



## Agenda

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, APRIL 19, 2022 – 7:00 PM  
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/81946009258?pwd=ZUk0ZXNFY1lvY2xHRUVoQk83RFdlQT09>

Meeting ID: 819 4600 9258  
Passcode: 53538

Dial by Location  
+1 312 626 6799

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 563-7760. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

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### **AGENDA**

1. **Call meeting to order**
2. **Roll call**
3. **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 April 7, 2022 regular City Council meeting** (Ebbert, Clerk/Treasurer/Finance Director)

- b. Review and possible action relating to **building, plumbing, and electrical permit report for March 2022** (Juarez, Building Inspector)
- c. Review and possible action relating to the City Clerk-issued **License and Permit Report for March 2022** (Ebbert, Clerk/Treasurer/Finance Director)
- d. **City Sewer, Water, and Stormwater Utility Financial Statements** as of March 31, 2022 (Ebbert, Clerk/Treasurer/Finance Director)
- e. Review and possible action relating to a **Special Event: Senior Center Brat Bash on April 30, 2022 at the Senior Center** (Ebbert, Clerk/Treasurer/Finance Director)
- f. Review and possible action relating to a **Special Event: American Legion Post 166 Fishing Derby on June 4, 2022 at 201 S. Water St. E** (Ebbert, Clerk/Treasurer/Finance Director)

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

- a. Review and possible action relating to proclamation recognizing **National Telecommunicators Week April 10-16, 2022** (Bump, Police Chief)
- b. Review and possible action relating to proclamation recognizing **April as Fair Housing Month** in the City of Fort Atkinson (LeMire, City Manager)
- c. Review and possible action relating to proclamation recognizing **April 29, 2022 as Arbor Day** in the City of Fort Atkinson (Williamson, Public Works Superintendent)

**7. Resolutions and Ordinances – None**

**8. Reports of Officers, Boards, and Committees:**

- a. City Manager's Report (LeMire, City Manager)

**9. Unfinished Business:**

- a. Review and possible action relating to the Wastewater Treatment Plant – Phase 2 Improvements Project for **Change Order #3 Aluminum Cover Substitution** (Christensen, Wastewater Utility Supervisor)
- b. Review and possible action relating to proposals from consultants for the development of a **Comprehensive Outdoor Recreation Plan for years 2023-2028** (Franseen, Parks and Recreation Director)

**10. 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)

## **11. The 2021-2022 City Council will adjourn – Sine Die**

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**12.** The City Clerk will administer the **Oath of Office** to newly elected Council members (Ebbert, Clerk/Treasurer/Finance Director)

**13. Call to order** the first meeting of the 2022-2023 City Council (LeMire, City Manager)

### **14. Roll Call**

**15. Election of the President of the City Council** for the term of April 19, 2022 – April 18, 2023 (LeMire, City Manager)

**16.** President takes chair and leads the **Election of the President Pro Tem** (Council President)

**17.** Review and possible Confirmation of the City Manager's appointment of Eric Schultz to serve as the Council Member on the **Plan Commission** (LeMire, City Manager)

**18.** Review and possible action to designate the **Daily Jefferson County Union as the Official City Newspaper** for purposes of publishing required legal notices (Ebbert, Clerk/Treasurer/Finance Director)

### **19. New Business:**

- a. Review and possible action relating to **Board of Review** scheduled for Thursday, **May 5, 2022, from 10:00 a.m. to 12:00 p.m.** (Ebbert, Clerk/Treasurer/Finance Director)

### **20. Miscellaneous – None**

### **21. Adjournment**

*Date Posted: April 14, 2022*

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

*Visit us online! City news and information can be found at [www.fortatkinsonwi.net](http://www.fortatkinsonwi.net), and be sure to follow us on Facebook @FortAtkinsonWI.*



**CITY COUNCIL MEETING  
IN PERSON AND VIA ZOOM  
THURSDAY, APRIL 7, 2022 – 7:00 PM  
CITY HALL – SECOND FLOOR**

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**1. CALL MEETING TO ORDER**

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

**2. ROLL CALL**

Present: Cm. Becker, Cm. Hartwick, Cm. Housley, Cm. Johnson and President Scherer. Also present: City Manager, City Engineer, City Attorney, City Clerk/Treasurer, Public Works Superintendent, Parks & Recreation Director, Water Supervisor and Library Director.

**3. PUBLIC HEARINGS – NONE**

**4. PUBLIC COMMENT:**

Ann Engelman 428 Sherman Ave E. she would like to include Lorraine Nledeker poems with the rain activated paint request from the Chamber of Commerce.

**5. CONSENT AGENDA:**

- a) *Review and possible action relating to the minutes of the March 15, 2022 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b) *Review and possible action relating to a Special Event: Fort Atkinson Parks and Recreation Easter Egg Hunt on April 9, 2022 at Ralph Park (Ebbert, Clerk/Treasurer/Finance Director)*
- c) *Review and possible action relating to a Special Event: Unity Project Fort Fall Fiesta September 17, 2022 at Jones Park (Ebbert, Clerk/Treasurer/Finance Director)*
- d) *Review and possible action relating to a Special Event: FA Summer Charity Concerts Wednesdays: June 8, June 22, July 7, July 20, August 10, and August 24, 2022 at Barrie Park (Ebbert, Clerk/Treasurer/Finance Director)*
- e) *Review and possible action relating to the City Manager appointment of Jenny Kalvaitis to the Tourism Commission (LeMire, City Manager)*
- f) *Review and possible action relating to Alcohol Beverage License Premise Change for Blodgett Garden Center, 1222 Janesville Avenue (Ebbert, Clerk/Treasurer/Finance Director)*
- g) *Review and possible action relating to Alcohol Beverage License Agent Change Kwik Trip #439, 1565 Madison Avenue (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Becker moved, seconded by Cm. Johnson to approve the Consent Agenda as listed, items 5.a. through 5.g. Motion carried.

**6. PETITIONS, REQUESTS, AND COMMUNICATIONS**

- a) *Recognition of the retirement of Captain Todd Schulz of the Fort Atkinson Police Department*



*b) Presentation from the Fort Atkinson Beautification Council relating to a proposal for a mural on the riverfront façade of the City's water utility reservoir, located at 31 N Water Street West (President Jude Hartwick, Beautification Council)*

Jude Hartwick presented the mural that is being requested to be painted on the water reservoir.

## **7. RESOLUTIONS AND ORDINANCES**

*a) Review and possible action relating to a Resolution authorizing the submission of a Transportation Alternative Program (TAP) Grant application for a pedestrian path on South Main Street (Selle, City Engineer/Director of Public Works)*

Engineer Selle provided the background on the Safe Routes to School (SRTS) study, completed in 2016, indicated the need for a number of improvements within the City for safer pedestrian access. South Main Street, beginning at Rockwell and moving south to the City limit encompasses about 4,600 LF with only 1,400 LF of sidewalk on one side. An additional 700 LF is in the Town of Koshkonong just before the Hackbarth Rd intersection. This road has been discussed previously (2016) as a candidate for pedestrian improvements, which were tabled pending the SRTS. The Town of Koshkonong has committed to supporting the project and participating in payment for their portion of the path to connect it to Hackbarth Rd. A similar resolution has been received from the Town Chairman, Bill Burlingame.

Cm. Hartwick moved, seconded by Cm. Johnson to adopt the Resolution authorizing the submission of a Transportation Alternative Program (TAP) Grant application for a pedestrian path on South Main Street. Motion carried.

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

*a) City Manager's Report (LeMire, City Manager)*

No action required.

## **9. UNFINISHED BUSINESS – NONE**

## **10. NEW BUSINESS**

*a) Review and possible action relating to the purchase of new holiday light decorations to replace existing holiday lights along Commerce Parkway, Madison Avenue, and Main Street for \$48,830 (Williamson, Superintendent of Public Works)*

Superintendent Williamson discussed the current decorative lights were generously purchased and donated to the City by the Fort Atkinson Chamber of Commerce in 2006. These lights are an older style incandescent bulb, and are not UL listed. It has been a challenge the last several years to maintain the lighting, and most recently staff has had difficulty obtaining replacement incandescent bulbs. The wiring has become brittle and the frames have begun to deteriorate.

- Downtown Central - Main Street from the BP Gas Station on the South end, across the bridge thru downtown, to the South side of the Main Street and North Third Street intersection. (12 Regular and 22 Globe Over style)

- Northwest - Madison Ave. within the boulevard from the Northwest side of McCoy Park to the Reena Ave. intersection. (23 Regular style)
- Downtown West - Robert Street across the Bridge. (10 Regular style to accommodate the new bridge deck)
- Southwest – Commerce Parkway, in the Klement Business Park, island entry. We would like to decorate all of Commerce Parkway, in future, with this new style lighting. (12 Regular style to include all of Commerce Parkway)

<b>Table B: City of Fort Atkinson Holiday Light Replacement Options - Funding Sources</b>				
<b>Funding Sources</b>	<b>Chamber of Commerce</b>	<b>TID #7</b>	<b>TID #8</b>	<b>Total</b>
<b>Option 1:</b>	\$ 16,000.00	\$ 13,926.00	\$ 10,649.00	\$ 40,575.00
<b>Option 2:</b>	\$ 16,000.00	\$ 22,250.00	\$ 10,580.00	\$ 48,830.00

Cm. Becker moved, seconded by Cm. Johnson to approve the purchase of new holiday light decorations to replace existing holiday lights along Commerce Parkway, Madison Avenue, and Main Street, described in the staff memo as OPTION 2 at a cost of \$48,830 to be funded through a donation from the Chamber of Commerce; TID #7; and TID #8. Motion carried.

*b) Review and possible action relating to the Fort Atkinson Area Chamber of Commerce Tourism Department applying rain-activated paint to various pavement locations throughout the downtown (Franseen, Director of Parks and Recreation)*

Director Franseen discussed that the Fort Atkinson Area Chamber of Commerce Tourism Department is seeking approval to apply rain-activated paint to various locations on pavement throughout the downtown. The goal surrounding this project is to encourage residents and visitors to get outside and enjoy Fort Atkinson even on rainy days, and to increase foot traffic to area businesses. All community representatives agreed the product was not slippery when wet or dry, it did not damage any pavement, the longevity varied between 2-6 months depending on application thickness, and all communities would use this product again. If approved, the Chamber is planning on a test run at the Chamber prior to using the product throughout the City.

Cm. Hartwick moved, seconded by Cm. Becker to approve the Fort Atkinson Area Chamber of Commerce Tourism Department request to apply rain-activated paint to various pavement locations throughout the downtown per the location and design details included in the supporting information and at no cost to the City of Fort Atkinson. Motion carried.

*c) Review and possible action relating to the 2021 Recycling Report (Selle, City Engineer/Director of Public Works)*

Engineer Selle presented the annual report that documents that the City recycled 1005.91 tons of materials listed on DNR's Table #1: newspaper, cardboard, magazines, etc. This is compared to 1095.64 in 2020. The City recycled 161.49 pounds per capita, which surpasses the standard of 106.55 pounds, so we have met the collection standard. E-waste, although not required, is also

documented in this report. In 2021, the City recycled 47.78 Tons of e-waste compared to 52.59 in 2020.

Cm. Hartwick moved, seconded by Cm. Johnson to approve the 2021 Recycling Report and authorize proper signatures and submittal. Motion carried.

*d) Review and possible action to award the 2022 City of Fort Atkinson Street Construction program to Forest Landscaping and Construction (Selle, City Engineer/Director of Public Works)*

The City has received bids to replace all water main, make sanitary and stormwater improvements, add in-fill sidewalks (both sides) and repave approximately 1.2 miles within the south central part of the City, noted below. Work is slated to begin mid-summer 2022 and be completed by early October. This area represents some of the worst water main we have within the City, and will be an excellent start on water main replacement. The cost of the project has come in above our planning estimates by about \$300-\$450K, depending on contingency, and will be shortened slightly to fit within the stated budget. The project area for removal needs more detailed study to ensure conformance with the Federal grant requirements. Elements, such as sidewalks, will not be removed, rather a block or two may be removed to ensure that all elements of the project are accomplished within the final work area. City staff will determine the final project area in the coming days and include the updated information in the contract award.

	<b>Forest Construction</b>	<b>Wolf Paving</b>	<b>Fischer Excavation</b>
BASE CONTRACT	\$2,687,112.80	\$2,904,819.25	\$3,063,702.45
SIDEWALK ADDITION	\$447,455.00	\$331,216.00	\$304,767.00
<b>TOTAL</b>	<b>\$3,134,567.80</b>	<b>\$3,236,035.25</b>	<b>\$3,368,469.45</b>

Cm. Becker moved, seconded by Cm. Johnson to award the 2022 City of Fort Atkinson Street Construction program to Forest Landscaping and Construction for up to \$2,906,500. Motion carried.

**11. MISCELLANEOUS – NONE**

**12. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:**

*a) Review and possible action relating to the Verified Claims presented by the Director of Finance and authorization of payment (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Hartwick moved, seconded by Cm. Johnson to approve the Verified Claims presented by the Director of Finance and authorize payment. Motion carried.

**13. THE CITY COUNCIL MAY CONSIDER A MOTION TO CONVENE IN CLOSED SESSION PURSUANT TO STATE STAT. §19.85(1)(G) IN ORDER TO CONFER WITH LEGAL COUNSEL WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGIES TO BE ADOPTED BY THE COUNCIL WITH RESPECT TO CURRENT AND PENDING LITIGATION**

Cm. Becker moved, seconded by Cm. Johnson to adjourn into closed session pursuant to State Stat. §19.85(1)(g) in order to confer with legal counsel who is rendering oral or written advice concerning strategies to be adopted by the Council with respect to current and pending litigation. Motion carried.

**14. ADJOURNMENT**

Cm. Hartwick moved, seconded by Cm. Becker to adjourn. Meeting adjourned 8:54 pm.

Respectfully submitted,  
Michelle Ebbert



FORT • ATKINSON

# Permit Report

03/01/2022 - 03/31/2022

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

3/29/2022	22093	827 Banker Rd.	Madison College	Add/Alter Commercial	Remodel Mezzanine and main floor areas	459,167	\$554.60
3/30/2022	22096	1 W. Milwaukee Ave.	US Cellular (Blackhawk Senior Residence)	Add/Alter Commercial	Cell communications equipment	120,000	\$80.00
							<b>\$634.60</b>

Group Total: 2

## Group: Deck

3/21/2022	22084	612 Rogers St.	Jason Lynk	Deck	Pool & Deck	27,275	\$125.00
							<b>\$125.00</b>

Group Total: 1

## Group: Electrical

3/7/2022	22063	828 Boldt St.	Chuck Lungstrom	Electrical	Kitchen Remodel electrical	0	\$34.50
3/9/2022	22068	1511 Rangita St.	Tim Legge	Electrical	Elec. for bath & Bedroom in basement	0	\$38.25
3/15/2022	22074	617 GRANT ST	MOLLY LARSON	Electrical	1 SUB PANEL, 27 OUTLETS	0	\$66.25
3/15/2022	22075	600 HIGHLAND AVE	TRENT ERDMAN	Electrical	3 OUTLETS, 1 220V	0	\$37.25
3/21/2022	22083	1220 Janesville Ave.	Johnson Acquisition	Electrical	3 openings	0	\$32.25
3/22/2022	22085	1309 N High St.	Amerco Real Estate	Electrical	Electrical for remodel existing structure for internal personal storage	0	\$489.75
3/23/2022	22089	217 Wollet	Loos Custom	Electrical	New Single	0	\$170.00

		Dr.	Homes		Family Home Elec.		
3/24/2022	22091	201 N Main St.	Madison Commercial Real Estate	Electrical	PV System	0	\$3,136.00
3/29/2022	22095	509 S Main St.	Ryan Rohde	Electrical	Electrical for finish of basement family room	0	\$45.00
3/31/2022	22097	1680 Janesville Ave.	Kwik Trip Inc.	Electrical	New convenience store/Gas Station electric	0	\$1,226.00
							<b>\$5,275.25</b>

**Group Total: 10**

**Group: Fence**

3/25/2022	22092	120 E Highland Ave.	Hannah Bare	Fence	Fence rear yard	5,000	\$55.00
							<b>\$55.00</b>

**Group Total: 1**

**Group: HVAC**

3/7/2022	22060	209 Merchants Ave.	Dwight Foster Library	HVAC	Replace A/C	0	
3/15/2022	22076	1425 JANESVILLE AVE	TRUE STORAGE	HVAC	REPLACE 7 HVAC UNITS	0	\$450.00
3/21/2022	22082	827 Banker Rd.	Madison College	HVAC	HVAC	0	\$140.00
3/23/2022	22087	217 Wollet Dr.	Loos Custom Homes	HVAC	New Single Family Home HVAC	0	\$135.00
							<b>\$725.00</b>

**Group Total: 4**

**Group: New Single Family**

3/9/2022	22066	1639 Montclair Pl.	Laura Colborn	New Single Family	New Single Family Home	342,055	\$659.80
3/23/2022	22086	217 Wollet Dr.	Loos Custom Homes	New Single Family	New Single Family Home	200,000	\$694.60
3/23/2022	22090	1659 Montclair Pl.	Jason & Amy Crandall	New Single Family	New Single Family Home	260,000	\$679.90
							<b>\$2,034.30</b>

**Group Total: 3**

**Group: Plumbing**

3/2/2022	22059	1680 Janesville	Kwik Trip Inc.	Plumbing	New convenience	0	\$351.00
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		Ave.			store/Gas Station laterals & Storm sewer		
3/9/2022	22069	1511 Rangita St.	Tim Legge	Plumbing	Bath in basement	0	\$48.00
3/21/2022	22077	225 Jackson St.	Jim Harrison	Plumbing	Water lateral	0	\$105.00
3/21/2022	22078	200-202 Heritage Tr.	JT Developers	Plumbing	New two family Condo plumbing	0	\$114.00
3/23/2022	22088	217 Wollet Dr.	Loos Custom Homes	Plumbing	New Single Family Home Plbg.	0	\$138.00
							<b>\$756.00</b>

**Group Total: 5**

**Group: Right of Way Opening Permit**

3/8/2022	22064	115 LORMAN ST		Right of Way Opening Permit	GAS SERVICE RETIREMENT	0	\$100.00
3/9/2022	22070	350 S. Main St.	Elaine McDonough	Right of Way Opening Permit	Sidewalk replacement	0	\$50.00
3/11/2022	22073	508 S HIGH ST		Right of Way Opening Permit	GAS SERVICE REPLACEMENT	0	\$50.00
3/21/2022	22080	3RD AND WILCOX		Right of Way Opening Permit	INSTALLING A NEW VALVE REGULATOR PIT SITE	0	\$50.00
							<b>\$250.00</b>

**Group Total: 4**

**Group: Sign**

3/11/2022	22071	1680 Janesville Ave.	Kwik Trip Inc.	Sign	New convenience store/Gas Station signage	68,058	\$380.00
3/11/2022	22072	1530 Doris Dr.	Garrison HDH LLC	Sign	New Dental Clinic Sign panel	8,000	\$55.00
							<b>\$435.00</b>

**Group Total: 2**

**Group: Single Family Alteration/Addition**

3/7/2022	22061	602 Rogers St.	Gerald Lemke	Single Family Alteration/Addition	egress window	4,984	\$31.50
3/7/2022	22062	828 Boldt St.	Chuck Lungstrom	Single Family Alteration/Addition	Kitchen Remodel	40,000	\$81.00
3/8/2022	22065	636 Jackson St	Rex Baker	Single Family Alteration/Addition	remodel of kitchen area and new bedroom in basement	30,000	\$144.00

3/9/2022	22067	1511 Rangita St.	Tim Legge	Single Family Alteration/Addition	Bath & Bedroom in basement	10,000	\$64.20
3/21/2022	22079	601 Coventry Cir.	Michael Traxler	Single Family Alteration/Addition	egress window	4,984	\$31.50
3/21/2022	22081	501 Brighton Way	Nolan Ells	Single Family Alteration/Addition	egress window	4,984	\$31.50
3/29/2022	22094	509 S Main St.	Ryan Rohde	Single Family Alteration/Addition	Finish basement family room	10,000	\$80.55
3/31/2022	22098	414 Hillcrest Dr.	Kim Loker	Single Family Alteration/Addition	egress window	4,984	\$31.50
							<b>\$495.75</b>

Group Total: 8

							<b>\$10,785.90</b>
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Total Records: 40

4/13/2022

Submitted: 4/13/22

*Brian Quary*  
Building Inspector





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

## MEMORANDUM

**DATE:** April 19, 2022

**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 March 15, 2022 through April 19, 2022 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, 2021 – June 30, 2022

Applicant	Place of Employment	Recommended Approval by Fort Atkinson Police Department
Jesse R. Hacker	Kwik Trip #439	X
Christina C. DiGioia	Mr. Brews Taphouse	X
Jenniece M. VanDinter	Big Bluestem Market Collective	X
Haley Jo Kessler	Big Bluestem Market Collective	X
Lori A. Jelinek	Kwik Trip #439	X

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

Applicant	Place of Employment	Recommended Approval by Fort Atkinson Police Department
Michelle Ebbert	Fort Atkinson Lion's Club	X
Wesley Gordon	Fort Atkinson Lion's Club	X
James Glynn	Fort Atkinson Lion's Club	X
William Roberts	Fort Atkinson Lion's Club	X
Thomas Emrick	Fort Atkinson Lion's Club	X
Alexandria Winkelman	American Legion Post 166	X
Miguel Cornejo	El Patron Mexican Restaurant	X
Russell Turk	Fort Atkinson Lion's Club	X
Tasha Glynn	Tavern on the Rock	X

Thomas Freeman	American Legion Post 166	X
Teri Wegner	Kwik Trip #439	X
Todd Brom	Bienfang's Bar	X
Terry Hodawanus	FA Gas Mobil Station	X
Charlie Keeser	Brickhouse	X

**MOBILE MERCHANT**

None

**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:** April 19, 2022

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Special Event:  
Senior Citizens Inc. Board and Senior Center: Brat Bash Spring 22

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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:** Brat Bash Spring 22

**Date and Hours of Event:** Saturday, April 30<sup>th</sup>, 10:30 am to 1:00 pm

**Location:** Senior Center Parking Lot & Barrie Street

**Contact Person:** Chris Nye and/or Larry Whitmore

**Estimated Number of Attendees:** 300

The application and event information was routed to all City Departments without comments or concerns.

### FINANCIAL ANALYSIS

There is no financial impact to the City of Fort Atkinson for the event.



### **RECOMMENDATION**

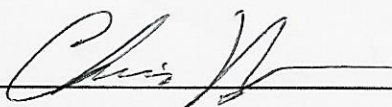
Staff recommends that City Council approve the Special Event for Senior Citizens Inc. and Senior Center Brat Bash Spring 22 on Saturday April 30, 2022 from 10:30 am to 1:00 pm at the Senior Center parking lot and Barrie Street.

### **ATTACHMENTS**

Special Event Application



**CITY OF FORT ATKINSON  
Special Event Application**

Name of Business/Group Organizing Event: <u>Senior Citizens Inc Board AND Senior Center</u>	
Contact Person for Event: <u>Chris Nye</u> <u>LARRY Whitmore</u>	
Phone Number: <u>920-563-7773</u>	Email: <u>chye@fortatkinsonwi.net</u>
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit <u>whit@post.com</u>	
<b>Special Event Details</b>	
Event Name: <u>BRAT BASH SPRING 22</u>	
Event Date: <u>4/30/22</u>	
Event Location: <u>Senior Center Parking Lot &amp; Barrie St</u>	
Estimated Number of Attendees: <u>300</u>	Hours of Event: <u>10:30 - 1:00</u>
Check all applicable boxes: * = NOT closing Barrie St but A line of cars to be expected entering and leaving center. <input type="checkbox"/> I am renting a City Park      Attach copy of paid park rental from Parks & Recreation (920) 563-7781. <input type="checkbox"/> I will be having music      Start and end time of music: * <input checked="" type="checkbox"/> I will be closing a street(s)      Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771. <input type="checkbox"/> I will be selling beer and/or wine*      Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760 *Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide. <input type="checkbox"/> I will be erecting a tent, canopy or other temporary structure.	
By signing, I agree to the following statements: I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event. Responsible Party Signature: <u></u>	

**Office Use Only**

Date Submitted to Clerk:

Date Emailed to Departments:

Department	Comments, Concerns, Action(s) to be taken
<input type="checkbox"/> Clerk/Treasurer	
<input type="checkbox"/> EMS - Ryan Brothers Ambulance	
<input type="checkbox"/> Engineer and Building Inspection	
<input type="checkbox"/> Electrician	
<input type="checkbox"/> Fire and Rescue Department	
<input type="checkbox"/> Library and Museum	
<input type="checkbox"/> Parks & Recreation	
<input type="checkbox"/> Police Department	
<input type="checkbox"/> Public Works Department	
<input type="checkbox"/> Wastewater and Water Utility	

Date Reported to City Council (if necessary):
Comments, Contingencies, Findings:





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

## MEMORANDUM

**DATE:** April 19, 2022

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Special Event: American Legion Post 166 Fishing Derby

---

### 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:** Fishing Derby

**Date:** Saturday, June 4<sup>th</sup>, 2022

**Location:** 201 S Water St E & Purdy Street (North of Water St E)

**Contact Person:** Betty Schelb

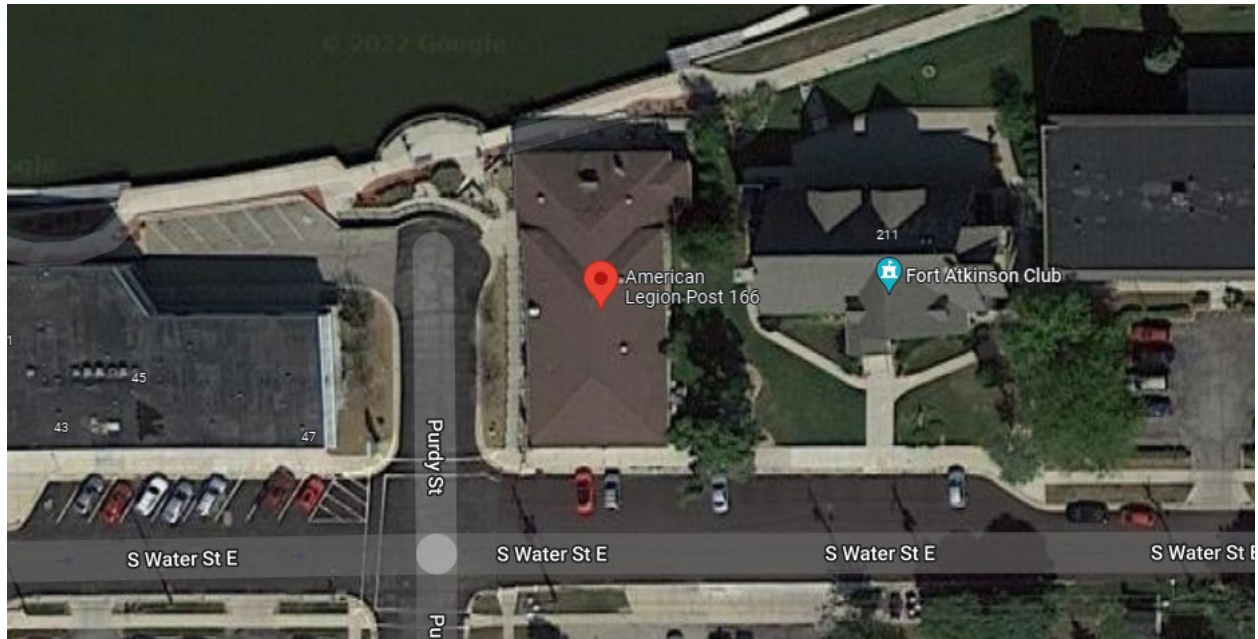
**Hours of Event:** 4:00 am to 4:00 pm

**Estimated Number of Attendees:** 125+

Event information was routed to Departments without any concerns provided. Public Works will assist with street closure barricades.

## FINANCIAL ANALYSIS

There is no financial impact to the City of Fort Atkinson for the event.



## RECOMMENDATION

Staff recommends that City Council approve the Special Event for American Legion Post 166 – Fishing Derby on Saturday, June 4, 2022 and street closures as noted.

## ATTACHMENTS

Special Event Application and Letter



CITY OF FORT ATKINSON  
Special Event Application

Name of Business/Group Organizing Event: <u>American Legion Post 166</u>	
Contact Person for Event: <u>Betty Schelb</u>	
Phone Number: <u>920-563-7629</u>	Email: <u>betty.schelb@gmail.com</u>
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input type="checkbox"/> Non-Profit	
<b>Special Event Details</b>	
Event Name: <u>American Legion Post 166 Fishing Derby</u>	
Event Date: <u>June 4th 2022</u>	
Event Location: <u>201 S. Water Street E. and Purdy Street (North of Water Street East)</u>	
Estimated Number of Attendees: <u>125+</u>	Hours of Event: <u>4am - 4pm</u>
Check all applicable boxes: <input type="checkbox"/> I am renting a City Park Attach copy of paid park rental from Parks & Recreation (920) 563-7781. <input type="checkbox"/> I will be having music Start and end time of music: <input checked="" type="checkbox"/> I will be closing a street(s) Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771. <input type="checkbox"/> I will be selling beer and/or wine* Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760 *Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide. <input type="checkbox"/> I will be erecting a tent, canopy or other temporary structure. <u>request barricades</u>	
By signing, I agree to the following statements: I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event. Responsible Party Signature:	

Office Use Only

Date Submitted to Clerk: 3/28/22 Date Emailed to Departments: 4/13/22

Department	Comments, Concerns, Action(s) to be taken
<input checked="" type="checkbox"/> Clerk/Treasurer	<u>no concerns</u>
<input type="checkbox"/> EMS - Ryan Brothers Ambulance	<u>- no response</u>
<input type="checkbox"/> Engineer and Building Inspection	
<input type="checkbox"/> Electrician	
<input checked="" type="checkbox"/> Fire and Rescue Department	<u>no concerns</u>
<input checked="" type="checkbox"/> Library and Museum	<u>no concerns</u>
<input checked="" type="checkbox"/> Parks & Recreation	<u>no concerns</u>
<input checked="" type="checkbox"/> Police Department	<u>no concerns - officers &amp; dispatch will be aware of event</u>
<input checked="" type="checkbox"/> Public Works Department	<u>no concerns</u>
<input type="checkbox"/> Wastewater and Water Utility	

Date Reported to City Council (if necessary):
Comments, Contingencies, Findings:





American Legion Post 166 (Paul Frank Florine)  
201 S. Water Street E.  
Fort Atkinson, WI. 53538

RECEIVED

MAR 28 2022

CITY OF FORT ATKINSON  
CITY MANAGER

City Council  
City of Fort Atkinson  
111 North Main St.  
Fort Atkinson, WI. 53538

March 21, 2022

Re: American Legion Fishing Derby Road closure

Council Members:

The American Legion Post 166 Fishing Derby is in its 7th year and is growing in popularity. This said, the increased popularity brings us many participants. In order to mitigate automobile/pedestrian incidents on Purdy St next to the American Legion building at 201 S Water St E, we ask that Purdy St (North of Water St East) be blocked from vehicular traffic on June 4, 2022 from 4am -4pm to facilitate a safe environment for our participants and guests. Requested support from the City of Fort Atkinson would be the use of 2-3 wooden barricades for adequate posting of road closure. I look forward to your reply and would be happy to discuss said plan further if necessary.

On behalf of the Fishing Derby Committee, I would also like to invite the members of the City Council, as well as the City Manager to join us at our event to get an idea of what we are bringing to our community.

