



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, JULY 18, 2023 – 7:00 PM
CITY HALL – SECOND FLOOR**

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

Meeting ID: 599 786 6403

Passcode: 53538

Dial by Location

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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 July 6, 2023 regular City Council meeting** (Ebbert, Clerk/Treasurer/Finance Director)

- b. Review and possible action relating to the **minutes of the July 6, 2023 Ordinance Committee meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- c. Review and possible action relating to the **minutes of the July 11, 2023 Plan Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- d. Review and possible action relating to **building, plumbing, and electrical permit report for June 2023** (Draeger, Building Inspector)
- e. Review and possible action relating to the City Clerk-issued **License and Permit Report for June 2023** (Ebbert, Clerk/Treasurer/Finance Director)
- f. Review and possible action relating to **City Sewer, Water, and Stormwater Utility Financial Statements** as of June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)

6. Petitions, Requests, and Communications:

- a. Swearing in of Fort Atkinson Police Department **K-9 Officer Smitty** (Bump, Police Chief)
- b. Presentation of **2023 WI Act 12** information relating to impact on Tax Incremental Districts (TIDs) (Ascheman, Management Intern)

7. Resolutions and Ordinances:

- a. First reading of an **Ordinance to amend Sections 58-197 and 58-202** of the City of Fort Atkinson Municipal Code relating to curfews for minors (Bump, Police Chief)
- b. First reading of an **Ordinance relating to hours of operation for the Municipal Building** (Ebbert, Clerk/Treasurer/Finance Director)
- a. Second reading of an **Ordinance to adopt Zoning Text Amendments** relating to medium industrial land uses, fencing, building maintenance, landscaping, signage and pools (Draeger, Building/Zoning Administrator)

8. Reports of Officers, Boards, and Committees:

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

9. Unfinished Business – None

10. New Business:

- a. Review and possible action relating to a **Certified Survey Map** for the property located at 720 Messmer St. (Selle, Director of Public Works)
- b. Review and possible action relating to an **Extra-Territorial Certified Survey Map** for the property located at W7398 County Road C. (Selle, Director of Public Works)
- c. Review and possible action relating to **Alcohol Beverage License and Cigarette and Tobacco License application for Handyspot 105, LLC** for the licensing period of July 19, 2023 to June 30, 2024 (Ebbert, Clerk/Treasurer/Finance Director)

11. Miscellaneous – None

12. Claims, Appropriations and Contract Payments:

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

13. 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**

14. Adjournment

Date Posted: July 14, 2023

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

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**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
THURSDAY, JULY 6, 2023 – 7:00 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

President Johnson called the meeting to order at 7:05 pm.

2. ROLL CALL

Present: Cm. Becker, Cm. Jaeckel, Cm. Lescohier, Cm. Schultz and President Johnson. Also present: City Manager, City Clerk/Treasurer, City Attorney, City Engineer, Building Inspector, Engineer Technician and Management Intern.

3. PUBLIC HEARING – NONE

4. PUBLIC COMMENT:

David Frigo, 409 Milo Street – Sidewalks where sections are broken or in need of repair or replacement. Has spoken with those in wheelchairs who have experienced trouble maneuvering on the broken sidewalks.

John Hausz, 104 Jefferson Street – Would like input regarding Shah Estates subdivision. He added that McCoy Park has dead trees.

Dean Trost, 1315 Montclair Place – Supports ATV/UTV use on the City streets. He stated there is support from local businesses to allow these vehicles on City streets.

Nate Friedl, 430 N High Street – Supports ATV/UTV use on City streets. He commented on tire pressure that make these vehicles safe for City streets. He stated his group has allocated funds to aid in signage costs.

Jodie Raddatz, 1241 Janette Street – Stated she applied to serve on committees and was not appointed. She also stated another resident applied to serve that did not get appointed.

5. CONSENT AGENDA:

a) *Review and possible action relating to the minutes of the June 20, 2023 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*

b) *Review and possible action relating to the minutes of the June 27, 2023 regular Fort Atkinson Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*

c) *Review and possible action relating to the minutes of the June 27, 2023 Loan Review Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*

- d) Review and possible action relating to the minutes of the June 27, 2023 Police and Fire Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
 - e) Review and possible action relating to the minutes of the June 28, 2023 Economic Development Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
 - f) Review and possible action Special Event: Parks and Recreation Youth Triathlon on Saturday, July 29, 2023 from 7 a.m. to 12 p.m. at Rock River Park, Aquatic Center and Montclair Place (Ebbert, Clerk/Treasurer/Finance Director)*
 - g) Review and possible action Special Event: Knight Nation 5K on Saturday, August 19, 2023 from 10 a.m. to 1 p.m. at Crown of Life campus (Ebbert, Clerk/Treasurer/Finance Director)*
 - h) Review and possible action Special Event: Tour De Fort on Saturday, August 26, 2023 from 7 a.m. to 2 p.m. at Jones Park, Lions Pavilion and bike routes (Ebbert, Clerk/Treasurer/Finance Director)*
 - i) Review and possible action Special Event: Making Fort Special on Thursday, September 14, 2023 from 5 to 7 p.m. at Jones Park Shelter (Ebbert, Clerk/Treasurer/Finance Director)*
- Cm. Jaeckel moved, seconded by Cm. Becker to approve the Consent Agenda as listed, items 6.a. through 6.i. Motion carried.

6. PETITIONS, REQUESTS, AND COMMUNICATIONS

- a) Presentation of Tourism Annual Report (Fort Atkinson Chamber of Commerce-Tourism)*
Holly Tierney provided the annual report. No action required.
- b) Presentation of the City of Fort Atkinson Financial Statements and Supplemental Information for the year ending December 31, 2022 (Andrea Jansen, CPA, CFE, Partner, Baker Tilly US, LLP)*
Andrea Jansen reviewed the 2022 Financial Audit. No action required.

7. RESOLUTIONS AND ORDINANCES

- a) Review and possible action relating to a resolution expressing support for Local Government Funding Legislation Resolution Wisconsin Act 12 (Houseman, City Manager)*
Cm. Leschier moved, seconded by Cm. Schultz to adopt the Resolution expressing support for Local Government Funding Legislation Resolution Wisconsin Act 12. Motion carried.
- b) First reading of an Ordinance to adopt Zoning Text Amendments relating to medium industrial land uses, home occupations, off street parking, fencing, building maintenance, landscaping, signage and pools (Draeger, Building/Zoning Administrator)*
Building Inspector Draeger reviewed the amendments that include several minor changes to improve overall consistency of applying the code's standards. Staff worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance. The bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document. The

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

Cm. Becker moved, seconded by Cm. Schultz to direct the City Manager to prepare this Ordinance for a second Reading at the July 18, 2023 City Council meeting. Motion carried.

8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

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

No action required.

9. UNFINISHED BUSINESS – NONE

10. NEW BUSINESS:

a) *Review and possible action relating to proposals for the Fire Chief Recruitment process (Houseman, City Manager)*

Manager Houseman reviewed the five submitted proposals and recommendations from the Police and Fire Commission. Houseman performed background checks on the firms with favorable comments towards GovHR.

Cm. Becker moved, seconded by Cm. Lescohier authorize the City Manager to execute the contract with GovHR for Fire Chief recruitment services for \$26,000, with funds from the Fire Department salaries account, along with retaining option to add an Assessment Center to the process for an additional \$8,500 if needed as determined by the Hiring Committee. Motion carried.

b) *Review and possible action relating to a Development Agreement between the City of Fort Atkinson and Fort Healthcare (Selle, Director of Public Works)*

Engineer Selle presented the agreement with Fort Healthcare who is proposing to construct a new public street off of McMillen St. The public street will include five platted lots, utilities and road corridor, and a stormwater facility. State statute requires a development agreement to communicate the terms of the public improvements, included here for Council's review. This has been reviewed and recommended to Council by the Economic Development Committee at their meeting on June 28. A surety is in place to protect the City should the public improvements not be completed. The City will have access to these funds to complete the work. The reimbursement schedule is also included at 70% of the proposed increment generated from the three, taxable, residential lots within the development. The reimbursement will be \$365,000 paid over the 27 year life of the TID.

Cm. Becker moved, seconded by Cm. Schultz to approve the Development Agreement between the City of Fort Atkinson and Fort Healthcare and authorize the City Manager to make any minor edits necessary and execute on behalf of the City. Motion carried.

c) *Review and possible action relating to a Certified Survey Map for the property located at 1712 and 1714 Montclair Place (Draeger, Building/Zoning Administrator)*

Building Inspector Draeger discussed the request from the property owner for a Certified Survey Map for the parcel located at 1712 Montclair Pl. The property owner would like to separate the existing DR-8 Duplex Residential lot into two separate lots allowing the construction of a twin house using the zero-lot line zoning mechanism. At the meeting on June 27, 2023, the Plan Commission reviewed this matter and recommended that the City Council approve the Preliminary Survey Map with the following conditions:

- A joint maintenance agreement for the roof and shared wall of the house, to be recorded on each parcel.
- Add the missing information required in Article VI, Section 70.60.03 – CSM Requirements, of the City of Fort Atkinson Land Division Ordinance.
- Any other recommendations of City staff and the Plan Commission.

Cm. Schultz moved, seconded by Cm. Jaeckel to approve the Certified Survey Map for the property located at 1712 and 1714 Montclair Place subject to the conditions outlined in the staff report. Motion carried.

d) Review and possible action relating to a Certified Survey Map for the property located at 624 and 704 Sherman Ave East (Draeger, Building/Zoning Administrator)

Building Inspector presented the request from the property owner who would like to break off a portion of 624 Sherman Ave E and join it with the adjoining property at 704 Sherman Ave E. The lot at 624 Sherman is legal nonconforming with respect to lot width. Approval of this CSM would increase the width of the 624 Sherman Ave E lot creating a legal conforming lot. The lot at 704 Sherman would increase in size, remain a legal lot, and would retain the shoreline access from both current lot configurations. At the meeting on June 27, 2023, the Plan Commission reviewed this matter and recommended that the City Council approve the Preliminary Survey Map with the following conditions:

- Increase the width of the proposed lot at 624 Sherman Ave E. to the 100 ft. required for SR-2 Zoning.
- Add the missing information required in Article VI, Section 70.60.03 – CSM Requirements, of the City of Fort Atkinson Land Division Ordinance.
- Any other recommendations of City staff and the Plan Commission.

Cm. Becker moved, seconded by Cm. Schultz to approve the Certified Survey Map for the property located at 624 and 704 Sherman Ave. East subject to the conditions outlined in the staff report. 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. Leschier moved, seconded by Cm. Jaeckel to approve the list of Verified Claims and authorize payment. Motion carried.

13. ADJOURNMENT

Cm. Becker moved, seconded by Cm. Jaeckel to adjourn. Meeting adjourned at 8:42 pm.

Respectfully submitted,

Michelle Ebbert

City Clerk/Treasurer/Finance Director



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

**ORDINANCE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
THURSDAY, JULY 6, 2023 – 5:30 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

President Johnson called the meeting to order at 5:30 pm.

2. ROLL CALL

Present: Cm. Becker, Cm. Jaeckel and President Johnson. Also present: City Manager, City Clerk/Treasurer, Police Chief, Building Inspector, City Engineer, Park & Recreation Director and Cm. Schultz.

3. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO ZONING TEXT AMENDMENTS RELATING TO THE FOLLOWING ITEMS: MEDIUM INDUSTRIAL LAND USES, HOME OCCUPATIONS, OFF-STREET PARKING, FENCING, BUILDING MAINTENANCE, LANDSCAPING, SIGNAGE, AND POOLS (DRAEGER, BUILDING INSPECTOR/ZONING ADMINISTRATOR)

Inspector Draeger stated that Staff has worked with the new ordinance over the past three years and is recommending several minor changes to improve overall consistency of applying the code's standards. Staff worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance. The bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document. The proposed amendments will improve the application of the ordinance and reflect consistency with adopted plans and community goals.

Cm. Becker moved, seconded by President Johnson to recommend that the City Council review the proposed ordinance changes and perform three readings of the Ordinance. Motion carried 2-1 with Cm. Jaeckel opposed.

4. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO AN ORDINANCE TO AMEND SECTIONS 58-197 AND 58-202 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE RELATING CURFEW FOR JUVENILES AND PENALTIES (BUMP, POLICE CHIEF)

Chief Bump reviewed the purpose of this memo to serve as background on the drafted changes to the curfew ordinance. The changes to the curfew ordinance are specific to

sections 58-197 Hours Established and 58-202 Penalties. Changes in these 2 sections are focused on modernizing the ordinance so it is more consistent with other Wisconsin communities and more efficient and functional in its application by officers. Enforcement of City Ordinances works best when they are applied by an officer who uses discretion. Not every violation requires a citation or arrest to gain compliance and for people to learn from their mistakes. Additionally, not every violation requires officers to give a warning. There are many occasions where officers need the ability to issue a citation based on the factors before them in each unique situation. Law enforcement's goal is to address issues and change behavior for the better. The current ordinance requires all first violations to be handled with a warning. The ordinance also requires that on the 2nd and subsequent violations an officer "shall" issue a citation. This results in taking away officer discretion in every situation no matter the circumstances. By redrafting this ordinance in a way that better utilizes the word "shall" we incorporate officer discretion that can be used at any level or step within the process and have an ordinance that allows discretionary enforcement that will be of value for the community.

