add language regarding the agreement between the City of Fort  
Atkinson and the Buyers regarding sidewalk installation.

The basis for Undersigned's personal knowledge is (check one):

- ☐ Undersigned is the Grantor/Grantee of the property described in the conveyance.  
☒ Undersigned is the drafter of the conveyance that is the subject of the Correction Instrument  
☐ Undersigned is the settlement agent in the transaction that is the subject of this Correction Instrument  
☐ Other (Explain):

Recording Area

Name and Return Address

Rogers & Westrick, S.C.  
93 North Main Street  
Fort Atkinson, WI 53538

2210-0514-0422-112  
Parcel Identification Number (PIN)

A copy of the conveyance (in part or whole) ☐ is ☒ is not attached to this Correction Instrument (if a copy of the conveyance is not  
attached, attach the legal description).

Undersigned has sent notice of the execution and recording of this Correction Instrument by 1<sup>st</sup> class mail to all parties to the  
transaction that was the subject of the conveyance at their last known addresses.

Dated 11-21-2019

David R. Westrick (SEAL)

**AUTHENTICATION**

Signature of \_\_\_\_\_

authenticated on \_\_\_\_\_

\*  
TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, \_\_\_\_\_  
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

Atty. David R. Westrick WI SBN 01021165  
Fort Atkinson, Wisconsin 53538

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
 ) ss  
JEFFERSON COUNTY )

Personally came before me on November 21, 2019  
the above-named David R. Westrick

is known to be the person who executed the foregoing  
instrument and acknowledged the same.

Shari R. Holston  
\* Shari R. Holston

Notary Public, State of Wisconsin

My Commission (is permanent) (expires: 12/16/2022)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

CORRECTION INSTRUMENT

STATE BAR OF WISCONSIN

FORM NO. 00-2011

\* Type name below signatures.

**Lot 3 of CSM No. 6000 recorded in Vol. 35 of Certified Surveys on Page 31 as Document No. 1411491, being a part of Lots 59, 60 and part of Lots 61, 62, 64, 65 and vacated Harriette Street, Vol. 27 Misc. On Page 556, Snover's Prospect Heights in the NW 1/4 of the NW 1/4 of Section 4, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin.**

**Buyers to put in, or to pay to the City of Fort Atkinson at \$22.00/linear foot in lieu of putting in sidewalks, adjusted for inflation. Sidewalk to be completed by October 1, 2024.**

State Bar of Wisconsin Form 1-2003  
**WARRANTY DEED**

Document Number

Document Name

8 0 8 4 8 4 5  
Tx:4055406

**1411817**

Office of Register of Deeds  
Jefferson County, WI  
RECEIVED FOR RECORD  
07/24/2019 08:36:31 AM  
Staci M. Hoffman  
Total Pages: 1  
REC FEE: 30.00  
TRANSFER FEE: 138.00  
EXEMPT #

THIS DEED, made between STATCERT INC., a Texas Corporation

("Grantor," whether one or more), and RONALD G. KUTZ and ANN L. KUTZ, as  
Trustees of the KUTZ TRUST Dated April 27, 2017

("Grantee," whether one or more).

Grantor for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Jefferson County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Lot 3 of CSM No. 8000 recorded in Vol. 35 of Certified Surveys on Page 31 as Document No. 1411481, being a part of Lots 59, 60 and part of Lots 61, 62, 64, 65 and vacated Harriette Street, Vol. 27 Misc. Page 586, Snover's Prospect Heights in the NW 1/4 of the NW 1/4 of Section 4, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin.

Recording Area

Name and Return Address

Ronald and Ann Kutz  
225 Johnson Street  
Cambridge, WI 53523

Part of 228-0814-0422-027

Parcel Identification Number (PIN)

This is not homestead property.  
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible, in fee simple and free and clear of encumbrances except: roads, highways, utility easements, zoning ordinances, recorded restrictions.

Dated July 23, 2019

Statcert Inc.

(SEAL)

Don Bladom

(SEAL)

\* Don Bladom, President

(SEAL)

(SEAL)

**AUTHENTICATION**

Signature(s) \_\_\_\_\_

authenticated on \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF WISCONSIN

) ss.

JEFFERSON

COUNTY)

Personally came before me on July 23, 2019,  
the above-named Don Bladom

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Melissa L. Schen  
Notary Public, State of Wisconsin

My commission (is permanent) (expires March 21, 2021)

THIS INSTRUMENT DRAFTED BY:

Atty. David R. Westrick

WI SBN 002695

Fort Atkinson, Wisconsin 53538

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

\*Type name below signatures.



FORM NO. 1-2003

INFO-PRO™ Legal Forms • (800)865-2021 • info@proforms.com

## Part of Lot 3, C.S.M # 6000

61

0.517 AC. 60

C.S.M.  
# 6000

128.28

589°58'10"W

64.15

7057 SQ. FT.

# SANITARY LATERAL EASEMENT

BUILDING  
AREA—

64.16

589°57'03"W

JANETTE

ST.