Respectfully,

A handwritten signature in black ink that reads "Betty Schelb". The signature is fluid and cursive, with the first name "Betty" and last name "Schelb" clearly distinguishable.

Betty Schelb

American Legion Post 166 Fishing Derby Committee Member & Auxiliary Unit 166 President  
1524 Rangita Street Fort Atkinson, WI 53538  
(920) 563-7629



## MEMORANDUM

**DATE:** April 19, 2022

**TO:** Fort Atkinson City Council

**FROM:** Adrian Bump, Chief of Police

**RE:** Proclamation recognizing Telecommunicators Week in the City of Fort Atkinson

---

### BACKGROUND

Every year during the second week of April, the telecommunications personnel in the public safety community, are honored. This week-long event, initially set up in 1981 by Patricia Anderson of the Contra Costa County Sheriff's Office in California, is a time to celebrate and thank those who dedicate their lives to serving the public. It is a week that should be set aside so everyone can be made aware of their hard work and dedication.

### DISCUSSION

The attached Proclamation recognizes National Public Safety Telecommunicators Week April 10-16, 2022. The City encourages all to celebrate and honor those dedicated telecommunicators who are typically the first point of contact during emergencies and for those in crisis.

In the Fort Atkinson Police Department, Telecommunicators were able to dress comfortably out of uniform all week, and the Department purchased a flower arrangement in appreciation of their service.

### FINANCIAL ANALYSIS

This proclamation is not expected to have a financial impact on the City.

### RECOMMENDATION

Staff recommends that the City Council President sign the Proclamation and declare the week of April 10-16, 2022 as Telecommunicators Week in the City of Fort Atkinson.

### ATTACHMENT

Proclamation recognizing National Public Safety Telecommunicators Week

**PROCLAMATION  
RECOGNIZING NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK  
APRIL 10-16, 2022**

**WHEREAS**, emergencies can occur at any time that require police, fire or emergency medical services; and

**WHEREAS**, when an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

**WHEREAS**, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Fort Atkinson dispatch; and,

**WHEREAS**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

**WHEREAS**, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and

**WHEREAS**, Public Safety Telecommunicators of the City of Fort Atkinson have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

**WHEREAS**, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

**NOW, THEREFORE, I**, Christopher Scherer, as City Council President of the City of Fort Atkinson, do here by recognize the week of April 10 through 16, 2022, to be National Public Safety Telecommunicators Week in the City of Fort Atkinson, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Proclaimed this 19th day of April, 2022.

**CITY OF FORT ATKINSON**

---

Christopher Scherer, Council President

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director



## MEMORANDUM

**DATE:** April 19, 2022

**TO:** Fort Atkinson City Council

**FROM:** Rebecca Houseman LeMire, City Manager

**RE:** Proclamation recognizing Fair Housing Month in the City of Fort Atkinson

---

### BACKGROUND

The month of April is celebrated as National Fair Housing Month. This year, the United States Department of Housing and Urban Development (HUD) is celebrating the 54<sup>th</sup> anniversary of the Fair Housing Act. This landmark law was signed into law on April 11, 1968, by President Lyndon B. Johnson. The Fair Housing Act prohibits housing discrimination because of race, color, religion, national origin, sex, disability, and family status. The Act furthers the beliefs advocated by Dr. Martin Luther King, Jr., and the other heroes of the Civil Right Movement.

### DISCUSSION

The attached Proclamation declares the City's support for fair housing initiatives and recognizes the benefits of a diverse and inclusive community. The Proclamation further declares April as Fair Housing Month in the City of Fort Atkinson.

### FINANCIAL ANALYSIS

This proclamation is not expected to have a financial impact on the City.

### RECOMMENDATION

Staff recommends that the City Council President sign the Proclamation and declare the month of April 2022 as Fair Housing Month in the City of Fort Atkinson.

### ATTACHMENTS

Proclamation recognizing Fair Housing Month in the City of Fort Atkinson; 2022 Fair Housing Poster

**PROCLAMATION  
RECOGNIZING FAIR HOUSING MONTH  
IN THE CITY OF FORT ATKINSON**

**WHEREAS;** the Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United State; and

**WHEREAS;** the Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

**WHEREAS;** the City of Fort Atkinson is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

**WHEREAS;** our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

**WHEREAS;** more than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

**WHEREAS;** acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

**NOW, THEREFORE, I,** Christopher Scherer, as City Council President of the City of FortAtkinson, do hereby declare the month of April 2022 as

**FAIR HOUSING MONTH**

In the City of Fort Atkinson as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of the City of Fort Atkinson.

Proclaimed this 19<sup>th</sup> day of April in the year 2022.

---

**Christopher Scherer, City Council President**

Attest:

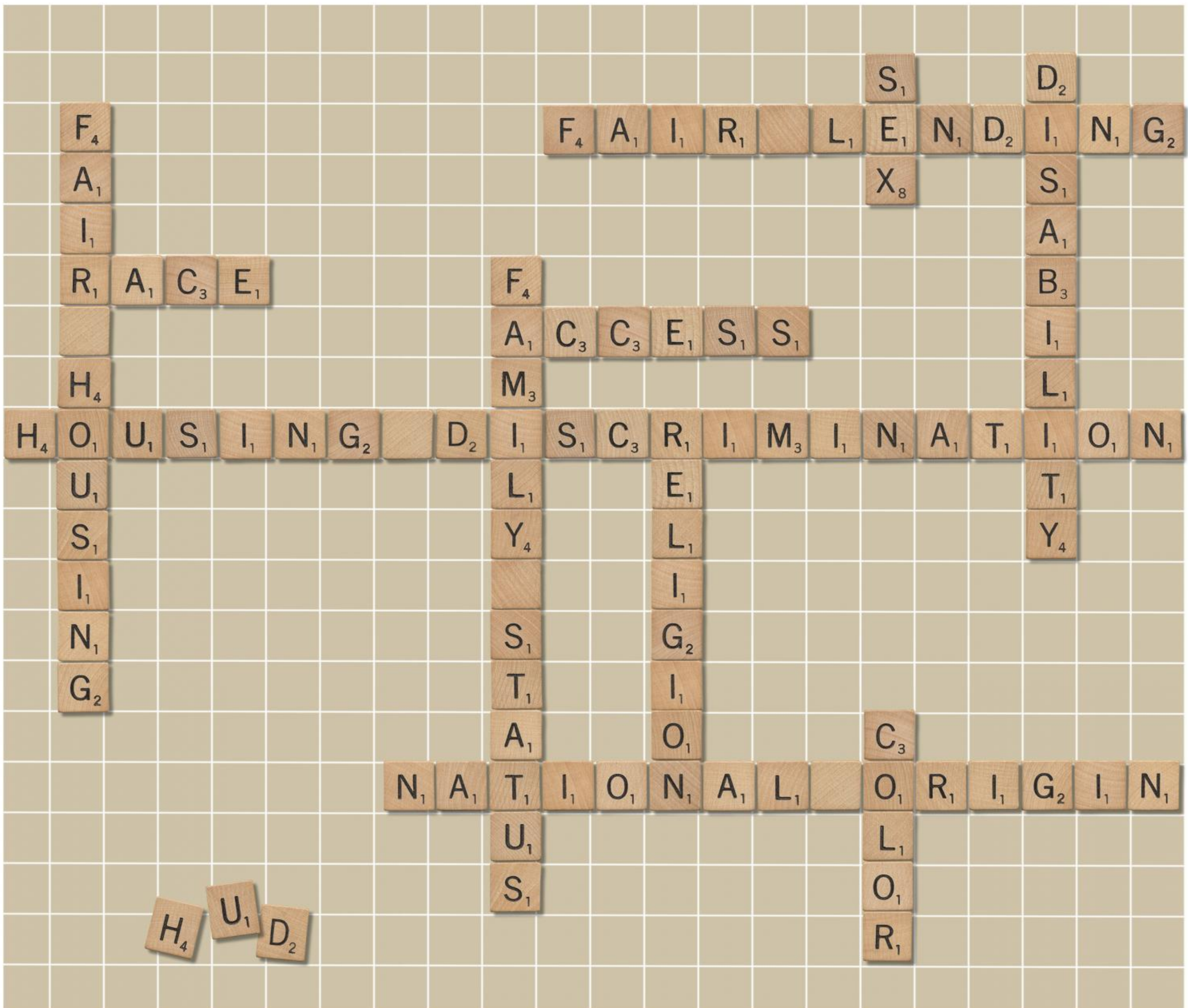
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Michelle Ebbert, City Clerk/Treasurer/Finance Director



# Fair Housing:

## MORE THAN JUST WORDS



**FAIR HOUSING:** More than just words on a gameboard, **IT IS THE LAW.**



**KNOW  
YOUR  
RIGHTS!**

If you feel you have experienced housing discrimination based on race, color, religion, national origin, sex, disability, and family status, contact HUD at **1-800-669-9777** (voice), **1-800-877-8339** (Federal Relay), online at **[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)**, or your local fair housing organization.





## MEMORANDUM

**DATE:** April 19, 2022

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action to Proclaim April 29, 2022 as Arbor Day in the City of Fort Atkinson

---

### BACKGROUND

A condition for the City to be named as a Tree City USA is that each year we must proclaim and observe Arbor Day in the City of Fort Atkinson. The City of Fort Atkinson has been a Tree City USA for 29 years.

### DISCUSSION

In 2022, the Arbor Day Foundation has designated National Arbor Day on Friday, April 29<sup>th</sup>. The Foundation encourages nation-wide celebrations of this event through volunteerism and community events. However, due to the COVID-19 pandemic, the Foundation is encouraging different types of celebrations, including hiking in forests, learning about trees, drawing one's favorite trees, and planting trees. More information on celebrations may be found at <https://celebratearborday.com>.

For the 30<sup>th</sup> year, the City has maintained its tree-planting program and continues to meet the requirements and expectations of the Tree City USA program.

### FINANCIAL ANALYSIS

This proclamation is not expected to have a financial impact on the City.

### RECOMMENDATION

Staff recommends that the City Council President sign the Proclamation and declare April 29, 2022 as Arbor Day in the City of Fort Atkinson.

### ATTACHMENTS

Official Proclamation of the City of Fort Atkinson in Recognition of Arbor Day

**OFFICIAL PROCLAMATION OF THE CITY OF FORT ATKINSON  
IN RECOGNITION OF ARBOR DAY**

**WHEREAS;** in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting trees, and

**WHEREAS;** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

**WHEREAS;** trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS;** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS;** trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS;** trees, wherever they are planted, are a source of joy and spiritual renewal, and

**WHEREAS;** the City of Fort Atkinson has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices.

**NOW, THEREFORE,** I, Christopher Scherer, City Council President of the City of Fort Atkinson, do hereby proclaim Friday, April 29, 2022 as ARBOR DAY in the City of Fort Atkinson, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

**FURTHER,** I urge all citizens to plant trees to gladden the heart and promote the wellbeing of this and future generations.

Proclaimed this 19<sup>th</sup> day of April, 2022.

---

**Christopher Scherer, City Council President**

ATTEST:

---

Michelle Ebbert, City Clerk/Treasurer/Finance Director





## MEMORANDUM

**DATE:** April 19, 2022

**TO:** Fort Atkinson City Council

**FROM:** Andy Selle, City Engineer  
Paul Christensen, Wastewater Utility Supervisor  
Kevin Berg, Donohue

**RE:** Wastewater Treatment Plant – Phase 2 Improvements Project  
Change Order 3 – Aluminum Cover Substitution

---

### BACKGROUND

The Phase 2 Improvements project at the wastewater treatment plant (WWTP) includes the procurement and installation of an aluminum flat cover over the facility's aerobic digesters. The new cover will improve treatment efficiency during cold weather, and provides staff access to new equipment installed in the digesters.

The selected manufacturer of the cover has gone out of business. The Contractor has engaged an alternate supplier that can meet the project specifications. The cost of the equivalent cover has increased significantly since bidding in March 2021 – resulting in the need for a change order to make up the cost differential. The Contractor has submitted a request for a change of \$261,313 to address this issue.

A change of this magnitude requires Council review and approval to move forward.

### DISCUSSION

Two manufacturers were included in the design specifications, both with a history of producing covers of this type, Ultraflote and Hallsten. Both firms produce a similar product, and were specified as equal options to the bidding general contractors. The design of the covers was generally indicated on the bidding documents, with final, detailed design being the responsibility of the manufacturing entity. Generally, the scope of the cover supplier was to design, manufacture, and ship to site the components of a complete cover. The general contractor intended to assemble and install the completed covers.

The City opened bids in March 2021 and awarded the overall project to Staab Construction. It is important to note that the City's construction contract is executed with Staab directly, and does not include any reference to their suppliers, vendors, or subcontractors. As part of Staab's bid, Ultraflote was included as the supplier of the aluminum cover. Hallsten declined to officially provide a bid to the general contractors, citing concerns of meeting the project specifications

requiring an insulated cover that is also anodized for corrosion protection. Despite not bidding, Hallsten did produce an approximate price to provide an insulated cover that was not anodized. At that time, their pricing was approximately \$465,000.

Following project award, Staab executed a purchase order with Ultraflote to supply the cover per the specifications. This purchase order was valued at \$450,000, dated March 25, 2021 and is attached to this memorandum.

Staab and Ultraflote proceeded with the scope of the project throughout 2021 and early 2022, including production of several iterations of shop drawings (detailed production drawings), including a final, approved version for production. The final version was approved on January 27, 2022.

In early February, Staab provided correspondence to Donohue from Ultraflote indicating supply chain issues in the raw aluminum industry (attached). The intent of those letters was seeking potential project accommodations that would reduce potential lead times. These accommodations included an option for a redesign of the already approved production design to modify structural members that could be produced from a different die-set. These redesigns were proposed at an additional fee to the project, and did not substantially improve lead times. The request also indicated a substantial escalation in price to adjust for the new Work as compared to the cost proposed for the design at the time of bidding. The Phase 2 construction project included sufficient contract time to absorb the proposed lead times without modification, so the added expense of a redesign was not considered feasible and was rejected.

Staab provided information to Donohue on February 28, 2022 indicating that Ultraflote may be out of business and unable to fulfill their contract. Further confirmation was requested to verify these claims prior to taking any action. On March 18, 2022 Staab provided a letter from Ultraflote confirming they were out of business and Staab was to pursue other options to fulfill their contract to the City.

With input from Donohue, Staab re-engaged Hallsten as an alternate supplier of the proposed cover. In order to provide a cover for the project, Hallsten could either provide an insulated or an anodized cover, not both. Hallsten's manufacturing processes preclude them from producing a cover that is both anodized and insulated. The anodizing process would not proceed correctly with the insulation in place, and post-installing the insulation and aluminum wrap would require methods that would damage the anodizing.

Based on these limitations it was determined that the anodizing was more important to the process to maintain the longevity of the cover. The cover itself provides significant heat retention improvements to the digestion process simply by providing a barrier between the tank's contents and the outdoor environment. The cover itself will be permanently exposed to warm, humid air within the tank with simultaneous exposure to the elements on the exterior side of the cover. Aluminum is recommended to be anodized (Class 1 anodizing more specifically) when it is permanently exposed to the elements.

With these modifications included, Hallsten’s proposal includes a flat cover that meets the modified specification at a cost of \$684,200. The current cost has increased substantially since March of 2021, relative to both Ultraflote’s pricing at that time – as well as Hallsten’s estimate of cost for a cover that was insulated, but not anodized. The attached letter from Hallsten details several key factors generating the substantial increase in cost in the last 12 months. Primary reasons include materials (51% increase), trucking (145% increase in average diesel fuel price), and labor (10% increase in labor cost, 20% increase in labor hours) related to production of the anodized cover.

A third supplier was engaged for a price comparison, but was not able to meet the specification requirement for project history and experience with this type of installation. There are no other known suppliers of this custom-engineered product.

### FINANCIAL ANALYSIS

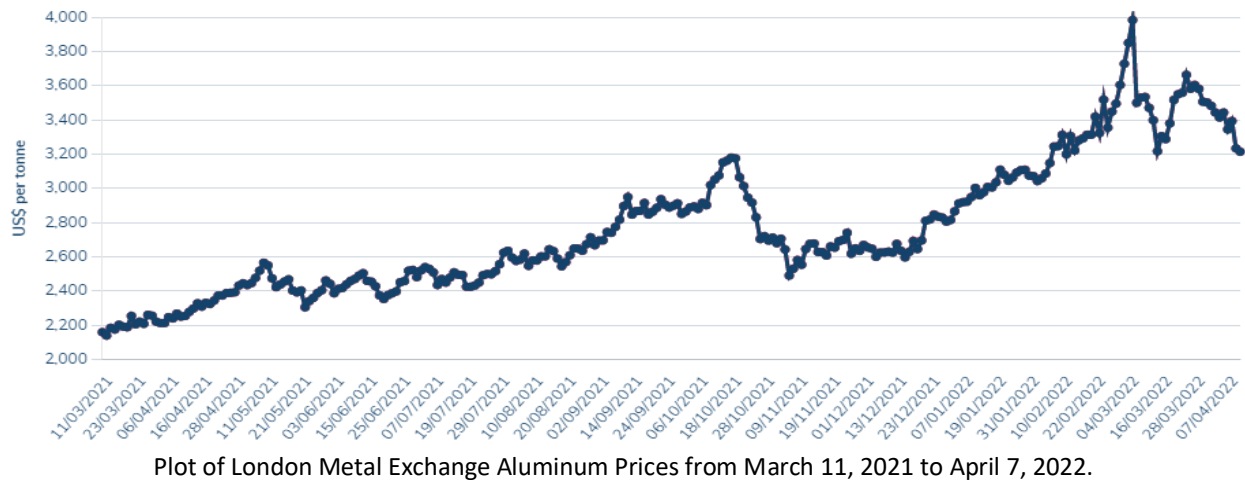
The net impact to the project is an overall increase of \$261,313 (see attached change order proposal from Staab). This change is made up of several parts:

Remove Ultraflote product	DEDUCT	\$450,000
Add Hallsten product	ADD	\$684,200
Contract eligible equipment markup by GC (5% of net equip.) <sup>1</sup>	ADD	\$11,710
Additional materials and equipment for installation	ADD	\$1,000
Contract eligible markup on materials and equipment	ADD	\$150
Project management time to facilitate the change	ADD	\$4,384
Additional installation time due to design differences	ADD	\$7,140
Bonding modifications (approximately 1% of change)	ADD	\$2,729
<b>Overall Net Change</b>	<b>ADD</b>	<b>\$261,313</b>

<sup>1</sup> The Contractor is entitled to a 5% markup as part of the contract per General Condition Article 11.07.C.2.b, as it pertains to a Contractor’s supply of equipment and materials. This value represents the net markup applied the differential of \$234,200 resulting from the cover scope of supply price differences.

Price changes relative to Hallsten’s scope of supply are detailed in the attached letter provided by Hallsten on April 6, 2022. A graphical representation of bulk aluminum pricing as noted by the London Metals Exchange (LME) is provided below indicating industry wide escalation of aluminum pricing from March 2021 to April 2022. Note that dates on the plot are provided in day/month/year format.

From the time of bidding to the time of the March 16, 2022 quote, the LME aluminum index increased from approximately \$2,200 USD/tonne to approximately \$3,650 USD/tonne, or about a 66% increase.



Staab was consulted as to the availability of any bonding or insurances that would cover the increase in costs. Staab confirmed no such bonds or insurance were secured, and no further remedy is available.

This change has been pre-approved by WDNR as being eligible for reimbursement through the project's Clean Water Fund (CWF) loan agreement. The CWF loan agreement included contingency funds in the amount of \$687,093. This change will be paid for using the contingency funds available to the project.

As of April 2022 – the project has enacted formal changes totaling \$18,743, with pending changes anticipated to offset these adders to produce a net credit to the project. These changes include reconciliation of project allowances that are anticipated to go unused – returning funds to the project budget dollar-for-dollar.

Enacted Changes	\$18,743.00
Proposed Adders	\$46,866.00
<u>Proposed Deducts</u>	<u>(\$117,453.00)</u>
Net Projected Changes	(\$51,844.00)

Inclusion of this proposed change order results in a net addition to the project of \$209,469. The remaining value of the contingency is \$477,624, or 70% of the original contingency. The project is approximately 46% complete as of the most recent pay application, so the pace of project completion exceeds the rate of contingency use even while including this major unforeseen event. Excluding this particular item, the contingency would remain in its entirety and the construction budget would be operating at a net credit at this point in time.

## RECOMMENDATION

Staff recommends that Council move to approve Change Order 3 to the Phase 2 WWTP Improvements project as presented.

**ATTACHMENTS**

- Staab Construction - Change Order Estimate No. 16
  - Pricing summary
  - Original Ultraflote purchase order
  - Revised Hallsten pricing quote
- Hallsten Letter Detailing Price Escalations – 4/6/22
- Email from Jim Walters date 01/20/2022 – Rusal America Supply Chain Issues
- Letter from Ultraflote Regarding Supply Chain Issues
- Email from Hallsten Denoting Potential Redesign Opportunities – 2/9/2022
- Production Cancellation Letter from Ultraflote Dated 3/18/2022



## Staab PM Change Order Estimate

KEVIN BERG  
DONOHUE & ASSOCIATES INC  
3311 WEEDEN CREEK ROAD  
SHEBOYGAN, WI 53081

File: 4611- CO  
Date: 03/31/2022  
Project: 4611- FORT ATKINSON WWTF IMPROVEMENTS-PHASE 2  
Re: Cost to delete Ultra-Flote Alum cover

PCO: 16 PCO Item #: 1

Phase	Description	Comments	Qty	UM	Material	Indirect	Rent	Hours	Rate	Labor	Sub	Equip	Totals
10020-011-	Project Management - Mechanical	Extra PM time to facilitate vendor change	32	DLH				32	137	4,384			4,384
133425- -	Aluminum Flat Covers	Delete Ultra-Flote	0	SF								(450,000)	(450,000)
133425- 01-	ALUMINUM FLAT COVERS	Add Hallsten Cover	0	SF	500		500	60	119	7,140		684,200	692,340
	<b>Total Cost</b>				<b>500</b>		<b>500</b>	<b>92</b>		<b>11,524</b>		<b>234,200</b>	<b>246,724</b>
	<b>Percent Margin</b>				<b>15.00%</b>		<b>15.00%</b>					<b>5.00%</b>	
	<b>Margin</b>				<b>75</b>		<b>75</b>					<b>11,710</b>	<b>11,860</b>
	<b>Contract Price Sub-Total</b>				<b>575</b>		<b>575</b>			<b>11,524</b>		<b>245,910</b>	<b>258,584</b>
12200- -	BONDS												2,729
	<b>Contract Price Total</b>												<b>261,313</b>

### Clarifications / Exceptions:

Cost to delete Ultra-Flote Alum Cover and replace with Hallsten Alum Cover

#### NOTES:

1) The existing top of wall varies by 1-3/8". Given Hallsten tolerance of 1/4", additional labor is required to facilitate installation

Project Manager: \_\_\_\_\_

LEON HAFFENBREDL leon.haffenbredl@staabco.com  
p. 715-387-8429201 f. 715-384-4846

The contract completion date to be increased TBD calendar days.

Price subject to change after 30 days.



**staab**  
construction  
CORPORATION

1800 LAEMLE AVE  
MARSHFIELD, WI 54449

Phone: 715-387-8429  
Fax: 715-384-4846

# PURCHASE ORDER

PO #: 4611005 - 133425- - E

MAIL INVOICES TO: 1800 LAEMLE AVE MARSHFIELD, WI 54449 OR  
E-MAIL TO : [invoices@staabco.com](mailto:invoices@staabco.com)

This PO# must appear on all correspondence: 4611005 -133425- -

Project: FORT ATKINSON WWTF IMPROVEMENTS-PHASE 2

Date: 03/25/21

## ULTRAFLOTE LLC

C/O CRANE ENGINEERING  
3640 W 12TH ST  
HOUSTON, TX 77008

Attn: ASHLEY CROWDER Phone: 920-257-0159 Fax: 920-733-0211  
e-mail: [a.crowder@craneengineering.net](mailto:a.crowder@craneengineering.net) Cell: 920-659-1547

### SHIP TO ADDRESS (NO FRIDAY DELIVERIES):

STAAB CONSTRUCTION CORPORATION  
% FORT ATKINSON WWTF  
1600 FARMCO LANE  
FORT ATKINSON, WI 53538  
Attn: CLIFF PARKER 715-305-4286

REFERENCE: Quote No. CESQ36133

DATE REQUIRED: 2/1/22

TERMS: 90%N60,10%SU,no exceed 180 day

SHIP VIA: FOB JOBSITE FFA

Quantity	UM	Stock Number / Description (Manufacturer)	Unit Price	Net Amount	TX
1.00	LS	<b>SECTION 13 34 30 - EXTRUDED FLAT ALUMINUM COVERS</b> Aluminum Dome Covers for Structures 50 <i>Crane Engineering to provide all material complete per Donohue &amp; Associates, Inc. Project No. 13699, City of Fort Atkinson contract plans, specifications, and Quote No. CESQ33133 dated March 1, 2021. Review and apply the Contract General and Supplementary Conditions and specifications 01 11 00 through 01 79 30.</i>	0.00	450,000.00	
1.00	LS	(3) OM Manuals and (2) CD <i>O&amp;M Manuals to include warranty documents and Donohue Equipment Data Forms complete per spec 01 78 23.</i>	0.00	0.00	
<b>- Improper and/or late submission of documents after initial notification are subject to \$150 late fee per document, per notification.</b>					
SUBMITTALS: Shop Drawings: E-mail 1 copy by 6/1/21 to TAYELOR DANIEL at <a href="mailto:taylor.daniel@staabco.com">taylor.daniel@staabco.com</a> . O&M Manuals: E-mail 1 copy by 12/15/21 to TAYELOR DANIEL at <a href="mailto:taylor.daniel@staabco.com">taylor.daniel@staabco.com</a> . O&M Manuals: Provide 4 copies by 12/15/21 to the Marshfield Office.			<b>SUBTOTAL</b>	<b>450,000.00</b>	
PAYMENT: Payment may be withheld until all applicable O&M Manuals are received and approved.					
SHIPPING: DO NOT SHIP until all applicable shop drawings are approved. <b>NO FRIDAY DELIVERIES</b> 48 Hour notice is required on large loads. Our PO # must appear on all invoices, packages, etc.			<b>TOTAL</b>	<b>450,000.00</b>	

Terms and Conditions, attachment A, attached hereto, are made a part of this Purchase Order.

Project is AIS HR 3547 compliant, submit melting & mill certifications from point of origin at time of delivery.

Purchased by:

LEON HAFENBREDL [lhaffenbredl@staabco.com](mailto:lhaffenbredl@staabco.com)  
p. 715-387-8429 ext 201 f. 715-384-4846

Project Manager: LEON HAFENBREDL

- Enclosures:
- ☒ Specification Section: COMPLETE SET VIA CITRIX
  - ☒ Plan Drawings: COMPLETE SET VIA CITRIX
  - ☒ Tax Exempt Certificate
  - ☒ Jobsite Location Map
  - ☒ Other: Quote No. CESQ36133

Accepted by:

ULTRAFLOTE LLC

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Please sign and return (mail, fax, or e-mail) a copy to our office.



V

86

GENERAL & PROCESS MECHANICAL CONTRACTORS - Municipal & Industrial - WATER & WASTEWATER FACILITIES

VP PO# 4611005

Page 1 of 3

StaabPMPurchaseOrderForm.rpt





# QUOTE

**Headquarters**  
707 Ford Street, Kimberly, WI 54136  
t. 920-733-4425 f. 920-733-0211

**Minnesota Office**  
12265 Nicollet Ave., Burnsville, MN 55337  
t. 952-444-1949

**Number** CESQ36133  
**Date** Mar 1, 2021  
**Expires** Mar 31, 2021

## Sold To

**Bidding Contractors**  
Bidding Contractor

## Ship To

**Fort Atkinson Wastewater Treatment**

## Sales Rep

**Director of Sales**  
Eric Finnilla 920-850-3100  
e.finnilla@craneengineering.net  
**Project Coordinator - Water & Wastewater**  
Ashley Crowder 920-257-0159  
a.crowder@craneengineering.net

**Phone**  
**Fax**

**Phone**  
**Fax**

Crane Engineering is pleased to present the below quote.

Terms	RFQ	Ship Via	FOB	Crane Order#
N15		Best Way	Warehouse	

Line	Qty	Product	Lead Time	Unit Price	Ext. Price
1	1	<b>13 34 30 Extruded Flat Aluminum Covers</b> Structure 50 Aerobic Digester Cover Quantity (3) 30' x 80' * (14) 36" Sq. Flush Panel Lid Access Hatch * (2) 42" x 48" Flush Panel Lid Access Hatch * (1) 20" Aluminum Nozzle * (2) 20" Aluminum Nozzle * (2) 24" Nozzle * Panels Designed to 60 psf Live Load; * Additional Aluminum Liner Panel to Cover UNDER the Insulation. * Clear Anodized Finish on Top Side of Extruded Flat Panel. * Estimated 582-Man Hours to Install Cover.	12-14 Weeks After Approved Submittals	\$450,000.00	\$450,000.00
2	1	<b>41 22 13.50 Hoisting Equipment</b> Nine (9) - Thern Model 5PT20S Portable Davit Crane, up to 2000 lb Capacity - Base Model - 304 Stainless Steel Finish Nine (9) - Thern Model 4WM2EGRA-K - Worm Gear Hand Winch Only - Gray Epoxy Nine (9) - Thern Model 5BP20S Pedestal Base - 304 Stainless Steel Finish - Upright Mount Eight (8) - Thern Model WSS25-45NS 1/4 in x 45 ft 316 Stainless Steel Wire Rope with Stainless Steel Swivel Hook and Swaged Ball Fitting. One (1) - Thern Model WSS25-36NS 1/4 in x 36 ft 316 Stainless Steel Wire Rope with Stainless Steel Swivel Hook and Swaged Ball Fitting. One (1) - AIS Certification	4-6 Weeks After Approved Submittals	\$54,978.00	\$54,978.00
3	1	<b>43 41 43 Polyethylene Tanks</b> Ferric Chloride Bulk Tank (T-9-7-1) One (1) - Snyder Industries 7000 Gallon Vertical Storage Tank, 142" D x 122" H, 1.5 SG, XLPE Construction, 3" Flanged Inlet/Fill, 4" Flanged Outlet, 4" Flanged Overflow, 8" Flanged Vent (From Tank), 1" Flanged Vent (To Tank), 24" Hinged/Vented Manway, Hydrotest, Gel Test, ASTM Documentation, Flexijoint PTFE Expansion Joint per Tank Connection	8-10 Weeks After Approved Submittals	\$44,855.00	\$44,855.00

Price does not include tax and shipping charges unless stated above.

**CRANE'S ONLINE STORE IS NOW OPEN!**

Approve purchases for your team  
Assign your own part numbers  
24/7 Access to pricing

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WEDNESDAY, MARCH 16, 2022

Project: Fort Atkinson, Wisconsin - City of Fort Atkinson WWTP Improvements Phase II

Hallsten is pleased to quote on *Lite Span™* Aluminum Covers.