Cm. Becker moved, seconded by Cm. Jaeckel to recommend that the City Council review the ordinance amendments; perform three readings at City Council meetings; and adopt the ordinance amendment as proposed.

**5. DISCUSSION RELATING TO HOURS OF OPERATION FOR THE MUNICIPAL BUILDING
(EBBERT, CLERK/TREASURER/FINANCE DIRECTOR)**

Clerk/Treasurer referenced the Code of Ordinance Sec. 2-1. outlines the hours for municipal building that reads: After January 4, 1994, business hours for the municipal building shall be from 8:00 am to 5:00 pm; except that summer hours, beginning the first Monday in June and ending the Friday before Labor Day, shall be 8:00 am to 4:30 pm. Staff unsuccessfully researched history that led to the purpose of creating an ordinance directing hours for the municipal building. This ordinance only applies to the municipal building. It seems that summer hours began in 1994, and at that time, Staff and Council felt it was necessary to establish an ordinance versus establishing building hours that were set by Management and/or City Council.

The Committee shared a consensus that it would be appropriate to draft an Ordinance that deletes the section and allow building hours be established by City Council and/or Management.

**6. DISCUSSION RELATING TO ATV/UTV USE IN THE CITY OF FORT ATKINSON
(HOUSEMAN, CITY MANAGER; BUMP, POLICE CHIEF; AND JASON ROBERTS, WI DNR
WARDEN)**

Manager Houseman discussed various requests received by Staff and Council to allow ATVs on state highways within the City and on City streets. This would be a policy decision that must be made by the City Council, who have been elected to make such decisions. Staff does not support changing the City's ordinances to allow for ATV use in the City due to the safety and enforcement concerns outlined in this memorandum and the attachments.

Jason Roberts, WI DNR Warden addressed the Committee and shared various laws, facts and information. He noted that several neighboring counties have opened their roads to allow ATV/UTV. There have been fourteen fatalities to date. ATVs were designed for off-road use as they do not handle quick turns on paved surfaces. These vehicles are required to be registered. The City can be more restrictive on ordinances by establishing hours of operation, vehicle requirements, age limits and safety equipment. ATVs can be operated on highways that are in a City with a speed limit of 35 mph or less.

Chief Bump reminded the Committee that he was hired to make the community safe, ensure security and improve the quality of life. Allowing ATV/UTV usage on city streets creates a great concern for injury and death. These vehicles were not intended for street use and were not built for roadway travel. He added there is no requirement for helmets or eye protection and a valid driver's license is not needed to operate. He stated there are already concerns within the community for operating while/under the influence of alcohol. He fears complaints pertaining to exhaust and noise from the machines. Northern communities are more rural and recreational vehicles are used more often as trails exist. Currently, there are no businesses within the City that sell, supply or repair ATV/UTV. This would require signage by the Public Works Department, which is not budgeted. Additional training would be needed for Law Enforcement at an expense, also not budgeted. He asked how would this make the streets safer? How does this promote the City's Comprehensive Plan? How is this compliant with the recently created Comprehensive Outdoor Recreation Plan. How does this promote safe routes to school? Increased enforcement also adds to the Municipal Court.

Cm. Becker does not support moving forward with this Ordinance at this time. President Johnson shared support and would like to see an Ordinance drafted. Cm. Jaeckel also supports pursuing an Ordinance and added that area Clubs have offered to coverage costs of signage. Manager Houseman will begin to draft an Ordinance to be presented at a future meeting.

7. DISCUSSION RELATING TO THE DEFINITION OF ANIMAL OWNERSHIP WITHIN THE CONTEXT OF FOSTERING PETS (HOUSEMAN, CITY MANAGER)

Manager Houseman stated that various communication had been made to Staff and Council regarding the number of dogs that are allowed per household. In 2022, there were citations issued to people in the City for exceeding the number of allowable pets outlined in Section 10-5 of the City of Fort Atkinson Municipal Code and/or licensing of said pets. While the matter was working its way through Municipal Court, staff received the attached request from interested parties with suggestions on how to change the current ordinance to be more accommodating to those individuals who choose to foster additional dogs beyond the total permitted number of 3. Since November 2022, staff has received several phone calls from residents inquiring about the status of any possible ordinance changes to accommodate fostering.

The Committee requested Manager Houseman to explore Ordinance amendments.

8. **ADJOURNMENT**

Cm. Becker moved, seconded by Cm. Jaeckel to adjourn. Meeting adjourned at 7:00 pm.

Respectfully submitted,

Michelle Ebbert

City Clerk/Treasurer/Finance Director



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

**PLAN COMMISSION MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 11, 2023 – 4:00 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Present: Commissioners: Gray, Highfield, Cm. Schultz, Shull, Engineer Selle and Manager Houseman. Also present: City Clerk/Treasurer and Building Inspector. Excused absence Cm. Kessenich.

**3. REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE JUNE 27, 2023
REGULAR PLAN COMMISSION MEETING**

Gray moved, seconded by Highfield to approve the minutes from the June 27, 2023 Plan Commission meeting as submitted. Motion carried unanimously.

**4. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO
CERTIFIED SURVEY MAP FOR THE PROPERTY LOCATED AT 720 MESSMER ST. (CSM-2023-08) (SELLE)**

Engineer Selle presented the proposed CSM that will break the lot into 3 buildable lots from the existing parent parcel. The existing home will be demolished. The Zoning is SR-7, the smallest, most dense, single family residential lot within the Code. The minimum lot size is 6,000 SF. The plan is consistent with in-fill development and exactly what the SR-7 zoning was intended to accomplish. The three lots meet all requirements of the Code.

Gray moved, seconded by Schultz to recommend the City Council approve a Certified Survey Map for the property located at 720 Messmer St. Motion carried unanimously.

**5. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO AN
EXTRA-TERRITORIAL CERTIFIED SURVEY MAP FOR THE PROPERTY LOCATED AT W7398
COUNTY ROAD C (CSM-2023-11) (SELLE)**

Engineer Selle explained that the property owner would like to break off a +/- 16 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.2 miles from the City boundary. The Future Land Use map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

Schultz moved, seconded by Highfield to recommend the City Council approve a Extra-Territorial Certified Survey Map for the property located at W7398 County Road C. Motion carried unanimously.

6. REVIEW AND POSSIBLE ACTION RELATING TO A SITE PLAN REVIEW FOR THE INSTALLATION OF AN IN-GROUND POOL AT THE PROPERTY LOCATED AT 1409 GREENE ST. (SPR-2023-14) (DRAEGER)

Inspector Draeger presented the submission from property owner Ben Dauck for a Zoning permit for a new in-ground pool. Section 15.06.42 of the city's zoning ordinances indicates that any pool requiring more than 1 ft of excavation be subject to Site Plan Review and approval by Plan Commission. The property is in the SR-3 Residential Zoning District which allows inground swimming pools provided that all requirements are met. Mr. Dauck's request is conforming to the requirements of the city's zoning ordinances except for the required self-closing and self-latching device to all gates/doors. Mr. Dauck is aware and has verbally agreed to adhere to this requirement with the installation of the swimming pool.

Highfield moved, seconded by Schultz to approve the Site Plan Review for the installation of an in-ground pool at the property located at 1409 Greene St contingent on the requirements in Section 15.06.42 of the City of Fort Atkinson Zoning Ordinances. Motion carried unanimously.

7. REVIEW AND POSSIBLE ACTION RELATING TO A SITE PLAN REVIEW FOR THE CONSTRUCTION OF A PERSONAL STORAGE FACILITY FOR ASHERS STORAGE, LLC LOCATED AT 1205 INDUSTRIAL DRIVE (SPR-2023-05) (SELLE)

Engineer Selle reviewed Section 15.10.42 of the City of Fort Atkinson Zoning Ordinance that outlines the requirements for the Site Plan application. This requires review of the proposed development's building configuration, site layout and access, parking, exterior building design, landscaping, grading and erosion, stormwater, exterior lighting, signage, and operational plan.

Selle continued, on June 14, 2022 this parcel was rezoned to Medium Industrial and granted a Conditional Use Permit for the personal storage facility. With these approvals, funds were released to design the site plan before Planning Commission today. Ashers Storage owns a 1-acre site that includes two existing buildings 1) an approximately 4,300 square foot Vehicle Service and Repair building and 2) an approximately 3,700 square foot Personal Storage building. Both buildings are proposed to remain unchanged. The proposed development impacts 0.5 acres in the middle of the site. This includes a 4,900 square foot new Personal Storage building and accompanying access driveways and isles on the north and south sides of the new building. Other components of the Site Plan include a new stormwater detention area, new access driveway from Industrial Drive, landscaping, and exterior lighting.

City staff recommends approval of the Site Plan, subject to the following conditions:

- Waive the requirement for at least one bicycle and pedestrian access point and minimum bicycle parking stalls. There is no existing sidewalk along Industrial Drive to connect to and no opportunity for access from the Glacial River Trail (utility easements).

- Require the applicant to provide signage plans (if desired) that meets the requirements of the Zoning Ordinance, subject to approval by City staff.
- Require the applicant to submit an updated drainage plan and erosion control plan to City staff for review and approval prior to the issuance of building permits.
- Any other recommendations of City staff and the Plan Commission.

Gray moved, seconded by Highfield to approve the Site Plan Review for the construction of a personal storage facility for Ashers Storage, LLC located at 1205 Industrial Drive contingent upon the requirements in the Staff report. Motion carried unanimously.

8. **ADJOURNMENT**

Highfield moved, seconded by Schultz to adjourn. Meeting adjourned at 4:22 pm.

Respectfully submitted

Michelle Ebbert

City Clerk/Treasurer/Finance Director



Permit Report

06/01/2023 - 06/30/2023

| Permit Date | Permit # | Permit Location | Owner Name | Permit Type | Permit Description | Estimated Project Cost | Total Fees |
|-------------|----------|-----------------|------------|-------------|--------------------|------------------------|------------|
|-------------|----------|-----------------|------------|-------------|--------------------|------------------------|------------|

Group: Add/Alter Commercial

| | | | | | | | |
|----------|-------|------------|----------------------------|----------------------|-------------------------------|-----------|--------------------|
| 6/2/2023 | 23324 | 700 Oak St | DB Oak Limited Partnership | Add/Alter Commercial | Building addition for storage | 3,128,000 | \$21,143.80 |
| | | | | | | | \$21,143.80 |

Group Total: 1

Group: Commercial/ Industrial

| | | | | | | | |
|-----------|-------|-------------------|-----------------|------------------------|--|--------|-----------------|
| 6/20/2023 | 23364 | 611 E Sherman Ave | Fort Healthcare | Commercial/ Industrial | Remodel of a X-Ray lab room to prep for machine replacement. | 97,620 | \$970.00 |
| | | | | | | | \$970.00 |

Group Total: 1

Group: Deck

| | | | | | | | |
|-----------|-------|-------------------|-------------------|------|---|-------|-----------------|
| 6/21/2023 | 23372 | 514 Grant St | Heather Schiro | Deck | Replacing exterior 4x5 landing and stairs off side door | 1,000 | \$40.00 |
| 6/20/2023 | 23370 | 219 W Sherman Ave | Lindsay Maslowski | Deck | Remove existing front porch and replace with a smaller front porch. | 5,000 | \$67.50 |
| 6/19/2023 | 23360 | 1413 Montclair Pl | Hary Bradshaw | Deck | Bradshaw Deck | 7,600 | \$105.00 |
| | | | | | | | \$212.50 |

Group Total: 3

Group: Electrical

| | | | | | | | |
|-----------|-------|----------------|--------------|------------|--------------------------------------|---|--|
| 6/28/2023 | 23387 | 500 S High St. | Michael Tess | Electrical | Renewal of Bath remodel-permit#21678 | 0 | |
|-----------|-------|----------------|--------------|------------|--------------------------------------|---|--|

| | | | | | | | |
|-----------|-------|--------------------|--------------------------------|------------|---|---------|-----------------|
| 6/27/2023 | 23384 | 1609 Stacy Ln | CAROL MAAS TRUST | Electrical | WIRE SUNPORCH-10 OPENINGS | 1,000 | \$42.50 |
| 6/23/2023 | 23377 | 229 S Main St. | Coordinated Captial Securities | Electrical | Installation of outlets and data back boxes | 3,500 | \$52.50 |
| 6/19/2023 | 23361 | 1555 Madison Ave | Fort Animal Clinic | Electrical | AC Ductless Mini-Split System | 1,500 | \$45.00 |
| 6/13/2023 | 23353 | 716 Van Buren St | Micheal Becker | Electrical | Basement Remodel | 7,500 | \$66.25 |
| 6/12/2023 | 23351 | 201 Park St | Fort Atkinson School District | Electrical | Secure Entrance Remodel | 8,315 | \$92.50 |
| 6/12/2023 | 23350 | 310 S Fourth St E | Fort Atkinson School District | Electrical | Secure Entrance Remodel | 30,510 | \$92.50 |
| 6/12/2023 | 23349 | 925 Lexington Blvd | Fort Atkinson School District | Electrical | Secure Entrance Remodel | 44,500 | \$92.50 |
| 6/9/2023 | 23345 | 1712 Montclair Pl | Aeryn T Barry | Electrical | New Duplex Electric | 460,000 | \$275.00 |
| 6/8/2023 | 23341 | 1507 Madison Ave | Leroy Investments LLC | Electrical | sign connection, switches | 1 | \$37.25 |
| 6/1/2023 | 23321 | 221 Jefferson St | CHRISTOPHER FRITZSCHE | Electrical | SERVICE UPGRADE TO 100 AMP | 2,800 | \$70.00 |
| | | | | | | | \$866.00 |