SCALE 1"=30'

**Anderson Land Surveying LLC**  
**W6141 Star School Road**  
**Fort Atkinson, WI 53538**  
**920-563-8162**

JN 23-01

	
	<p data-bbox="493 680 959 743" style="text-align: center;"><b>SANITARY SEWER EASEMENT AGREEMENT</b></p>
<p data-bbox="217 783 1002 1062"><b>THIS AGREEMENT</b> is made and entered into this 5th _____ day of October _____, 2023, by and between <b>KUTZ TRUST</b>, a Wisconsin trust with a mailing address of 307 Wilson Ave., Fort Atkinson, Wisconsin, 53538 (hereinafter referred to as “<b>GRANTOR</b>”); and <b>MICHAEL D. BOLLY</b> and <b>KARA M. BOLLY</b>, adult married persons, residing at 1220 Janette St., Fort Atkinson, Wisconsin, 5353 8 (hereinafter referred to as “<b>GRANTEES</b>”).</p>	<p data-bbox="1026 751 1151 779">Return to:</p> <p data-bbox="1026 1035 1360 1131">Parcel ID Numbers Kutz: 226-0514-0422-112 Bolly: 226-0514-0422-028</p>

**WHEREAS**, the **GRANTOR** is the owner of the following described property:

(See Exhibit A Attached)

and

**WHEREAS**, the **GRANTEES** are the owners of the following described real estate:

(See Exhibit B Attached)

and

**WHEREAS**, the parties discovered that the **GRANTEES** Sanitary Sewer Lateral crosses **GRANTOR'S** property.

**NOW, THEREFORE**, in consideration of the mutual promises described herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **GRANTOR** and the **GRANTEES** do hereby agree as follows:

1. Grant of Easement. The GRANTOR hereby grants, transfers and conveys to the GRANTEES, the permanent, exclusive right, privilege and easement over, under, and across that portion of GRANTOR'S property, which is legally described on Exhibit C, which is attached and incorporated herein by reference (the "Easement Area"). The Easement Area shall be used for the location of a sanitary sewer service lateral, and related improvements for the purpose of connecting GRANTEES' property to the public sanitary sewer system located within Wilson Avenue, including, but not limited to, the construction, laying, maintaining, repairing, using, operating, and reconstructing a private sanitary sewer service lateral (the "Sanitary Sewer Improvements").

2. Construction, Cost and Maintenance of the Easement Area. The parties hereto understand and acknowledge that the GRANTEES, or their designee, has constructed and installed the sanitary sewer improvements within the Easement Area at no cost to GRANTOR. The GRANTEES shall be solely responsible for all costs associated with the operation, maintenance, repair, and/or replacement of the sanitary sewer improvements, except GRANTOR shall be responsible for routine lawn maintenance and cutting, if applicable, of the Easement Area.

3. Restoration of the Easement Area. Upon completion of any construction of the sanitary sewer, or any maintenance, repair or replacement of the sanitary sewer, GRANTEES shall, at their sole expense, within a reasonable period of time, restore the Easement Area to the condition it was in prior to such construction, maintenance or repair.

4. Alteration of Easement Area Restricted. The Easement Area shall not be occupied by any permanent structure, nor shall any trees or plantings be made within the Easement Area, other than ornamental shrubs, hedge type vegetation and ordinary ground cover vegetation.

5. Term. The term of this Agreement shall commence upon the date of filing this instrument for record with the Register of Deeds for Jefferson County, Wisconsin, and, except as otherwise herein specifically provided, shall continue in perpetuity. The parties each hereby expressly agree, on behalf of themselves and their heirs, successors or assigns, that any provision of law or equity to the contrary notwithstanding, that this Agreement shall continue in effect throughout its term, notwithstanding any default by any party hereto.

6. Miscellaneous.

(a) No Joint Venture. Nothing in this Agreement shall be construed to make the parties hereto, or their heirs, successors and/or assigns, partners of one another or joint ventures of one another, or in any way to render any of said parties liable for the debts or obligations of any other.

(b) Waiver. No delay or omission by any of the parties hereto, or their heirs, successors and/or assigns, to exercise any right or power accruing upon any non-compliance or failure of performance by another by another party under the provisions of this Agreement shall impair any such right to power or be construed to be a waiver thereof. A waiver by any of the parties hereto, or their heirs, successors and/or assigns, of

any of the covenants, conditions or agreements hereof to be performed by another shall not be construed to be a waiver of any succeeding breach thereof or of any other covenant, condition or agreement herein contained.

(c) Heirs, Successors and/or Assigns. The Agreement and each and all of the terms, covenants, and conditions hereof shall be binding upon and inure to the benefit of the parties and their respective heirs, personal representatives, successors and/or assigns, shall be entitled to enforce any term, covenant, or conditions of this Agreement or have any rights hereunder.

(d) Headings. The headings appearing in this Agreement are for convenience and reference only, and in no way define or limit the scope and content of this Agreement or in any way affect its provisions.