*HALLSTEN INCLUDES  
CLASS 1 CLEAR  
ANODIZED COVER PANELS.*

**MATERIAL SCOPE  
ALUMINUM COVERS**

(Specification Section 13 34 30 Limited by this Material Scope as Set Forth Below)

**Aerobic Digesters Tank Cover:** (*Donohue Drawing No. 050-M-8, 050-S-8*)

- One (1) approx. 91'-3" x 83'-0" surface mounted overhead truss supported aluminum cover system containing a grand total of nine (9) Hallsten standard penetration kits to accommodate valve stems/operators by others, one (1) Hallsten standard penetration kit to accommodate transfer trough isolation gate operating stem by others, three (3) Hallsten standard penetration kits to accommodate two 10" and one 12" drop pipes by others, three (3) Hallsten standard penetration kits with raised aluminum flanges for attachment of one 20" and two 24" vents by others, five (5) Hallsten standard penetration kits to accommodate DO and PH analyzers by others, five (5) 12" square Hallsten standard inspection hatches for access to DO and PH analyzers, thirteen (13) Hallsten standard hatches a minimum of 3'-0" wide as located on the drawings, one (1) Hallsten standard hatch a minimum of 4'-0" wide as located on the drawings, and two (2) Hallsten standard hatches a minimum of 6'-0" wide as located on the drawings.

*Approximate Total Basin Square Footage: 7,574 Sq. Ft.*

Material Only Price: (Not incl. sales tax.).....\$ 684,200.-  
OPTION 1: Installation by Hallsten Corporation. ADD: .....*OPTIONAL*.....\$ 113,000.-  
OPTION 2: Add a Hallsten standard hatch or penetration kit (12" x 12" O.D.).....\$ 450.00

**TOTAL PRICE (Not incl. sales tax):** \$ \_\_\_\_\_

Note: Hallsten shall require a minimum of 8-inches from the inside face of the concrete at the top of the vertical load bearing concrete tank walls to properly mount the cover system. Any required handrail is by others and must be side mounted to the outside face of the tank walls as described in Plan Note 1 on Drawing No. 050-S-9.

Note: The T-Walls of the concrete digester basins will require the secondary structural supports of the cover system to be located completely above the walking surface of the covers.

Note: The Contractor accepting this Scope of Work shall be responsible for unloading of Hallsten's material at the project site and shall provide a safe and secure location for its storage until installation.

Note: The estimate of square footage is for informational purposes only. The price quoted above is for the total amount of the project and not based on a price per square foot of the material actually installed.

***Including:***

- The aluminum-decking surface of the structure shall be Hallsten's patented Deck Slat, which is ribbed to provide an aggressively nonskid surface.

- 6061-T6 corrosion resistant aluminum alloy construction with mill finish.
- 316 stainless steel anchor bolts.
- Hallsten standard hatches as described above.
- Class 1 clear anodized cover panels.
- Santoprene Gaskets. (UV Stabilized)
- Designed for a 60-pound PSF uniform live load, with an L/240 deflection limitation.
- Designed for 400-pound concentrated load on a 12" x 12" square area.
- Panel weight limitation of 150-pounds. (Hatch lifting force limitation of 50-pounds.)
- Production of shop drawings.
- Submittal drawings and calculations stamped by a California Professional Engineer.
- Final approved drawings and calculations stamped by a Wisconsin Professional Engineer.
- One (1) site survey. Note: all areas and equipment must be in place prior to Hallsten deploying for field survey.
- Delivery to job site.
- Five (5) 8-hour days of on-site supervision of installation by a qualified Hallsten representative. Additional supervision days: \$1,200 day. Additional mobilizations \$3,600 per mobilization.
- Hallsten Corporation standard one (1) year warranty.

*Excluding:*

- ✧ Applicable sales tax. (Any applicable sales tax on the material price must be collected and paid on Hallsten's behalf to the State by the Contractor accepting this Material Scope.)
- ✧ Installation. (Unless chosen as OPTION 1 above.)
- ✧ Bonding fees.
- ✧ Unloading of Hallsten supplied materials.
- ✧ Trash receptacle or dumpster.
- ✧ Onsite portable toilet, temporary office or phones.
- ✧ Union agreements.
- ✧ Addendum 1, Item 6. Page 13 34 30-5 Subparagraph 3.01 I. in its entirety. (Grinding of existing concrete and all grout work are excluded by Hallsten. This work, if necessary, must be by others. The concrete walls must be made by others in a suitable condition to properly mount and seal the cover systems.)
- ✧ Part 1.04 J. of specification section 13 34 30. Insulated panels, including cover panels containing a marine grade closed cell polystyrene slug to provide an insulation value. (Hallsten shall provide cover panels that are anodized as described above.)
- ✧ Loads greater than 60-pounds per square foot imposed on the cover system by pipe supports or other equipment.
- ✧ Grating or checker plate covers.
- ✧ On-site cover testing of any kind.
- ✧ Tank Shutdown or Sludge Removal costs.
- ✧ Confined entry procedures, equipment or personnel of any kind. (Hallsten shall install the cover from above.)
- ✧ Signage of any kind.
- ✧ Painting or Coatings of any kind.
- ✧ Handrail of any kind.
- ✧ Ladders of any kind.
- ✧ Teflon bearing pads. (Hallsten uses Santoprene as an equal.)
- ✧ EDPM rubber penetration boots.
- ✧ Silicone gaskets. (Hallsten uses Santoprene, an extrudable form of neoprene as an equal to this item.)



- < Paint or coatings of any kind. (The cover system shall be isolated from the concrete.)
- < Piping and ductwork.
- < Air Inlet Vents.
- < Pipe flanges.
- < Pipe supports.
- < Demolition of any existing equipment and/or handrail.
- < Concrete repairs of any kind, including grinding of the concrete.
- < Grout work of any kind.
- < Relocation of existing handrail for cover system clearance.
- < Any slide gates or operators.
- < Any sensors or probes.
- < Electrical work of any kind, including relocation of any conduit.
- < Stairs of any kind.

Hallsten shall hold this price valid for 90 days from the date at the top of this quotation. Estimated time frame for submittals is 7 weeks from receipt of an order. Estimated time frame for fabrication and delivery is 46-48 weeks from receipt of approved submittals and completed site survey.

Sincerely,



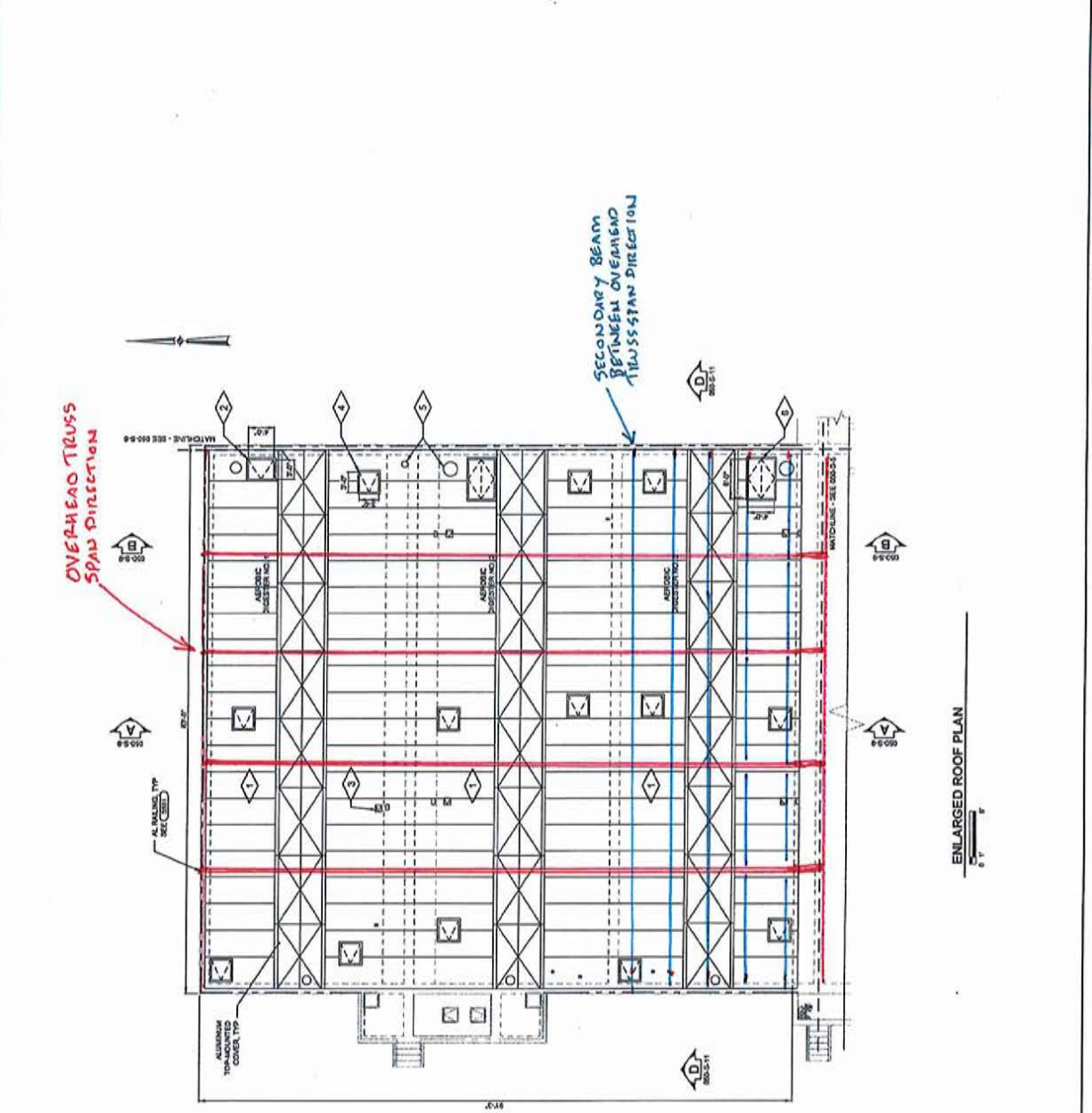
Mark Adams  
Project Manager

**GENERAL NOTES:**

- CONTRACTOR TO PROVIDE AND MAINTAIN ALL NECESSARY PERMITS AND EROSION PROTECTION TO CONSTRUCTION AND/OR FABRICATION.
- REFER TO SET SERIES OF DRAWINGS FOR THE SPACE ENVIRONMENT/HAZARDOUS SATING CONDITIONS ANTICIPATED WITHIN EACH SPACE AND CONSTRUCTION ANTICIPATED TO BE USED WITHIN EACH SPACE.
- HAZARDOUS SPACES IDENTIFIED ON THE DRAWINGS INDICATE SPACES IN WHICH A HAZARDOUS ENVIRONMENT MAY EXIST. BEFORE ANY CONSTRUCTION SHALL BE INITIATED IN THESE SPACES, THE CONTRACTOR SHALL OBTAIN THE NECESSARY INFORMATION REGARDING THE EXISTING AND ANTICIPATED HAZARDOUS SATING CONDITIONS AND ENVIRONMENT ASSOCIATED WITH THESE SPACES. THE CONTRACTOR SHALL VERIFY LOCATION OF EXISTING AND ANTICIPATED HAZARDOUS SATING CONDITIONS AND ENVIRONMENT ASSOCIATED WITH THESE SPACES AND COORDINATE WITH THE FABRICATOR.
- CONTRACTOR SHALL COORDINATE LOCATION OF ALL ACCESS HATCHES WITH MEET UPPTS. RECOMMENDED LOCATION.

**PLAN NOTES:**

- ENTRUSSED ALUMINUM COVER SYSTEM, SEE 050-S-11 FOR DETAILS. ALL COVERS SHALL BE TOP MOUNTED ON EXISTING CONCRETE WALLS AND WALLS.
- 2'-0" X 4'-0" ACCESS HATCH.
- 12" SQUARE DO AND FIN ANALYSIS ACCESS HATCH, TYP OF 5.
- 2'-0" X 2'-0" ACCESS HATCH, TYP OF 11.
- VARIOUS COVER PENETRATIONS, COORDINATE WITH MECHANICAL FOR LOCATIONS AND SIZES.
- 4'-0" X 8'-0" ACCESS HATCH, TYP OF 2.





Wednesday, April 6, 2022

Donohue & Associates, Inc.  
731 N Jackson St. Suite 500, Milwaukee, WI 53202

Attn: Kevin Berg, PE  
Re: Fort Atkinson - Hallsten Scope (Original Bid - March 1, 2021)

Kevin,

As you are aware, several market factors have caused a substantial increase in the price of Hallsten aluminum covers over the last year. Inflation, combined with labor and material shortages has forced Hallsten to increase both the price and lead time for this project. While Hallsten did not formally offer a price for the original March 2021 bid, Hallsten estimated that our offer would have been in the \$465,000.00 range, material only delivered. The March, 2021 estimate did not include anodizing of the aluminum cover panels.

Upon the request of the General Contractor, Hallsten re-visited the scope of this project and formally offered a new proposal and price in March of 2022. The 2022 price is substantially higher than the estimated 2021 price. Several factors influenced this:

The March 2022 proposal and price included Class 1 clear anodizing of the cover panels.

**Material:** APEL Extrusions, a major supplier of many of the aluminum extrusions Hallsten requires to manufacture our product issues a price sheet. The price sheet changes and Hallsten is locked into the prices on this sheet at the time of the order. Over the last 12 months the average price of the deck slat extrusion that comprises Hallsten panels has risen from \$1.83 per pound in March 2021 to \$2.77 per pound in March 2022.

**Trucking:** Hallsten must rely on OTR flatbed trucks to deliver our product. The national average for Diesel Fuel has risen from \$2.87 in March 2021 to \$4.16 in March 2022. Trucking companies have passed this cost on to Hallsten in the form of higher rates per mile.

**Labor:** The average cost of labor at Hallsten Corporation has increased by approx. 10% from March of 2021 to March of 2022. The 2022 estimate of the labor hours required to complete this project in 2022 is approx. 20% greater than the estimate from March of 2021. This is largely due to the anodizing of the cover panels. The panels must be manufactured, handled and shipped in a different more time-consuming manner than our standard mill finish product.

Should you have any questions, please contact me personally. Thank you.

Sincerely,

Mark Adams  
Project Manager  
Hallsten Corporation  
(916)331-7211 Ext. 111

Cc: Sam Dyrud - Van Bergen & Markson, Inc.

----- Forwarded message -----

From: **Jim Walters** <[jim.walters@rusalamerica.com](mailto:jim.walters@rusalamerica.com)>

Date: Thu, Jan 20, 2022 at 4:40 PM

Subject: RE: Letter Regarding Covid-19 Supply Chain Impact/disruptions

To: Indy Feil <[indy@non-ferrous.com](mailto:indy@non-ferrous.com)>

Dear Norm,

Since the Pandemic recovered last year in the 2<sup>nd</sup> half of 2020, we have seen changes and impacts to the industry we have not observed before. When the Pandemic started in early 2020 and lockdowns were put in place for many industries, industrial production stopped or reduced production, canceled orders of goods, reduced inventory, etc. People lost jobs and we were in an unprecedented situation.

This was due to the unknowns of the length of the lockdowns and the total impact. The recovery, at least in aluminum, moved fast in the 2<sup>nd</sup> half of 2020, companies went out to reorder, they wanted to build stock, and get back in business. However the circumstances were not the same, factories lost people, shutdowns had to be restarted, and there was a general rush to fill the pipeline again. Inventories were depleted.

Once companies could see a robust business, they went to order more heavily, and the system around the world backed up.

Issues:

1. Containers that were available were in short supply with the robust ramp up. Prices for containers increased significantly, sometimes by 3 or more times the previous rate.
2. Vessels faced the same problem, and rates more than doubled.
3. Ports in the USA faced congestion as goods tended to come in greater quantities than before, by higher cost container or bulk vessels.
4. The ports had trouble handling as the employment was hit by many people calling out of work or not showing up due to sickness or fear of sickness.
5. Then there was the Suez canal issue that blocked freight heading east and west for a period of time further exasperating the situation.
6. Energy was spiking as evidence of oil price increases and the impact on delivery costs around the world. Then electricity and gas costs increased forcing the closure of some facilities (mostly in Europe). Supply of aluminum in different grades moved to a further short supply situation. This impacts supply in all regions.
7. As we moved into 2022 contract discussions, magnesium and silicon supply begin the year with super tight supply and prices rose to unheard of levels, even if you could get a contract to supply which was difficult. Then the contract might have an adder to cover the cost of these alloying elements.
8. Some countries and customers of goods had a tendency to hold material as well which would have an impact on prices.

Experts around the world say things will improve during 2022. Time will tell when and how much.

Regards,

James M Walters

Senior Sales Consultant

**From:** Indy Feil <[indy@non-ferrous.com](mailto:indy@non-ferrous.com)>

**Sent:** Wednesday, January 19, 2022 2:04 PM

**To:** Jim Walters <[jim.walters@rusalamerica.com](mailto:jim.walters@rusalamerica.com)>

**Subject:** Letter Regarding Covid-19 Supply Chain Impact/disruptions

Jim,

Per our quick conversation, please write a letter discussing the Covid-19 supply chain impact and disruptions in regards to:

- Reduction in Smelter Output due to:
- Staffing in Lockdown or in Short Supply
- Shortages in Alumina, Magnesium, and/or Silicone
- Shipping Container Shortages
- Shipping Vessel Delays or Cancellations
- Lack of Port/Dock/Warehouse Availability
- What Effect Did the Suez Canal Shutdown Have
- Nations (China) or Customer Hoarding Metal Units

Jim, you don't have to discuss all of the above but only what you see as the prevailing cause(s) of the supply chain issues or anything else you can think of contributing to both past and current aluminum delays. Thanks Jim!

Respectfully,

Indy



**Ultraflote**  
DESIGN. BUILD. COVER.

3640 W. 12th St.  
Houston, TX 77008

T: 713.461.2100  
F: 713.461.2213

ultraflote.com  
info@ultraflote.com

#### An Important Message from the CEO

##### To Our Valued Customers:

Ultraflote acknowledges and apologizes for any inconvenience you may experience because of the global supply chain disruptions affecting the availability of the raw materials for your orders.

All of the foundries and mills, from mining to production, have been negatively impacted by a loss of demand due to the pandemic. This decrease was then followed by an extreme uptick in demand that resulted in widespread shortages causing supply chain delays up and downstream.

The on-going effects of the pandemic on our industry and supply chains has created a particularly challenging environment for us all. Our team at Ultraflote is relentlessly working to find ways around the current supply chain situation. We are closely collaborating with our external partners and suppliers to reduce the impact of supply shortages. Our goal is to find ways to substitute material types or change design options in such a way that we use materials and processes that currently have shorter lead times for raw supply.

Please reach out to our Ultraflote Team if you have any additional questions about the solutions they are offering for your project.

I want to take this time to personally thank you for your understanding and assure you that the Ultraflote Team is working hard to fulfill our commitments to you. Please know that I, along with the Ultraflote Team, value your business as we work through these disruptions.

Sincerely,

*Charles M. Gossett*

Charles M. Gossett  
Chief Executive Officer  
Ultraflote, LLC



Berg, Kevin

---

From: Haffenbredl, Leon <leon.haffenbredl@staabco.com>  
Sent: Thursday, February 10, 2022 8:21 AM  
To: Berg, Kevin  
Subject: FW: [EXTERNAL]Action Requested: Urgent Supply Chain Delay Announcement  
Attachments: Rusal America\_Supply Chain Notice\_01-19-22.pdf; Supply Chain Letter from the CEO.pdf

Kevin, These were the letters from Ultra Flote. For your information. Thanks



**Leon Haffenbredl**  
**Sr. Project Manager/Estimator**  
**Phone:** 715-387-8429 ext 201  
**Mobile:** 715-305-7972  
**Email:** [leon.haffenbredl@staabco.com](mailto:leon.haffenbredl@staabco.com)  
**1800 Laemle Ave**  
**Marshfield, WI 54449**

---

From: Jake Coward <jcoward@ultraflote.com>  
Sent: Wednesday, February 9, 2022 10:37 AM  
To: Haffenbredl, Leon <leon.haffenbredl@staabco.com>  
Cc: Daniel, Tayelor <Tayelor.Daniel@Staabco.com>; Charles Gossett <cgossett@ultraflote.com>; Mary Beshears <mbeshears@ultraflote.com>; Krystal Holifield-Potts <KHolifield-potts@ultraflote.com>; Kelsey Kirschmann <kkirschmann@ultraflote.com>; Chris Greathouse <cgreathouse@ultraflote.com>  
Subject: [EXTERNAL]Action Requested: Urgent Supply Chain Delay Announcement

Leon,

Due to the unforeseen supply chain issues resulting from the current global market conditions, extruders are unable to obtain materials from the foundries and mills in a reasonable timeframe. In reference, please see attached letters from both Rusal America ([a global supplier of raw aluminum](#)) and from our CEO. As a consequence of supply chain shifts, the raw aluminum for your project will not be shipped out from the foundry and processed through its extruder until the end of October, 2022 (best case, in some cases not until January of 2023). Fabrication takes another 3-4 weeks, which will cause your flat panel delivery to take place at the end of November, 2022 (again, best case).

We were informed of this new timeline for delivery on Wednesday, 02/02/2022, by our primary extruder processing the structural members on your project.

To mitigate these unforeseen circumstances, Ultraflote is exploring options to re-design all affected flat panels. This redesign would enable using differently sized structural members that can be made available earlier (by using differently sized presses from other extruders).

We are offering our clients the option to re-design their flat panels for a re-engineering fee that includes the cost for re-engineering and for purchasing new dies for affected structural members. This option results in:

- A new raw material availability timeline of late July, 2022
- Delivery to jobsite by late August, 2022
- Lead time reduction from 38-42 weeks to 22 weeks for material delivery to the jobsite
  - Assumptions:
    - This option is chosen by 02/14/2022 with priority re-design of four weeks
    - Dependent on review & approval of new design package within one week of submittal
- Please note: Material escalation at the time of order still applies due to the drastic increases in price for raw aluminum

Please note that we are providing this option to all our affected clients and the best redesign lead times will be provided on a first-come, first-served basis. If you confirm that you are interested in this option, I will respond with a formal change order and the proposed lead times for your specific project, at which point you can determine if you wish to proceed with this option or not.

Thank you so much for your time and consideration.

Best Regards,

Jake Coward  
 Sales/Project Manager  
 Ultraflote LLC  
 3640 West 12TH Street  
 Houston, Texas 77008  
 Direct: 713-581-7863  
 Cell: 832-791-6305  
[www.ultraflote.com](http://www.ultraflote.com)





**Ultraflote**  
DESIGN. BUILD. COVER.

3640 W. 12th St.  
Houston, TX 77008

T: 713.461.2100  
F: 713.461.2213

ultraflote.com  
info@ultraflote.com

Staab Construction  
1800 Laemle Ave.  
Marshfield, WI 54449  
March 18, 2022

RE: Ultraflote PO #4611005-133425-E between UltraFlote, LLC and Staab Construction.

Dear: Mr. Haffenbredl,

The purpose of this letter is to notify you that UltraFlote, LLC has closed its business on February 28, 2022. You will need to take such actions as you deem appropriate pursuant to the PO. 4611005-1334-E referenced above to protect your interests in the project for Ft. Atkinson WWTP.

While we regret having to take these actions, we thank you for your past business and support. We wish you all the best for your continued success. Please let me know if I can answer any questions or provide assistance as you make arrangements to work with a new vendor or contractor. I will be available on a limited basis during business hours through April 30, 2022.

Sincerely,

*Charles M. Gossett*

Charles M. Gossett  
Chief Executive Officer  
Ultraflote, LLC



## MEMORANDUM

**DATE:** April 19, 2022

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to proposals from consultants for the development of a Comprehensive Outdoor Recreation Plan for years 2023-2028

---

### BACKGROUND

A Comprehensive Outdoor Recreation Plan (CORP) is a planning document that sets goals unique to Fort Atkinson's Parks and Recreation Program. This planning document will provide an inventory of existing park and recreational facilities; an analysis of parkland and recreation needs and demands; demographic trends; recommendations for improving existing parks, bicycle, and pedestrian facilities; and implementation strategies. A CORP is required to be eligible for state and federal grants for acquisition and development of open spaces and facilities.

Staff released the Request for Proposals (RFP) on March 1<sup>st</sup> and received six proposals by the deadline of March 24<sup>th</sup> from MSA Professional Services, Vandewalle & Associates, Ayres Associates, Hoisington Koegler Group Inc. (HKGi), Rettler Corporation, and GRAEF.

A CORP Subcommittee was formed from the Parks and Recreation Advisory Board with the task to review the proposals and recommend a consultant for the 2023-2028 CORP to the City Council. The Subcommittee consisted of three members, in addition to staff, and met on March 31<sup>st</sup> to review and compare the six proposals against the evaluation matrix included in the RFP. The three Parks and Recreation Advisory Board members included Steve Mahoney, Don Neste, and Robert Cassiday.

Using the criteria established in the matrix, the CORP Subcommittee voted to interview the top three scoring consultants (highlighted) in the matrix. The three consultants included MSA Professional Services, Vandewalle & Associates, and Ayres Associates. The interviews were held on April 6<sup>th</sup> and the format included a short presentation from the consultant and Q&A where specific questions were prepared for each consultant pertaining to their proposal. References for all three consultants were sought prior to the interviews.

## DISCUSSION

After conducting the interviews and reviewing references, the CORP Subcommittee agreed to further analyze the proposals from Vandewalle & Associates and MSA Professional Services.

Vandewalle & Associates' proposal was very thorough and highlighted a number of projects they have successfully completed for the City. However, the Subcommittee was captivated with MSA Professional Services' presentation and clarification to the prepared questions provided.

MSA Professional Services offers a fresh viewpoint of the City through their all-service experienced team. In addition, MSA Professional Services' CORP references were visually appealing with clear graphics. The Subcommittee was pleased specifically with the two-page summary sheet for each existing park documenting current conditions, current issues, and recommendations with priority and cost estimates.

The proposal from Vandewalle & Associates was slightly less expensive, however MSA Professional Services was able to modify their proposal to include all preferred community engagement strategies while still including the most important scopes to stay within the budget. Public input is a vital piece to developing a successful implementation tool by learning what the community wants to see in Fort Atkinson's existing and future parks, trails, and recreation programming.

Proposed Community Engagement	
MSA Professional Services	Vandewalle & Associates
Public Engagement Platform	Online survey
Online survey	Four 1-hour in-person focus group meetings
One local event discussing needs & wants	One local event for final draft review
One stakeholder focus group & questionnaire	
Two interviews with potential partners on future park initiatives	
*One local event for final draft review	

## FINANCIAL ANALYSIS

The RFP included the project budget of \$28,000, which was included in the Parks Capital Improvements Plan budget for 2022.

\*MSA Professional Services' proposal recommended the City to staff the second local event for final draft review to stay within budget. However, the Subcommittee would prefer a third party to host all community engagement. To accommodate all preferred community engagement strategies, MSA Professional Services switched one Parks and Recreation Board meeting from meeting in-person to meeting virtually.

MSA Professional Services	Vandewalle & Associates
\$28,000	\$27,430

**RECOMMENDATION**

The CORP Subcommittee recommends that the City Council accept the proposal from MSA Professional Services to serve as the 2023-2028 Comprehensive Outdoor Recreation Plan consultant for a total of \$28,000. Staff further recommends that a contract may be executed for services. Staff further recommends that the City Council authorize the City Manager to execute a contract for services.

**ATTACHMENTS**

MSA CORP Proposal; MSA Cost for Service; Completed Proposal Evaluation Matrix



PROPOSAL TO PROVIDE  
**Comprehensive  
Outdoor Recreation  
Plan 2023-2028**



Photo courtesy of Fort Atkinson Parks & Recreation website









March 24, 2022

Brooke Franseen, CPRP, Director of Parks and Recreation  
30 N. Water St. W.  
Fort Atkinson, WI 53538

Re: Request for Proposals City of Fort Atkinson Comprehensive Outdoor Recreation Plan 2023-2028

Dear Brooke:

Throughout the past 10 years, we have witnessed a strong national trend of increased interest in community health and wellness. The result is an investment in parks and recreation amenities that encourage physical activity. In addition, these amenities improve our communities by drawing people to come, visit and even permanently relocate here. Communities are improving their parks, connecting safe walking and bike routes, and they're exploring new advanced programs and amenities to attract users. We're excited for the opportunity to partner with the City and plan for the future of parks and recreation in Fort Atkinson.

To stay engaged and contribute to park and recreation through leadership, we are active members of the National Recreation and Park Association and its state chapters. In 2020, MSA was selected as the WPRA Commercial Member of the Year due to our dedication and work with the chapter. At both national and state conferences, we have presented innovative park and recreation ideas and projects; we are also active participants in regional meetings. We make it a priority to stay on top of current trail design and maintenance best practices, including ADA accessibility requirements.

We understand that each community is unique in the facilities and the level of service it provides, and that this plan is more than a math equation. Park planning is about talking to residents, staff and elected officials in the community to see what they need and balancing that with funding that is available. To make sure the public engagement process is accessible, we will utilize a combination of in-person and online tools. The online engagement platform we use, PublicInput, will give residents a place to give feedback and stay informed at any time of day. We also plan to show up to places where people are already going, like festivals or farmer's markets, and ask for feedback there. We know people are strapped for time, so making participation as easy as possible is critical.

Internally, we have a Parks and Recreation "Community of Practice" (CoP) comprised of professionals from our 17 offices who share a passion for improving community recreational facilities. Our project team members are part of this CoP. Together, we form a well-rounded collection of professionals ready to bring all the aspects you need into one plan with a practical approach. Our team's park planning experience includes leading and/or developing 12 CORPs and regional recreation plans, as well as assisting communities in securing over \$5 million in grant funding for park and recreation projects. To fully round out our project team, we are offering an add-on service which includes PRA Architects completing an assessment of your three indoor park shelters/buildings. We partner with PRA on a variety of projects and are thrilled to bring them to the table to round out our park planning expertise.

Our enclosed proposal includes our project team, qualifications, scope of services and schedule, as well as our fee as a separate attachment. Our scope and fee are based off the scope of services outlined in your RFP, and we are open to negotiation and refinement to further fit your needs. If you have questions or would like additional information, please do not hesitate to reach out to me directly at (608) 242-6601 or [bbinz@msa-ps.com](mailto:bbinz@msa-ps.com).

Sincerely,  
MSA Professional Services, Inc.

A handwritten signature in black ink, reading "Becky Binz".

Becky Binz, AICP | Project Manager

A handwritten signature in black ink, reading "Raine Gardner".

Raine Gardner, PE | Parks Team Leader

## MSA PROFESSIONAL SERVICES, INC.

**1702 PANKRATZ STREET, MADISON, WI 53704**

Contact: Becky Binz, AICP  
Phone: (608) 242-6601  
Email: [bbinz@msa-ps.com](mailto:bbinz@msa-ps.com)  
Website: [www.msa-ps.com](http://www.msa-ps.com)



Photos courtesy of Facebook

## TABLE OF CONTENTS

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### COVER LETTER

An introduction to our team

### FIRM BACKGROUND

A summary of who we are and what we do

### SCOPE OF SERVICES/OBJECTIVES

Our plan to complete your project

### STAFF STRENGTH/EXPERIENCE

Resumes for key staff

### SCHEDULE

Key milestones to complete your project

### REFERENCES & SIMILAR PROJECTS

Past satisfied clients

### COST OF SERVICE

A breakdown of anticipated costs, provided as a separate file

1

4

11

14

15

Separate

## LETTER OF TRANSMITTAL/FIRM PROFILE

MSA Professional Services, Inc. (MSA) specializes in the sustainable development of communities. We achieve this by building honest, open relationships that go beyond the project to become a trusted source of expertise and support for immediate challenges and long-term goals. Big or small, we do whatever it takes to meet each need, working to make communities stronger in the process. **It's more than a project. It's a commitment.**

**MSA's roots reach back to the 1930s. Our firm consists of more than 380** engineers, architects, planners, funding experts, surveyors, GIS experts and environmental scientists. MSA excels at helping clients identify grant and funding sources and then delivering high quality, cost-effective solutions.