Group Total: 11

Group: Home Occupation

| | | | | | | | |
|-----------|-------|---------------|--|-----------------|--|---|----------------|
| 6/26/2023 | 23379 | 507 Reena Ave | Tanner Spaude, Definitive Electric LLC | Home Occupation | Home Occupation, single van for business | 0 | \$25.00 |
| | | | | | | | \$25.00 |

Group Total: 1

Group: HVAC

| | | | | | | | |
|-----------|-------|------------------|-----------------|------|--|--------|----------|
| 6/22/2023 | 23375 | 1330 Adrian Blvd | Carolyn Thomann | HVAC | Replace Furnace and AC | 11,000 | \$105.00 |
| 6/14/2023 | 23358 | 716 Van Buren | Michael Becker | HVAC | We will install 6 supplies, 3 returns, and vent 1 bath | 1,850 | \$68.60 |

| | | | | | | | |
|----------|-------|---------------------|-----------------------|------|--|---------|-------------------|
| | | | | | fan in the basement. | | |
| 6/9/2023 | 23343 | 1712 Montclair Pl | Aeryn T Barry | HVAC | New Duplex HVAC | 460,000 | \$575.60 |
| 6/8/2023 | 23340 | 507 W Cramer St | CHRIS FRITCHE | HVAC | REPLACE EXISTING FURNACE AND AC | 13,403 | \$105.00 |
| 6/7/2023 | 23337 | 848 Mc Coy Park Rd | Shay Holler | HVAC | Replace AC | 0 | \$70.00 |
| 6/6/2023 | 23335 | 501 East St | LISA AND JEFF BEHLING | HVAC | REPLACE EXISTING AC | 5,147 | \$70.00 |
| 6/6/2023 | 23334 | 429 Washington | ALEX SANCHEZ | HVAC | REPLACE EXISTING FURNACE AND AC | 11,122 | \$105.00 |
| 6/5/2023 | 23331 | 416 N Fourth St | Eric Kraus | HVAC | Replace AC | 0 | \$70.00 |
| 6/5/2023 | 23330 | 214 E Milwaukee Ave | Rick Dwyer | HVAC | AC Replacement and Air Handler Replacement | 0 | \$105.00 |
| | | | | | | | \$1,274.20 |

Group Total: 9

Group: Other

| | | | | | | | |
|-----------|-------|------------------|------------------|-------|--|---|-----------------|
| 6/20/2023 | 23368 | 403 Mc Millen St | Fort Health Care | Other | Moving Principal Structure and Razing Accessory | 0 | \$185.00 |
| 6/20/2023 | 23367 | 615 N Fourth St | Fort Health Care | Other | Moving Principal structure to new location | 0 | \$135.00 |
| 6/20/2023 | 23366 | 609 N Fourth St | Fort Health Care | Other | Moving Principal Structure | 0 | \$135.00 |
| 6/20/2023 | 23365 | 603 N Fourth St | Fort Health Care | Other | Moving principal structure to a new location and Raze detached Accessory Structure | 0 | \$185.00 |
| | | | | | | | \$640.00 |

Group Total: 4

Group: Plumbing

| | | | | | | | |
|-----------|-------|-------------------------|----------------|----------|---|---------|-----------------|
| 6/28/2023 | 23388 | 500 S High St. | Michael Tess | Plumbing | Renewal of Bath remodel permit#21679 | 0 | |
| 6/27/2023 | 23383 | 208 and 210 Heritage Dr | Timm Mephram | Plumbing | New Condo | 25,000 | \$137.00 |
| 6/26/2023 | 23382 | 827 Banker Rd | MATC | Plumbing | ADD Sink | 7,500 | \$41.00 |
| 6/26/2023 | 23378 | 409 Rock River Ln | Milo L Jones | Plumbing | Bathrooms remodeled 17 fixtures | 0 | \$137.00 |
| 6/22/2023 | 23374 | 507 Grove St | Kirsten Winski | Plumbing | Replace Water Heater | 3,500 | \$70.00 |
| 6/13/2023 | 23356 | 225 N Main St | McDonalds | Plumbing | Removal of old existing grease tank, supply and install new | 45,000 | \$91.00 |
| 6/9/2023 | 23342 | 1712 Montclair Pl | Aeryn T Barry | Plumbing | New Duplex Plumbing | 460,000 | \$365.00 |
| 6/7/2023 | 23336 | 414 Hillcrest Dr | KIM LOKER | Plumbing | BASEMENT REMODEL FOR BATHROOM | 3,100 | \$47.00 |
| | | | | | | | \$888.00 |

Group Total: 8**Group: Right of Way Opening Permit**

| | | | | | | | |
|-----------|-------|-------------------|--------------------------|-----------------------------|-------------------------------------|---|---------|
| 6/26/2023 | 23381 | 633 W Hilltop Tr. | Adsit Management GRP Inc | Right of Way Opening Permit | Provide Service | 0 | \$50.00 |
| 6/26/2023 | 23380 | 707 Monroe St | Clair Ochs | Right of Way Opening Permit | Replacing gas service WR4893047 | 0 | \$50.00 |
| 6/21/2023 | 23373 | 611 Sherman E | Fort Hospital | Right of Way Opening Permit | removing ATT pedestals | 0 | \$50.00 |
| 6/21/2023 | 23371 | 611 Sherman Ave | Fort Healthcare | Right of Way Opening Permit | Electric Service Relocate WR4888916 | 0 | \$50.00 |
| 6/12/2023 | 23352 | Jefferson St | WE Energies | Right of Way Opening Permit | Gas Main Relocate WR4873311 | 0 | \$50.00 |
| 6/12/2023 | 23348 | Florence St | | Right of Way Opening Permit | Gas Main Relocation WR4873268 | 0 | \$50.00 |
| 6/12/2023 | 23347 | 420 S Sixth St | Marcia Lueder | Right of Way Opening Permit | Electric Service | 0 | \$50.00 |

| | | | | | | | |
|----------|-------|---------------------------|--------------------------|--------------------------------|---|---------|-----------------|
| | | | | | Rewire WR4873901 | | |
| 6/9/2023 | 23346 | 64 Jackson St | Jacob Brock | Right of Way Opening Permit | Sidewalk and apron | 0 | \$50.00 |
| 6/9/2023 | 23344 | 1712 Montclair Pl | Aeryn T Barry | Right of Way Opening Permit | New sewer and water laterals | 460,000 | \$50.00 |
| 6/7/2023 | 23339 | 903 W. Cramer St | Ryan Brockman | Right of Way Opening Permit | Driveway apron | 0 | \$50.00 |
| 6/7/2023 | 23338 | 221 Wilcox St | Dean Thorgerson | Right of Way Opening Permit | Sidewalk | 0 | \$50.00 |
| 6/5/2023 | 23329 | 1209 Green St | Janice Manson | Right of Way Opening Permit | Driveway apron | 0 | \$50.00 |
| 6/2/2023 | 23328 | 423 Converse St | Buck Hogoboom | Right of Way Opening Permit | Gas Service Replacement | 0 | \$50.00 |
| 6/2/2023 | 23327 | Wilcox St | City of Fort Atkinson | Right of Way Opening Permit | Replacing Gas Main WR 4875596 and WR 4875601 | 0 | \$50.00 |
| 6/2/2023 | 23325 | 430 E Milwaukee Ave | Adele Graves | Right of Way Opening Permit | Replacing Gas Service | 0 | \$50.00 |
| 6/2/2023 | 23323 | 330 Zida St | Nettie Toeller | Right of Way Opening Permit | Driveway Replacement around new garage | 12,000 | \$50.00 |
| 6/1/2023 | 23322 | 611 E SHERMAN AVE | | Right of Way Opening Permit | FIBER | 0 | \$50.00 |
| | | | | | | | \$850.00 |

Group Total: 17

Group: Shed

| | | | | | | | |
|----------|-------|--------------|--------------|------|--------------|-------|----------------|
| 6/6/2023 | 23333 | 608 Shah Ave | Curt Newbury | Shed | Storage shed | 5,000 | \$80.00 |
| | | | | | | | \$80.00 |

Group Total: 1

Group: Sign

| | | | | | | | |
|-----------|-------|--------------------------|------------|------|---|-------|-----------------|
| 6/13/2023 | 23354 | 325 Janesville Ave | AJ Jameson | Sign | replacing sign faces on existing sign frames | 8,832 | \$225.00 |
| | | | | | | | \$225.00 |

Group Total: 1

Group: Single Family Alteration/Addition

| | | | | | | | |
|-----------|-------|-------------------|---------------|-----------------------------------|---|--------|-----------------|
| 6/28/2023 | 23389 | 500 S High St | Michael Tess | Single Family Alteration/Addition | Porch Floor and railing Repair | 0 | \$35.00 |
| 6/28/2023 | 23386 | 500 S High St. | Michael Tess | Single Family Alteration/Addition | Renewal of Bath remodel permit#21677 | 3,000 | |
| 6/27/2023 | 23385 | 414 Hillcrest Dr. | Kim Loker | Single Family Alteration/Addition | Adding Tub area to existing 1/2 bath in basement | 3,000 | \$55.00 |
| 6/22/2023 | 23376 | 615 Roosevelt St | Terese Block | Single Family Alteration/Addition | Altering bathroom in basement, moving washer and dryer | 14,800 | \$48.50 |
| 6/15/2023 | 23359 | 311 Garfield St. | Pam Wheeler | Single Family Alteration/Addition | Bathroom remodel | 30,000 | \$55.00 |
| 6/13/2023 | 23357 | 916 East St | Hillary Baird | Single Family Alteration/Addition | Install Egress window | 5,184 | \$62.25 |
| 6/6/2023 | 23332 | 213 Sherman Ave E | William Bare | Single Family Alteration/Addition | Converting bedroom into Master bath and laundry on second floor | 15,000 | \$85.00 |
| | | | | | | | \$340.75 |

Group Total: 7

Group: Zoning

| | | | | | | | |
|-----------|-------|-------------------|---------------|--------|---------------|-------|----------------|
| 6/20/2023 | 23369 | 1413 Montclair Pl | Hary Bradshaw | Zoning | Bradshaw Deck | 7,600 | \$25.00 |
| | | | | | | | \$25.00 |

Group Total: 1

| | | | | | | | |
|--|--|--|--|--|--|--|--------------------|
| | | | | | | | \$27,540.25 |
|--|--|--|--|--|--|--|--------------------|

Total Records: 65

7/5/2023



Jedidiah Draeger
Building Inspector/Zoning Administrator



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

MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

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

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

The following is a list of the Licenses and Permits issued by the City Clerk for the period of June 20th, 2023 through July 18th, 2023 per the City of Fort Atkinson Municipal Code of Ordinances. No action is necessary by City Council, as these licenses and permits have already been issued. This report is for informational purposes only.

BEEKEEPING

None

OPERATOR

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

| Applicant | Place of Employment | Recommended Approval by Fort Atkinson Police Department |
|--------------------|----------------------------|---|
| Lauren Lincoln | Walgreen's | Y |
| Amanda Bastien | General's Concession Stand | Y |
| Margaretta Sanchez | Citgo | Y |

MOBILE MERCHANT

| | | |
|---------------|-------------------|---|
| Matthew Sokol | TNT Fireworks | Y |
| Dustin Hein | Freedom Fireworks | Y |

DOOR-TO-DOOR RESIDENTIAL / DIRECT SELLER

| | | |
|----------------|-----------------|---|
| Austin Beranek | Trugreen | Y |
| Brady Glause | Everlight Solar | Y |



MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

FROM: Michael Ascheman, Management Intern

RE: Presentation of 2023 Wisconsin Act 12 information relating to impact on Impact on Tax Incremental Districts (TIDs)

BACKGROUND

Wisconsin Act 12 (formerly Assembly Bill 245) was recently passed in the state legislature on June 20, 2023. There are several provisions in the bill that affect local government and therefore the City of Fort Atkinson. The focus of this memo is to provide information on the changes to TIDs and levy adjustments in this legislation that will impact the city in the future.

DISCUSSION

For Tax Increment Districts (TIDs) created after December 31, 2024, the valuation factor (the percentage change in equalized value due to new construction) includes 90 percent of the equalized value increase due to new construction in a TID, but does not include improvements removed in a TID. For TIDs created from 2025 onward, only 90% of new construction value within the TID can be used to calculate the municipality's allowable levy increase. Currently, 100% of net new construction can be used to determine the increase. Under Act 12, a municipality would be able to apply 90% of new construction (not net new) that occurs within the TID.