(e) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

(f) Severability. If any provisions or portions thereof, of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such provision, or portion thereof, to any other persons or circumstances shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(g) Modification. No agreement shall be effective to add to, change, modify, waive or discharge this Agreement, in whole or in part, unless such agreement is in writing and signed by the parties to be bound.

(h) Covenants Running With the Land. All of the easements, restrictions, covenants and agreements set forth in this Agreement are intended to be and shall be construed as covenants (and not conditions) running with the land, binding upon, inuring to the benefit of and enforceable by the parties hereto and their respective heirs, successors and/or assigns.

(i) Notices. Any notice, demand, statement and request required or permitted to be given under this Agreement shall be in writing and be deemed to have been properly given or served when personally delivered to the other party, via overnight courier, facsimile or two days after deposit in the United States mail, postage prepaid, and addressed to the address set forth below:

If to **GRANTOR:**

Kutz Trust  
307 Wilson Ave.  
Fort Atkinson, WI 53538

If to the **GRANTEES:**

Michael D. and Kara M. Bolly  
1220 Janette St.  
Fort Atkinson, WI 53538

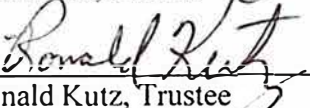
(j) Change of Address. Any party hereto may change the address to which notices to such party shall be sent, by written notice to the other parties given in accordance with this section. At such time as a party transfers its interest under this Agreement so as to create a new party in interest, the previous party in interest or such new party in interest shall send notice to the other parties of the name and address to which notice to the new party shall be sent or delivered. Until such time as such notice is given, the previous party in interest shall be deemed to be the agent for such new party in interest for purposes of receipt of service of notices.

**IN WITNESS WHEREOF, THE UNDERSIGNED HAVE SIGNED THIS Sanitary Sewer Easement Agreement to take effect as of the date first above written.**

**GRANTOR:**

**KUTZ TRUST**

By:   
Ann Kutz, Trustee

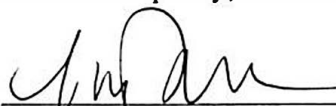
By:   
Ronald Kutz, Trustee

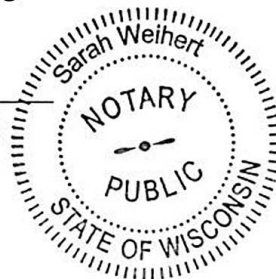
STATE OF WISCONSIN )

) ss.

JEFFERSON COUNTY )

Personally came before me this 5<sup>th</sup> day of October, 2023, **ANN KUTZ** and **RONALD KUTZ**, known to me to be trustees of the **KUTZ TRUST**, and to me known to be the persons who executed the foregoing instrument in such capacity, and acknowledged the same.

  
Notary Public, State of Wisconsin  
My Commission is Permanent.



GRANTEES:

Michael D. Bolly  
Michael D. Bolly

Kara M. Bolly  
Kara M. Bolly

STATE OF WISCONSIN )  
 ) ss.  
JEFFERSON COUNTY )

Personally came before me this 6<sup>TH</sup> day of OCTOBER, 2023, **MICHAEL D. BOLLY** and **KARA M. BOLLY**, known to me to be the persons who executed the foregoing instrument in such capacity, and acknowledged the same.

Christine J. Rector  
Notary Public, State of Wisconsin  
~~My Commission is Permanent.~~

my COMMISSION EXPIRES 09/29/2026

This Document Drafted By:  
Attorney David R. Westrick  
Rogers & Westrick, S.C.  
93 North Main Street  
Fort Atkinson, WI 53538  
(920) 563-5577 - phone  
(920) 563-3577 -fax  
drw@rogerswestricklawoffice.com



## **EXHIBIT "A"**

### **KUTZ TRUST PROPERTY**

Lot 3 of CSM No. 6000 recorded in Vol. 35 of Certified Surveys on Page 31 as Document No. 141-1491, being a part of Lots 59, 60 and part of Lots 61, 62, 64, 65 and vacated Harriette Street, Vol 27 Misc. On Page 556, Snover's Prospect Heights in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 4, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin.

Buyers to put in, or to pay to the City of Fort Atkinson at \$22.00/linear foot in lieu of putting in sidewalks, adjusted for inflation. Sidewalk to be completed by October 1, 2024.



**EXHIBIT "B"**  
**BOLLY PROPERTY**

Lots 57 and 58 in Snover's Prospect Heights Addition, City of Fort Atkinson,  
Jefferson County, Wisconsin.

## **EXHIBIT "C"**

### **EASEMENT AREA**

That portion of land entitled "sanitary lateral easement" 20 feet in width, 64.16 feet in length found, as indicated:

Lot 3 of CSM No. 6000 recorded in Vol. 35 of Certified Surveys on Page 31 as Document No. 1411491, being a part of Lots 59, 60 and part of Lots 61, 62, 64, 65 and vacated Harriette Street, Vol 27 Misc. On Page 556, Snover's Prospect Heights in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 4, Township 5 North, Range 14 East, City of Fort Atkinson, Jefferson County, Wisconsin.