  
**63**  
INDUSTRY AWARDS  
EARNED SINCE 2010

**380+**  
TEAM MEMBERS  


**WE'RE PROUD TO BE 100%  
EMPLOYEE-OWNED**

**\$500+ MILLION**  
GRANTS & LOW-INTEREST LOANS  
We've helped our clients secure to help offset the cost of infrastructure projects  


  
**17 OFFICE LOCATIONS**

**ENABLING PEOPLE TO  
POSITIVELY IMPACT THE LIVES  
OF OTHERS SINCE 1962**

## CLIENT EXPERIENCE

To the right, you'll find the percentage of clients who say MSA met or exceeded their expectations based on the following categories.

As part of our ongoing quality assurance program, we periodically request feedback from clients and project stakeholders to create better project outcomes for you.

These easy-to-complete surveys offer you the opportunity to comment on several areas of our performance throughout the duration of your project, which in turn helps us adapt our processes to your unique needs. Your feedback is specific to your project, and is returned directly to the people working with you. We pledge to respond to any issues you identify as the project proceeds.

**ACCURACY**  
**98%**  


**HELPFULNESS**  
**96%**  


**QUALITY**  
**99%**  


**SCOPE & FEES**  
**97%**  


**RESPONSIVENESS**  
**98%**  


**SCHEDULE**  
**98%**  






## YOUR FULL-SERVICE PARKS AND RECREATION PARTNER

How residents perceive the quality of life within their community is linked to the quality of parks and recreational facilities available to them. Therefore, many communities see the benefits of completing a park and recreation plan. Having a plan becomes even more important as communities' demographics shift and redevelopment or development occurs which bring more people into the community. MSA has helped numerous clients meet the evolving parks needs in their communities through park planning.

### Our Expertise | What We Do

- ADA Audits for Park & Recreational Facilities
- Architecture Design (*Shelters, Bandshells, Restrooms, etc.*)
- Campground Development and Infrastructure
- Community/Recreation Centers
- **Comprehensive Park and Recreation Plans (Municipal, County, Regional)**
- Conceptual Site Plans and 3D Renderings
- Indoor and Outdoor Aquatic Facilities
- Infrastructure Survey and Design (*Parking, Stormwater, Sewer, Water, etc.*)
- Landscaping Plans
- Park and Recreational Fundraising and Fundraising Plan Development
- **Park Master Plans**
- Playground Safety Audits
- **Public Opinion Surveys and Visioning**
- Recreational/Sports Design, Courts, Fields, Playgrounds, Equipment
- **Recreational Trails, Bridges and Boardwalks**
- Skate Parks
- Tree Inventories and Assessments
- Waterfront Improvements (*Boat Launches, Piers, etc.*)



## PUBLIC ENGAGEMENT EXPERTISE

**Our ability to create and implement effective, comprehensive public participation plans is one of the many reasons communities turn to MSA for their public engagement needs.**

At MSA, we believe that when planning a public project, it must be done with the public's advice and input. Decisions made by local governments affect the future of all those who live and work in the community. We are committed to helping governments and organizations understand the diverse needs and concerns of the public, non-profit organizations, business interests and local governments. Aside from community support, this process also lends itself to ensuring the final project reflects the community's ethos and vision for its future.

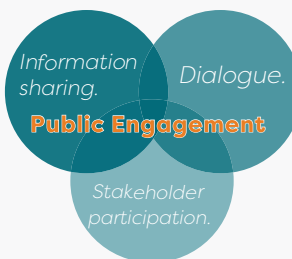
### An Integrated Public Engagement Solution

#### REACH. LISTEN. MEET. INCLUDE. ANALYZE.

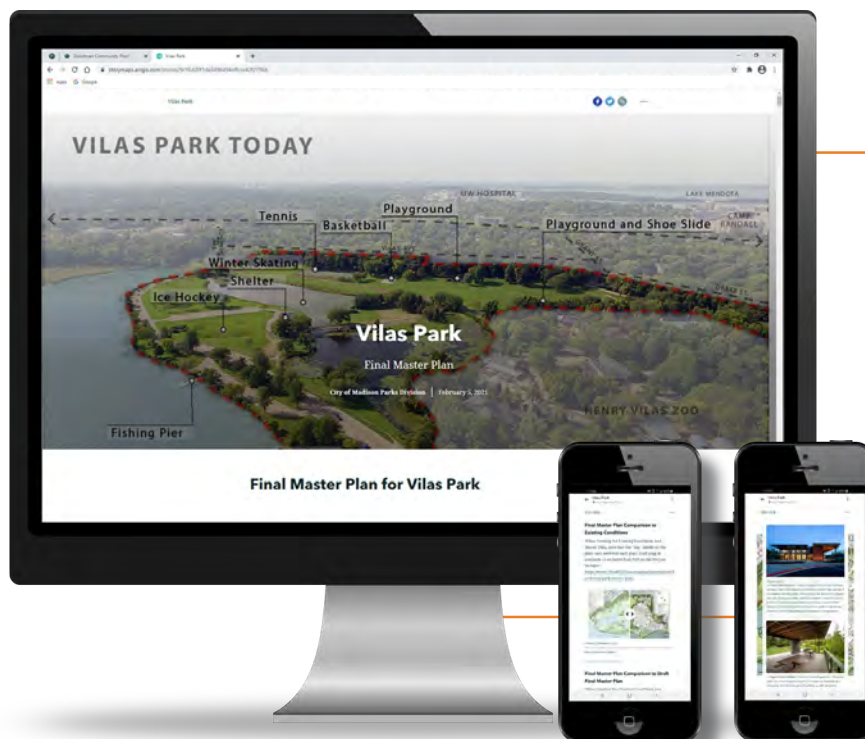
MSA is dedicated to helping you improve relationships and build trust with your residents. The goal is to reach more people and simplify the process. To do so, we are proposing the use of PublicInput on your project. The PublicInput Platform™ is built to support government agencies through every step of the public engagement process.

**PublicInput is a fully integrated solution that helps government agencies:**

- Impact more residents.
- Gather stakeholder input across multiple channels.
- Keep stakeholders informed through project website, email, SMS, and social media updates.
- Monitor and manage data and reporting for robust analytics.



To explore a live site that is utilizing PublicInput software, go to <https://waverlyplanning.com/>.



**MSA has the familiarity and the expertise to reach everyone. Another way our teams engage the community is through the use of Esri GIS StoryMaps. Click on the left image of a recent Park Master Plan in Madison, Wis. to view the Final Master Plan Story Map for Vilas Park, or go to <https://arcg.is/1L5uSfO>.**





## CORE DISCIPLINES FOR THIS PROJECT

### PLANNING & FACILITATION

MSA has specialists in all areas of community planning, including Comprehensive Outdoor Recreation Plans (CORPs). Our award-winning parks and recreation planners work to understand the challenges our clients face and help them develop sustainable, implementable plans to provide guidance in overcoming those hurdles. To create the best plan for the City of Fort Atkinson, our team understands that our role is to provide information and facilitate discussion. **We do our work to enable your decisions.** It is critical that stakeholders are informed and involved throughout this process.

### CIVIL ENGINEERING

MSA's civil engineers work closely with project teams to assure plans are both visionary and implementable. We do this through evaluation of existing and new infrastructure as well as forecasting agency coordination and permitting necessary to take a project from start to finish.

### PUBLIC ENGAGEMENT

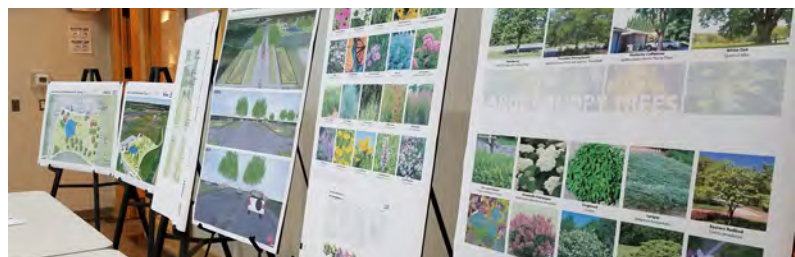
Engaging your community will be critical to developing a plan that benefits the community for the long-term. To do this, we offer a menu of options for stakeholders to get involved. Our Engagement Toolkit, developed by our parks and recreation professionals, features methods across the entire public engagement spectrum that we have found most helpful throughout the many similar projects.

### LANDSCAPE ARCHITECTURE

Our landscape architects are skilled specialists in collaborative approaches to protect and enhance the natural environment. They bring strong expertise in diverse stakeholder engagement and the development of CORPs and programmatic efforts.

### GEOSPATIAL/GIS ANALYTICS AND MAPPING

MSA's geospatial analysts are well versed in big data set management, analytics, and mapping. Additionally, they have developed and deployed numerous mobile data collection applications that may provide value to this project and future implementation of the ultimate plan.



## PROJECT UNDERSTANDING

MSA will partner with the City of Fort Atkinson in developing the City's 2023-2028 Comprehensive Outdoor Recreation Plan (CORP). We will approach the project with the following factors in mind:

- We understand the important role a Comprehensive Outdoor Recreation Plan plays in providing a vision to guide and prioritize investments in the City's park system to meet current and future needs.
- We recognize the vital role the City's park system plays in supporting the local economy. The plan should highlight this value to demonstrate the benefits these investments have on the City's economy.
- The plan is an important tool in maintaining the eligibility of the City to apply for and receive federal and state aid for the acquisition and development of outdoor recreation, open space sites, and facilities.
- The plan needs to be user friendly, serving the dual purpose of providing a vision for continued investment in the City's park system while also advocating the importance of the park system/department.
- The plan needs to include a robust community engagement effort. In a world where people are increasingly strapped for time, it's important to give a variety of options to encourage individuals to participate in the planning process.

## PROJECT APPROACH & SCOPE

### PHASE I: EXISTING CONDITIONS ANALYSIS

#### TASK 1 | STAFF KICK-OFF (VIRTUAL)

MSA will coordinate a virtual working session kick-off meeting to consider project start-up activities with Parks & Recreation Director Brooke Franseen and members of the Parks & Recreation Board (PRB).

- Review project scope and schedule.
- Review draft project website/online engagement platform.
- Review list of available/desired data and planning documents.
- Prepare for the first Parks & Recreation Board (PRB) meeting.

#### TASK 2 | EXISTING CONDITIONS

##### EXISTING PLANS

MSA will review the following plans and incorporate applicable recommendations and policies into the CORP:

- City of Fort Atkinson Comprehensive Plan
- State of Wisconsin Comprehensive Outdoor Recreation Plan
- Jefferson County Parks, Recreation, and Open Space Plan

#### TASK 3 | PARK INVENTORY & ASSESSMENT

MSA will tour the City's parks to complete an inventory and evaluation of existing park facilities. MSA will utilize existing data provided by the City related to the type of facilities and year built and supplement this data with a general evaluation of existing park facilities through on-site observation. This information will be used to assist with the development of recommendations for maintenance, replacement, or new facilities.

In addition, the assessment will consider the current local and national trends for further review of the parks in the plan.

#### TASK 4 | GEOGRAPHIC/LOCATIONAL ANALYSIS

- *Map 1 - Existing Parks and Trails.* An existing parkland map will be developed that will include the locations of City parks, park land owned by other public or private entities, and any state park and recreational facilities.
- *Map 2 - Park Facility Distribution.* A map visually depicting the type of recreational facilities available in each City park, including whether the facilities are lighted for extended daily use. This map is useful in determining where portions of the City may be under- or over- served by certain types of amenities.
- *Map 3 - Park Service Areas and Population Served.* Park service areas will be based on the National Recreation and Park Association, Urban Land Institute, and Trust for Public Land's '10-Minute Walk' initiative. These maps will help identify existing and planned neighborhoods under served by City parks. The maps will also display the location of public school facilities, County facilities, and other private recreational facilities in or near the City.

### PHASE II: PARK NEEDS ASSESSMENT

#### TASK 1 | DEVELOP PROFILE OF PROSPECTIVE PARK USERS

MSA will provide a statistical analysis regarding past and projected population statistics for the City. MSA will also assess the demographic profiles and projections within each park service area. MSA will analyze how each park contributes to the needs of the population served based on the profile of prospective park users, Maps 1-3, and the Parks Survey.

#### TASK 2 | QUANTITATIVE ANALYSIS

MSA will analyze the amount of park land per acre available to City residents based on current and estimated population projections. The results of this analysis will indicate projected deficits or surpluses of total park land, in five-year increments, through 2040. MSA will also compare this data to peer communities across the U.S. utilizing the National Recreation & Park Association's park metrics.



### TASK 3 | PARKS & RECREATION BOARD - MEETING #1 (IN-PERSON)

MSA will meet with the PRB to:

- Review project scope and schedule.
- Discuss draft Parks Survey and online engagement platform.
- Review Maps 1-3 and the summary results of Tasks 1 and 2
- Obtain initial feedback on issues, opportunities, and desired improvements within the City's park system.

During the time between the first and second PRB meetings, MSA will invite members to individually tour the City's parks. MSA will provide board members with a Park Assessment Form (PAF). The PAF will lead committee members through a process to identify improvement projects (wants vs. needs) considering a number of aspects (e.g. parking, signage, equipment, amenities, restrooms, etc.) per park. This process will aide board members in reviewing the "status" of each City park and will serve to inform the recommendations of the CORP.

### PHASE III: PUBLIC ENGAGEMENT

#### TASK 1 | STAFF COORDINATION (VIRTUAL)

MSA will coordinate Phase III activities with the Parks & Recreation Director for the completion of these activities are anticipated to be done remotely (e.g. email, phone):

- Review Park Board Meeting #2 outcomes.
- Discuss revised draft survey; finalize survey and outreach methods.
- Prepare for Phase III Public Engagement activities.

#### TASK 2 | PUBLIC ENGAGEMENT PLATFORM

Our primary goals and duty to the public during the project are (1) to be transparent about the process, and (2) to answer the question: What does the community want?

Our team will approach this work with diligence, creativity, open-mindedness and respect for the input of all participants. We believe that our role is to work hard, introduce fresh ideas, listen carefully and develop an engagement process that accurately captures the concerns and hopes of City officials, staff, employers, business owners, property owners and residents. We understand the importance of a genuine, multi-faceted approach to engage stakeholders in this important planning process.

To achieve this, we will utilize PublicInput, an all-in-one online public engagement platform, where residents can learn more about the project and provide input. The platform will provide:

- Project overview and description, timeline, and event notifications and updates.
- Library of existing plans and studies.
- A topical community survey that focuses on experience, rather

than asking the public to be technical experts (see Task 3 below). This survey will include a mapping tool for location-based comments.

- A summary of public feedback that is received.
- A link to provide comments anytime during the process.
- Draft materials the public can comment on.

#### TASK 3 | PARKS SURVEY

MSA will use an online survey (administered via PublicInput) to gather input/opinions about existing and desired park and recreation facilities. MSA will draft the survey for review by the Parks & Recreation Director and the PRB at their first meeting. Links to the project website and survey can be provided through the City's official website and promoted via local press release, emails to recreation program participants, social media outlets (e.g. Facebook, Twitter), and tapping into existing email distribution lists (e.g.. the School District and local recreation groups throughout the community). The survey would be open for approximately three (3) to four (4) weeks. The City is responsible for printing any hard copies of the survey if needed/desired, as well as entering any hard copy responses into PublicInput. MSA will provide a summary report of the survey results once the survey has closed.

#### TASK 4 | POP-UP MEETING #1

An exciting method of public engagement that reaches people not likely to attend traditional meetings is for our team to facilitate pop-up meetings during the planning process to solicit public input at planned community events. We have found that many individuals and families who may be too busy to attend a traditional evening meeting, or serve on a committee, have a great opportunity to participate in the planning process by providing input by visiting with us at a pop-up meeting. We will engage them in the process at any level they feel comfortable without taking up an evening of their time. This first pop-up meeting will focus on discussing needs and wants for Fort Atkinson's existing and future parks, trails, and recreation programming. We will work with the Parks & Recreation Director to determine which event we will be at.



MSA will hold one focus group with representatives from youth sports organizations to discuss field usage and other park and recreation needs. MSA will draft a one-page questionnaire that the City can distribute to other stakeholder organizations to obtain feedback on existing parks and amenities and improvements their organization would like to see. We will also hold two individual interviews with other organizations who may be interested in partnering with the City on future parks initiatives, such as the School District and Fort Health Care.

## TASK 1 | PRELIMINARY PARK NEEDS

To get public feedback on draft recommendations in the plan, MSA

recommends a second pop-up booth at a community event, like a farmer's market, to solicit feedback on preliminary recommendations for the City's park system. As a cost savings to the City, MSA anticipates the City would staff this second booth on its own. MSA would provide drafts of the recommendations in PDF form and worksheets or an online option for people at the event to provide feedback.

MSA will meet with the PRB to:

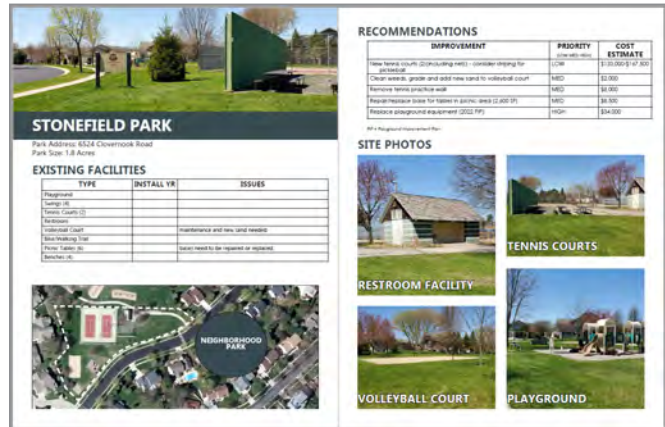
- Review public engagement input and various outcomes
- Consider and work through potential plan recommendations

## TASK 1 | PLAN DEVELOPMENT

- *Chapter 1 – Introduction:* Summary of the plan purpose and description of the overall planning process.
- *Chapter 2 – Description of Fort Atkinson:* Matrix of existing parks and open space throughout the City including location, existing characteristics, classification, and amenities; Map 1 (Existing Parks and Trails); summary of local recreational facilities not owned or operated by the City; summary of significant natural resources; summary of existing and projected demographics; summary of other applicable planning efforts/studies and their impacts on park planning.
- *Chapter 3 – Goals and Objectives:* Based on best practices,

**Chapter 4 – Analysis of Park Needs and Demands:** A summary of the quantitative, geographic, and qualitative analysis completed in Phases 1-4, including Map 2 (Park Facility Distribution) and Map 3 (Park Service Areas and Populations Served). Determine gaps and deficiencies based on projected future needs. A summary of current and emerging trends in recreational demand and desires (local, state, national, and peer communities).

- ### Chapter 5 – Recommendations::
- Existing Parks. MSA will create a two-page summary sheet (example below) for each existing park. These summaries will include the following information: name of park; address; park acreage; park type; population served; a summary table of existing facilities including year installed (as provided by staff); generalized condition (e.g. poor-excellent); current issues; a summary table of recommendations including priority (e.g. low, medium, high); and planning-level cost estimates.
  - New Park Facilities. MSA will summarize areas proposed for future City parks, or expansions to existing parks, and new trails as determined through the planning process. MSA will identify the general location of these proposed improvements on a new map, Map 4 (Proposed Park and Trail Facilities).
  - Trail Facilities. Identification of proposed trail facility improvements, focusing on connecting existing and proposed multi-use trails to parks and other community facilities, including connections to regional trails. These will be depicted on Map 4.
  - Recreation Programming. Identification of new and expanded recreation programming opportunities based on trends and public feedback.



- **Chapter 6 – Implementation**

- **Capital Improvement Summary.** A summary table of recommendations from Chapter 5 outlining recommendations per park, estimated costs (planning level/ballpark cost estimates or cost ranges) and priorities. Recommendations will be prioritized as maintenance items (ASAP), high (next 1-3 years), medium (next 3-5 years), or low (5 years or more) based on feedback from the Parks & Recreation Director and PRB. Cost estimates will include inflation as appropriate.
- **Fee, Funding, and Staffing Review.** A comparison and benchmark of Fort Atkinson's staffing levels, park revenue and expenses, and park development fees to data from up to four other Wisconsin communities of comparable size.
- **Funding Opportunities.** A summary table of existing sources of City park revenue and trends in expenses and revenues over the past 5-10 years with comparisons to data from up to five other communities of comparable size. A summary table of common state and federal park grant programs including information on maximum awards and application due dates. Identification of other non-traditional funding options to help mitigate potential funding gaps.
- **Park Fees.** It is our understanding that the City recently updated its land dedication and fee in lieu requirements, therefore we will not recalculate these. The City does not currently charge a park impact fee. Therefore, we will calculate a park impact fee the City could consider charging. The park impact fee will be based on the City's anticipated future park needs and approximate costs to develop such parkland.

**Appendix:**

Appendix A: Complete Survey Results

Appendix B: Maps. 11" x 17" copies of the following maps:

- Map 1: Existing Parks and Trails
- Map 2: Park Facility Distribution
- Map 3: Park Service Areas and Populations Served
- Map 4: Proposed Park and Trail Facilities

**TASK 2 | STAFF COORDINATION (VIRTUAL)**

MSA will coordinate Phase V & VI activities with the Parks & Recreation Director.

- Review the Draft 2023-2028 CORP.
- Prepare for Phase VI City Meetings.

**TASK 3 | PLAN UPDATES**

MSA will update the plan per the outcomes of Task 2.

**PHASE VI : ADOPTION**

**TASK 1 | PARKS & RECREATION BOARD MEETING, MEETING #3 (IN-PERSON)**

MSA will present the final plan to the PRB for final review and recommendation to City Council.

**TASK 2 | CITY COUNCIL PLAN REVIEW AND ADOPTION (IN-PERSON)**

Following the recommendation of the PRB, City Council will officially adopt the Fort Atkinson Comprehensive Outdoor Recreation Plan by resolution. MSA can provide the City with a sample resolution. At the City's discretion, City Council or the PRB could hold a public hearing before adopting the plan; however, this is not a requirement of the WDNR.

**TASK 3 | EXECUTE SUMMARY**

Upon adoption of the plan, MSA will create an Executive Summary of the 2023-2028 CORP. The Executive Summary will be a collection of each two-page summary sheet for each City park from Chapter 5, Maps 1-4, and a dashboard-style summary of Chapter 4.

**DELIVERABLES**

Throughout the duration of the project, draft deliverables will be provided to the Parks & Recreation Director in digital (.PDF) format. The final draft plan will be provided in digital format. We often find printing, binding, and shipping costs to be high due to a combination of cost of color, labor, and binding. For the 5 hard copies of the draft and 12 hard copies of the final document that have been requested, we recommend printing locally.

**SCHEDULE**

The project may be completed in nine months. Assuming the contract is awarded in April, MSA anticipates the project completion at the end of January, 2023.

**PARTNERSHIP**

City staff and elected officials have institutional knowledge which is invaluable to the success of the Comprehensive Outdoor Recreation Plan. MSA will rely on the staff to provide this institutional knowledge through our working sessions and constant communication throughout the process. With our partnership on this project, the City's knowledge is critical to this process, and we will rely on the City's help with the following tasks:

- To provide existing City GIS data (e.g. parks, trails, parcels, roads, MCD, wetlands, floodplains, water courses, etc.).



- To attend PublicInput's on-boarding meeting virtually (approximately 1 hour) and attend a follow-up meeting with PublicInput to discuss how the software functioned for the City after the planning process is complete (approximately 1/2 hour).
- To provide all previous plans and documents for review by MSA relevant to this project, including available data concerning park use, existing planned improvements, individual park plans, past and current department budgets related to department revenues, capital improvements and operations expenditures.
- To act as a liaison to the Parks & Recreation Board and other applicable committees and commissions.
- To help promote the park survey and project website. City staff will have the primary role of promoting the survey and project website through existing media outlets (e.g. social media, traditional media, school district, email listservs, etc).
- Provide meeting agendas and minutes for all City meetings of this project.
- Tabulate hard copies of the survey that may be turned in by the public. Although the responses to the survey will be primarily collected online, MSA anticipates hard copies will be made available at the City Parks & Rec Building and City Hall for individuals that prefer to complete a hard copy. City staff will be responsible for inputting the results of any hard copy surveys returned to the City into PublicInput so all input is tabulated together.
- To guide the process and provide feedback throughout the project.





## OPTIONAL SERVICES

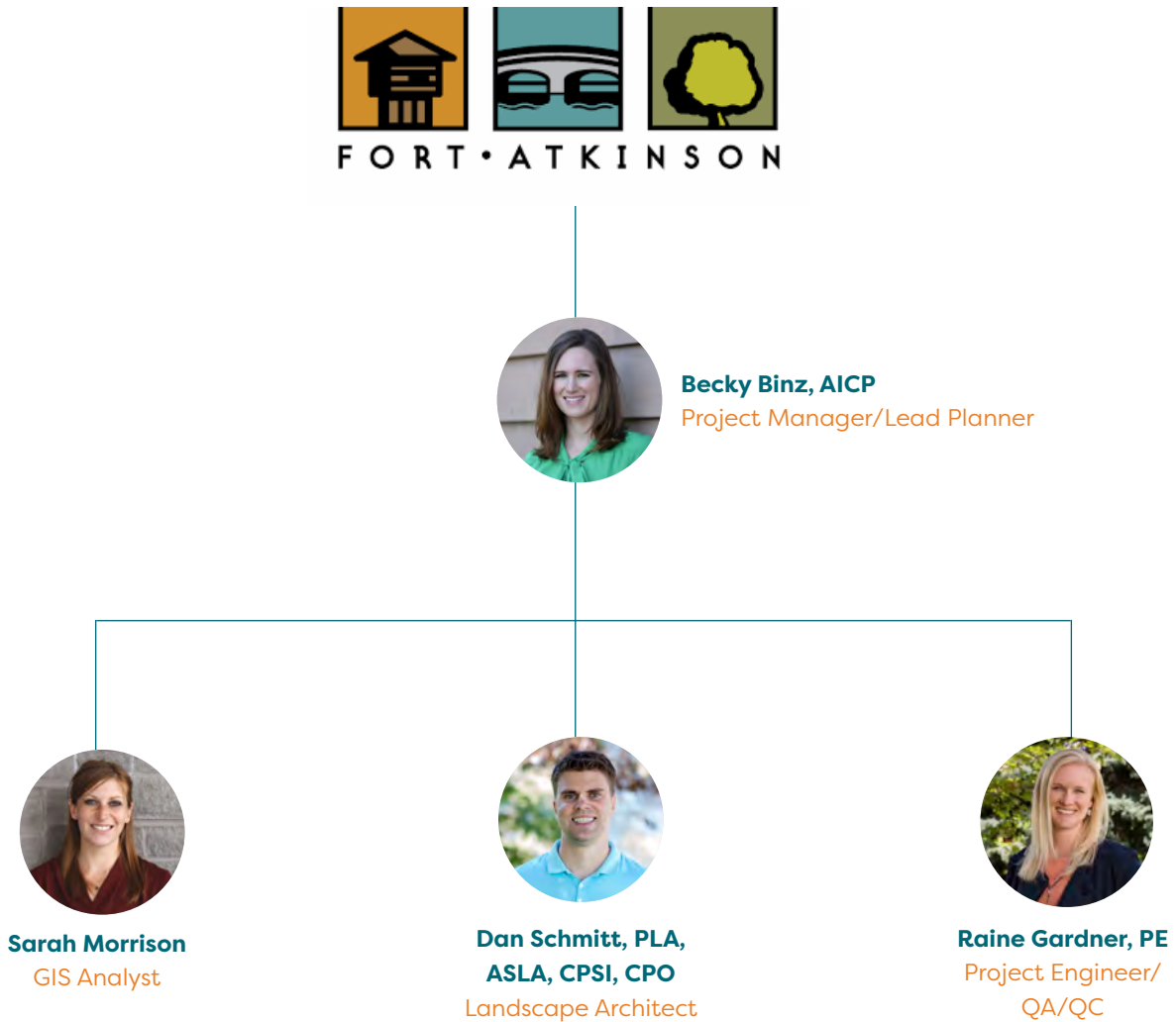
The following efforts could be added to the process to further enhance the depth and breadth of public involvement if desired by the City, but currently they are not included in our cost proposal.

- **Indoor Park Shelters/Buildings Assessment (\$2,500).** MSA would engage PRA Architects to do an assessment of your three indoor park shelters/buildings and complete a short memo with recommendations.
- **Additional Pop-Up Booths (cost to be determined based on need).** Additional public event pop-up booths, in which we have a tent, 1-2 staff planners, maps on display and a polling question to ask of passers-by. We could also provide materials to City staff if they would like to set up and staff a booth without MSA, as a cost savings.
- **Park Concepts (cost to be determined based on need).** During the CORP process, communities sometimes find the need to further develop one or more parks. With the level of public engagement already included in this process, MSA can easily include additional park-specific questions and content in our public outreach. This feedback can be used to develop a park concept for consideration for future development. If desired, MSA can complete several park concepts.
- **Asset Management Configuration (cost to be determined based on need).** When developing a CORP, it can become apparent that the resources within a community's park system are truly unknown. MSA is able to assist in developing an asset management system to help communities further understand their park assets, which in turn, can be used to help maintain each park individually as well as the overall park system.
- **ArcGIS StoryMaps (cost to be determined based on need).** Along with GIS expertise, MSA has the capabilities to develop StoryMaps to help promote park usage and engage the public. This could be added anytime throughout the process if the City desires this unique layout and engagement tool.



## ORGANIZATIONAL CHART

We have assembled the following specialized team to partner with you to develop a successful planning and public engagement effort for your Comprehensive Outdoor Recreation Plan. Backed by the support of our 380-person team, we're able to deliver the project from visioning all the way through construction, with a consistent, responsive and highly capable group of professionals to support you every step of the way. Principal in Charge Becky Binz will serve as the main contact for assignments, billing and general project administration.





**Becky Binz, AICP**  
**PROJECT MANAGER/LEAD**  
**PLANNER**  
**NUMBER OF HOURS ON THE**  
**PROJECT: 215**

Becky is a planner experienced in park and recreation planning, including the development of a dozen recent CORPs. In addition to developing park and recreation plans, Becky helps clients apply for state and federal funding for specific park projects. Her project management experience has spanned a range of unique and interesting work with a primary focus on housing and parks and recreation planning. In 2021, Becky presented the Baraboo River Corridor Planing effort and best practices for regional recreation planning at the Iowa Park and Recreation Association's Fall Conference. **Becky will serve as the main contact for assignments, billing, and general project administration.**

### EDUCATION

M.S., Urban and Regional Planning  
 University of Wisconsin-Madison

B.A., Economics and Spanish  
 University of Wisconsin-Eau Claire

### CERTIFICATION

American Institute of Certified Planners

### SELECTED PROJECT EXPERIENCE

#### CORPS

- Marathon County, WI
- Middleton, WI
- Hartford, WI
- Mukwonago, WI
- Waupun, WI
- Waunakee/Westport, WI,
- Verona, WI

#### OTHER PARK PLANS

- Baraboo River Corridor Plan, Phases I & II, Baraboo, WI
- Vilas Park Master Plan, Madison, WI
- Blufflands Recreation and Conservation Plan, La Crosse, WI
- Rock River Stormwater Group Education, Janesville, WI



**Dan Schmitt, PLA, ASLA,**  
**CPSI, CPO**  
**LANDSCAPE ARCHITECT**  
**NUMBER OF HOURS ON THE**  
**PROJECT: 16**

Dan is a professional landscape architect and plays a key role in each of our recreation-based projects. His experience with on-site construction management provides a valuable understanding of construction detailing and construction workflow including permitting and local code and zoning requirements. His academic focus was to design enriching outdoor spaces for children and he enjoys working on playground projects and exploring techniques for implementing Natural Play. His experiences provide a comprehensive knowledge of site inventory, concept development, landscape plans, planting design and construction details. Dan recently earned Certified Pool and Spa Operator credentials as sanctioned by the Pool and Hot Tub Alliance (PHTA). This certification expands upon MSA's park and recreation design experience, and offers clients specialized consulting services pertaining to public and private pool, splash pad and aquatic center facilities.