For TIDs created from 2025, the municipality can make a one-time levy adjustment of 10% of the new value within the TID when it closes. This can be increased to 25% if the TID closes before reaching 75% of its anticipated lifespan. This contrasts with the current law, which allows a 50% one-time levy adjustment without incentives for early closure.

Also, if a TID is terminated, the levy increase limit for the municipality where the TID is located is increased by an amount that reflects the value increment of the terminated TID.

FINANCIAL ANALYSIS

These changes affect the calculation of the levy limit and the valuation factor for new tax incremental districts created after December 31, 2024, especially in regard to new construction, termination of districts, and subtraction of territory. The exact financial impact for the City of Fort Atkinson is difficult to determine, but theoretically the changes will impact the city in the following ways:

- 1) By reducing the percentage of new construction value within the TID that can be used to calculate the municipality's allowable levy increase from 100% to 90%, the statutes lower the amount of additional property tax revenue that the city can raise each year. The new construction value is a key component of the municipality's tax base growth. By excluding 10% of the new construction value in the TID from the calculation, the city's tax base and its tax revenue would grow more slowly than it would under the previous rule. This could affect the city's ability to fund services and infrastructure.
- 2) The provision changing the one-time levy adjustment that municipalities can make when a TID closes currently allows a 50% adjustment, but for TIDs created from 2025 onward, this would be reduced to 10% of the new value within the TID. However, an incentive for early closure is introduced. If the TID closes before reaching 75% of its anticipated lifespan, the adjustment can be increased to 25%. This could encourage municipalities to close TIDs earlier than planned, but it also significantly reduces the financial benefit of doing so, especially for TIDs that operate for their full anticipated lifespan. The lower adjustment limit would lead to a slower growth in the municipality's tax base and tax revenue following the closure of a TID.

These changes could have a significant impact on the City of Fort Atkinson's financial planning and the feasibility of future development projects. The changes may make TIDs less desirable, as they could also affect the City's ability to fund services and infrastructure, especially if the city relies heavily on TIDs.

RECOMMENDATION

This presentation is for informational purposes only. No action is requested.

ATTACHMENTS

League of Wisconsin Municipalities' Analysis of Act 12

Local Government Funding Legislation AB 245 As Passed by BOTH Houses

([AB 245](#) as amended by [Assembly Amendment 2](#) passed by the Assembly 5/17/23 and amended by [Senate Amendment 1](#) and passed by the Senate 6/14/23, amended by [Assembly Amendment 2](#) to Senate Amendment 1 to Assembly Amendment 2 and passed by the Assembly 6/14/23, and finally concurred in by the Senate)

Updated June 14, 2023

This bill dedicates **one full penny of the state sales tax**: more than \$1.5 billion annually, to local government.

MORE:

- An increase of nearly \$275 million in county and municipal aid.
- \$300 million in one-time grants for service consolidation.
- Increases in police training and EMS funding.
- Expenditure Restraint Program (ERP) “penalty” for police, fire and EMS grants removed.

SUSTAINABLE: Tied to the economy via the sales tax.

GROWING: Future county and municipal aid increases based on estimated increases in sales tax revenue.

Details

- Beginning July 1, 2024, a full penny of sales tax goes into a segregated local government fund.
- Beginning July 1, 2024, annual county and municipal aid increases \$275 million with inflationary supplemental payments.
 - New funds may be utilized for: law enforcement, fire protection, emergency medical services, emergency response communication, public works, courts, and transportation.
- All communities will see **at least a 20% increase** over current municipal aid except Milwaukee which receives 10% and the local sales tax authority.
- New supplemental aid formula designed to compress per capita differences between governments.
- Future percentage increases in sales tax revenue will be applied to **both** existing and supplemental aids.
- Complete repeal of personal property tax, with state backfilling lost revenue
- Expenditure Restraint Program continues with the following revisions:
 - grants for public safety received from the state or federal government, or innovation fund grants do not count as part of municipal budget.
 - Milwaukee sales tax revenue does not count as part of the municipal budget.
 - ERP payments in 2025 same as 2024; base adjusted in 2026 to include shared revenue supplemental.

\$300 million Innovation Fund to incentivize consolidations that provide savings.

- Innovation Fund grants available for 3 years to encourage combining local services, including public safety, fire, EMS, courts, jails, training, communications, IT, administration (staffing, payroll, HR), public works, economic development, tourism, public health, housing, planning, zoning, parks and recreation.
 - For 3 years, grant amount is equal to 25% of the costs of the greater of:
 - Entity with the highest cost prior to consolidation or
 - Cumulative costs of providing the service excluding the costs paid by the highest cost community.
 - Innovation Fund includes a mechanism for placing a value on the work of volunteers.
- Total cost savings of 10% must be realized – 50% (of the 10%) after 24 months and full cost savings realized at the end of 36 months.

- Consolidation planning grants for communities under 5,000 - \$3 million and no one project plan can receive more than \$100,000.

Local Government Fund includes the following programs (with amounts):

- Current County and Municipal Aid – \$753 million
- NEW Supplemental County and Municipal Aid - \$275 million
- Current Personal Property Tax (PPT) backfill - \$75.6 million
- NEW Remaining PPT backfill - \$173.8 million
- ERP (Name changed to Expenditure Restraint Incentive Program) - \$59.3 million
- NEW Innovation Planning Grants - \$3 million
- Payment for Municipal Services – \$18.6 million
- Computer Aid - \$98 million
- INCREASED Emergency Medical Services Aids – (current annual \$2.2 GPR increased to \$15 million)
- INCREASED Law Enforcement Training Aids – (current annual \$2 million GPR/\$4.4 SEG, increased \$8.725 million LGF)
- Video Service Provider fee - \$10 million
- Technical transfer to transportation fund related to PPT Repeal - \$8 million
- Community Youth and Family Aids – \$45 million.

Maintenance of Effort:

- Annual certification of law enforcement and Fire/EMS effort to DOR.
- For Police, certify **any one** of the following factors has not decreased from the prior year:
 - Number of sworn officers employed
 - Amount of property tax levy dollars spent on employment of sworn officers
 - Percentage of property tax levy spent on employment of sworn officers
- For Fire/EMS, certify **any 2** of the following have not decreased from the prior year:
 - Expenditures for fire protective services and EMS
 - Number of full-time equivalent fire fighters and EMS personnel employed.
 - Level of training of and maintenance of licensure for fire fighters and EMS personnel
 - Response times for fire and EMS adjusted for call location.
- Police and fire positions that are state or federally grant-funded are not counted toward MOE
- Counties, and those municipalities under 20,000 population or that receive law enforcement services from the Sheriff's Department, are not required to certify police MOE.
- The penalty of not meeting MOE is 15% of shared revenue.
- A local government can miss certification one year and recertify to the preceding year the year after loss of shared revenue and if DOR approves recertification full shared revenue is restored.

Milwaukee-specific provisions:

- Allows City to establish by 2/3 vote of all members elect of the Common Council a 2% local sales tax
- Allows County to establish by 2/3 vote of all members elect of the County Board a 0.4% sales tax
- Sales tax expires when existing pension system liability is fully-funded or after 30 years
- City must use any annual sales tax revenue above what is needed to fund pension obligations to increase or maintain police and fire staffing until a state-dictated staffing level is reached.
- Requires new city and county employees to participate in Wisconsin Retirement System
- Places a strict police and fire maintenance of effort standard on the city (this standard does not include positions funded with state or federal grants).
- Any increase in staffing or spending requires two-thirds majority vote of the city council.

- Powers currently vested in the Fire and Police Commission are redirected to the Police and Fire Chiefs, with oversight authority given to the Common Council.
- Neither property taxes nor sales taxes may fund the city's light rail system ("The Hop").

EMS provisions:

The bill makes several revisions to EMS licensing regulations that have the general effect of reducing regulatory burdens/costs for EMS services. In addition, local governments would not be able to prohibit police, fire or EMS employees from being employed by or volunteering for another jurisdiction at the same time.

Other Reform Items:

- Limit on Tax Increment District (TID) growth as a factor in annual levy increases – Beginning with new TIDs created in 2025 and beyond, limits the percentage of new construction value that occurs within a TID that may be applied in determining a municipality's allowable levy increase. Currently, a municipality may apply 100% of "net new construction" to determine the increase. Under the bill as amended, a municipality would be able to apply 90% of new construction (not "net new") that occurs within the TID.
- Limit on levy increase at TID closure—Beginning with new TIDs created in 2025 and beyond, the bill allows a municipality a one-time levy adjustment equal to 10% of the newly-created value within the TID; the adjustment may be increased to 25% (an additional 15%) if the TID closes prior to 75% of its anticipated life. Current law allows a one-time levy adjustment equal to 50% of the newly-created value within the TID and there is no incentive for early closure.
- For a tax incremental district created after December 31, 2024, at the time of approval the joint review board shall establish the year of expected termination of the tax incremental district.
- Advisory Referenda – Prohibits a county or municipality from holding an advisory referendum, unless the referendum concerns a capital project that would be funded via the property tax levy, local revenue sharing agreements, boundary agreements, and establishment of municipal cable, broadband, or telecommunications utilities.
- Local Health Officer – Local health officers can only mandate the closure of a business in order to control an outbreak or epidemic of communicable disease for up to 30 days. One extension of 30 days is allowed if the governing body approves. Public health departments may not prescribe "essential" or "non-essential" businesses.
- Local Government Spending Report – DOR annually would produce a web-based comparative local government spending report from current DOR information collected from counties and municipalities regarding the collection of taxes, receipts from licenses, and the expenditure of public funds.
- No local discrimination or preferences – Prohibits local governments from discriminating against or providing a preference in hiring or contracting based on race, color, ancestry, national origin, or sexual orientation (unless as required to receive federal aid).
- Local Regulation of Quarries – Limits the ability of a political subdivision to place limits or conditions on the operation of nonmetallic quarries from which materials are primarily used in the construction or repair of public and private transportation facilities and infrastructure.
 - Prohibits permits if an ordinance did not require a permit prior to the establishment of the quarry.
 - Prohibits conditions being added to a current permit and from requiring compliance with other subdivision requirements as a condition of the permit.
 - Political subdivision may not limit blasting at a quarry except the operator may be required to meet certain conditions – pre-blasting notice, third party inspection of building and structures or wells within the affected area, maintain records and reports, comply with other blasting regulations not related to air blast, fly rock, or ground vibration, and comply with current law and DSPS rules related to blasting.

- Also allows the political subdivision to petition DSPS for an order granting authority to impose additional restrictions and requirements related to blasting that are more restrictive than current law and DSPS rules.
- Stewardship projects that take place North of U.S. Highway 8 require local government approval.



MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

FROM: Adrian Bump, Chief of Police

RE: First Reading of an Ordinance to amend Sections 58-197 and 58-202 of the City of Fort Atkinson Municipal Code relating to curfews for minors

BACKGROUND

The purpose of this memo is to serve as background on the drafted changes to the curfew ordinance. The changes to the curfew ordinance are specific to sections 58-197 Hours Established and 58-202 Penalties. Changes in these 2 sections are focused on modernizing the ordinance so it is more consistent with other Wisconsin communities and more efficient and functional in its application by officers.

DISCUSSION

58-197 Hours Established

The current ordinance separates juveniles into two different groups. 13 years of age and under and then 14-17 years of age. The two age groups have different time restrictions and the language within each category is inconsistent.

Redrafting the Hours established section and joining all juveniles under one requirement will allow the ordinance to be more consistent in its understanding and application. This will be of value for parents who use the ordinance as guidance for their children and for the officers who apply the ordinance when necessary.

58-202 Penalties

The Penalties section has a few areas that require attention. Its current language restricts officer discretion, requires transport of the juvenile to the police station before release and lastly doesn't allow for parental infractions until a 3rd violation occurs.

Discretion

Enforcement of City Ordinances works best when they are applied by an officer who uses discretion. Not every violation requires a citation or arrest to gain compliance and for people to learn from their mistakes. Additionally, not every violation requires officers to give a warning. There are many occasions where officers need the ability to issue a citation based on the factors before them in each unique situation. Law enforcement's goal is to address issues and change behavior for the better. The current ordinance requires all first violations to be handled

with a warning. The ordinance also requires that on the 2nd and subsequent violations an officer “shall” issue a citation. This results in taking away officer discretion in every situation no matter the circumstances.

By redrafting this ordinance in a way that better utilizes the word “shall” we incorporate officer discretion that can be used at any level or step within the process and have an ordinance that allows discretionary enforcement that will be of value for the community.

Transport to Station

The ordinance as written requires that every time we have a curfew violation, the juvenile must be taken into custody, transported to the police department, and then released to the parent. It is vital that officer time is utilized in the most efficient manner possible. We continue to struggle with manpower availability and this ordinance requires actions that can extend the call unnecessarily. There are many occasions where an officer is dealing with a curfew violation, and they can more easily transport the child home and make parental contact immediately or have the parent respond to the scene to take custody of their child.

Cleaning up this language in the ordinance will allow us to align with best practices and reduce unnecessary time to release the juvenile to a parent or guardian.