### EDUCATION

M.A., Landscape Architecture, University of Wisconsin-Madison  
 B.S., Landscape Architecture, University of Wisconsin-Madison

### REGISTRATION | CERTIFICATIONS

Professional Landscape Architect, MN, WI, IL  
 Certified Playground Safety Inspector (CPSI)

### SELECTED PROJECT EXPERIENCE

#### DEVELOPMENT

- Swan Park Splash Pad, Beaver Dam, WI
- Swan Park Lagoon Project, Beaver Dam, WI
- Sauk City Riverfront Park, Sauk City, WI
- Fireman's Park, Verona, WI
- Riverfront Park, Wisconsin Rapids, WI
- Recreation Complex, Wisconsin Rapids, WI

#### CONCEPT/MASTER PLANS

- Sauk City Riverfront Park, Sauk City, WI
- Zoo, Wisconsin Rapids, WI
- Fireman's Park, Verona, WI
- Barber Park, Mahomet, IL
- Indianhead and Field Park Master Plan, Mukwonago, WI

#### CORPS

- Middleton, WI
- North Freedom, WI
- Hartford, WI
- Mukwonago, WI
- Chilton, WI
- Barneveld, WI
- La Crescent, MN





**Raine Gardner, PE**  
**PROJECT ENGINEER/QA/QC**  
**NUMBER OF HOURS ON THE PROJECT: 7**

As a Park and Recreation Senior Project Engineer, Raine has worked with several municipal governments in planning, design, and constructing various projects. Many include lake dredging, streetscaping plans, river corridor planning, waterfront development, recreational parks and trail projects. Raine manages MSA's Parks and Recreation service division, significantly broadening the type of projects within the firm. She helps clients apply for local, state, and federal funding grants and assistance. Clients also rely on her for project planning/concepts, estimating, consideration of sustainable elements, and designs to lower maintenance and operational costs.

#### EDUCATION

M.S., Civil Engineering, University of Wisconsin-Madison  
B.S., Civil Engineering, Michigan Technological University

#### REGISTRATIONS

Professional Engineer, MI, IA, MN, WI, OH

#### SELECTED PROJECT EXPERIENCE

##### CORPS

- North Freedom, WI
- Middleton, WI
- Lake Delton, WI
- West Baraboo, WI
- Chilton, WI
- Barneveld, WI
- Lake Geneva, WI

##### OTHER PARK PLANS

- Baraboo River Corridor Project

##### DESIGN AND DEVELOPMENT

- Swan Park Master Plan and Splash Pad, Beaver Dam, WI
- Swan Park Lagoon Project, Beaver Dam, WI
- Erb Park and Swimming Pool, Appleton, WI
- Clara Avenue Multiuse Trail, Lake Delton, WI
- Witter Field and Pool, Wisconsin Rapids, WI
- Mead Field Splash Pad, Wisconsin Rapids, WI
- Riverside Park, Mauston, WI
- Town Park, Town of Germantown, WI
- Riverwall Transient Boat Pier, New London, WI



**Sarah Morrison**  
**GIS ANALYST**  
**NUMBER OF HOURS ON THE PROJECT: 13**

Sarah's experience includes field collection and observation, GPS post-processing and assisting with design, plans, reports, maps, schedules and various documents. Sarah is also familiar with GIS and creating maps and exhibits for both internal and external clients. She also has experience coordinating with utilities and municipalities, assisting with public involvement meetings and discussing projects with both project staff, officials, and members of the public, completing wetland delineation field work and reports, Phase I and II reporting and inspections and NEPA reports.

#### EDUCATION

B.S., Geography  
University of Wisconsin-La Crosse

#### SELECTED PROJECT EXPERIENCE

##### CORPS

- Middleton, WI

##### COMPREHENSIVE PLANS

- Fond du Lac, WI
- Shorewood Hills, WI
- Belleville, WI

##### HOUSING AFFORDABILITY STUDIES AND PLANS

- Verona, WI
- Lake Delton, WI
- Monticello, MN
- Green Bay, WI
- Beaver Dam, WI
- Central City and Springville, IA
- Price County Region, WI

## PROPOSED TIMELINE

MSA anticipates the following estimated project schedule:

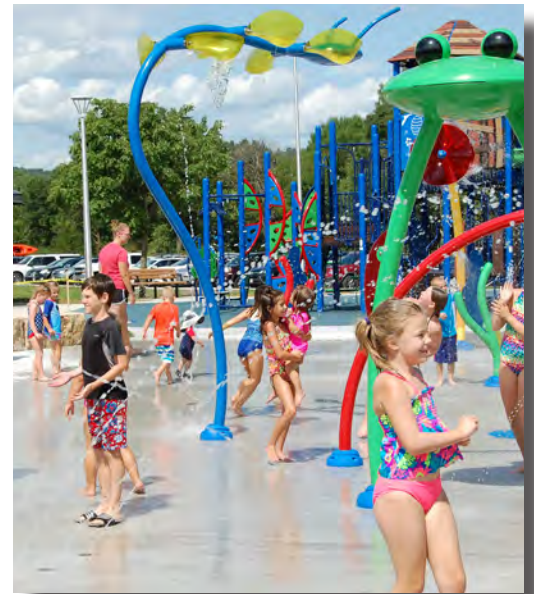
	2022								2023			
	may	jun	jul	aug	sep	oct	nov	dec	jan	feb	mar	apr
<b>Phase I – Existing Conditions Analysis</b>												
Task 1 - Staff Kick-off												
Task 2 - Existing Conditions												
Task 3 - Park Inventory & Assessment												
Task 4 - Geographic/Locational Analysis												
<b>Phase II – Park Needs Assessment</b>												
Task 1 - Develop Profile of Prospective Park Users												
Task 2 - Quantitative Analysis												
Task 3- PRB Meeting #1												
<b>Phase III – Public Engagement</b>												
Task 1 – Staff Coordination												
Task 2 – Public Engagement Platform												
Task 3 - Parks Survey												
Task 4 – Pop-Up Meeting #1												
Task 5 – Stakeholder Interview/ Questionnaire												
<b>Phase IV – Preliminary Recommendations</b>												
Task 1 – Preliminary Park Needs												
Task 2 – Pop-Up Meeting #2												
Task 3 – PRB Meeting #2												
<b>Phase V – Draft Plan</b>												
Task 1 – Plan Development												
Task 2 – Staff Coordination												
Task 3 – Plan Updates												
<b>Phase VI – Adoption</b>												
Task 1 – PRB Meeting #3												
Task 2 – City Council Meeting												
Task 3 – Executive Summary												

## PARKS AND RECREATION PLANNING

### What makes a successful park and recreation plan?

A successful parks and recreation plan requires close collaboration with all stakeholders to identify goals and policies for park and recreational planning that fulfill the unique needs of the community. Throughout the development of each of these plans, MSA facilitates several meetings with key stakeholders, including community staff, Commission members, advisory committees and residents. MSA also hosts community open-house style events and develops surveys specifically geared toward giving residents a platform to provide feedback concerning desired park and recreation improvements. It's important all stakeholders are engaged to reflect a true community-based plan.

A plan is only as valuable as the projects and amenities it enables, and we take particular pride in our success translating outdoor recreation plans and conceptual plans into successful grant applications and completed projects. MSA has helped many communities secure federal and state funding to acquire and improve park space, using our experience to make the right pitch. In the past 10 years we have secured nearly \$5 million in federal and state funding for our clients' parks. And, our engineers and landscape architects have often had the opportunity to see ideas through to design and construction of trails, playgrounds, splash pads, pools, recreation fields and more.



From Idea to Park: The Village of Sauk City asked MSA to lead the development and design process for the revitalization of Riverfront Park. MSA also helped the Village secure \$1.3 million in state and federal funding for the project, and provided assistance through design and construction.

## COMPREHENSIVE OUTDOOR RECREATION PLAN EXPERIENCE OVERVIEW

Creating successful parks and recreational assets starts with an investigation into what your community wants and needs and how these spaces can have the greatest positive impact on people's lives. We weave public engagement into the early stages of assessing needs, planning and design, so you can count on community support from the outset. The following communities count MSA as a planning partner.

LOCATION	YEAR
Village of West Baraboo, Wisconsin	2021
Village of Fox Lake, Wisconsin	2021
City of Lake Geneva, Wisconsin	2021
City of Chilton, Wisconsin	2021
Village of Barneveld, Wisconsin	2021
City of Middleton, Wisconsin	2020
City of Riverdale, Iowa	2020
City of Durant, Iowa	2020
City of Pine City, Minnesota	2019
Marathon County, Wisconsin	2019
City of Hiawatha, Iowa	2019
City of Hartford, Wisconsin	2018

LOCATION	YEAR
Village of North Freedom, Wisconsin	2018
Village of West Baraboo, Wisconsin	2017
Village of Mukwonago, Wisconsin	2017
Village of Waunakee/Town of Westport, Wisconsin	2017
City of Waupun, Wisconsin	2017
City of Verona, Wisconsin	2016
City of Beaver Dam, Wisconsin	2016
Village of Lake Delton, Wisconsin	2015
City of Wisconsin Dells, Wisconsin	2015
City of Port Washington, Wisconsin	2014
Village of Biron, Wisconsin	2013
Village of Belleville, Wisconsin	2012



Existing Park: Walter Bauman Pool (Aquatic Center)

## COMPREHENSIVE OUTDOOR RECREATION PLAN

### Middleton, WI

Middleton is known as “The Good Neighbor City,” a northwestern suburb of the capital City of Madison perched along the banks of Lake Mendota. Home to approximately 17,000 residents and witnessing tremendous, consistent growth, the City recognized the need to both fortify their existing park and recreational facilities as well as plan for the wise use of remaining acreage as the community continues to grow and parcels are absorbed by residential and retail development.

Middleton leaders chose to begin the process with the development of a CORP and asked MSA to lead the study, public engagement and guide to implementation of the vision for the next five years and beyond.

One of the community’s main goals for the CORP is to address the rapid influx of urban infill development in the community. As Middleton grows and residential properties such as apartment and multi-unit buildings become more popular, so does the demand for convenient and accessible outdoor space. City officials are concerned about having enough park land to meet future demand, as well as enough

funding to support park maintenance, staffing, potential new park development and associated programming.

MSA began phase one of the CORP by reaching out to local sports organizations to assess their needs and how such needs align with city planning, available space and use agreements. Once all the localized information was collected, phase two would be to contact surrounding communities and regional sports and recreation organizations to discuss potential partnership opportunities. The goal was to see where regional park and recreational needs align, and ultimately, to implement a variety of shared-use options including public sports fields, pools and trails to meet demand and balance investment between parties.

A robust public engagement component was also key to the development of the CORP. The City expressed interest in gathering input from citizens as early in the planning process as possible, but due to restrictions associated with COVID-19, did not want any meetings to be held in person. MSA planners shifted to conduct the public

### CONTACT INFORMATION

**Matt Amundson, Director of Public Lands, Recreation & Forestry**

City of Middleton

7426 Hubbard Avenue

Middleton, WI 53562

(608) 577-2459

mamundson@cityofmiddleton.us

### PROJECT SIMILARITIES

Coordination with Sports Organizations in Community

Need Additional Space for Team Sports

Comprehensive Park Plan

Public Engagement (Online)

Recalculating Park Impact Fee and Fee In Lieu of Land Dedication

input meeting to be entirely online, including activities that residents could participate in after the meeting ended. The meeting was recorded, and activities were made available afterwards for those who were not able to attend at the scheduled time.

The result is a clearly defined set of needs, wants, opportunities and potential partnerships to guide it toward the implementation of a new and exciting recreation plan—one that will provide a variety of engaging and accessible places for residents to visit.

*Timeline: February 2020 – January 2021*

*Type of Project: CORP*

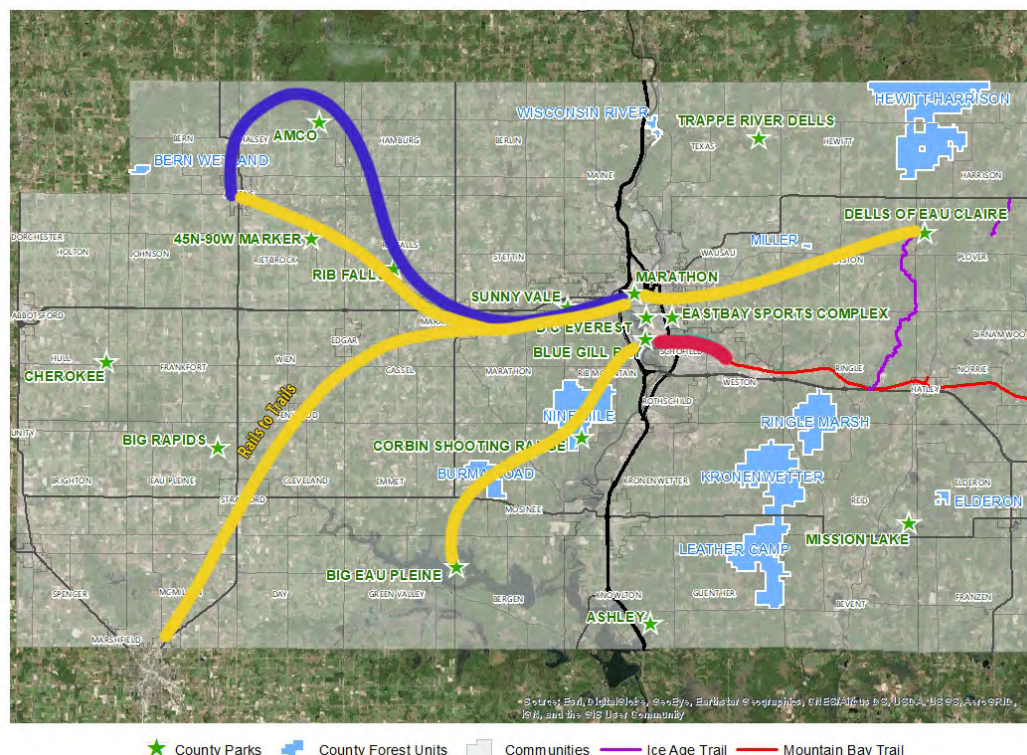
*Project Estimated & Actual Budget: \$26,000*

*Size of Community: ~17,000 residents*

*Plan Link: [https://issuu.com/msaprofessionalservices/docs/04928079\\_middleton\\_corp\\_01212021](https://issuu.com/msaprofessionalservices/docs/04928079_middleton_corp_01212021)*



**CONTACT INFORMATION**  
**Jamie Polley, Parks Director**  
**Marathon County Parks**  
 500 Forest Street  
 Wausau, WI 54403  
 (715) 261-1550  
 Jamie.polley@co.marathon.wi.us



**PROJECT SIMILARITIES**  
 Comprehensive Park Plan  
 Needs Assessment  
 Long Range Planning  
 Public Engagement

## COMPREHENSIVE OUTDOOR RECREATION PLAN

### Marathon County, WI

Looking to their CORP as more than just a tool for funding, the Marathon County Department of Parks and Recreation was looking for a comprehensive guidebook for land acquisition and programming priorities that aims to shift the focus of the Department to the economic development initiatives of the County.

As the “Healthiest County in the State,” Marathon County attracts many new residents craving the exposure to their outdoor recreational activities. Due to rather consistent population increase, the County needed to plan for long-term growth to maintain and expand levels of service

to residents. To do this, MSA partnered with the County to not just assess the park system itself, but dive into best practices that would enable the department to better execute its mission for their future. This would include budgeting, staffing, efficiency and prioritization of improvements, and how to better connect County communities with the plethora of natural amenities.

Issues identified through the development of this plan have been taken up by both County staff and community stakeholders to collaboratively build off recommendations for the future, utilizing the CORP as a basis for continued engagement and capacity-

building to further assess the availability of recreational opportunities. This project was delivered on time and on budget.

*Timeline: January 2019 – March 2020*

*Type of Project: CORP*

*Project Estimated & Actual Budget: \$28,000*

*Size of Community: ~135,000 residents*

*Plan Link: [https://www.co.marathon.wi.us/Portals/0/Departments/PKS/Documents/PLAN\\_CORP20202024.pdf](https://www.co.marathon.wi.us/Portals/0/Departments/PKS/Documents/PLAN_CORP20202024.pdf)*



### PROJECT SIMILARITIES

Comprehensive Park Planning  
Needs Assessment  
Long Range Planning  
Public Engagement

### CONTACT INFORMATION

**David DeTroye, City Administrator/Clerk/Treasurer**  
City of Chilton  
42 School Street  
Chilton, WI 53014  
(920) 849-2451 x306  
chiltonclk@chiltonwi.com

*Plan Link:* [https://issuu.com/  
msaprofessionalservices/docs/09322002\\_  
chilton\\_corp\\_02022022\\_with\\_appendices](https://issuu.com/msaprofessionalservices/docs/09322002_chilton_corp_02022022_with_appendices)

## COMPREHENSIVE OUTDOOR RECREATION PLAN

### Chilton, WI

The City of Chilton hired MSA to update its CORP to maintain eligibility for state and federal funding. MSA had experience working with the City prior and was directly hired based on our expertise with setting communities up for funding success through the recommendations in our CORPs, and the breadth of park planning experience we brought to the table. We also had a history of working successfully with the community on a variety of other projects.

For the CORP, MSA was tasked with figuring out what updates the community wanted in the park system and combining those with the ideas of staff and elected officials. To find out what ideas the public had for the future of parks and recreation, we offered a survey and public open house. We worked with the City to craft these ideas into recommendations for maintenance, long-term, medium-term, and short-term improvements to parks. We included

cost estimates to help the City with future budgeting. The City did not have a park impact fee, so we also calculated what that fee could be if the City was interested in charging one. Overall, the City was happy they had a document to set them up for funding success once they are ready to apply for state and federal funding for parks and trails.

***Since completion of the CORP, the City has reached out to MSA to assist with master planning for several of the parks.***

*Timeline: June 2021 – February 2022*

*Type of Project: CORP*

*Project Estimated & Actual Budget: \$14,000*

*Size of Community: ~3,800 residents*



IT'S MORE THAN A PROJECT. IT'S A COMMITMENT.  
Comprehensive Outdoor Recreation Plan | Fort Atkinson, WI | March 24, 2022



COST PROPOSAL FOR  
**Comprehensive  
Outdoor Recreation  
Plan 2023-2028**



Photo courtesy of Fort Atkinson Parks & Recreation website

<b>Labor</b>				
<b>Becky Binz - Project Manager/Lead Planner</b>		<b>Bill Rate</b>	<b>\$ 96</b>	
		<u>Hours</u>		<u>Cost</u>
Existing Conditions	Phase I	15	\$	1,440
Park Needs Assessment	Phase II	11	\$	1,056
Public Engagement	Phase III	42	\$	4,032
Prelim Recommendations	Phase IV	40	\$	3,840
Draft Plan	Phase V	80	\$	7,680
Adoption	Phase VI	27	\$	2,592
	<b>Total</b>	<b>215</b>	<b>\$</b>	<b>20,640</b>
<b>Dan Schmitt - Landscape Architect</b>		<b>Bill Rate</b>	<b>\$ 109</b>	
		<u>Hours</u>		<u>Cost</u>
	Phase V	16	\$	1,744
	<b>Total</b>	<b>16</b>	<b>\$</b>	<b>1,744</b>
<b>Sarah Morrison - GIS Analyst</b>		<b>Bill Rate</b>	<b>\$ 74</b>	
		<u>Hours</u>		<u>Cost</u>
	Phase I	12	\$	888
	Phase VI	1	\$	74
	<b>Total</b>	<b>13</b>	<b>\$</b>	<b>962</b>
<b>Raine Gardner - QA/QC</b>		<b>Bill Rate</b>	<b>\$ 148</b>	
		<u>Hours</u>		<u>Cost</u>
	Phase V	3	\$	444
	Phase VI	4	\$	592
	<b>Total</b>	<b>7</b>	<b>\$</b>	<b>1,036</b>
<b>Expenses</b>				<b>Cost</b>
	Mileage		\$	300
	Printing* (Pop-up meeting materials only)		\$	18
	PublicInput		\$	3,300
	<b>Total</b>		<b>\$</b>	<b>3,618</b>
<b>TOTAL PROJECT COST (Labor + Expenses)</b>			<b>\$</b>	<b>28,000</b>

*\*We often find printing, binding, and shipping costs to be high due to a combination of cost of color, labor, and binding. For the 5 hard copies of the draft and 12 hard copies of the final document that have been requested, we recommend printing locally. If the City would like MSA to print and mail hard copies of the draft and final plan, an additional \$1,300 could be added to the total project cost.*

IT'S MORE THAN A PROJECT. IT'S A COMMITMENT.  
Comprehensive Outdoor Recreation Plan | Fort Atkinson, WI | March 24, 2022



## City of Fort Atkinson Proposal Evaluation

Scoring: 1 - Does not meet expectations 3 - Meets expectations 5 - Exceeds expectations										
Comprehensive Outdoor Recreation Plan 2023-2028	Maximum Points	Vandewalle	Ayres	HKGi	Rettler	MSA	Graef			
1. Firm Highlights - what sets this firm or proposal apart from the others?	5	5	4	3.5	3	4.5	3			
2. Scope of services/objectives	5	5	3	2.5	2.5	3	2.5			
3. Staff strength/experience	5	3.5	2	1.5	1.5	3.5	1			
4. Additional subcontractor responsibilities	3	3	2	2	1.5	3	2.5			
5. Capacity to perform the work within the time limitations in this solicitation	5	4.5	4	4	1.5	3.5	4			
6. References and similarities of past projects	5	2.5	2	3	1	3.5	2			
<b>TOTAL:</b>	<b>28</b>	<b>23.5</b>	<b>17</b>	<b>16.5</b>	<b>11</b>	<b>21</b>	<b>15</b>			

COST PROPOSALS	Vandewalle	Ayres	HKGi	Rettler	MSA	Graef				
Cost of Services	\$ 27,430	\$ 27,785	\$ 28,000	\$ 24,500	\$ 28,000	\$ 27,997				
Cost of add't Recommendations/Alternatives	\$ 7,855		\$ 7,700							
<b>TOTAL:</b>	<b>\$ 35,285</b>	<b>\$ 27,785</b>	<b>\$ 35,700</b>	<b>\$ 24,500</b>	<b>\$ 28,000</b>	<b>\$ 27,997</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	

Highlighted consultants were voted to move forward to the interviews by the CORP Subcommittee

Numbers are averages of the four CORP Subcommittee members





## MEMORANDUM

**DATE:** April 19, 2022

**TO:** Fort Atkinson City Council

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

**RE:** Discussion and possible action relating to Board of Review scheduled for Thursday May 5, 2022 10:00 am to 12:00 pm

---

### BACKGROUND

Wisconsin Statutes 70.47 creates a local Board of Review (BOR) to review and decide property tax assessment appeals. The BOR is a quasi-judicial body responsible for correcting errors on the assessment roll and administering the property tax assessment appeal process. The property owner's right to appeal a tax assessment is part of the constitutional right to due process.

### DISCUSSION

The BOR is the first step in the formal appeal process for an individual property owner who protests an assessment. The BOR has specific statutory duties, including the following: correcting all description and computation errors in the assessment roll; checking the roll for omitted property and double assessments; and adjusting assessments when proven incorrect by sworn testimony.

The 2022 Board of Review is scheduled to meet on Thursday, May 5, 2022, from 10:00 a.m. to 12:00 p.m.

### FINANCIAL ANALYSIS

Notices as required by Statute was published in the Daily Union resulting in a minor publication fee. There is no other expense for Board of Review. However, the decisions made by the Board of Review have lasting consequences, as they can potentially shift the tax burden from one property owner to all other property owners or certain classifications of property owners.

### RECOMMENDATION

Staff recommends that the City Council set the date for Board of Review for Thursday, May 5<sup>th</sup> from 10:00 am to 12:00 pm via Zoom and in person.

### ATTACHMENTS

2022 Guide for Board of Review members



# **2022 Guide for Board of Review Members**

## Table of Contents

<b>I.</b>	<b>Guide Information</b> .....	<b>4</b>
	See Wisconsin Department of Revenue <a href="#">web page</a> for current Property Assessment and Taxation Information on COVID-19.	
<b>II.</b>	<b>Board of Review (BOR) Profile</b> .....	<b>4</b>
<b>III.</b>	<b>Assessment Roll</b> .....	<b>5</b>
	A. Assessment roll open for public review .....	5
	B. Incomplete assessment roll .....	5
<b>IV.</b>	<b>BOR Meeting</b> .....	<b>5</b>
	A. First BOR meeting .....	5
	B. BOR meeting location .....	6
	C. BOR meeting time frame .....	6
	D. Length of BOR meeting .....	6
<b>V.</b>	<b>Hearings</b> .....	<b>6</b>
	A. Notice .....	6
	B. Participants .....	8
	C. General procedures at the BOR .....	10
<b>VI.</b>	<b>Duties</b> .....	<b>11</b>
	A. BOR clerk .....	11
	B. BOR chairperson .....	12
	C. Municipal attorney .....	12
<b>VII.</b>	<b>Assessor and Property Owner Responsibilities</b> .....	<b>12</b>
	A. Assessor .....	12
	B. Property owner .....	13
<b>VIII.</b>	<b>BOR Appeals</b> .....	<b>14</b>
	A. Property owners/objectors filing an appeal .....	14
	B. BOR and appeals .....	14
	C. Appeal timeframe.....	15
	D. BOR members appeal their own assessments .....	15
	E. BOR can adjust an assessment even if an owner did not appeal to the BOR .....	15
	F. Property owners cannot appeal part of their assessment .....	15
	G. Property owners can appeal the classification of their property .....	15
<b>IX.</b>	<b>Presentation of Evidence</b> .....	<b>17</b>
	A. Presumption of correctness .....	17
	B. Evidence available to the BOR .....	17
	C. All testimony must be given under oath .....	17

# 2022 Guide for Board of Review Members

<b>X.</b>	<b>BOR Decisions</b>	<b>18</b>
A.	Reaching a decision	18
B.	End of BOR hearing	18
<b>XI.</b>	<b>Appealing a BOR Decision</b>	<b>19</b>
A.	Appeal options	19
B.	Appealing a circuit court decision to a higher court	20
C.	Appealing a court of appeals decision to a higher court	20
<b>XII.</b>	<b>BOR Flowchart</b>	<b>21</b>
<b>XIII.</b>	<b>BOR Legal Authority</b>	<b>22</b>
A.	BOR's primary duties	22
B.	BOR authority	22
C.	BOR members are subject to penalties for misconduct	22
<b>XIV.</b>	<b>Wisconsin Acts, Statutes, Case Law, Performance and Technical Standards</b>	<b>22</b>
A.	Wisconsin acts	22
B.	Statutes and case law	24
C.	Performance and technical standards	24
<b>XV.</b>	<b>BOR Court Case Decisions</b>	<b>25</b>
A.	General	25
B.	Procedures	26
C.	Organization	26
D.	Notice	27
E.	Objections	28
F.	Sworn oral testimony	28
G.	Assessor presumed correct	29
H.	Witnesses	29
I.	Evidence	30
J.	Appeals	32
<b>XVI.</b>	<b>Glossary</b>	<b>33</b>
<b>XVII.</b>	<b>BOR Statutory Index</b>	<b>37</b>
<b>XVIII.</b>	<b>Further Appeal Procedures</b>	<b>39</b>
<b>XIX.</b>	<b>Contact Information</b>	<b>40</b>

## I. Guide Information

The purpose of this guide is to assist Board of Review (BOR) members in Wisconsin understand their statutory duties. This guide contains:

- Topical index of responsibilities and procedures
- Flowchart of BOR functions
- Related court cases
- Statutory index
- Glossary of property tax terms

## II. Board of Review (BOR) Profile

### BOR membership

The BOR membership depends on the municipality – town, village or city (first-class or others).

#### 1. Town BOR members

- Town supervisors
- Town clerk (if elected to the office of town clerk under state law (sec. [70.46\(1m\)](#), Wis. Stats.))
- Other members by ordinance

#### 2. Village BOR members

- President
- Village clerk
- Other members by ordinance

#### 3. First-class city BOR members

- Between five and nine residents of the city
- BOR members are appointed by ordinance
- Members cannot hold public office or be publicly employed
- Members are appointed by the mayor with approval by the common council and hold office for staggered five-year terms

#### 4. City other than first-class BOR members

- Mayor
- City clerk
- Other members by ordinance

**Note:** Any BOR members for the above municipalities can also include citizens, public officers or public employees. The assessor cannot be a member of the BOR. The governing body must select a substitute member if the assessor is initially identified as a member through holding another office.



## III. Assessment Roll

### A. Assessment roll open for public review

The assessment roll becomes a public document after the assessor completes the roll and is delivered to the municipal clerk (in Milwaukee, to the commissioner of assessments). At least 15 days before the roll is open for examination, the clerk publishes a notice with the days the assessment roll will be open for review.

### B. Incomplete assessment roll

If the assessment roll is not completed by the fourth Monday in April or the 45 days thereafter, the BOR must:

- Hold an initial meeting during the 45-day period
- Adjourn until the roll is completed
- BOR clerk must post a written notice on the meeting place door, including the date and time the BOR will resume meeting
- When the roll is completed, the BOR must be in session the hours required by statute or as established by ordinance

## IV. BOR Meeting

### A. First BOR meeting

1. Hold a minimum of seven days after the assessment roll is open for examination under sec. [70.45](#), Wis. Stats. (sec. [70.47\(1\)](#), Wis. Stats.)
2. Select a chairperson and vice-chairperson
3. Verify at least one member met the mandatory training requirements under state law (sec. [70.46\(4\)](#), Wis. Stats.). See the [BOR Training](#) web page. **Note:** Effective 2022, at least one BOR member must complete BOR training each year under sec. 70.46(4), Wis. Stats.
4. Verify the municipality or county has an ordinance for the confidentiality of income and expense information provided to the assessor under state law. No person can appeal to the BOR if the value was made by the assessor using the income method unless no later than seven days before the first meeting, the person supplies to the assessor all information about income and expenses. Information provided under this statute is not subject to right of inspection and copying unless a court determines before the first meeting of the BOR that information is inaccurate (sec. [70.47\(7\)\(af\)](#), Wis. Stats.).
5. Receive the assessment roll and sworn statements from the clerk
6. Examine the roll, correct description or calculation errors, add omitted property, and eliminate double assessed property
7. Certify all corrections of error under state law (sec. [70.43](#), Wis. Stats.)
8. Verify with the assessor that Open Book changes are included in the assessment roll
9. Be in session for at least two hours
10. Allow taxpayers to examine assessment data
11. Schedule hearings for written objections
12. During the first two hours, review and grant as appropriate:
  - Waivers of the required 48-hour notice of intent to file an objection when there is good cause
  - Requests for waiver of the BOR hearing allowing the property owner an appeal directly to circuit court
  - Requests to testify by telephone or submit sworn written statement
13. Hear written objections if notice was given by the BOR to the property owner and assessor at least 48 hours earlier, or if both waive the 48-hour notice requirement
14. Create a new hearing schedule for written objections filed but not heard

## If the BOR finds a problem with uncontested property, it should:

- Notify the owner or agent of the BOR's intent to review the assessment, and the date, time, and place of the hearing
- Subpoena witnesses necessary to testify on the value of the property
- Conduct the hearing according to the procedure established under state law (sec. [70.47\(8\)](#), Wis. Stats.)

## B. BOR meeting location

### 1. Towns and villages

BOR should meet in the town/village hall, or a place designated by the town/village board. If no such hall exists, the BOR should meet at the clerk's office or at the place where the last annual town/village meeting was held.

### 2. Cities other than first-class

BOR should meet at the council chamber or a place designated by the council.

### 3. First-class cities

BOR should meet at the place designated by the commissioner of assessments.

## C. BOR meeting time frame

### Municipal BOR must meet:

- Annually
- Anytime during the 45-day period beginning on the fourth Monday in April
- A minimum of seven days after the assessment roll is open for examination under sec. [70.45](#), Wis. Stats.

## D. Length of BOR meeting

Each BOR must be in session at least two hours. If the municipal governing body (by ordinance or resolution) designates other meeting hours, the BOR session can vary from these guidelines. If this is done, the BOR may schedule a meeting time between 8:00 a.m. and 12 midnight with the meeting being at least two hours long.

After the first meeting, the BOR may then adjourn at its own discretion from time to time, until its business is completed. Whenever the BOR adjourns for more than one day, the clerk must post a written notice on the meeting place door, stating the date and time the BOR will resume meeting.

## V. Hearings

### A. Notice

#### 1. Municipal clerk publishes a notice that includes the following under state law (sec. [70.47\(7\)\(aa\)](#), [\(ac\)](#), [\(ad\)](#), [\(ae\)](#) and [\(af\)](#), Wis. Stats.):

- Time and place of the first meeting
- Sec. [70.47\(7\)\(aa\)](#), Wis. Stats. provides that the BOR may deny a hearing to a property owner who does not allow the assessor to complete an exterior view. However, the Wisconsin Supreme Court expressed due process concerns regarding a similarly worded statute in *Milewski v. Town of Dover*, 2017 WI 79, 377 Wis. 2d 38, 899 N.W.2d 303. It is DOR's recommendation to allow a BOR hearing even if the property owner denied an interior or exterior view. The lack of access to view, and the credibility of evidence offered can be managed as an evidentiary issue at a BOR hearing, rather than denying access to the BOR.
- After the first BOR meeting and before the BOR's final adjournment, no person who is scheduled to appear before the BOR may contact, or provide information to, a member of the BOR about that person's objection except at a BOR session

# 2022 Guide for Board of Review Members

- No person may appear before the BOR, testify to the BOR by phone or contest the amount of any assessment unless, at least 48 hours before the first meeting of the BOR or at least 48 hours before the objection is heard if the objection is allowed under sub. (3)(a), that person provides to the BOR clerk a notice as to whether the person will ask for removal under sub. (6m) and if so which member will be removed and the person's reasonable estimate of the length of time that the hearing will take
- When appearing before the BOR, the person must specify in writing, the person's estimate of the land value and improvements that the person is objecting and the person must specify the information used to arrive at that estimate
- No person may appear before the BOR, testify to the BOR by phone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless no later than seven days before the first meeting of the BOR the person supplies to the assessor all of the information about income and expenses, as specified in the Wisconsin Property Assessment Manual under sec. [73.03\(2a\)](#), Wis. Stats., that the assessor requests. The municipality or county shall provide by ordinance for the confidentiality of information about income and expenses that is provided to the assessor under this paragraph and shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The information that is provided under this paragraph is not subject to the right of inspection and copying under sec. [19.35\(1\)](#), Wis. Stats., unless a court determines before the first meeting of the BOR that the information is inaccurate.

## 2. Posting notice under sec. [70.47\(2\)](#), Wis. Stats.

At least 15 days (30 days in revaluation years) before the first session, a municipality with an official newspaper must publish a class 1 notice under ch. [985](#) with the time and place of the first meeting. If a municipality is not required to and does not have an official newspaper, the clerk may, in lieu of newspaper publication:

- Post the notice in at least three public places likely to give notice to persons affected, *or*
- Post in at least one public place likely to give notice to persons affected and placed electronically on an internet site maintained by the municipality

The notice posted before the act or event requiring notice shall be posted and, if applicable, placed electronically, no later than the time specified for the first newspaper publication.

If adjournment is for more than one day, the clerk must post a notice of the adjournment on the outer door of the meeting place, stating when the meeting will reconvene.

## 3. Posting notice under the open meeting state law, sec. [19.84\(1\)](#), Wis. Stats.

The clerk must provide notice of the meeting (1) to those news media who have filed a written request for such notice and (2) to any official newspaper, or if none exists, to a news medium likely to give notice in the area.

The clerk shall also post a notice to the public using one of the following methods:

- Posting a notice in at least three public places likely to give notice to persons affected
- Posting a notice in at least one public place likely to give notice to persons affected and placing a notice electronically on the governmental body's internet site
- By paid publication in a news medium likely to give notice to persons affected

# 2022 Guide for Board of Review Members

	19.84(1) requirements (Open Meeting)	70.47(2) requirements (BOR)
<b>City of the 2nd, 3rd and no class</b>	Communicate meeting details to official newspaper and news media who requested notice AND one of the following options: 1. Post a notice in at least three public places 2. Post notice in at least one public place and place notice on municipal website 3. Pay for publication in a news medium	Publish class 1 notice in official newspaper
<b>Municipalities with official newspapers</b>	Communicate meeting details to official newspaper and news media who requested notice AND one of the following options: 1. Post a notice in at least three public places 2. Post notice in at least one public place and place notice on municipal website 3. Pay for publication in a news medium	Publish class 1 notice in official newspaper
<b>Municipalities WITHOUT official newspapers</b>	Communicate meeting details to news medium likely to give notice in the area and news media who requested notice AND one of the following options: 1. Post a notice in at least three public places 2. Post notice in at least one public place and place notice on municipal website 3. Pay for publication in a news medium	Post in at least three public places OR Post in at least one place and place on municipality website (No later than time specified for newspaper publication)

## 4. Notifying property owners of hearing

### BOR clerk must notify property owners of the time and place of their hearing

- After receiving an objection, the BOR must establish a time for hearing the objection
- The BOR clerk must give the objector and the assessor at least 48-hour notice before the hearing
- When all parties are present and waive this notice in the minutes, the hearing may be held immediately
- If a scheduled hearing cannot be heard at the session, then a minimum 48-hour notice of the new scheduled time must be given

## 5. Municipal clerk notifies property owner of the time and place of a remanded BOR hearing

When any BOR case is remanded, the municipal clerk must post a notice in the same manner as a regular BOR meeting.

### Note:

- A remanded case is sent back to a lower judicial or a quasi-judicial body with instructions for further proceedings
- Only a case remanded back to the BOR by a court order can be heard by the reconvened BOR. No additional new cases can be heard at a reconvened BOR.

## B. Participants

### 1. BOR meetings are open to the public

BOR meetings are open to the public. No formal action of any kind may be introduced, deliberated on or adopted at any BOR closed session.

## 2. Attendees at a BOR hearing

### **BOR will have the following attendees:**

- Assessor
- Objector (or agent), unless because of medical reasons, objector is testifying by phone
- BOR members

### **Other people who may attend:**

- Municipal attorney
- Objector's attorney
- Assessor's attorney
- Municipal clerk, if not a member of the BOR

At least two BOR members must attend any hearing of evidence. If a member(s) is removed from the board, at least three members must attend the hearing under state law (sec. [70.47\(6m\)](#), Wis. Stats.). In either case, the BOR must record and share the evidence with a quorum before a determination.

## 3. Removing a member

### **Except for a first- or second-class city, the municipality must remove a member from a hearing for any of the following reasons:**

- Objector provides a timely written or oral notice of intent to file an objection and requests the removal. No more than one member of the BOR can be removed under state law (sec. [70.47\(6m\)](#), Wis. Stats.)
- BOR member has a conflict of interest under an ordinance of the municipality in regard to the objection
- BOR member has a bias in regard to the objection and a party requests the removal of that member for a bias. The party must submit an affidavit with the request stating the party believes the member has a personal bias or prejudice against the party and stating the nature of that bias or prejudice.
- BOR member would violate state law (sec. [19.59](#), Wis. Stats.) by hearing an objection recuses himself or herself from that hearing. The municipal clerk must provide DOR an affidavit declaring whether the requirement under this paragraph is fulfilled.
- If a member(s) is removed or recused under this law, the BOR may replace the member(s) or its remaining member(s) may hear the objection. No fewer than three members may hear the objection.

## 4. Definition of a quorum

A majority of BOR members is a quorum.

## 5. Number of BOR members required to hold a hearing

Two BOR members are required to hold a hearing. An exception is when a BOR member is removed. If this occurs, three members are required to hold the hearing.

## 6. Number of BOR members required to make a determination

A quorum is required to make a determination. The BOR cannot make a determination until the quorum reviews the evidence. If there is a tie vote, the assessor's valuation is considered correct.

### **BOR member has to do one of the following to vote:**

- Attend the hearing of evidence
- Receive a transcript of the hearing no less than five days before the meeting and read the transcript
- Receive a mechanical recording of the evidence no less than five days before the meeting and listen to the recording
- Receive a copy of a summary and all exceptions no less than five days before the meeting and read the summary and exceptions



**Note:** A "summary" means a written summary of the evidence prepared by one or more BOR member attending the hearing of evidence. This summary is distributed to all BOR members and all parties to the contested assessment. "Exceptions" mean written exceptions to the summary of evidence filed by parties to the contested assessment.

## C. General procedures at the BOR

The BOR hears under oath all persons who appear before it. The BOR can take evidence by phone from ill or disabled persons who have presented a letter from a physician, surgeon, or osteopath that confirms their illness or disability.

### 1. BOR hearing proceeds as follows:

- a. Clerk swears in all persons testifying before it for each contested assessment
- b. BOR must provide adequate time for the property owner and the assessor to present their information
- c. Owner, or the owner's representatives and witnesses should be heard first
- d. BOR may examine under oath, such persons as it believes have knowledge of the property value being appealed
- e. BOR may require witnesses to attend a BOR hearing. If the assessor requests witnesses, the BOR will require those witnesses to attend. It is the objector's responsibility to bring witnesses or experts. The BOR can allow objectors to provide sworn testimony, with proof of a medical condition from a doctor. The BOR may require the presence of records and documents to help show the value of properties in question.
- f. A stenographer or recorder should record all proceedings and the stenographer must be paid by the municipality. The BOR may order a transcription of the testimony presented at the hearings. In cases of an appeal or other court proceedings, testimony must be transcribed. Even though the proceedings are recorded, members of the BOR should still take notes of testimony given. These notes provide a source of reference when reaching a decision on a property owner's objection.
- g. During any meeting, if it determines that some of the written objections cannot be heard at the scheduled time, the BOR creates a new schedule and abides by the 48-hour notice requirement for the property owner and assessor
- h. BOR enforces (and in some cases waives) the requirement for filing timely objections under state law
- i. BOR removes members under specific circumstances under state law
- j. BOR requires objection forms include stated valuations of the property in question
- k. BOR makes all determinations by roll call vote
- l. BOR assumes the assessor's valuation is correct barring a sufficient showing by the objector to the contrary
- m. As a result of its deliberations, the BOR must state on the record the correct assessment and that it is reasonable in light of all relevant evidence the BOR received
- n. The BOR should not adjourn to a future date without setting the hour and day they will meet – the clerk must post a notice with the adjournment information on the outer door of the meeting place
- o. Before the final adjournment, the BOR must provide both these items to all parties contesting an assessment:
  - 1) Written notice of the amount of the assessment finalized by the BOR
  - 2) Explanation of appeal rights and procedures

### 2. Who has authority to ask questions at the BOR?

The BOR is defined as a quasi-judicial body under state law. In quasi-judicial proceedings such as the BOR, parties can have expert witnesses and cross-examine all witnesses. Property owners and assessors can ask each other questions. In a case where an attorney represents either the objecting property owner or the municipality, the attorney may question the opposing party's witnesses. Members of the BOR may also ask questions.

The assessor is not a member of the BOR. The assessor is an expert witness for the municipality. The BOR chairperson must manage the hearing to keep all parties focused on the objection.

## VI. Duties

### A. BOR clerk

The municipal clerk is usually the BOR clerk. With the exception of first-class cities, the clerk is a voting member of the BOR. However, when the town, village or city by ordinance provides for a citizen's BOR, the municipal clerk may act as the BOR clerk, but is not a member of the BOR. Consequently, this clerk does not have a vote on objections heard by the BOR. Town clerks (and treasurers) appointed under state law (sec. [60.30\(1e\)](#), Wis. Stats.), may not be a BOR member. In first-class cities, the commissioner of assessments (or any person designated by the commissioner) acts as the BOR clerk.

#### Duties include:

1. Provides an affidavit to DOR stating whether the BOR training requirements were met. See the [BOR Training](#) web page. **Note:** Effective 2022, at least one BOR member must complete BOR training each year under sec. [70.46\(4\)](#), Wis. Stats.
2. Posts and publishes the required meeting notices under the statutes
3. After receiving the assessment roll from the assessor, carefully examines it, correcting all double assessments, imperfect descriptions, and other apparent errors
4. Adds omitted real or personal property and immediately notifies the assessor. Assessor then views the property, estimates the value and certifies the value to the clerk
5. Posts a notice of the adjournment if the BOR adjourns for more than one day
6. Keeps an accurate record of all BOR proceedings – should keep a list of persons speaking and the order they spoke in
7. Swears in all persons testifying before the BOR, including the assessor
8. Enters into the assessment roll, in red ink, all assessment roll corrections the BOR made
9. Before final adjournment, notifies each objector by personal delivery or mail (return receipt required) of the assessment determined by the BOR
  - » Notice must be on the proper DOR prescribed form ([PR-302](#))
  - » The form is available from each county forms designee or the DOR website
10. Prepares an affidavit specifying the date the notice was mailed
11. Summarizes the proceedings and decisions on DOR prescribed forms ([PA-800](#)) and ([PA-811](#)) available from the county forms designee and keeps this summary as part of the BOR records
12. In instances where a member has recused himself or herself from a BOR hearing under state law (sec. [70.47\(6m\)\(b\)](#), Wis. Stats.), the municipal clerk provides an affidavit to DOR
13. Provides any written comments received to the appropriate officer
14. Upon final adjournment of the BOR, electronically submits or authorizes the county designee to electronically transmit the Statement of Assessment to DOR

**Note:** The clerk is the official custodian of all BOR documents and forms. This includes the assessment roll, personal property statements, written objections, the meeting notices, tape recordings and all other material submitted to the BOR. These materials must be retained for at least seven years and should be available for public inspection to the extent of the law.

## B. BOR chairperson

### Duties include:

- Direct all to conduct the meeting in an orderly and legal manner
- Verifies each objection is written and complete
  - » Uses forms [PA-115A](#) (real estate) and [PA-115B](#) (personal property)
  - » Obtains forms from the county designee or from the [State Prescribed Forms page](#) on the DOR website
- Reminds all witnesses they are required to present relevant evidence on the value of the contested property
- Monitors the BOR's activities. Makes sure the BOR stays within its legal role as a quasi-judicial body.
- Confirms that all relevant evidence needed to make an informed decision is presented
- Questions witnesses and, if necessary, subpoenas witnesses and records
- Requests the municipal attorney represent the BOR and its members at the BOR hearing (optional)

## C. Municipal attorney

The municipal attorney should act as counsel for the BOR.

### Duties include:

- Protects the interests of the municipality
  - » Cannot also represent the assessor since this would be a conflict of interest
  - » Municipality and BOR must have separate counsel from the assessor
- Asks questions of those appearing before the BOR
- Advises the BOR on legal matters
- Ensures that a complete legal record of BOR activities is established

## VII. Assessor and Property Owner Responsibilities

### A. Assessor

#### 1. Before the BOR

- Reviews the assessment roll for proper classification, double assessments, omitted properties and clerical errors (known as "perfecting the roll")
- Verifies that Notices of Changed Assessment are mailed within the time frame established by state law and attaches a statement to the roll declaring these notices were mailed
  - » At least 15 days before the BOR hearing or 30 days if the municipality is conducting a revaluation, the assessor must notify real property owners when the total assessment changed from the prior year
  - » Assessor must also attach an affidavit to the assessment roll declaring the notices were mailed, as required by state law
  - » **Note:** When the assessor sends the notices less than the required 15 or 30 days before the start of the BOR, the BOR is required to remain open for 15 or 30 days from the mailing of the notices, unless the property owner waives the 15- or 30-day notification requirement. A late notice does not allow the objector sufficient time to analyze and collect materials to challenge the assessment.
- Attends at least two hours of the open examination of the roll, stated on the posted or published notice
- Incorporates Open Book changes into the assessment roll
- Delivers the completed paper assessment roll to the clerk at least one week before the BOR meets
- Completes and signs the assessor's affidavit located in the front of the assessment roll

## 2. At the BOR

- Defends all assessments at the BOR. Not defending assessments at the BOR violates the sworn affidavit the assessor signed and would violate the law.
- Does not run the BOR, the assessor responds to questions from the BOR and objectors
- Attends all hearings and allows the property owner, property owner's attorney or the BOR members to examine the assessor's testimony under oath
- Provides the BOR all books and records necessary to explain the assessor's work. Full disclosure is a requirement.
- Supports the assessor's affidavit; does not contradict or impeach it. **Note:** To impeach the assessor's affidavit means to contradict it.
- Serves as the municipality's expert witness – declares facts relative to the values placed on the assessment roll including the current assessment level
- Asks questions of the property owner and BOR members – the BOR ensures people treat each other respectfully and that all parties focus on the issues before it
- Testifies to all factors necessary to support the assessed value on appeal beyond the BOR

### **Note:**

- Record set at the BOR is the record examined throughout the rest of the appeal process. Therefore, it is important to establish a complete evidence base at this level.
- Assessor may be represented by counsel of the assessor's choosing
- Municipal attorney represents the municipality and the BOR members and cannot also represent the assessor. The assessor requires independent counsel, different than that who represents the municipality and BOR.

## B. Property owner

An objecting property owner must meet certain requirements and responsibilities before appearing at the BOR and while at the BOR.

### **Property owner must:**

- File an annual statement of personal property by March 1 if the person is contesting a personal property assessment. After March 1, a person may submit the completed statement to the BOR along with a note explaining the reason the person failed to submit the return on time.
- Allow the assessor onto the property to conduct an exterior view. Sec. [70.47\(7\)\(aa\)](#), Wis. Stats. provides that the BOR may deny a hearing to a property owner who does not allow the assessor to complete an exterior view. However, the Wisconsin Supreme Court expressed due process concerns regarding a similarly worded statute in *Milewski v. Town of Dover*, 2017 WI 79, 377 Wis. 2d 38, 899 N.W.2d 303. It is DOR's recommendation to allow a BOR hearing even if the property owner denied an interior or exterior view. The lack of access to view, and the credibility of evidence offered can be managed as an evidentiary issue at a BOR hearing, rather than denying access to the BOR.
- Provide written or oral notice of intent to file an objection to the BOR clerk at least 48 hours before the first scheduled BOR meeting. If the property owner is requesting a member be removed, the property owner must also mention it at this time, along with an estimate of the length of the hearing.
- Complete the entire written objection form ([PA-115A](#) (real estate) and [PA-115B](#) (personal property)), including an estimate of value and file it with the BOR clerk during the first two hours of the first meeting
- Object to only the total valuation of the land and the improvements of a particular parcel
- Not contact a BOR member or give the BOR member information about the objection except at a BOR hearing
- Present factual evidence that supports the opinion of value stated on the objection form. An objector may then ask the assessor questions.
- Hire legal counsel or other suitable representation if unable to attend the BOR hearing personally

## VIII. BOR Appeals

### A. Property owners/objectors filing an appeal

Objectors must notify the BOR clerk either orally or in writing of their intent to file an objection. An exception to this requirement is that, upon a showing of good cause to the BOR and submission of a written objection, the BOR shall waive that requirement during the first two hours of the first scheduled meeting. For extraordinary causes, the BOR may waive the intent to file requirement up to the end of the fifth day (if the sessions last five days).

#### How should property owners file an objection to appear before the BOR?

**Property owners who want to protest their assessments must do the following:**

- Provide to the BOR clerk written or oral notice of intent to file an objection at least 48 hours before the first scheduled meeting (or, for a late BOR, the first scheduled meeting after the roll is complete). Upon showing good cause to the BOR and submitting a written objection, the BOR shall waive that requirement during the first two hours of the first meeting.
- Provide the same 48-hour notice to the BOR clerk stating whether they are requesting statutory removal of a member, who the member is, and a reasonable estimate of the length of the hearing
- File their objection in writing with the BOR clerk before or during the final two hours of the BOR's first scheduled meeting
- Use objection forms prescribed by DOR and provided by the BOR – although the BOR can waive the objection forms, DOR strongly encourages their use to ensure the BOR receives all the appropriate information
- Make full disclosure to the BOR of all their property liable to assessment in the district and its value

### B. BOR and appeals

#### Does the BOR have the authority to deny or waive a hearing?

**BOR has the authority to waive a BOR hearing and allow a property owner an appeal directly to the circuit court:**

1. BOR may waive a BOR hearing at the request of the property owner, assessor or at its own discretion. Review all waivers with the municipal attorney.  
**Note:** DOR provides a Request for Waiver of BOR Hearing Form ([PA-813](#)).
2. BOR reviews the BOR hearing waiver requests during the first BOR meeting
3. Property owner must provide the 48-hour notice of intent to appeal
4. Property owner must complete the objection form
5. Consider what reasons support waiving the hearing – possible option for complex appeals
6. BOR issues a decision on the waiver not a determination regarding value
7. Property's assessment at the time of the BOR is reviewed by circuit court
8. An action under sec. [70.47\(13\)](#), Wis. Stats., must be commenced within 90 days of the receipt of the notice of the waiving of the hearing. An action under sec. [74.37\(3\)\(d\)](#), Wis. Stats., must be commenced with 60 days of the receipt of the notice of the waiving of the hearing.
9. Claim of excessive assessment under sec. [74.37](#), Wis. Stats., is not available if the BOR waives the BOR hearing
10. Appeal to DOR under sec. [70.85](#), Wis. Stats., is not available if the BOR waives the BOR hearing

**Note:**

- BOR should review the circumstances and state on the record the reason for waiving a hearing. The BOR should not hear any testimony or evidence involving the assessment and should not complete the Notice of BOR Determination ([PR-302](#)).
- While the assessor may ask that the BOR waive a hearing, it is the BOR's responsibility/authority to make the decision, not the assessor's



## C. Appeal timeframe

### Time limits for appealing to the BOR

Objectors must file their written objection with the BOR clerk either before or during the first two hours of the BOR's first scheduled meeting (or, for a late BOR, the first scheduled meeting after the roll is complete). If the objection was filed at least 48 hours before the meeting and the objector and the assessor have received at least 48-hour notice of the time of hearing, then the hearing may be held at the first scheduled meeting. The hearing may also happen immediately if all parties are present (phone contact with the BOR is acceptable in the case of qualifying ill and disabled individuals) and if all parties waive such notice in the minutes. In all other cases, after receiving an objection, the BOR establishes a time for the hearing, providing at least a 48-hour notice to the parties. All objections must be filed within the first five days of the BOR hearings.

## D. BOR members appeal their own assessments

BOR members can appeal the assessment on their property. However, the individual must temporarily step down from the duties as a BOR member.

## E. BOR can adjust an assessment even if an owner did not appeal to the BOR

The BOR can hold a hearing to review an assessment even if the property owner did not appeal the assessment. The BOR must carefully examine the roll and correct all apparent description or calculation errors. The BOR must not raise or lower an assessment except when based on evidence presented at a hearing.

Wisconsin law makes no provision for taxpayers to appeal another individual's property assessment. However, if the BOR has reason to question the accuracy of a property assessment that is not appealed, the BOR has the authority to schedule a hearing to review the assessment.

### BOR can order a hearing even though the property owner did not appeal to the BOR, only if:

- The assessor omitted a property
- It believes a property was assessed above or below the general average of assessment of the tax district

### When the BOR orders a hearing, it will:

- Notify the owner, agent or possessor of the property that the BOR will review the assessment
- Set the time and place of the meeting and notify the owner
- Subpoena witnesses to testify concerning the value of the property
- Conduct the hearing, deliberate and make a determination
- Provide the owner with a Notice of BOR Determination

## F. Property owners cannot appeal part of their assessment

Property owners can only appeal the total value of a parcel. They may not object to only the land or only the improvement values. In support of their appeal, property owners must completely fill out the objection form and declare their opinion of the fair market value of the property.

## G. Property owners can appeal the classification of their property

Property owners may appeal the classification of their property when it affects the assessed value. Classification affects the assessed value of land classified as agricultural, undeveloped and agricultural forest.

The assessed value of agricultural land is based on its use in agriculture, rather than its fair market value. This valuation standard is referred to as use-value assessment.

The assessed value of undeveloped and agricultural forest land is based on its full market value, but reduced by 50%. First, the assessor determines the full value of qualifying undeveloped and agricultural forest lands under

# 2022 Guide for Board of Review Members

state law (sec. [70.32\(1\)](#), Wis. Stats.). Next, the assessor reduces the value by 50% under state law (sec. [70.32\(4\)](#), Wis. Stats.). This valuation standard is referred to as a fractional assessment.

Classification appeals require the owner to show how the land meets the appropriate definition of agricultural, undeveloped or agricultural forest land. Beginning with assessments as of January 1, 2017, the [2017 Wisconsin Act 115](#) created the following provision for drainage district corridors: "...the assessor shall assess the land within a district corridor described under sec. [88.74](#) in the same class under sub. (2)(a) as the land adjoining the corridor, if the adjoining land and the land within the corridor are owned by the same person."

Drainage districts are local governmental entities organized under a county drainage board for the primary purpose of draining lands for agriculture. A drainage district establishes a legal mechanism for managing drains and related facilities to ensure reliable drainage. Landowners who benefit from drainage must pay assessments to cover the cost of constructing, maintaining, and repairing district drains. Of the 72 counties in Wisconsin, 31 contain one or more drainage districts and can be located on an interactive map on the Wisconsin Department of Agriculture, Trade, and Consumer Protection website: [Wisconsin Drainage Districts](#).

**Note:** The residential class includes most property where the predominant use is for living purposes. The residential class also includes vacant land where the most likely use would be residential development, if the land in question does not meet the definition of agricultural use.

If a property owner is appealing the classification of land in agricultural use during the prior year, but not verified as agricultural land for assessment purposes, the property owner should be prepared to present evidence to the assessor or BOR verifying its use in agriculture. At the Open Book and BOR, the assessor should assist the property owner and/or BOR members with the calculations required to determine the use-value of any parcel with a classification in a non-agricultural class.

## Land Classifications

### 1. Agricultural land

- State law (sec. [70.32\(2\)\(c\)1g](#), Wis. Stats.) – defines agricultural land as "land, exclusive of buildings and improvements and the land necessary for their location and convenience, which is devoted primarily to agricultural use." Land devoted primarily to agricultural use typically bears physical evidence of agricultural use (ex: furrows, crops, fencing or livestock) appropriate to the production season.
- State law (sec. [70.32\(2\)\(c\)1i](#), Wis. Stats.) – defines agricultural use as "agricultural use as defined by the Department of Revenue by rule and includes the growing of short rotation woody crops, including poplars and willows, using agronomic practices"
- State law (sec. [70.32\(2\)\(c\)1k](#), Wis. Stats.) – defines agronomic practices as "generally associated with field crop production, including soil management, cultivation, and row cropping"

### 2. Undeveloped land

Undeveloped land includes bog, marsh, lowland brush, uncultivated land zoned as shore land, under state law (sec. [59.692](#), Wis. Stats.), and shown as a wetland on a final map under state law (sec. [23.32](#), Wis. Stats.), or other non-productive lands not elsewhere classified.

This class includes areas commonly called marshes, swamps, thickets, bogs or wet meadows, areas with soils of the type identified on soil maps as mineral soils that are "somewhat poorly drained," "poorly drained," or "very poorly drained," or "water," and areas where aquatic or semi-aquatic vegetation is dominant. This class also includes fallow tillable land (assuming agricultural use is the land's highest and best use), road right-of-ways, ponds, depleted gravel pits, and land that, because of soil or site conditions, is not producing or capable of producing commercial forest products.

## 3. Agricultural forest land

To be classified as agricultural forest, land must meet the criteria under state law (sec. [70.32\(2\)\(c\)1d](#), Wis. Stats.).

### Agricultural forest land:

- Must be producing or capable of producing commercial forest products
- Must be contiguous to a parcel that is classified in its entirety as agricultural
- Must be owned by the same person who owns the contiguous parcel classified entirely as agricultural
- Agricultural forest land and the agricultural parcel can only be separated by a road

Review the [Agricultural Assessment Guide](#) for agricultural forest examples.

## IX. Presentation of Evidence

### A. Presumption of correctness

After the assessor's affidavit is completed and signed, the BOR must accept the valuations in the assessment roll as correct valuations. According to state law, the BOR must presume the assessor's valuation is correct. This presumption of correctness is binding on the BOR unless sufficient evidence to the contrary exists. To overturn this presumption of correctness, the property owner has the burden of proof to show evidence proving the assessor is incorrect.

### B. Evidence available to the BOR

The BOR can only consider the sworn oral testimony of witnesses appearing before it. Courts have held that if appropriate credible evidence is presented to the BOR showing the assessor's valuation to be incorrect, the BOR must consider it.

A BOR can request additional evidence. If the BOR or the assessor request, the BOR can compel witnesses to appear for questioning. The law allows ill or disabled objectors to testify by phone if a letter from a physician, surgeon or osteopath confirms their illness or disability. The municipality must pay for the call.

In addition to oral testimony, the BOR can also subpoena books, records, appraisals, documents and any other data that may help to understand the issue. If the objector's or the assessor's used the income approach for valuation, the objection should not be heard unless the objector supplies to the assessor all the necessary income and expense information the assessor requests.

The assessor must give the BOR any information relating to the appealed assessment. In addition, the assessor should prepare to present the facts and valuation methods used to develop the assessments. The information presented should help the BOR determine if the assessment is correct. The objection form may contain written testimony or contain exhibits to become part of the BOR proceedings.

If evidence is submitted that was only available to one side prior to the hearing, the BOR should request documentation of any evidence submitted that has not been proven. If documentation is unavailable, this should impact the BOR's evaluation of the credibility of the evidence.

The BOR must provide adequate time for the property owner and the assessor to present their information.

### C. All testimony must be given under oath

#### BOR considers sworn oral testimony of witnesses appearing before the BOR

- Only evidence given under oath is binding
- The BOR is required to hear upon oath, by telephone, all ill or disabled persons who present to the board a letter from a physician, osteopath, physician assistant, or advanced practice nurse prescriber that confirms their illness or disability

# 2022 Guide for Board of Review Members

- In addition to sworn oral testimony, an objector must also specify in writing, the person's (ex: property owner) estimate of the land value and improvements that are the subject of the objection. The objector must also specify the information the person used to arrive at that estimate.
- BOR may accept sworn information over the telephone or a sworn written statement:
  - » DOR created – Request to Testify by Telephone or Submit a Sworn Written Statement ([PA-814](#))
  - » BOR determines whether it will accept information in writing or over the phone
  - » BOR reviews requests during the first meeting of the BOR
  - » Property owner must provide the 48-hour notice of intent to appeal
  - » Property owner must complete the objection form
  - » Considerations – written information does not allow for cross examination, audibility for information over the phone, identification of speakers
- BOR may also postpone and reschedule a hearing – limited to once during the same session for the same property

## X. BOR Decisions

### A. Reaching a decision

After the BOR hears all the evidence, it must deliberate to reach a decision. The deliberation process is open to the public.