Parental Infractions

When dealing with juveniles, one of the best tools we have is parents. However, not all parents are created equal. For every strong involved parent, there is another parent who is uninvolved, unsupportive, and struggling to parent their child. It is important to have a curfew ordinance that can be used to hold parents accountable for their actions or lack of action. It is also important to compel action, support, and involvement earlier for those who need additional motivation to accept that role and responsibility.

The current ordinance has a parental violation component, however it is very late in the escalation of violations and is often too little too late. The parental violation section is also written with the word “shall”. Again, we want to use the parental violation under officer discretion so we can utilize it to change behavior and address issues when it is appropriate based on the factors of each specific situation.

COMMUNITY IMPACT

The impact and final goals are to improve officer time and efficiency, allow for officer discretion at all levels of curfew violations and provide for a more easily understood ordinance for all citizens and officers. Additionally, we want to decrease youth curfew violations while increasing parental involvement to reduce and/or eliminate repeat offenses.

RECOMMENDATION

Staff recommends that the City Council review the ordinance amendments and direct the City Manager to prepare this ordinance for a second reading at the meeting on August 1, 2023.

ATTACHMENTS

Division 3. – Curfew (from Code of General Ordinances); Draft Ordinance Curfew Ordinance Amendments (redline)

DIVISION 3. CURFEW

Sec. 58-196. Definitions.

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

Guardian means any person appointed through the legal proper channels required by law as having the care and custody of a minor.

Juvenile means any person who comes under the jurisdiction of the juvenile court, which legally means any person under 18 years of age.

Loiter means to remain idle or stand around, wander, saunter, stroll, play in or upon, or lag behind.

Minor means any person under the age of 18.

Other adult person means a person having legal care and custody by due process of law.

Parent means any natural parent of a minor, or a parent through adoption by law, 18 years of age or over.

Place open to the public means any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

Prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

Public place means any public street, highway, road, river, alley, park, schoolground, playground, dock, public building or vacant lot.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(Code 1969, § 22.01(H))

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

Sec. 58-197. Hours established.

- (a) It shall be unlawful for any person 13 years of age or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public place in the city between the hours of 10:00 p.m. and 5:00 a.m. Sunday through Thursday and 11:00 p.m. and 4:00 a.m. on Friday and Saturday.
- (b) It shall be unlawful for any person 14 through 17 years of age to loiter, loaf or idle on foot, bicycle or in any type of vehicle on any public street, avenue, alley, park, school ground or other public place in the city between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday and 12:00 midnight and 5:00 a.m. Friday and Saturday.

(Code 1969, § 22.01(A), (B))

Sec. 58-198. Defenses.

It is a defense to prosecution under section 58-197 that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed.

(Code 1969, § 22.01(A)—(C))

Sec. 58-199. Responsibility of parents.

It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under the age of 18 years to allow or permit such person to violate the provisions of section 58-197.

(Code 1969, § 22.01(D))

Sec. 58-200. Responsibility of owners of businesses.

- (a) It shall be unlawful for any person operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under the age of 18 years to loiter, loaf or idle in such place during the hours prohibited by this division.
- (b) Whenever the owner or person in charge of or in control of any place of amusement, entertainment, refreshment or other place of business, during the hours prohibited by this division, shall find persons under the age of 18 years loitering, loafing or idling in such place of business, he/she shall immediately order such person to leave; and if such person refuses to leave the place of business, the operator shall immediately notify the police department and inform them of the violation.

(Code 1969, § 22.01(E))

Sec. 58-201. Arrest powers of police.

Any member of the police force is authorized to arrest, with or without warrant, any person or persons violating the provisions of any of sections 58-197—58-200, and any child unaccompanied by a parent, guardian or other adult person having the lawful care and custody of the minor child.

(Code 1969, § 22.01(F))

Sec. 58-202. Penalties.

(a) *Procedure.*

(1) *First violation.* Any person found violating the provisions of section 58-197 shall be taken to the police station where a written record shall be made, and the minor shall be released to his/her parents or guardian at the police station.

(2) *Second violation.*

a. Any person found violating the provisions of section 58-197 for a second time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.

b. Any person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.

(3) *Third violation.*

a. Any person found violating the provisions of section 58-197 for a third time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.

b. Any person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.

c. Any person found violating the provisions of section 58-199 shall be issued a municipal citation.

(b) *Penalties.* Any person violating the provisions of this division shall be fined not less than \$25.00, nor more than \$100.00 and the costs of prosecution.

(Code 1969, § 22.01(G))

Secs. 58-203—58-222. Reserved.

ORDINANCE NO. ____

AN ORDINANCE
TO AMEND SECTIONS 58-197 AND 58-202 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO CURFEWS FOR MINORS

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

Section 1. Section 58-197 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

"Sec. 58-197. – Hours established.

(a) It shall be unlawful for any person under the age of 18 years to loiter, loaf or idle on foot~~13 years of age or under to be on foot~~, bicycle or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public place in the city between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday and 12:00 midnight~~11:00 p.m. and 5:00 a.m. on Friday and Saturday.~~

~~(b) It shall be unlawful for any person 14 through 17 years of age to loiter, loaf, idle on foot, bicycle or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public place in the city between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday and 12:00 midnight and 5:00 a.m. Friday and Saturday.~~

(Code 1969, §22.01(A), (B))"

Section 2. Section 58-202 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

"Sec. 58-202. – Penalties.

(a) *Procedure.*

(1) *First violation.* Any person found violating the provisions of section 58-197 shall be subject to a penalty not less than \$25.00, nor more than \$100.00 and the costs of prosecution. ~~taken to the police station where a written record shall be made, and the minor shall be released to his/her parents or guardian at the police station.~~

(2) *Second and Subsequent violations.*

a. Any person found violating the provisions of section 58-197 for ~~a second~~ and subsequent offenses shall be subject to a penalty not less than \$25.00, nor more than \$150.00 and costs of prosecution. ~~time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.~~

- b. Any parent or guardian found violating the provisions of Section 58-199 shall be subject to a penalty of not less than \$25.00, nor more than \$150.00 and the costs of prosecution. ~~person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.~~

~~(3) Third violation.~~

- a. ~~Any person found violating the provisions of section 58-197 for a third time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.~~
- b. ~~Any person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.~~
- c. ~~Any person found violating the provisions of section 58-199 shall be issued a municipal citation.~~

~~(b) Penalties. Any person violating the provisions of this division shall be fined not less than \$25.00, nor more than \$100.00 and the costs of prosecution.~~

(Code 1969, § 22.01(G))”

Section 3. This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

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

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

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

RE: First Reading of a Proposed Ordinance Discussion relating to hours of operation for the Municipal Building

BACKGROUND

The City of Fort Atkinson Code of Ordinance Sec. 2-1. outlines the **hours for municipal building**. It reads: *After January 4, 1994, business hours for the municipal building shall be from 8:00 am to 5:00 pm; except that summer hours, beginning the first Monday in June and ending the Friday before Labor Day, shall be 8:00 am to 4:30 pm.*

Staff unsuccessfully researched history that led to the purpose of creating an ordinance directing hours for the municipal building. This ordinance only applies to the municipal building. It seems that summer hours began in 1994, and at that time, Staff and Council felt it was necessary to establish an ordinance versus establishing building hours that were set by Management and/or City Council.

DISCUSSION

The Clerk/Treasurer/Finance Department and Parks & Recreation Department adhere to the hours established by the Ordinance as there are several staff members within the departments. The Engineering Department, Building Inspector, City Manager, Clerk of Courts are able to adjust their hours as needed as these positions are more specialized and singular in nature.

During the "winter hours," the municipal building is open 8:00 am to 5:00 pm, with a 1-hour staff lunch. The Parks & Recreation office closes during the lunch hour, but the Clerk's office does not. During "summer hours," the municipal building is open from 8:30 a.m. to 4:30 p.m. Staff generally take a 30-minute lunch break. The Management Team is generally flexible and can accommodate needs for appointments while retaining appropriate office coverage.

With the advancement of technology, the City has been able to offer more services more efficiently to our community through the City's website. Examples include: accepting debit/credit cards for utility bill payments (currently 1,568 utility customers using Xpress Bill Pay); online applications and payments for Park & Recreation programming and rentals; online payment of municipal court citations; and most recently online applications and payments for

building permits. These conveniences, along with the Covid-19 pandemic, have generally decreased foot traffic in the municipal building.

Staff reviewed other municipal building office hours in the area for additional information:

- City of Milton: Monday-Thursday 8:00 am to 4:30 pm; Friday 8:00 am to 12:00 pm
- City of Jefferson: Monday-Friday 8:00 am to 5:00 pm
- City of Watertown: Monday-Friday 8:00 am to 4:30 pm
- City of Lake Mills: Monday-Friday 8:00 am to 5:00 pm
- City of Whitewater: Monday-Friday 8:00 am to 4:30 pm
- City of Beaver Dam: Monday-Friday 7:30 am to 4:00 pm
- City of Stoughton: Monday-Friday 8:00 am to 4:00 pm
- City of Edgerton: Monday-Friday 7:30 am to 4:00 pm
- City of Oconomowoc: Monday-Friday 7:30 am to 4:30 pm
- Village of Cottage Grove: Monday-Thursday 8:00 am to 4:30 pm; Friday 8:00 am to 2:00 pm
- Village of Johnson Creek: Monday-Friday 8:00 am to 4:00 pm

FINANCIAL ANALYSIS

Staff does not feel that changing office hours will have a negative financial impact on the City's budget, nor a negative impact on residents, visitors, and guests. Staff have requested this change to increase employee satisfaction.

RECOMMENDATION

The Ordinance Committee reviewed and discussed the possibility of removing the municipal building hours from the City's Code of General Ordinance at the meeting on July 6th. The Committee recommended that staff prepare an Ordinance doing the same for City Council review.

Staff recommends that the City Council perform the first reading of the draft ordinance repealing Section 2-1 of the Municipal Code relating to hours for municipal building and direct the City Manager to prepare this ordinance for a second reading on August 1, 2023.

Note that, upon repeal, the current "summer hours" at the Municipal Building of 8:00 a.m. to 4:30 p.m. would remain in effect throughout the year. In the future, any permanent changes to hours of operation at the Municipal Building would be done through a policy with City Council approval. The City Manager would retain the authority to temporarily close the building due to inclement weather or other emergency situations.

ATTACHMENTS

Section 2-1: Hours for municipal building.; Draft Ordinance repealing Section 2-1 of the Municipal Code

Sec. 2-1. Hours for municipal building.

After January 4, 1994, business hours for the municipal building shall be from 8:00 a.m. to 5:00 p.m.; except that summer hours, beginning the first Monday in June and ending the Friday before Labor Day, shall be from 8:00 a.m. to 4:30 p.m.

ORDINANCE NO. ____

**AN ORDINANCE
TO REPEAL SECTION 2-1 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO HOURS FOR MUNICIPAL BUILDING**

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

Section 1. Section 2-1 of the City of Fort Atkinson Municipal Code is hereby repealed as follows:

“Sec. 2-1. – ~~Reserved~~Hours for municipal building.

~~After January 4, 1994, business hours for the municipal building shall be from 8:00 a.m. to 5:00 p.m.; except that summer hours, beginning the first Monday in June and ending the Friday before Labor Day, shall be from 8:00 a.m. to 4:30 p.m.”~~

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

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

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

FROM: Jedidiah Draeger, Building Inspector/Zoning Administrator

RE: Second reading of an Ordinance to adopt Zoning Text Amendments relating to medium industrial land uses, fencing, building maintenance, landscaping, signage and pools

BACKGROUND

As City staff have worked with the new Zoning Ordinance over the past three years, several minor changes have been identified to improve overall consistency of applying the code's standards. City staff has also worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance.

The bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document.

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

At the meeting on June 27, 2023, the Plan Commission reviewed this matter and recommended that the City Council adopt 20 Zoning Text Amendments to the 2020 City of Fort Atkinson Zoning Ordinance. During the review at the Ordinance Committee and City Council level on July 6, 2023, staff determined that four of the proposed amendments relating to home occupations and off-street parking required additional review.

The package of Zoning Text Amendments proposed for a second reading at the July 18th meeting includes 16 amendments outlined in the attached draft Ordinance and recommended for approval by the Plan Commission and Ordinance Committee. A first reading was performed at the July 6th City Council meeting.

RECOMMENDATION

Staff recommends that the City Council perform the second reading of the proposed Zoning Text Amendments relating to medium industrial uses, fencing, building maintenance, landscaping, signage, and pools and direct the City Manager to prepare them for a third and final reading at the meeting on August 1, 2023.