#### **BOR deliberates in one of these ways:**

- After each objection is heard
- After all objections are heard
- Periodically during the time the BOR is open

After hearing all the evidence, the BOR determines if the assessor's valuation is correct. The BOR's decision should incorporate the understanding that the assessor is presumed correct and the objector has the burden of proof to sufficiently show the assessment is incorrect. DOR recommends recording the deliberation discussion and final determination. The BOR's determination is by roll call vote. Decisions to adjust assessments need to clearly identify the final assessment allocated to the land and the improvements.

### B. End of BOR hearing

#### **1. Notification needed at the end of a BOR hearing**

The BOR may announce its decision to the property owner and assessor at the conclusion of the hearing, or it may take the case under advisement. However, the BOR clerk must provide the objector, or the appropriate party, notice of the finalized assessment before the final adjournment. This written notice must also explain the property owner's appeal rights and procedures. The BOR clerk must also prepare an affidavit that includes the date the notice was delivered or mailed.

#### **2. Clerk's responsibility after the BOR makes its decisions**

The clerk should summarize the proceedings and decisions on DOR prescribed form ([PA-800](#)).

#### **Summary should include the following:**

- Property owner's name
- Property description
- Amount of the objected assessment
- Names of the persons who appeared for the property owner
- BOR determination

The municipality should keep this form for at least seven years with the clerk's notes, written objections and all other material submitted to the BOR.

## XI. Appealing a BOR Decision

If a property owner is not satisfied with the BOR decision, there are three appeal options available. There are filing requirements for each appeal option. For more detailed information review the [Guide for Property Owners](#) on our website.

If a property owner did not contest the assessment before the local BOR, no other reviewing authority will hear the property owner's case.

### A. Appeal options

- Appealing to DOR – sec. [70.85](#), Wis. Stats.
- Appealing to the circuit court – sec. [70.47\(13\)](#), Wis. Stats.
- Appealing to the municipality (excessive assessment) – sec. [74.37](#), Wis. Stats.

#### 1. Appealing to DOR

A property owner can file a written complaint with the DOR Equalization Supervisor. This appeal has several conditions.

##### a. Property owner must:

- 1) File a written complaint within 20 days after the property owner receives the BOR determination or within 30 days of the date specified on the affidavit if no return receipt of the Notice of BOR Determination exists
- 2) Pay DOR a \$100 filing fee
- 3) State the value of the property does not exceed \$1,000,000
- 4) State the property being appealed is radically out of proportion to the general level of the assessments of all other property in the taxation district

This appeal process applies to either real or personal property. It is not available for properties located in first-class cities (Milwaukee). The appeal procedure is described under state law (sec. [70.85](#), Wis. Stats.).

**Note:** DOR sends an Appeal Questionnaire (PR-305B) to the municipal clerk after DOR receives an appeal of the BOR determination.

##### b. Clerk must:

- 1) Complete the Appeal Questionnaire (PR-305B) and submit it to DOR along with a copy of:
  - » Summary of BOR Proceedings Form ([PA-800](#))
  - » Property Owner Objection Form ([PA-115A or B](#))
  - » If the BOR Determination Notice was sent certified mail, a copy of the certified mail return receipt
- 2) Contact the DOR Equalization Supervisor with questions; see page 38 for additional information

##### c. Appealing a sec. [70.85](#), Wis. Stats. decision to a higher court

If the property owner finds DOR's decision unacceptable, the property owner can appeal to the circuit court. The court will review the DOR decision to determine if DOR made the proper decision.

#### 2. Appealing to the circuit court

A property owner can appeal the BOR's decision by requesting that the circuit court (in the county where the property is located) review the written record of the hearing (action of certiorari).

##### a. Property owners must do the following:

- File an appeal with the circuit court within 90 days after receiving Notice of BOR Determination
- Provide only the BOR evidence to the court



## **b. The court decides the case solely on the basis of the written record made at the BOR**

If the circuit court finds any error in the BOR proceedings, it will return the appeal to the BOR. The court may also remand the appeal back to the BOR if it determines the BOR lacked good cause to deny the request for assessment reduction. The BOR must follow the instructions from the court when reconsidering the case. The court may order the municipality to reconvene the BOR if it has adjourned before the court's decision on the appeal.

## **3. Appealing to the municipality**

Before appealing to the municipality, the property owner must first appeal to the BOR. A property owner cannot appeal to the municipality if the property owner already appealed to the circuit court or to DOR. Under state law (sec. [74.37](#), Wis. Stats.), no claim for an excessive assessment may be brought to the municipality unless the tax is timely paid. The property owner must file a claim with the municipality by January 31 of the year the tax is payable. If the municipality denies the claim, the taxpayer may appeal to the circuit court within 90 days after receiving notice by registered or certified mail that the claim is disallowed.

### **What can be appealed**

- Claim for an excessive assessment may be filed against the taxation district or the county that has a county assessor system, which collects the tax
- Claim filed must meet all of the following conditions:
  - » Be in writing
  - » State the alleged circumstances giving rise to the claim
  - » State as accurately as possible the amount of the claim
  - » Be signed by the claimant or the claimant's agent
  - » Be served on the clerk of the taxation district, or the clerk of the county that has a county assessor system, in the manner under state law (sec. [801.11\(4\)](#), Wis. Stats.), by January 31 of the year the tax is payable based on the contested assessment
- Property owner may bring all new evidence to the municipal body
- If the municipality denies the claim, the property owner may appeal to the circuit court within 90 days after receiving notice by registered or certified mail that the claim is disallowed

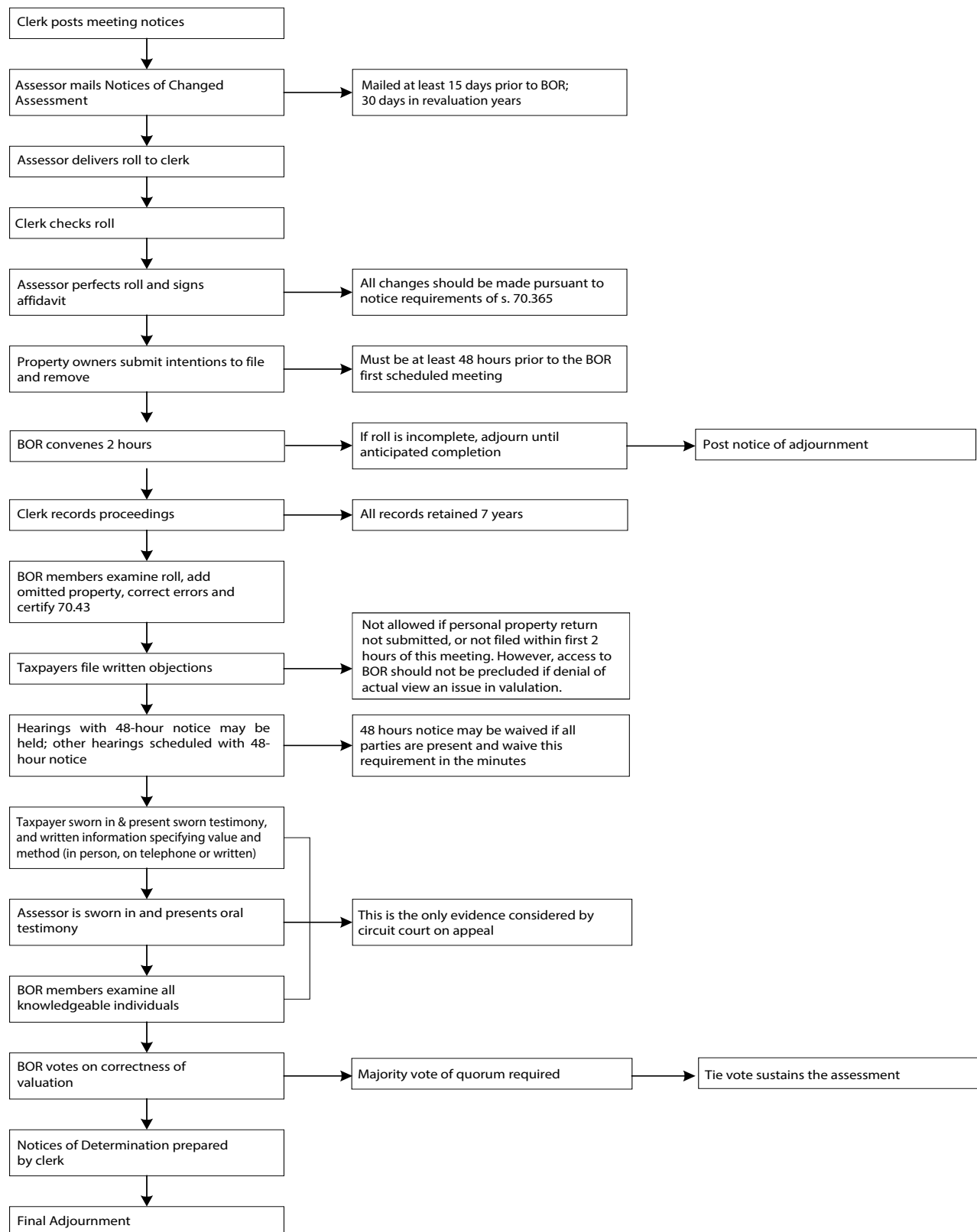
## **B. Appealing a circuit court decision to a higher court**

If the property owner finds the circuit court decision unacceptable, the property owner can appeal to the court of appeals. This court will review the facts of the case considered by the lower court to determine if it applied assessment law correctly.

## **C. Appealing a court of appeals decision to a higher court**

A property owner can appeal the court of appeals decision to the Wisconsin Supreme Court. However, this court can also refuse to hear an appeal and thus let the ruling of a lower court stand. The Supreme Court has the final word in the appeal process. At this level, the court reviews all the lower court records and may request written legal briefs from each party supporting its point of view. Once the Supreme Court makes a ruling, it becomes the official interpretation of the laws of the state.

## XII. BOR Flowchart



## XIII. BOR Legal Authority

### A. BOR's primary duties

**Each municipality in Wisconsin has the legal authority to create a BOR, which is a quasi-judicial (court-like) body empowered with three primary duties, including:**

1. Adjusting assessments when proven incorrect by sworn oral testimony
2. Reviewing the assessment roll for omitted property and double assessments
3. Correcting any errors or omissions in the assessment roll descriptions or calculations

**Note:** The first formal step in the appeal process starts at the BOR.

### B. BOR authority

**Statute and case law define the BOR's authority. Many court cases on BOR proceedings exist. The following statements describe BOR's authority:**

- It cannot do the work of the assessor and cannot substitute its judgment or opinion of value for the assessor's. The assessor has sole responsibility for making assessments.
- It is legally bound to accept the assessor's assessment as correct unless there is evidence that proves the assessment is incorrect
- It's duty is to hear sworn, oral testimony about assessed values and to decide (based solely on that testimony) whether an individual proved the assessment to be incorrect not to assess property
- It does not have exemption from taxation authority

State law (secs. [70.46](#) through [70.48](#), Wis. Stats.), describes the authority, structure and procedures of a BOR. This guide uses these statutes and case law to define the responsibilities of a Wisconsin BOR.

### C. BOR members are subject to penalties for misconduct

The BOR is not an assessing body or charged with redoing the work of the assessor. The BOR can only hear the evidence before it and then act on the basis of that evidence. BOR members who intentionally violate any of the established BOR procedures with the intent to fix any assessed value at less than its true value or omit any property from assessment are guilty of fraud and subject to penalties established by Wisconsin criminal law.

## XIV. WI Acts, Statutes, Case Law, Performance and Technical Standards

### A. Wisconsin acts

#### 1. Board of Review member training (2021 Act 1)

- Amended sec. [70.46\(4\)](#), Wis. Stats. – Board of Review member training
  - » Prior law – no board of review may be constituted unless it includes at least one voting member who, within two years of the board's first meeting, has attended a training session under sec. [73.03\(55\)](#), Wis. Stats. The municipal clerk shall provide an affidavit to the Department of Revenue stating whether the requirement under this subsection has been fulfilled.
  - » Current law – no board of review may be constituted unless at least one member completes in each year a training session under sec. [73.03\(55\)](#). The municipal clerk shall provide an affidavit to the Department of Revenue stating whether the requirement under this subsection has been fulfilled.

## 2. Board of Review meeting notice ([2019 Act 140](#))

- Amended sec. [70.47\(2\)](#), Wis. Stats. – Board of Review (BOR) meeting notice
  - » Prior law – at least 15 days before the first session of the board of review, or at least 30 days before the first session of the board of review in any year in which the taxation district conducts a revaluation under sec. [70.05](#), Wis. Stats., the clerk of the board shall publish a class 1 notice, place a notice in at least three public places and place a notice on the door of the town hall, of the village hall, of the council chambers or of the city hall of the time and place of the first meeting of the board under sub. [\(3\)](#) and of the requirements under sub. [\(7\)\(aa\)](#) and [\(ac\)](#) to [\(af\)](#). A taxpayer who shows that the clerk failed to publish the notice under this subsection may file a claim under sec. [74.37](#), Wis. Stats.
  - » Current law – at least 15 days before the first session of the board of review, or at least 30 days before the first session of the board of review in any year in which the taxation district conducts a revaluation under sec. [70.05](#), Wis. Stats., the clerk of the board shall publish a class 1 notice under [ch. 985](#), Wis. Stats., of the time and place of the first meeting of the board under sub. [\(3\)](#) and of the requirements under sub. [\(7\)\(aa\)](#) and [\(ac\)](#) to [\(af\)](#). A taxpayer who shows that the clerk failed to publish the notice under this subsection may file a claim under sec. [74.37](#), Wis. Stats.

## 3. Timing of Open Book and BOR; Exterior View ([2017 Act 68](#))

- Amended sec. [70.47\(1\)](#), Wis. Stats. – Board of Review time and place of meeting
  - » Prior law – meet annually during 30-day period starting 2nd Monday of May
  - » Current law – meet annually during 45-day period starting the fourth Monday of April, no sooner than seven days after the last day which the assessment roll is open for examination under sec. [70.45](#), Wis. Stats.
- Amended sec. [70.47\(7\)\(aa\)](#), Wis. Stats. – Board of Review appearances – no person can appeal to the BOR if refused reasonable written request of assessor to view exterior of property (see [Notice](#))
- Amended sec. [70.47\(7\)\(af\)](#), Wis. Stats. – BOR and property appealed using the income method to value
  - » No person can appeal to the BOR if the value was made by the assessor using the income method unless no later than seven days before the first meeting of the BOR, the person supplies to the assessor all information about income and expenses
  - » Information provided under this paragraph is not subject to right of inspection and copying unless a court determines before the first meeting of the BOR that information is inaccurate

## 4. BOR hearing changes ([2013 Wisconsin Act 228](#))

### a. Requires the following notices as of January 1, 2015:

- Notices of Changed Assessment be sent to the property owner at least 30 days before the meeting of BOR when the municipality is conducting a revaluation
- Notices of Changed Assessment be sent to the property owner at least 25 days before the meeting of the BOA in a first-class city
- Class one meeting notice at least 15 days before the BOR's first meeting or at least 30 days before the first meeting when the municipality is conducting a revaluation

### b. Provides the BOR with the following options:

- Allow a property owner to appear by telephone or to submit written statements for the objection, under oath, instead of appearing in person at the BOR hearing
- Postpone and reschedule a BOR hearing as it relates to a property once per session, at the request of the property owner
- Waive the BOR hearing and have the assessment reviewed in circuit court

## 5. Trespassing and Revaluation Notice ([2009 Wisconsin Act 68](#))

Provides statutory guidance to assessors regarding trespassing.

**This law includes** – partially exempting an assessor and an assessor's staff from liability for trespassing, creating immunity from civil liability, and changing the notice requirements relating to the revaluation of property by an assessor.

### a. Trespass law

The trespass law entitles the assessor to enter a property once during an assessment cycle unless the property owner authorizes additional visits. A list of denied entries is maintained by the assessor under state law. State law (secs. [943.13](#) and [943.15](#), Wis. Stats.) pertains to property entry.

### b. Revaluation notice

Notification must be published on or before a revaluation by an assessor.

Under state law (sec. [70.05\(5\)\(b\)](#) Wis. Stats.), before a city, village or town assessor can conduct a revaluation of property, it must publish a notice on its municipal website stating a revaluation will occur. If a municipality does not have a website, it must post the required information in at least three public places within the city, village or town.

The notice must include approximate dates of the property revaluation and describe the authority of an assessor, to enter land. (secs. [943.13](#) and [943.15](#), Wis. Stats.)

DOR recommends you provide a link to the Wisconsin Statute references mentioned above on your website.

## B. Statutes and case law

Although statutes and case law may be thought of as standards, they are not optional in the sense of "attempting to achieve." It is required to follow statutes and case law.

### There are three such requirements for Wisconsin assessors

1. Wisconsin law (sec. [70.32](#), Wis. Stats.) – requires assessors to assess residential, commercial, manufacturing, forest, other, and property at full value. Agricultural land must be assessed according to use-value guidelines, and undeveloped and agricultural forest must be assessed at 50% of its full value.
2. Wisconsin law (sec. [70.34](#), Wis. Stats.) – requires assessors to assess all articles of personal property, as far as practicable, upon actual view at its true cash value
3. Wisconsin law (sec. [70.05\(5\)\(b\)](#), Wis. Stats.) – requires each municipality to assess all major classes of property within 10% of full value in the same year, at least once within a five-year period. A "major class" of property is defined as a property class that includes more than 10% of the full value of the taxation district. If a municipality is non-compliant after four consecutive years, the Wisconsin Department of Revenue (DOR) must notify the municipality of its non-compliance status. DOR issues the municipality a second non-compliance notice after five consecutive years of non-compliance, and issues an order for supervised assessment after six consecutive years of non-compliance.

## C. Performance and technical standards

**Performance and technical standards for Wisconsin assessors are found primarily in three documents.**

1. Wisconsin Property Assessment Manual ([WPAM](#))
2. International Association of Assessing Officers ([IAAO](#)) Technical Standards
3. Uniform Standards of Professional Appraisal Practice ([USPAP](#))

### Wisconsin Property Assessment Manual (WPAM)

The WPAM specifies technical, procedural and administrative practices. It also defines procedures, policies, legal decisions and assessor performance expectations.



# 2022 Guide for Board of Review Members

State law (sec. [73.03](#), Wis. Stats.) grants DOR the authority to prepare the WPAM. This statute requires DOR to prepare a manual that discusses and illustrates accepted assessment methods, techniques and practices to help create more uniform and consistent property assessments at the local level.

DOR amends the manual to reflect changes in the assessment practices, court decisions concerning assessment practices, costs, and statistical and other information deemed valuable to local assessors.

## XV. BOR Court Case Decisions

All the following cases deal with BOR issues. We included the most important cases. You can find more cases in Volume I of the [Wisconsin Property Assessment Manual \(WPAM\)](#) and in court records.

**These cases are arranged in the following categories:**

- |                 |                              |
|-----------------|------------------------------|
| A. General      | F. Sworn oral testimony      |
| B. Procedures   | G. Assessor presumed correct |
| C. Organization | H. Witnesses                 |
| D. Notices      | I. Evidence                  |
| E. Objections   | J. Appeals                   |

### A. General

#### 1. *State v. Gaylord*, 73 Wis. 306, 41 N.W. 518 (1889)

The power of the board to review and alter extends not merely to the correction of errors in the roll, but also to lowering or raising the valuation of any property, including securities on the assessment roll; and the sworn statement as to the amount of such securities, made by the property owner to the assessor, is not conclusive on the board.

#### 2. *Brown v. Oneida County*, 103 Wis. 149, 79 N.W. 216 (1899)

The court held that, "the board is a creature of the statute, and has only such powers given to it by the statute."

#### 3. *State ex rel. Kimberly Clark Co. v. Williams*, 160 Wis. 648, 152 N.W. 450 (1915)

The court said, "The BOR is not an assessing body and it is not to do over the work of the assessor or substitute its judgment for his." Court set aside an assessment made by the BOR after the board had made a personal inspection of the property.

#### 4. *State ex rel. International Business Machines Corporation v. BOR, City of Fond du Lac*, 231 Wis. 303, 285 N.W. 784 (1939)

A BOR is not an assessing body, but rather a quasi-judicial body whose duty it is to hear evidence tending to show errors in the assessment roll and to decide upon the evidence adduced whether the assessor's valuation is correct.

#### 5. *Milewski v. Town of Dover*, 2017 WI 79, 377 Wis.2d 38, 899 N.W.2d 303

Property owners brought action against municipality, alleging excessive property tax assessment and raising as-applied constitutional challenges to statutes governing procedure to be followed in challenging tax assessor's property valuation. The lead opinion held that: (1) property owners had a due process right to contest tax assessor's valuation of their real property as excessive; (2) tax assessor who enters a home to conduct an "interior view" occupies private property for the purpose of obtaining information and is, therefore, conducting a Fourth Amendment search; and (3) statutory scheme governing practices for challenging tax assessor's property valuation was unconstitutional as applied to the property owners.

## **6. *Thoma v. Village of Slinger*, 2018 WI 45 (Wis. 2018)**

The classification of real property for tax purposes is based on the actual use of the property, and an injunction prohibiting agricultural use of a residentially-zoned property, which is based on a restrictive covenant, does not control the property's tax assessment classification.

## **7. *Ogden Family Trust v. Town of Delafield*, 2019 WI 23**

The Court held: the BOR did not act according to law when it based its decision on an erroneous belief that a business purpose was required for agricultural classification. A business purpose is not required for agricultural classification so long as land is devoted primarily to "agricultural use" as defined by state statutes and administrative rules. That use does not need to be carried out for a business purpose for the land to qualify as agricultural land.

## **B. Procedures**

Once the assessor places a value on all taxable property listed on the assessment roll and signs the affidavit attached to the roll, the assessments are presumed correct. At this time, the assessor is not allowed to impeach the information found in the assessment roll and the BOR cannot change an assessment without sworn oral testimony. The BOR meets once the assessment roll is completed and delivered to the municipal clerk.

## ***Bender v. Town of Kronenwetter*, 2002 WI App 284, 258 Wis.2d 321, 654 N.W.2d 57**

Sec. [70.47\(8\)\(e\)](#), Wis. Stats. states in part that all proceedings shall be taken in full by a stenographer or by a recording device. In this case, the court found that "complete and accurate records of the (BOR) meetings were not kept." The erratic records have made it difficult and sometimes impossible to tell whether there was a quorum at each evidentiary and decision hearing as required by sec. [70.47\(1\)](#), Wis. Stats. and whether any board member voted on an assessment after failing to attend the evidentiary hearing on that valuation in violation of sec. [70.47\(9\)\(b\)](#), Wis. Stats.

"Another problem is that all the board members who voted on a decision may not have attended the evidentiary hearing on that assessment or have read a transcript or listened to a recording of the evidentiary hearing at least five days before voting as sec. 70.47(9)(b), Wis. Stats. requires."

"Still another problem is that a majority of the board members may not have agreed on each of the assessment decisions ... the record suggests that not all voting members were at the evidentiary hearings and therefore should not have been counted in the majority vote..." Allowing a board member to vote or participate in deciding an assessment when that BOR member did not attend the evidentiary hearing and deciding cases without the agreement of at least two board members are fundamental errors.

"Because the court has found numerous errors in the proceedings of the board that affect each petitioner, it finds those proceedings void and remands each of the assessments that petitioners had hearings on before the board for a rehearing."

## **C. Organization**

### **1. Revenue Administrative Advice (1978)**

Sec. [70.365](#), Wis. Stats. specifically states that the notices shall be sent "at least 15 or 30 days before the meeting of the board." There is no authority in the rules of statutory construction to reinterpret this specific and clear language to expand the 15- or 30-day period by excluding legal holidays, weekend days or non-business days from the calculation of the 15 or 30 days. It is plainly obvious that any 15- or 30-day period would include a weekend or possibly legal holidays; this would have been obvious to the legislature and no specific reference was made in the statute to exclude any such days from the calculation of the 15- or 30-day period. Any general language in another statute should not be used to defeat the obvious intent in sec. [70.365](#), Wis. Stats.; the rules of statutory construction require that language of a specific section control over the more general language in another statutory provision. As an example, if the board is scheduled to meet on the sixteenth of the month, the notices will satisfy the statutory requirements if they are mailed no later than the first day of the month even though legal holidays and weekend or

non-business days intervene. In this example cited, the 15- or 30-day period does not have to be moved back into the previous month to accommodate the occurrence of any legal holidays, weekend or non-business days.

## **2. *Bender v. Town of Kronenwetter*, 2002 WI App 284, 258 Wis.2d 321, 654 N.W.2d 57**

The court stated, it is clear from sec. [70.46\(1\)](#), Wis. Stats. that the assessor cannot act as a BOR member in deciding appeals. Common sense dictates that an assessor should not be judging the merits of the assessor's own assessments when a property owner appeals to the BOR. The assessor has a right to be present at a decision hearing, as any other citizen does at an open meeting, but the assessor cannot participate in any way or vote on the cases. The action by the board in allowing the assessor to repeatedly give information, participate and even vote at decision hearings was a major error that materially prejudiced petitioners' rights to a fair appeal. Sec. 70.46(1), Wis. Stats. and due process considerations forbid this participation by an assessor.

## **D. Notice**

### **1. Revenue Administrative Advice (September 2, 1994)**

#### **Should Saturday, Sunday and holidays be excluded in the calculation of time relating to the notice of higher assessment?**

Sec. [70.365](#), Wis. Stats. specifically states that the notices shall be sent "at least 10 days before the meeting of the board." There is no authority in the rules of statutory construction to reinterpret this specific and clear language to expand the 10-day period by excluding legal holidays, weekend days or non-business days from the calculation of the 10 days. It is plainly obvious that any 10-day period would include a weekend or possibly legal holidays; this would have been obvious to the legislature and no specific reference was made in the statute to exclude any such days from the calculation of the 10-day period. Any general language in another statute should not be used to defeat the obvious intent in sec. 70.365, Wis. Stats.; the rules of statutory construction require that language of a specific section control over the more general language in another statutory provision. As an example, if the board is scheduled to meet on the eleventh of the month, the notices will satisfy the statutory requirements if they are mailed no later than the first day of the month even though legal holidays and weekend or non-business days intervene. In this example cited, the 10-day period does not have to be moved back into the previous month to accommodate the occurrence of any legal holidays, weekend or non-business days.

### **2. *State ex rel. John R. Davis Lumber Co. v. Sackett*, 117 Wis. 580, 94 N.W. 314 (1903)**

The court held, the BOR must give the property owner notice of intention to increase the assessment before it can legally increase it. Sec. [70.47\(10\)](#), Wis. Stats. states that the BOR can add omitted property but must notify the property owner. The board cannot raise an assessment except upon reasonable evidence submitted to it; to do so constitutes jurisdictional error.

### **3. *Milwaukee County v. Dorsen*, 208 Wis. 637, 242 N.W. 515 (1932)**

Taxation proceedings are not judicial, and taxpayer is not entitled to such notice and hearings are essential to validity of judicial proceedings and judgments. The court stated, "...much less formality as to notice and opportunity to be heard will suffice to satisfy requirements of due process of law in taxation proceedings than before judicial tribunals."

A property owner is not entitled to specific notice of the BOR meeting time and place. Under state law, the meeting time and place, along with providing general notice, is sufficient to constitute due process.

### **4. *State ex rel. Baker Mfg. Co. v. City of Evansville*, 261 Wis. 599, 53 N.W.2d 795 (1952)**

Where the original meeting of the city BOR to consider the property owner's objection to the assessment of its personal property was adjourned to no particular time, a later meeting to consider the assessment not referring to the adjourned meeting and held almost two months after the first meeting, was a new meeting and not an adjourned meeting, and the statutory 48-hour notice was required to be given to the property owner.

## E. Objections

Objections to valuation must be in writing unless expressly waived by action of the board. No assessment may be raised or lowered except after a hearing, under state law (secs. [70.47\(8\)](#) and [70.47\(10\)](#), Wis. Stats.).

### 1. *State ex rel. Reiss v. Board of Review of Town of Erin*, 29 Wis.2d 246, 138 N.W.2d 278 (1965)

In this case, the property owner had filled out answers to all the questions on the form including date of purchase and purchase price, improvement (nature and value), amount of fire insurance carried on the buildings, and that there had been no recent commercial appraisal of the buildings. However, in the answer to the question, "What is the present fair market value of this property?" The objecting property owner wrote, "I do not know." The court says, "Even if it were considered that the board had accepted the answers to other questions, the answer remained insufficient. Surely the single most important fact relevant to an assessment is the fair market value of the property and a property owner who desires to proceed with an objection in good faith must be prepared to take a position as to what the fair market value is."

The majority of the court held that the property owner had not properly filled out the objection form and therefore had no right to a BOR hearing.

### 2. *Bitters v. Town of Newbold*, 51 Wis.2d 493, 187 N.W.2d 339 (1971)

A property owner, wishing to appeal an assessment appeared at the BOR with an improvised objection form. At the meeting, the property owner refused to fill out the proper objection form or be sworn in and left the meeting without testifying. When the tax bills were later issued based on the original assessment, only the portion of the bill based on the property owner's estimate of value was paid. The property owner then filed a claim under sec. [74.37](#), Wis. Stats. for recovery of illegal taxes.

The court held that the BOR may deny a property owner a hearing if the objection is not stated on an approved form; the board does not have to accept the information supplied by the property owner in a different format. A certiorari review is limited to the action of the board. In this case the property owner did not meet the requirements of appearing at the BOR.

## F. Sworn oral testimony

### 1. *Town of Wauwatosa v. Gunyon*, 25 Wis. 271 (1870)

The court stated that a note should be made in the records "refused to swear," when parties refuse to swear or present evidence under oath. The board may then proceed to hear the appeal.

### 2. *Bender v. Town of Kronenwetter*, 2002 WI App 284, 258 Wis.2d 321, 654 N.W.2d 57

The court found that another error that the board made was failing to swear the assessor in when the assessor spoke at the evidentiary hearings. Sec. [70.47\(8\)](#), Wis. Stats. requires that all persons be sworn before giving evidence on the valuation of property to the BOR. These transcripts show that each objecting property owner, property owner's attorney and witnesses (if any) were all duly sworn, but never once was the assessor sworn before the assessor gave testimony. The assessor spoke at many hearings without being under oath. The board should have had the assessor take an oath before speaking about any assessments or offering information... The fact that the assessor testified at several evidentiary hearings without being under oath like all the other witnesses requires a finding that these hearings were void.

### 3. *State ex rel. Heller v. Fuldner*, 109 Wis. 56, 85 N.W. 118 (1901)

Where no evidence under oath is given or offered before the BOR upon an application to reduce an assessment, the board has no power to reduce the valuation.

## **4. *State ex rel. Vilas v. Wharton*, 117 Wis. 558, 94 N.W. 359 (1903)**

Letters and affidavits of the purchasers of property are not admissible as evidence before a BOR upon the question of whether the title passed to them before the assessment date.

## **5. *In re Ryerson's Estate*, 239 Wis. 120, 300 N.W. 782 (1941)**

Assessment rolls are not competent evidence to establish value in cases other than those given that effect by express provision in the statutes. However, statements made to assessor or the BOR with respect to description and value of property, whether written or oral, may be received in evidence against property owner as an "admission against interest," it being within the power of the assessor and board to require a property owner to submit to an examination.

## **G. Assessor presumed correct**

### **1. *Bass v. Fond du Lac County*, 60 Wis. 516, 19 N.W. 526 (1884)**

The court ruled, "The BOR and the clerk should see to it that the assessor's affidavit is signed and attached to the roll, for its absence is prima facie evidence of the inequality or injustice of the assessment and shifts the burden of proving it equitable and just to the municipality."

### **2. *State v. Lien*, 108 Wis. 316, 84 N.W. 422 (1900)**

In proceedings before the BOR, the assessor's valuation is prima facie correct.

### **3. *State ex rel. Kimberly-Clark Co. v. Williams*, 160 Wis. 648, 152 N.W. 34 (1955)**

The assessor's valuation of property is prima facie correct and is binding on the BOR in the absence of evidence showing it to be incorrect.

### **4. *State ex rel. Enterprise Realty Co. v. Swiderski*, 269 Wis. 642, 70 N.W.2d 34 (1955)**

The assessor's valuation is presumptively correct and the owner's evidence that such valuation exceeded construction costs was not sufficient to upset the assessor's valuation. Construction costs do not prove the sale price.

## **H. Witnesses**

### ***State ex rel. Gregersen v. Board of Review of Town of Lincoln*, 5 Wis.2d 28, 92 N.W.2d 236 (1958)**

The court admits that extraordinary cases might arise wherein "it may be very important to the property owner to examine the assessor as an adverse witness at the very outset..." of the proceedings. The court proceeds to quote favorably the language in the case of *Baker Mfg. Co. v. Evansville*, 261 Wis. 599, 53 NW 2d 795 (1952).

A few questions to the assessor may quickly establish facts which could otherwise be proved only by the time consuming and expensive method of proving the values of a large sampling of properties to show that discrimination has been practiced against one class. Other examples might be suggested. Where the case is none of that sort, the property owner's right to determine the order in which the property owner will present the property owner's case, and to call the assessor at the outset for cross examination, is a matter of such substance that only extraordinary circumstances could warrant its denial. On the other hand, in an ordinary case where the sole contention is that the assessor has over estimated the value of property owner's own property, circumstances may justify the board in requiring the property owner to present the property owner's own testimony on value or that of the property owner's expert witnesses before examining the assessor.

The court then concludes that if the property owner thought the information would be prejudiced by waiting until after the property owner's own testimony to examine the assessor, the property owner owed it to the board to assert such prejudice and explain how it might result. Having failed to do so, the property owner cannot later be heard to say in court that the board exceeded its jurisdiction in directing the property owner to put in other testimony first. The court also remarked that in the certiorari proceedings the property owner should have, but did not, show how the board's action was prejudicial to a material degree.



## I. Evidence

### 1. *Milwaukee Iron Co. v. Schubel*, 29 Wis. 444 (1872)

The BOR has no authority to value property arbitrarily or capriciously, but must be governed by the sworn evidence before it, where that is clear and uncontradicted; although, if the evidence is conflicting the decision of the board may be final.

### 2. *State ex rel. N.C. Foster Lumber Co. v. Williams*, 123 Wis. 61, 100 N.W. 1048 (1904)

In proceedings before a BOR to reduce the assessor's assessment, the board is not bound to accept as true the evidence upon one side or that of the other, but may, in the exercise of its judgment, disregard the evidence on both sides, and fix a valuation between the two extremes.

In proceedings before a BOR for the reduction of an assessment of sawmill property for taxation, the testimony of the owner bore mainly on what the property was worth to disorganize and dispose of its parts. The testimony in support of the assessment bore mainly on what the property was worth as an entirety and as a going concern; that is, what the property would bring at private sale, assuming that a buyer, with the same opportunity for the use of the mill as the owner, was at hand, and had the means to buy it. The court held that under sec. [70.32](#), Wis. Stats., providing that real property shall be valued at the value which could ordinarily be obtained therefore at private sale, and prescribing what elements the assessor shall consider in determining the value, the evidence of the owner furnished no basis for valuing the property, while the evidence in support of the assessment was sufficient to warrant the board in adopting the assessor's valuation.

### 3. *State v. Fisher*, 129 Wis. 57, 108 N.W. 206 (1906)

"Board may consider evidence of an earlier hearing to support its findings and is not held to regular court rules on evidence."

### 4. *State ex rel. Althen v. Klein*, 157 Wis. 308, 147 N.W. 373 (1914)

The BOR cannot change the assessor's valuation without evidence; but if, in any reasonable view of it, the evidence furnished a substantial basis for the action of the board in making a change, and there is nothing to show that it acted arbitrarily or dishonestly, its decision will not be interfered with by the courts.

### 5. *State v. Jodon*, 182 Wis. 645, 197 N.W. 189 (1924)

The court held, "All that can be asked of assessment officers is that they act on the evidence and facts before them, honestly and without discrimination against such property. When this is done and the case is before us on appeal, we will examine the record to ascertain if there is any competent, credible evidence to sustain the valuations placed upon the property by the assessing officers, and if there be such, it is not our province to weigh the testimony to determine where the preponderance lies."

### 6. *State v. Windus*, 208 Wis. 583, 243 N.W. 216 (1932)

The court said that, "It was proper to consider cost, depreciation, replacement value, income, industrial conditions, location and occupancy, sales of like property, book value in a prospectus, and appraisals produced by owner."

### 7. *State ex rel. Collins v. Brown*, 225 Wis. 593, 275 N.W. 455 (1937)

"It has been consistently held that in the state the assessor's valuation is prima facie correct and will not be set aside in the absence of evidence showing it to be incorrect." The fact that the property was sold immediately after the assessment at a lower price than the assessment does not prove the assessment wrong unless it is shown that the price paid is that which could be obtained at a private sale. The burden of proof is upon the person appealing the assessment.

## **8. *State ex rel. First & Lumbermen's Nat. Bank of Chippewa Falls v. Board of Review of Chippewa Falls*, 237 Wis. 306, 296 N.W. 614 (1941)**

The rule on real estate assessment is that value for tax purposes shall be arrived at by the assessor from an actual view or from the best information that can be practically obtained as to the full value which would ordinarily be obtained for property at a private sale, and when the assessor has complied with such rule and the BOR has been guided by competent evidence in passing upon fairness of assessment, a court cannot disturb the findings.

## **9. *Bauermeister v. Town of Alden*, 16 Wis.2d 111, 113 N.W. 823 (1962)**

Owners of 22 properties alleged that their lakeshore properties were assessed in 1959 at a much higher ratio (average 96.9%) than six farms they picked out as comparisons which were assessed at an average ratio of 53.8%. The court gave much weight to the fact that these farms were not random samples; and that testimony of tabulated sales of farms sold in 1957, 1958, and 1959 showed that "the particular farms sold were assessed at a higher percentage of the perspective sales price than the particular lakeshore properties sold in the same year... These facts tend to show that there was no discrimination in favor of farms, at least in the assessment of the particular properties sold."

The court continued, "We take judicial notice of the fact that the Department (of Revenue) determined that in 1959, in the Town of Alden, the assessed value of all real estate was 99.2% of full value, and the assessed value of all real estate and personal property combined was 95.6% of full or true value... It is of some significance that the department, following its own statistical methods, arrived at a result which does not support the plaintiff's contentions." Relief to plaintiffs was denied.

## **10. *State ex rel. Home Ins. v. Burt*, 23 Wis.2d 231, 127 N.W.2d 270 (1964)**

Under this section requiring real property to be assessed at the full value which could ordinarily be obtained at private sale, the assessor's valuation must be taken as presumptively correct in proceedings appealing an assessment, but presumption gives way to undisputed competent evidence establishing a lower value or substantially higher value.

## **11. *Superior Nursing Homes, Inc. v. City of Wausau, Board of Review*, 37 Wis.2d 570, 155 N.W.2d 670 (1968)**

It is the obligation of the assessor and BOR to determine fair market value of property from best competent evidence available, which may or may not coincide with the construction costs less depreciation.

## **12. *Dolphin v. Board of Review of Village of Butler*, 70 Wis.2d 403, 234 N.W.2d 277 (1975)**

A property owner went to the BOR with three separate appraisals of the property in question. No other testimony was presented and the board stated that they would notify the property owner by mail of its decision. After the hearing, the board went into executive session with the assessor present, but not the property owner. At this session, the assessor proceeded to question the property owner's appraisals. Based on this information the assessment was reduced, but not to what the property owner's appraisals had indicated.

The court held that the executive session was more than a mere deliberation session. It was closer to a continuation of the quasi-judicial hearing but without the potentially bothersome presence of the objecting property owner. This session was ruled improper and amounted to a jurisdictional error on the part of the BOR.

## J. Appeals

Once the BOR has adjourned, the appeal of an assessment must follow the procedures outlined in the [Wisconsin Property Assessment Manual](#), Chapter 21: Board of Review and Assessment Appeals. Whenever the valuation of property is being questioned, the property owner must have first appeared before the BOR and presented sworn oral testimony.

### **1. *State ex rel. J.S. Stearns Lumber Co. v. Fisher*, 124 Wis. 271, 102 N.W. 566 (1905)**

"In order for the appellate court to remove the findings of the board, the evidence must be overwhelmingly against the board's findings."

### **2. *Milwaukee County v. Dorsen*, 208 Wis. 637, 242 N.W. 515 (1932)**

A property owner who does not appear before the BOR and object to the validity of the tax sought to be imposed, cannot thereafter question the tax imposed on either the property or the income.

### **3. *Highlander Co. v. City of Dodgeville*, 249 Wis. 502, 25 N.W.2d 76 (1947)**

An assessment on property on any basis other than the full value obtainable at private sale, as required by statute, is illegal and if the assessment is so substantially out of line with other assessments as to impose an inequitable tax burden, the property owner may proceed under state law (sec. [74.37](#), Wis. Stats.), relating to the recovery of taxes unlawfully assessed.

### **4. *Central Cheese Co. v. City of Marshfield*, 13 Wis.2d 524, 109 N.W.2d 75 (1961)**

Where the BOR had adjourned sine die, it could give no further consideration to the assessment.

### **5. *Marina Fontana v. Village of Fontana-On-Geneva Lake*, 69 Wis.2d 736, 233 N.W.2d 349 (1975)**

Property owners brought action against the village under state law (sec. 74.37, Wis. Stats.), (Recovery of Illegal Taxes) claiming an excessive increase in the valuation of the real estate owned by them. They also claimed that they were not given notice of the increased assessment even though it was in excess of \$100 as required by sec. [70.365](#), Wis. Stats. The village countered these claims by pointing out that according to the case of *Pelican Amusement Co. v. Pelican*, 13 Wis. 2d 585, any objection to the assessment must begin at the BOR. The property owners had not appeared at the board. The village also contended that the property owners failed to properly plead which alternative provision of sec. 74.74, Wis. Stats., they relied on for the reassessment of the property taxes. The court found that the *Pelican* case was decided in 1961 and that sec. 70.365, Wis. Stats., was enacted two years later. This later enactment of sec. 70.365, Wis. Stats., modified the holding in the *Pelican* case. The failure to give the required notice of assessment waived the property owner's obligation to appear at the BOR. The court dismissed the village's second contention that the property owners did not properly plead which alternative provision of sec. 74.74, Wis. Stats., because the responsibility of determining which alternative to proceed under, lies with the trial court.

### **6. *State ex rel. Geipel v. City of Milwaukee*, 68 Wis.2d 726, 229 N.W.2d 585 (1975)**

Scope of review by certiorari is strictly limited in Wisconsin...the reviewing court may consider only the following:

1. Board kept within its jurisdiction
2. It (the BOR) acted according to law
3. Its action was arbitrary, oppressive or unreasonable and represented its will and not its judgment
4. Evidence was such that it might reasonably make the order or determination in question

## XVI. Glossary

**Ad valorem tax** – in reference to property, a tax based upon the value of the property

**Arm's-length sale** – sale between two parties neither of whom is related to or under abnormal pressure from the other (see [Market value](#))

**Assessed value** – dollar amount assigned to the taxable property, both real (by parcel) and personal (by owner), by the assessor for the purpose of taxation. Assessed value is estimated as of January 1 and will apply to the taxes levied at the end of that year. Assessed value is called a primary assessment because a levy is applied directly against it to determine the tax due. Accurate assessed values ensure fairness between properties within the taxing jurisdiction. (see Equalized value for fairness between municipalities)

**Assessing** – act of valuing a property for the purpose of establishing a tax base

**Assessment** – see "assessed value"

**Assessment district** – assessor's jurisdiction; it may or may not be an entire tax district. Any subdivision of territory whether whole or part of a municipality in which a separate assessment of taxable property is made. Such districts may be referred to as taxing districts, administrative districts or special purpose districts. (see sec. [70.08](#), Wis. Stats.)

**Assessment level** – relationship between the assessed value and the equalized value of non-manufacturing property minus corrections for prior year over or under charges within a municipality–town, village or city. For example, if the assessed value of all the property subject to property tax in the municipality is \$2,700,000 and the equalized value (with no prior year corrections) in the municipality is \$3,000,000 then the "assessment level" is said to be 90% ( $\$2,700,000 \div \$3,000,000 = .90$  or 90%).

**Assessment ratio** – relationship between the assessed value and the fair market value For example, if the assessment of a parcel which sold for \$150,000 (fair market value) was \$140,000, the assessment ratio is said to be 93% (140,000 divided by 150,000). The difference in the assessment level and the assessment ratio is that the level typically refers to the taxation district; the ratio refers to the individual parcel. The assessment ratio does not apply to agricultural lands, agricultural forest, or undeveloped lands.

**Assessment roll** – official listing of all properties within a given municipality (town, village, city) by ownership, description, and location showing the corresponding assessed values for each

**Assessment year** – period of time during which the assessment of all properties within a given assessment district must be completed; the period between tax lien dates

**Assessor** – administrator charged with the assessment of property for ad valorem taxes; the precise duties differ from state to state depending upon state statutes

**Board of Review (BOR)** – quasi-judicial board charged with the responsibility of raising or lowering assessments proven incorrect as well as correcting any errors in the assessment roll. BOR consists of a clerk and selected municipal officers (other than the assessor) or citizens. It hears all objections to the amount or valuation of property if objections are made in writing and filed with its clerk before adjournment of public hearings. The board examines the assessment roll or rolls and corrects all apparent errors in description or calculation, adds all omitted property to the assessment roll, and determines whether an assessor's valuation is correct from evidence brought before it. It cannot determine exempt or taxable status of property.

**Comparable property** – property that is similar to your property in such things as location, style, age, size, and other physical features, depending on specific market preferences

# 2022 Guide for Board of Review Members

**Doomage assessment** – process of arriving at an assessment from the best information available when the assessor is denied the opportunity to physically inspect a property; making an assessment without actually viewing the property or receiving and/or accepting the taxpayer's declaration of personal property

**Equalized value** – estimated value of all taxable real and personal property in each taxation district, by class, as of January 1 and certified by DOR on August 15 of each year. The value represents market value (most probable selling price), except for agricultural property, which is based on its use (ability to generate agricultural income) and agricultural forest and undeveloped lands, which are based on 50% of their full value.

**Equated value** – dollar amount placed on individual parcels of manufacturing property in a taxation district for tax collection purposes. The value is calculated by multiplying the market value of the property as determined by DOR times the assessment level of all other property within the taxation district.

**Equity** – in reference to property taxes, a condition in which the tax load is distributed fairly (or equitably), based on the concept of uniformity provided in the state constitution (i.e., each person's share of the tax is based on each property's value compared to the total value of all taxable property). Typically, this would require periodic reviews of the assessments (local revaluations) to account for the constantly changing economic factors impacting property. In practical terms, you have equity in taxes when the assessed value of each property bears the same relationship to market or use value. In reference to value, it is the owner's financial interest in the property remaining after deducting all liens (including mortgages) and charges against it.

**Expert help** – is employed when the governing body of a municipality determines that it is in the public interest to appoint such help to aid in making the assessments in order that they may be equitably made and in compliance with the law. The expert help may be a private firm or person, or a DOR employee.

**Fractional assessment** – when the assessment is made at some percentage of the full value as determined by policy by the government

**Full value** – (1) value at 100% of the value standard. This is the value that should be applied in assessing the property per Wisconsin statutes, see the Wisconsin Property Assessment Manual ([WPAM](#)). (2) The same as equalized value, however is often used when referring to the value of school and special districts.

**General property tax** – the following elements must be present: (1) a dollar amount of levy, (2) total assessed values of individual properties (parcels of real property/personal property items), and (3) uniform rate of taxation within the same common area applied to all taxable real and personal property within that area

**Levy** – amount of tax imposed by a taxation jurisdiction or government unit

**Lien** – charge against property whereby the property is made the security for the payment of a debt

**Market value** – most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. Reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. Price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale

**Mass appraisal** – process of valuing a universe of properties, as of a specified date, utilizing standard methodology, using common data and allowing for statistical testing



# 2022 Guide for Board of Review Members

**Mill rate** – mill is one thousandth of one dollar. Tax rates are often expressed in mills per dollar

**Example:**

Tax = 3,000      Taxable assessed value = 100,000

Mill rate =  $3,000/100,000 = 0.03$  of a dollar per dollar of taxable assessed value

**Municipal Assessment Report (MAR)**– was previously called the Assessor's Final Report (AFR). The assessor electronically files the MAR with DOR. It can be filed as an "Estimate" (before the BOR), as a "Final" (after the BOR), or as an "Amended" report to make changes to a previously filed "Final" version. This electronic report provides changes in assessed values and reasons for the changes between the prior year's assessed values and the current year's assessed values of the entire taxation district. The assessor must file an estimated or final version of this report by the second Monday of June.

**Notice of Changed Assessment** – written notification to a property owner of the assessed value of certain properties described therein; mandated by law to be given to each property owner following a change in value of the property. The assessor is not required to provide notice if land is classified as agricultural land, as defined in sec. [70.32\(2\)\(c\)1g](#), Wis. Stats., for the current year and previous year and the difference between the assessments is \$500 or less.

**Over-assessed** – condition wherein a property is assessed proportionately higher than comparable properties

**Parcel identification (PIN)** – identification number, assigned to a parcel of land to uniquely identify that parcel from any other parcel within a given taxing jurisdiction

**Property record card** – document specially designated to record and process specified property data; may serve as a source document, a processing form; and/or a permanent property record

**Reassessment** – revaluation of all properties within a given jurisdiction for the purpose of establishing a new tax base. When a written complaint is made to the Wisconsin Department of Revenue by the owners of 5% or more of the assessed valuation of the property within a municipality stating that the assessment of property in the municipality is not in substantial compliance with the law and that the interest of the public would be promoted by a reassessment, the department can order such actual doing over of the assessment roll (reassessment) of all or part of the taxable property in municipality.

**Recuse** – to disqualify oneself from hearing an objection due to interest or prejudice, as defined by state law

**Revaluation** – placing new values on all taxable property for the purpose of a new assessment. The previous year's assessment roll is not affected. The term is often used in conjunction with sec. [70.055](#), Wis. Stats. where expert help can be hired to work with the assessor in revaluing the district.

**Sales ratio study** – statistical analysis of the distribution of assessment or appraisal-to-sale ratios of a sample of recent sales made for the purpose of drawing inferences regarding the entire population of parcels from which the sample was abstracted

**Tax bill** – itemized statement showing the amount of taxes owed for certain property described therein and forwardable to the party or parties legally liable for payment thereof

**Tax exemption** – either total or partial freedom from taxation granted by a specific state statute

**Tax levy** – in reference to property taxes, the total revenue realized by the tax

**Tax mapping** – creation of accurate representations of property boundary lines at appropriate scales to provide a graphic inventory of parcels for use in accounting, appraising and assessing. Such maps show dimensions and the relative size and location of each tract with respect to other tracts. Also known as assessment maps and cadastral maps.

# 2022 Guide for Board of Review Members

**Tax rate** – rate generally expressed in dollars per hundred or dollars per thousand (mills) applied against the tax base (assessed value) to compute the amount of taxes. The tax rate is derived by dividing the total amount of the tax levy by the total assessed value of the taxing district.

**Tax roll** – official list showing the amount of taxes, special assessments and charges levied against each parcel and item of personal property in the municipality

**Taxation** – right of government to tax property to support the government

**Taxation district** – town, village, or city. If a city or village lies in more than one county, the taxation district is the portion of the city or village that lies within each county. (see sec. [74.01\(6\)](#), Wis. Stats.)

**Taxing jurisdiction** – entity which is authorized by law to levy taxes on general property which is located within its boundaries (see sec. [74.01\(7\)](#), Wis. Stats.). (ex: in addition to towns, villages and cities, this includes school districts, sewerage districts and lake rehabilitation districts)

**Uniformity** – constitutional requirement that the taxable property must bear its proportionate share of ad valorem basis taxes. As applied to assessing, a condition wherein all properties are assessed at the same ratio to market value, or other standard of value depending upon the particular assessing practices. Following a 1974 amendment to the constitution, agricultural land may be non-uniform with other property, but must be uniform within its class. The standard for value for agricultural property is its value in use.

**Use-value** – value a specific property has for a specific use. Beginning in 2000, agricultural property is assessed according to its use as farmland instead of its market value as indicated by sales. The guideline values are based on 5-year average income and expense data modified by the tax rate in each taxation district in the state.

**Use-value assessment** – assessment based on the value of the property as it is currently used, not its market value. This only applies to agricultural land. The guidelines for the use values are based on administrative rules, and developed by DOR staff serving as support for the Farmland Advisory Council who adopts the values.

## XVII. BOR Statutory Index

### Topic

### Sub-Topic

### Statute

#### BOR Profile

Organization .....	<a href="#">70.46</a>
Statutory authority .....	<a href="#">70.46</a> , <a href="#">70.47</a>
Membership of board .....	<a href="#">70.46</a>
Duties of the board .....	<a href="#">70.47</a> (6)(6m) (7)(8)(9)(10) (12)
Duties of the clerk .....	<a href="#">70.46</a> (1)(2)(4); <a href="#">70.47</a> (2)(3)(4), (5),(6m)(6r)(7), (8)(9)(12)(17); <a href="#">70.48</a> ; <a href="#">70.52</a> ; <a href="#">70.57</a>
BOR records .....	<a href="#">70.45</a> ; <a href="#">70.46</a> ; <a href="#">70.47</a> ; <a href="#">70.48</a> ; <a href="#">70.49</a> ; <a href="#">70.50</a> ; <a href="#">70.52</a>
Duties of chairperson .....	<a href="#">70.47</a>
Duties of assessor	
a) Before BOR .....	<a href="#">70.365</a> ; <a href="#">70.45</a> ; <a href="#">70.49</a> ; <a href="#">70.50</a>
b) At BOR .....	<a href="#">70.46</a> (1); <a href="#">70.47</a> (7)(af); <a href="#">70.48</a>
Duties of property owner .....	<a href="#">70.35</a> (4); <a href="#">70.47</a> (7)(a to af); <a href="#">70.47</a> (13)(16)(a)
Removal of members .....	<a href="#">70.47</a> (6m)

#### Hearings

Notices .....	<a href="#">70.365</a> , <a href="#">70.47</a> (2)(3)
a) Assessment change .....	<a href="#">70.365</a>
b) Meeting .....	<a href="#">70.365</a> , <a href="#">70.47</a> (2), <a href="#">19.84</a> (1)
c) Hearing .....	<a href="#">70.47</a> (2m)
Public Records .....	<a href="#">70.45</a> , <a href="#">70.47</a> (8), <a href="#">70.52</a>

#### Hearings

##### General Proceedings

Meeting date .....	<a href="#">70.47</a> (1)
Meeting location .....	<a href="#">70.47</a> (1)
Meeting length .....	<a href="#">70.47</a> (3)(a), (b)
Selection of offices .....	<a href="#">70.47</a> (3)(a)
Alternate meeting dates .....	<a href="#">70.47</a> (3)
Alternate meeting notice .....	<a href="#">70.47</a> (3)
Assessment roll not complete .....	<a href="#">70.47</a> (3)
Who can appear at BOR .....	<a href="#">70.47</a> (8)
Swearing witnesses .....	<a href="#">70.47</a> (8)(a)
Order of testimony .....	<a href="#">70.47</a> (8)(b)
Examination by board members	
Subpoena of witnesses .....	<a href="#">70.47</a> (8)(d)
Adjournment .....	<a href="#">70.47</a> (3)(aL), (4)
Notice of determination .....	<a href="#">70.47</a> (12)
Recording testimony .....	<a href="#">70.47</a> (8)(e)

# 2022 Guide for Board of Review Members

## Topic

## Sub-Topic

## Statute

### Hearings

#### Presentation of Evidence

Assessor's affidavit .....	<a href="#">70.49</a>
Presumption of correctness.....	<a href="#">70.47</a> (8)(i)
Burden of proof .....	<a href="#">70.47</a> (7)(ae)(af), (8)(h), (9)
Sworn oral testimony.....	<a href="#">70.47</a> (8)
Creditable evidence .....	<a href="#">70.47</a> (7)(8)

### Hearings

#### Filing an Objection

Objection form .....	<a href="#">70.47</a> (7)(a)
When objections can be filed .....	<a href="#">70.47</a> (7)(a)
Time of hearing .....	<a href="#">70.47</a> (3)(ah), (7)(a)
Waiving of 48-hour notice .....	<a href="#">70.47</a> (3), (7)(a)
Completing objection form .....	<a href="#">70.47</a> (7)(a)

### Hearings

#### Oral Testimony

Who can appeal.....	<a href="#">70.47</a> (8)
Order of testimony .....	<a href="#">70.47</a> (8)
Sworn oral testimony.....	<a href="#">70.47</a> (8)
Swear of assessor.....	<a href="#">70.47</a> (8)(a)
Assessor's testimony.....	<a href="#">70.48</a>
Evidence considered by board .....	<a href="#">70.47</a> (8)(9)

### Witnesses

Call by board.....	<a href="#">70.47</a> (8)(d)
Witness expenses .....	<a href="#">70.47</a> (8)(e)
Assessor attendance.....	<a href="#">70.48</a>

### Quorum

Majority requirement.....	<a href="#">70.47</a> (1)
Number of members required to hold hearing.....	<a href="#">70.47</a> (1), (6m)(c)
Requirements to vote .....	<a href="#">70.47</a> (9)(b)
Tie votes .....	<a href="#">70.47</a> (9)(a)

### Decisions

After hearing all evidence .....	<a href="#">70.47</a> (9)
Deliberations.....	<a href="#">70.47</a> (6), (8)(g), (9)
Evidence considered .....	<a href="#">70.47</a> (7)(ad to af) (8)(9)
BOR member fraud .....	<a href="#">70.502</a>

## XVIII. Further Appeal Procedures

### Topic

### Sub-Topic

### Statute

#### Notice of Decisions

Prepared by clerk. .... [70.47](#)(12)  
When prepared ..... [70.47](#)(12)  
Appeal rights. .... [70.47](#)(13), [70.85](#)

#### Summary of Proceedings

Prepared by clerk. .... [70.47](#)(17)

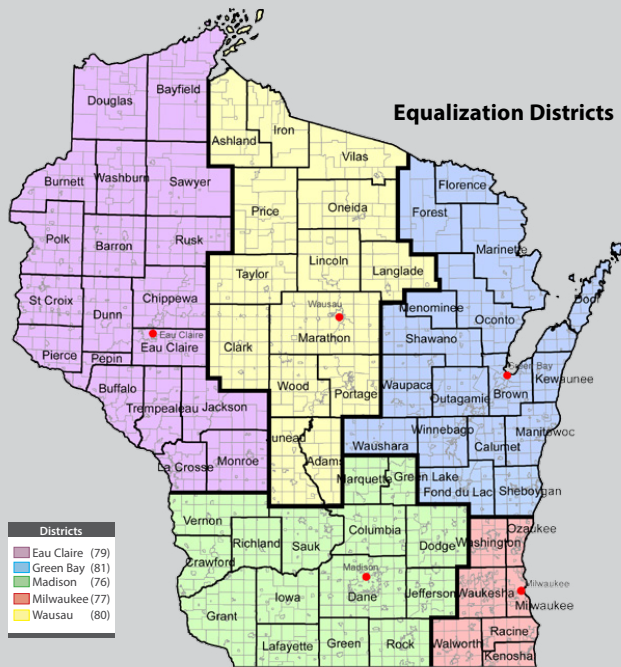
#### Appealing BOR Decision

Required information ..... [70.47](#)(17)  
Circuit court. .... [70.47](#)(13)(16)  
a) Review of record ..... [70.47](#)(13)(16)  
b) Remand back to BOR ..... [70.47](#)(13)  
c) Review Pprocess ..... [70.85](#)



## XIX. Contact Information

### Department of Revenue - Equalization District Offices



#### Wisconsin Counties - Alphabetical List

County	District Office	County	District Office	County	District Office
Code	Name	Code	Name	Code	Name
01	Adams	25	Iowa	48	Polk
02	Ashland	26	Iron	49	Portage
03	Barron	27	Jackson	50	Price
04	Bayfield	28	Jefferson	51	Racine
05	Brown	29	Juneau	52	Richland
06	Buffalo	30	Kenosha	53	Rock
07	Burnett	31	Kewaunee	54	Rusk
08	Calumet	32	La Crosse	55	St. Croix
09	Chippewa	33	Lafayette	56	Sauk
10	Clark	34	Langlade	57	Sawyer
11	Columbia	35	Lincoln	58	Shawano
12	Crawford	36	Manitowoc	59	Sheboygan
13	Dane	37	Marathon	60	Taylor
14	Dodge	38	Marinette	61	Trempealeau
15	Door	39	Marquette	62	Vernon
16	Douglas	40	Menominee	63	Vilas
17	Dunn	41	Milwaukee	64	Walworth
18	Eau Claire	42	Monroe	65	Washburn
19	Florence	43	Oconto	66	Washington
20	Fond du Lac	44	Oneida	67	Waukesha
21	Forest	45	Outagamie	68	Waupaca
22	Grant	46	Ozaukee	69	Waushara
23	Green	47	Pepin	70	Winnebago
24	Green Lake		Pierce	71	Wood

#### Equalization Bureau

##### Contact Information

#### Eau Claire District Office (79)

610 Gibson St, Ste. 7  
Eau Claire, WI 54701-2650  
eqleau@wisconsin.gov  
Ph: (715) 836-2866 Fax: (715) 836-6690

#### Green Bay District Office (81)

200 N. Jefferson St, Ste. 126  
Green Bay, WI 54301-5100  
eqlgrb@wisconsin.gov  
Ph: (920) 448-5195 Fax: (920) 448-5207

#### Madison District Office (76)

**Mailing Address**  
PO Box 8909 #6-301  
Madison, WI 53708-8909

##### Street Address

2135 Rimrock Rd #6-301  
Madison, WI 53713-1443  
eqlmsn@wisconsin.gov  
Ph: (608) 266-8184 Fax: (608) 267-1355

#### Milwaukee District Office (77)

819 N. 6th St, Rm. 530  
Milwaukee, WI 53203-1682  
eqlmke@wisconsin.gov  
Ph: (414) 227-4455 Fax: (414) 227-4071

#### Wausau District Office (80)

730 N. Third St  
Wausau, WI 54403-4700  
eqlwau@wisconsin.gov  
Ph: (715) 842-5885 Fax: (715) 848-1033