ATTACHMENTS

Draft Zoning Text Amendment Ordinance, 6.27.23 PC Staff Report Packet

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CITY OF FORT ATKINSON ZONING CODE,
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES,
RELATING TO MEDIUM INDUSTRIAL LAND USES, FENCING, BUILDING MAINTENANCE,
LANDSCAPING, SIGNAGE, AND POOLS

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

Section 1. Section 15.02.11 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.02.11 SR-3 Single Family Residential Zoning District: Correcting Typo In Title

Section 15.02.11: (SR-3) Single Family Residential-3 Zoning District

Section 2. Section 15.02.22 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.02.22 – Section 15.02.72 All Zoning Districts, Excluding SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, and TF-10: Adjusting Attached Garage Setback

(7) Density, Intensity, and Bulk Regulations

| | Requirement |
|---------------------------------|---|
| Minimum Attached Garage Setback | 2 feet behind <u>Even with</u> the plane of the building (0 foot setback) |

Section 3. Section 15.02.32 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.02.32 UMU Urban Mixed Use Zoning District: Correct UMU Intent to Match Permitted Land Uses

(1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. ~~Residential uses should not become the majority ground floor land use in this district.~~ Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

Section 4. Section 15.03.14 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.03.14 Industrial Land Uses, Section 15.02.51 and 15.02.52 Medium and Heavy Industrial Zoning District, and Section 15.06.06 Off-Street Parking and Traffic Circulation: Adding a Medium Industrial Land Use Category and Associated References

Section 15.03.14 Industrial Land Uses

(6) Medium Industrial: Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of Section 15.03.10(3) are complied with.

- (a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 15.03.16(2) or 15.03.28(17)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity abutting properties which are not zoned MI or HI.
- (b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (c) Minimum required parking: One space per each employee on the largest work shift.

Section 15.02.51: (MI) Medium Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (n) Outdoor Storage and Wholesaling

Section 15.02.51: (HI) Heavy Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial

Section 15.06.06: Off-Street Parking and Traffic Circulation

Figure 15.06.06a: Number of Off-Street Parking Spaces Required by Land Use

| | | |
|--------------------------|---|---|
| Light Industrial | 1 space per each employee on the largest work shift. | 1.25 spaces per each employee on the largest work shift. |
| <u>Medium Industrial</u> | <u>1 space per each employee on the largest work shift.</u> | <u>1.25 spaces per each employee on the largest work shift.</u> |
| Heavy Industrial | 1 space per each employee on the largest work shift. | 1.25 spaces per each employee on the largest work shift. |

Section 5. Section 15.06.40(5) and (6) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.40(5) and (6) Fencing Standard Design and Materials: Clarifying Fencing Standards

(5) Design and Materials.

3. Rules Related to Specific Materials.

- a. Permanent chicken wire fences or snow fences shall not be used.
- b. Non-corrugated, solid metal fences are permitted in the LI, MI, HI, IOS, IOC, AO, and EX zoning districts within the rear or side yards.
- c. Wire mesh and ~~non-coated/non-galvanized~~ chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, MRL-8, MRM-12, MRH-30, and CON zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses. All other zoning districts are exempt from this requirement.
- d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing in the rear or side yards when located at least 6 feet above the ground and shall be permitted only in the LI, MI, HI, IOS, and EX districts. Such fences shall meet the setbacks for the principal structure.
- e. ~~Coated chain link fences shall have a minimum 9-gauge thickness, and a top-rail support is required. Coated chain link fences shall not be permitted in front or street yards and shall not extend toward the street beyond the front of the building.~~

(6) Height.

- (c) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following:

3. In the LI, MI, HI, IOS, IOC, AO, and EX zoning districts

- a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.

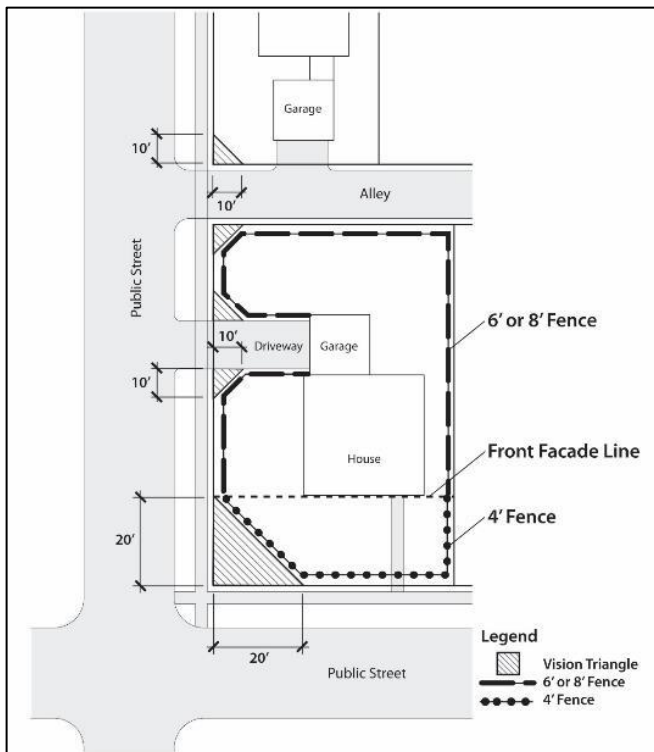
1. In the LI, MI, HI, IOS, IOC, and EX zoning districts security fencing height can be increased to 6 feet provided the fence is decorative in style, as determined by the Zoning Administrator.

- b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.
- c. Where permitted in rear or side yards, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.

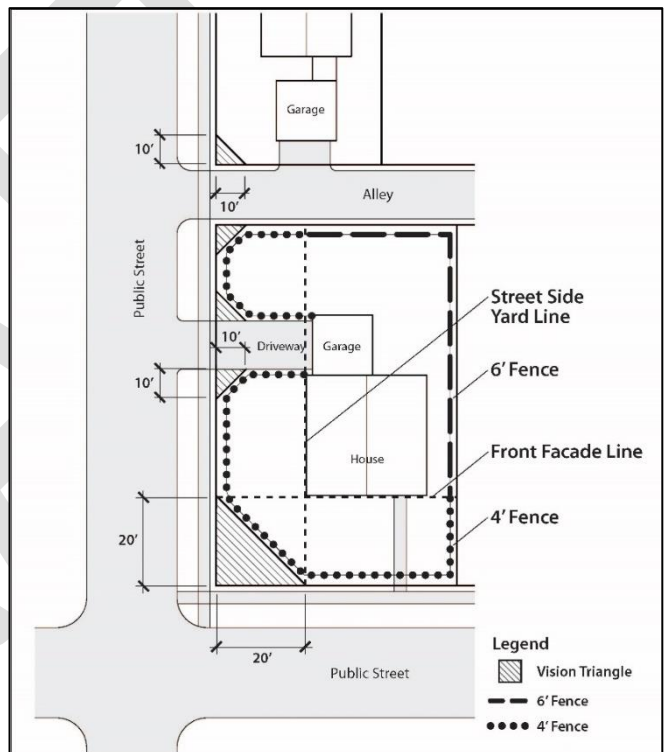
Section 6. Section 15.06.40 – Figure 15.06.40(c) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.40 - Figure 15.06.40(c) Fencing Standard Design and Materials: Correcting Fence Standard Graphic Error to Match Text

Existing Figure 15.06.40(c)



Proposed New Figure 15.06.40(c)



Section 7. Section 15.06.42(8) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.42(8) Swimming Pools: Matching Swimming Pool Requirements to Building Code and Building Practices

- (8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than ~~46~~ feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 6 feet from ground level. ~~Pools with walls less than 72 inches tall as measured from ground level on the outside edge of the wall shall be required to provide this fence.~~ Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the

gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. ~~This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.~~

(a) Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removeable ladder or gate is provided, as approved by the Zoning Administrator.

~~(a)~~(b) This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.

Section 8. Section 15.06.51 of the City of Fort Atkinson Zoning Ordinance is hereby created to read as follows:

New Section 15.06.51 Building Maintenance on Private Property: Adding Missing Provision From Past Zoning Ordinance (old zoning code 15.5.7)

(1) The following shall apply to all private property in the City of Fort Atkinson:

(a) It is unlawful to retain a building or structure in violation of the adopted building and housing code.

(b) It is unlawful to allow a building or structure to become substantially deteriorated through poor or no maintenance so that the structural integrity of the building becomes a health and/or safety concern.

(c) All exterior surfaces of a building or structure that are not inherently resistant to deterioration shall be treated periodically with a protective coating of paint or other suitable preservative that will provide adequate resistance to weathering and maintain an attractive appearance.

(d) Violations of this Section will be subject to the penalties provided in section 15.10.60.

Section 9. Section 15.07.50(c)1.a.-c. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.07.50(c)1.a.-c. Special Area Design Review: Correcting Naming Typo to Provide Consistency with Section

1. There are three categories of review in this district:

a. ~~Project~~ **Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)

b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)

c. ~~Renovation~~ **Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

Section 10. Section 15.08.10.(2) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.08.10(2) Landscaping Applicability: Simplifying Confusing Language

(2) Any use for which Planning Commission approval is required under Section 15.10.20 shall provide landscaping in accordance with the regulations of this Section, including the following development:

- (a) New buildings and paved areas
- (b) Expansions of existing buildings or paved areas. In the case of expansions, only the new portion of the building or paved area shall provide landscaping per the requirements of this Article. that exceed 50 percent of the existing floor area of the building
- (c) ~~Expansions of paved areas that exceed 50 percent of the existing paved area.~~
1. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.

Section 11. Section 15.09.11(1) – Figure 15.09.01(1)B.1. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.09.11(1) Figure 15.09.01(1)B.1. Permanent Business Sign Group: Clarifying Lighting for Wall Signs

Wall Sign

- Sign Lighting Allowed: ~~Ambient, backlit, or gooseneck~~ Standard ^{12,13}

Section 12. Section 15.09.11(1) – Figure 15.09.01(1)D.4. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.09.11(1) Figure 15.09.01(1)D.4. Permanent Business Sign Group: Permitting an Additional Order Board Sign with Multiple Drive-Through Lanes

Order Board Signs

- Number of Signs Allowed: ~~1 for each business~~ 1 sign per drive-through lane
- Sign Area and Height: ~~24 sf area/8 ft height~~ 48 sf area/8 ft height¹⁰
- Footnote 10: Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 15.03.10(10). A maximum total of 96 sf of total Order Board Signs is permitted per business.

Section 13. Section 15.02.84(4), 15.03.26(7)(b), 15.06.03(3), 15.06.06(3), 15.06.42(3), 15.07.01(3) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

**Section 15.02.84(4), 15.03.26(7)(b), 15.06.03(3), 15.06.05(3), 15.06.06(3), 15.06.42(3), 15.07.01(3):
Making Site Plan Review Procedures Consistent Throughout the Zoning Ordinance**

15.02.84(4): Airport Height limitations Overlay Zoning District: Site Plan Approval

- (a) No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (2) of this Chapter until the owner or his or her agent shall have applied in writing and obtained Site Plan Approval (Section 15.10.42) from the ~~Plan Commission~~ Zoning Administrator and City Engineer. Application for Site Plan Approval shall meet all requirements of Section 15.10.42, in addition to indicating the purpose, with sufficient information to determine whether such structure would conform to the regulations herein prescribed.

15.03.26(7)(b) Market Garden Land Use: Site Plan Approval

- (b) A site plan shall be submitted to the ~~Plan Commission~~ Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

15.06.03(3) Vehicle Access Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~ Zoning Administrator and Engineering Department, shall review and approve all proposed driveways and other access points on the subject property. See Chapter 90 of the Fort Atkinson Municipal Code.

15.06.05(3) Visibility Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~ Zoning Administrator, shall review and approve all development for conformance with this Section.

15.06.06(3) Off-Street Parking and Traffic Circulation: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42) the ~~Plan Commission~~ Zoning Administrator, shall review and approve all development for conformance with this Section.

15.06.42(3) Swimming Pools: Site Plan Approval

- (3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. The ~~Zoning Administrator~~ Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 15.10.42).

15.07.01(3) Exterior Building Design Standards: Site Plan Approval

- (3) Review and Approval. Through the building permit and/or site plan review process, the ~~Plan Commission~~ Zoning Administrator shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

Section 14. Section 15.10.32(18)-(19) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

Section 15.10.32(18)-(19) Conditional Use Permit Procedures: Correcting Typo from Village to City

18. Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the ~~City Village~~ with the Register of Deeds for the subject property. The ~~City Village~~ shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
19. Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and ~~City Village~~ consideration under this Section.

Section 15. Section 15.10.20 – Figure 15.10.20a of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

Section 15.10.20 – Figure 15.10.20a: Review and Approval Activities and Bodies: Clarifying Procedures for Consistency with Text of the Zoning Ordinance

Figure 15.10.20a: Review and Approval Activities and Bodies

| Application Process | Staff | Plan Commission | City Council | Board of Zoning Appeals | Historic Preservation Commission |
|--|----------------------|-----------------|--------------|-------------------------|----------------------------------|
| Zoning Ordinance Amendment (§15.10.30) | RR | PH, RR | RE, A | | |
| Zoning Map Amendment (§15.10.31) | PM*, RR | PH, RR | RE, A | | |
| Conditional Use Permit (§15.10.32) | PM*, RR | RE, A | | Appeal Only | RR** |
| Temporary Use Permit (§15.10.40) | RE, IP | | | | |
| Site Plan (§15.10.42) | RE, RR | A | | | |
| Special Area Design Review (§15.10.43) | See Figure 15.10.43a | | | Appeal Only | |
| Group & Large Development (§15.06.02) | PM*, RR | RE, A | Appeal Only | | RR** |
| Planned Unit Development (§15.10.44) | PM*, RR | PH, RR | RE, A | | |
| Interpretation (§15.10.50) | RE, A | | | Appeal Only | |

| Application Process | Staff | Plan Commission | City Council | Board of Zoning Appeals | Historic Preservation Commission |
|---|---------------|------------------|--------------------|-------------------------|----------------------------------|
| Variance (§15.10.51) | RR | | | PH, RE, A | |
| Appeal (§15.10.52) | RR | | | PH, RE, A | |
| Violations and Penalties (§15.10.60) | RE, A | | | | |
| Official Mapping (§Wis. Stats. 62.23(6)) | PM, RR | PH, RR | RE, A | | |
| Land Interest Transfer | RE, A | | | | |
| Land Division-CSM/no new lot (Chapter 70) | RE, A | | | | |
| Land Division-CSM/new lot (Chapter 70) | RR | RE, A | | | |
| Land Division-Preliminary Plat (Chapter 70) | RR | RR | RE, A | | |
| Land Division-Final Plat (Chapter 70) | RR | RR | A | | |
| Design Standard Variance (§ | RR | RE, A | | | RR** |
| Historic Preservation: Landmarking (Chapter 42) | PM, RR | RR | RE, A | | PH, RR |
| Historic Preservation: Certificate of Appropriateness (Chapter 42) | RE, A | | PH, A, Appeal Only | | PH, RE, A |
| RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action | | | | | |

Figure and footnotes continued on the following page.

Figure 15.10.20a: Review and Approval Activities and Bodies, Continued

| Application Process | Staff | Plan Commission | City Council | Board of Zoning Appeals | Historic Preservation Commission |
|--|--------|-----------------------------|--------------|-------------------------|----------------------------------|
| Planning Document/Plans | PM, RR | RR | RE, A | | RR** |
| Annexation (Wis. Stats. 66.0217) | RR | PH, RR | RE, A | | |
| Attachment | | Refer to Adopted Agreement | | | |
| Street Vacation/Discontinuance (Wis. Stats. 66.1003) | RR | RR | PH, RE, A | | |
| Floodplain Map Amendment (Chapter 30) | | Refer to Wisconsin DNR/FEMA | | | |
| Privilege in the Right-of-Way (Wis. Stats. 62.23) | RE, A | | | | |
| Easement Acceptance/Release (Wis. Stats. 62.23) | RE, A | | | | |

| Application Process | Staff | Plan Commission | City Council | Board of Zoning Appeals | Historic Preservation Commission |
|---|--------|-----------------|--------------|-------------------------|----------------------------------|
| Sign Permit (§15.09) | | | | | |
| Building Permit | RE, IP | | | | |
| Certificate of Occupancy | RE, IP | | | | |
| <u>Community Living Arrangement Occupancy Permit (§15.10.33)</u> | RE, IP | | | | |
| RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action | | | | | |

Note: This table is not exhaustive. Some procedures may not be covered within this table.

** If determined to be necessary by the Zoning Administrator.*

*** Historic Preservation Commission review and recommendation necessary if site/building is locally landmarked, individually listed or part of the State or National Register of Historic Places.*

Section 16. Section 15.10.42 (2) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

Section 15.10.42(2) Site Plan Review and Approval Procedures: Clarifying Site Plan Approval Procedures

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including ~~redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following: all multi-family residential, mixed use, commercial, industrial, institutional, storage, transportation, telecommunications, extraction and disposal, and energy production land uses where new or replacement structures or uses are proposed that are governed by this ordinance. Some other residential land uses and some accessory land uses may be subject to Site Plan review and approval.~~

~~(a) Residential accessory buildings, decks, and landscape features that do not affect site drainage patterns.~~

~~(b) Fences.~~

~~(c) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Section 15.10.44, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.~~

- (a) The degree of change shall be evaluated by the Zoning Administrator and City Engineer during the pre-application conference. Both must indicate in writing, submitted to the applicant, the change requires review by Plan Commission.

Section 17. This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

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

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



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

ZONING TEXT AMENDMENTS REPORT TO THE PLAN COMMISSION

DATE: June 27, 2023

FILE NUMBER: ZTA-2023-01

PROPERTY ADDRESSES: Not Applicable

EXISTING ZONING: Not Applicable

PARCEL NUMBER: Not Applicable

PROPOSED ZONING: Not Applicable

OWNER: Not Applicable

EXISTING LAND USE: Not Applicable

APPLICANT: City of Fort Atkinson

REQUESTED USES: Not Applicable

BACKGROUND ON ZONING TEXT AMENDMENT REVIEW:

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

REQUEST OVERVIEW:

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

City staff has prepared the attached summary of 20 proposed Zoning Text Amendments. The vast majority of the proposed amendments are minor in nature and reflect small errors that have been identified within the ordinance that need to be corrected for consistent administration of the ordinance and clarification in key areas of the text. This is not uncommon due to the length of the ordinance and the interconnected nature of each section, which aims to build upon one another. Overall, the proposed amendments can be categorized as administrative tweaks and do not change much in the way of policy or procedures.

COMPREHENSIVE PLAN CONSISTENCY REVIEW:

Any proposed zoning amendment must be consistent with the City's Comprehensive Plan. The plan recommends a full rewrite of the City's Zoning Ordinance and Land Division Ordinance, which were completed in 2020 and 2022. Additionally, several specific recommendations for individual land use categories call for detailed plans associated with new development. Finally, the plan recommends that the zoning ordinance be consistently applied in relationship to the plan's goals, recommendations, and policies. City staff believes that the proposed Zoning Text Amendments are in concert with the City's Comprehensive Plan.

PUBLIC NOTICE:

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

DISCUSSION:

As City staff have worked with the new ordinance over the past three years, several minor changes have been identified to improve overall consistency of applying the code's standards. City staff has also worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance.

Again, the bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document.

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

RECOMMENDATION:

City staff recommends approval of the 20 proposed Zoning Text Amendments as outlined the attached summary dated June 12, 2023 subject to the following conditions:

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

ATTACHMENTS:

- City of Fort Atkinson Proposed Zoning Ordinance Amendments

City of Fort Atkinson Proposed Zoning Ordinance Amendments

Draft: June 12, 2023

1. Section 15.02.11 SR-3 Single Family Residential Zoning District: Correcting Typo In Title

Section 15.02.11: (SR-3) Single Family Residential-3 Zoning District

2. Section 15.02.22 – Section 15.02.72 All Zoning Districts, Excluding SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, and TF-10: Adjusting Attached Garage Setback

(7) Density, Intensity, and Bulk Regulations

| | Requirement |
|---------------------------------|---|
| Minimum Attached Garage Setback | 2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u> |

3. Section 15.02.32 UMU Urban Mixed Use Zoning District: Correct UMU Intent to Match Permitted Land Uses

(1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. ~~Residential uses should not become the majority ground floor land use in this district.~~ Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

4. Section 15.03.14 Industrial Land Uses, Section 15.02.51 and 15.02.52 Medium and Heavy Industrial Zoning District, and Section 15.06.06 Off-Street Parking and Traffic Circulation: Adding a Medium Industrial Land Use Category and Associated References

Section 15.03.14 Industrial Land Uses

(6) Medium Industrial: Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of Section 15.03.10(3) are complied with.

(a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 15.03.16(2) or 15.03.28(17)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity abutting properties which are not zoned MI or HI.

(b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.

(c) Minimum required parking: One space per each employee on the largest work shift.

Section 15.02.51: (MI) Medium Industrial Zoning District

(2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.

(n) Medium Industrial

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(n) Outdoor Storage and Wholesaling

Section 15.02.51: (HI) Heavy Industrial Zoning District

(2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.

(n) Medium Industrial

Section 15.06.06: Off-Street Parking and Traffic Circulation

Figure 15.06.06a: Number of Off-Street Parking Spaces Required by Land Use

| | | |
|--------------------------|---|---|
| Light Industrial | 1 space per each employee on the largest work shift. | 1.25 spaces per each employee on the largest work shift. |
| <u>Medium Industrial</u> | <u>1 space per each employee on the largest work shift.</u> | <u>1.25 spaces per each employee on the largest work shift.</u> |
| Heavy Industrial | 1 space per each employee on the largest work shift. | 1.25 spaces per each employee on the largest work shift. |

5. Section 15.03.28(4)(i) Home Occupation Accessory Land Uses: Clarifying Permitted Home Occupation Vehicles

(i) One business-related truck, van, or trailer is permitted per Home Occupation Permit. No vehicle larger than one-ton capacity truck or van that is used in conjunction with a home occupation shall be stored on the premises or parked on adjacent residential streets. This prohibition shall also include specialized mobile equipment. Trailers will be allowed to park on the residential street provided that a home occupation permit is approved, the trailer is registered, and a fee paid, and the trailer is safely parked adjacent to the permitted property.

6. Section 15.06.06(12)(a)3.c.i. Off-Street Parking and Circulation: Correcting Consistency on Single-Family and Two-Family Uncovered Parking Spaces (Not Located in Driveways)

i. Paved pads surfaced with concrete, or asphalt, and/or gravel may be used for recreation equipment trailer storage and/or residential utility trailer storage in any provided interior side yard or rear yard.

7. Section 15.06.06(19) Off-Street Parking and Circulation: Clarifying Surfacing Standards

- (a) All off-street parking, loading, and traffic circulation areas outside of the right of way shall be graded and surfaced so as to be dust-free and properly drained and shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer. Acceptable pavement types include asphalt (4" minimum) or concrete (4" minimum). All ~~driveways~~ driveway approaches and parking areas located within the right of way shall be surfaced with a minimum thickness of 8 inches of base over 4 inches of asphaltic concrete, or 6 inches of base under 6 inches of concrete. Subbase conditions may require the use of geotextiles, drainage, or additional base to ensure longevity of the asphalt or concrete surface coarse.
- (b) The following shall be exempt from these surfacing requirements:
 - 1. Driveways in the RH-35 district shall be exempt except for the first 20 feet of the driveway closest to the right-of-way, which shall be asphalt or concrete.
 - 2. All agricultural land uses (Section 15.03.26).
 - 3. Enclosed and screened outdoor storage areas. When such uses are discontinued, the area(s) shall comply with the surfacing requirements of Subsection (a), above, or shall be returned to vegetative ground cover.
- (c) All new driveway installation and driveway maintenance, including replacement of driveway pavement, shall install the required public sidewalk through the street terrace upon surfacing and follow all requirements in subsection (a) above.

8. Section 15.06.06(21)(c) Limitations on Uses of All Off-Street Parking Areas: Clarifying Vehicle Parking Prohibited Specifically in Residential Areas

- (c) Vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property unless a ~~H~~home ~~O~~ccupancy ~~P~~ermit has been issued (See Section 15.03.28(4)). On a nonresidential property, such vehicles or equipment shall not be parked or stored outdoors, except in areas identified on an approved site plan for the purpose of heavy vehicle parking or an Outdoor Storage land use. Such vehicles or equipment include but are not limited to:
 - 1. Construction equipment such as bulldozers, backhoes, skid steers, and forklifts shall not be kept on any lot being used for a residential land use
 - 2. Dump and stake body style trucks
 - 3. Cube type vans and trucks
 - 4. Landscaping business equipment such as tractors, tree spades, graders, and scrapers shall not be kept on any lot being used for a residential land use
 - 5. Semi-~~trailers and~~ tractors
 - 6. Concession, vending, and catering trailers

7. Commercial/industrial equipment trailers and lifts shall not be kept on any lot being used for a residential land use
8. Tow trucks, wreckers, or car carriers only capable of carrying a single vehicle, except for 1 light-duty tow truck (not a roll back, flat bed, or carrier type) with a gross vehicle weight not exceeding 12,000 pounds, may be parked on a residential lot when on call, operating under the rotating call list established and kept by the City of Fort Atkinson Police Department
9. Amusement rides and similar vehicles shall not be kept on any lot being used for a residential land use

9. Section 15.06.40(5) and (6) Fencing Standard Design and Materials: Clarifying Fencing Standards

(5) Design and Materials.

3. Rules Related to Specific Materials.
 - a. Permanent chicken wire fences or snow fences shall not be used.
 - b. Non-corrugated, solid metal fences are permitted in the LI, MI, HI, IOS, IOC, AO, and EX zoning districts within the rear or side yards.
 - c. Wire mesh and ~~non-coated/non-galvanized~~ chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, MRL-8, MRM-12, MRH-30, and CON zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses. All other zoning districts are exempt from this requirement.
 - d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing in the rear or side yards when located at least 6 feet above the ground and shall be permitted only in the LI, MI, HI, IOS, and EX districts. Such fences shall meet the setbacks for the principal structure.
 - e. ~~Coated chain link fences shall have a minimum 9-gauge thickness, and a top rail support is required. Coated chain link fences shall not be permitted in front or street yards and shall not extend toward the street beyond the front of the building.~~

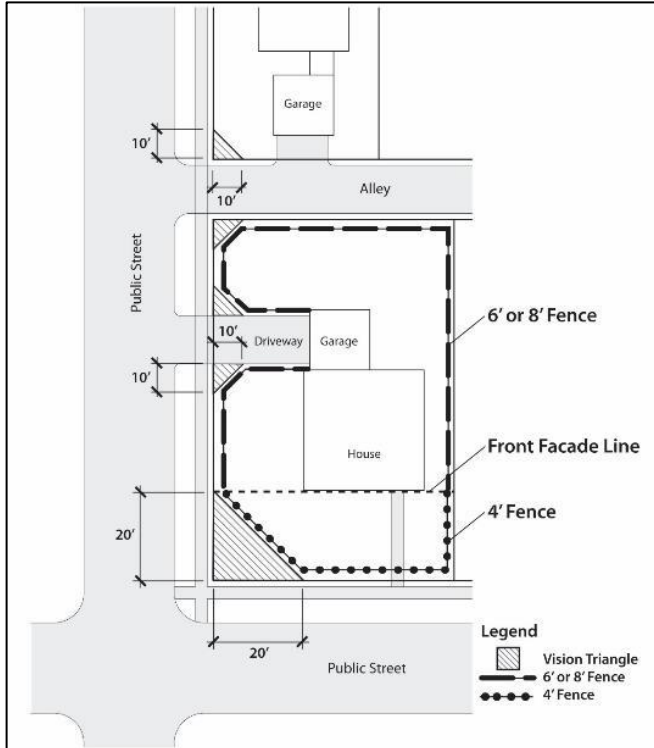
(6) Height.

- (d) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following:
 3. In the LI, MI, HI, IOS, IOC, AO, and EX zoning districts
 - a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.
 1. In the LI, MI, HI, IOS, IOC, and EX zoning districts security fencing height can be increased to 6 feet provided the fence is decorative in style, as determined by the Zoning Administrator.
 - b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.

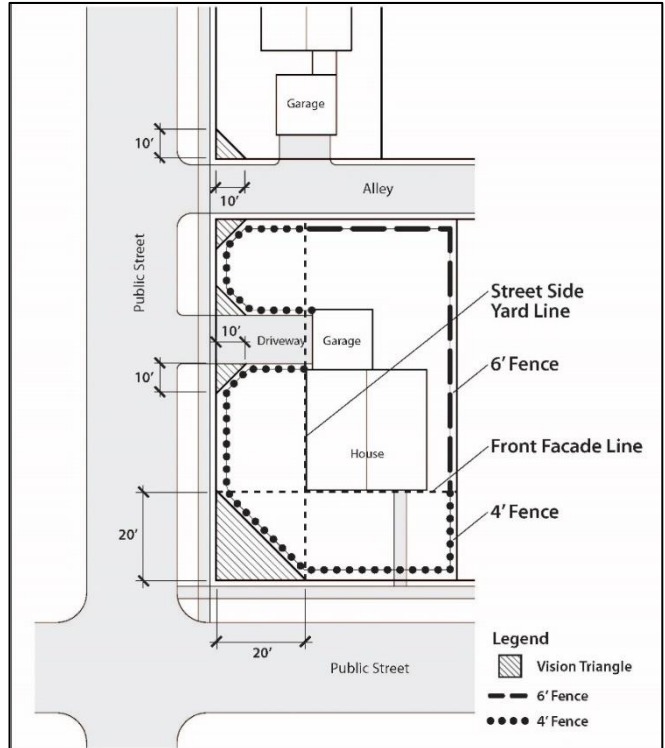
- c. Where permitted in rear or side yards, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.

10. Section 15.06.40 - Figure 15.06.40(c) Fencing Standard Design and Materials: Correcting Fence Standard Graphic Error to Match Text

Existing Figure 15.06.40(c)



Proposed New Figure 15.06.40(c)



11. Section 15.06.42(8) Swimming Pools: Matching Swimming Pool Requirements to Building Code and Building Practices

- (8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 46 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 6 feet from ground level. ~~Pools with walls less than 72 inches tall as measured from ground level on the outside edge of the wall shall be required to provide this fence.~~ Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. ~~This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.~~

- (a) Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removeable ladder or gate is provided, as approved by the Zoning Administrator.

~~(a)~~(b) This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.

12. New Section 15.06.51 Building Maintenance on Private Property: Adding Missing Provision From Past Zoning Ordinance (old zoning code 15.5.7)

(1) The following shall apply to all private property in the City of Fort Atkinson:

(a) It is unlawful to retain a building or structure in violation of the adopted building and housing code.

(b) It is unlawful to allow a building or structure to become substantially deteriorated through poor or no maintenance so that the structural integrity of the building becomes a health and/or safety concern.

(c) All exterior surfaces of a building or structure that are not inherently resistant to deterioration shall be treated periodically with a protective coating of paint or other suitable preservative that will provide adequate resistance to weathering and maintain an attractive appearance.

(d) Violations of this Section will be subject to the penalties provided in section 15.10.60.

13. Section 15.07.50(c)1.a.-c. Special Area Design Review: Correcting Naming Typo to Provide Consistency with Section

1. There are three categories of review in this district:

a. **Project-Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)

b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)

c. **Renovation-Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

14. Section 15.08.10(2) Landscaping Applicability: Simplifying Confusing Language

(2) Any use for which Planning Commission approval is required under Section 15.10.20 shall provide landscaping in accordance with the regulations of this Section, including the following development:

(a) New buildings and paved areas

(b) Expansions of existing buildings or paved areas. In the case of expansions, only the new portion of the building or paved area shall provide landscaping per the requirements of this Article. that exceed 50 percent of the existing floor area of the building

(c) ~~Expansions of paved areas that exceed 50 percent of the existing paved area:~~
1. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.

15. Section 15.09.11(1) Figure 15.09.01(1)B.1. Permanent Business Sign Group: Clarifying Lighting for Wall Signs

Wall Sign

- Sign Lighting Allowed: ~~Ambient, backlit, or gooseneck~~ Standard ^{12,13}

16. Section 15.09.11(1) Figure 15.09.01(1)D.4. Permanent Business Sign Group: Permitting an Additional Order Board Sign with Multiple Drive-Through Lanes

Order Board Signs

- Number of Signs Allowed: ~~1 for each business~~ 1 sign per drive-through lane
- Sign Area and Height: ~~24 sf area/8 ft height~~ 48 sf area/8 ft height¹⁰
- Footnote 10: Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 15.03.10(10). A maximum total of 96 sf of total Order Board Signs is permitted per business.

17. Section 15.02.84(4), 15.03.26(7)(b), 15.06.03(3), 15.06.05(3), 15.06.06(3), 15.06.42(3), 15.07.01(3): Making Site Plan Review Procedures Consistent Throughout the Zoning Ordinance

15.02.84(4): Airport Height limitations Overlay Zoning District: Site Plan Approval

- (a) No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (2) of this Chapter until the owner or his or her agent shall have applied in writing and obtained Site Plan Approval (Section 15.10.42) from the ~~Plan Commission~~ Zoning Administrator and City Engineer. Application for Site Plan Approval shall meet all requirements of Section 15.10.42, in addition to indicating the purpose, with sufficient information to determine whether such structure would conform to the regulations herein prescribed.

15.03.26(7)(b) Market Garden Land Use: Site Plan Approval

- (b) A site plan shall be submitted to the ~~Plan Commission~~ Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

15.06.03(3) Vehicle Access Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~ Zoning Administrator and Engineering Department, shall review and approve all proposed driveways and other access points on the subject property. See Chapter 90 of the Fort Atkinson Municipal Code.

15.06.05(3) Visibility Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~ Zoning Administrator, shall review and approve all development for conformance with this Section.

15.06.06(3) Off-Street Parking and Traffic Circulation: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42) the ~~Plan Commission~~Zoning Administrator, shall review and approve all development for conformance with this Section.

15.06.42(3) Swimming Pools: Site Plan Approval

- (3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. The ~~Zoning Administrator~~Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 15.10.42).

15.07.01(3) Exterior Building Design Standards: Site Plan Approval

- (3) Review and Approval. Through the building permit and/or site plan review process, the ~~Plan Commission~~Zoning Administrator shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

18. Section 15.10.32(18)-(19) Conditional Use Permit Procedures: Correcting Typo from Village to City

18. Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the ~~City Village~~ with the Register of Deeds for the subject property. The ~~City Village~~ shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
19. Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and ~~City Village~~ consideration under this Section.

19. Section 15.10.20 – Figure 15.10.20a: Review and Approval Activities and Bodies: Clarifying Procedures for Consistency with Text of the Zoning Ordinance

Figure 15.10.20a: Review and Approval Activities and Bodies

| Application Process | Staff | Plan Commission | City Council | Board of Zoning Appeals | Historic Preservation Commission |
|---|-----------------------------|------------------|--------------------|-------------------------|----------------------------------|
| Zoning Ordinance Amendment (§15.10.30) | RR | PH, RR | RE, A | | |
| Zoning Map Amendment (§15.10.31) | PM*, RR | PH, RR | RE, A | | |
| Conditional Use Permit (§15.10.32) | PM*, RR | RE, A | | Appeal Only | RR** |
| Temporary Use Permit (§15.10.40) | RE, IP | | | | |
| <u>Site Plan (§15.10.42)</u> | <u>RE, RR</u> | <u>A</u> | | | |
| Special Area Design Review (§15.10.43) | <u>See Figure 15.10.43a</u> | | | <u>Appeal Only</u> | |
| Group & Large Development (§15.06.02) | PM*, RR | RE, A | Appeal Only | | RR** |
| Planned Unit Development (§15.10.44) | PM*, RR | PH, RR | RE, A | | |
| Interpretation (§15.10.50) | RE, A | | | Appeal Only | |
| Variance (§15.10.51) | RR | | | PH, RE, A | |
| Appeal (§15.10.52) | RR | | | PH, RE, A | |
| Violations and Penalties (§15.10.60) | RE, A | | | | |
| Official Mapping (§Wis. Stats. 62.23(6)) | PM, RR | PH, RR | RE, A | | |
| Land Interest Transfer | RE, A | | | | |
| Land Division-CSM/no new lot (Chapter 70) | RE, A | | | | |
| Land Division-CSM/new lot (Chapter 70) | RR | RE, A | | | |
| Land Division-Preliminary Plat (Chapter 70) | RR | RR | RE, A | | |
| Land Division-Final Plat (Chapter 70) | RR | RR | A | | |
| Design Standard Variance (§ | RR | RE, A | | | RR** |
| Historic Preservation: Landmarking (Chapter 42) | PM, RR | RR | RE, A | | PH, RR |
| Historic Preservation: Certificate of Appropriateness (Chapter 42) | RE, A | | PH, A, Appeal Only | | PH, RE, A |
| RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action | | | | | |

Figure and footnotes continued on the following page.

Figure 15.10.20a: Review and Approval Activities and Bodies, Continued

| Application Process | Staff | Plan Commission | City Council | Board of Zoning Appeals | Historic Preservation Commission |
|---|--------|--------------------------------------|--------------|-------------------------|----------------------------------|
| Planning Document/Plans | PM, RR | RR | RE, A | | RR** |
| Annexation (Wis. Stats. 66.0217) | RR | PH, RR | RE, A | | |
| Attachment | | Refer to Adopted Agreement | | | |
| Street Vacation/Discontinuance (Wis. Stats. 66.1003) | RR | RR | PH, RE, A | | |
| Floodplain Map Amendment (Chapter 30) | | Refer to Wisconsin DNR/FEMA | | | |
| Privilege in the Right-of-Way (Wis. Stats. 62.23) | RE, A | | | | |
| Easement Acceptance/Release (Wis. Stats. 62.23) | RE, A | | | | |
| Sign Permit (§15.09) | | See Figures 15.09.11(1)-(4) | | | |
| Building Permit | RE, IP | See Chapter 18 of the Municipal Code | | | |
| Certificate of Occupancy | RE, IP | See Chapter 18 of the Municipal Code | | | |
| Community Living Arrangement Occupancy Permit (§15.10.33) | RE, IP | | | | |
| RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action | | | | | |

Note: This table is not exhaustive. Some procedures may not be covered within this table.

** If determined to be necessary by the Zoning Administrator.*

*** Historic Preservation Commission review and recommendation necessary if site/building is locally landmarked, individually listed or part of the State or National Register of Historic Places.*

20. Section 15.10.42(2) Site Plan Review and Approval Procedures: Clarifying Site Plan Approval Procedures

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including ~~redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following:~~ all multi-family residential, mixed use, commercial, industrial, institutional, storage, transportation, telecommunications, extraction and disposal, and energy production land uses where new or replacement structures or uses are proposed that are governed by this ordinance. Some other residential land uses and some accessory land uses may be subject to Site Plan review and approval.

~~(a) Residential accessory buildings, decks, and landscape features that do not affect site drainage patterns.~~

~~(b) Fences.~~

~~(c) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Section 15.10.44, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.~~

- (a) The degree of change shall be evaluated by the Zoning Administrator and City Engineer during the pre-application conference. Both must indicate in writing, submitted to the applicant, the change requires review by Plan Commission.



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

MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

FROM: Andy Selle, Director of Public Works

RE: Review and possible action relating to a Certified Survey Map for the property located at 720 Messmer St.

BACKGROUND

The proposed CSM will break the lot into 3 buildable lots from the existing parent parcel. The existing home will be demolished.

The existing home will be demolished. The Zoning is SR-7, the smallest, most dense, single family residential lot within the Code. The minimum lot size is 6,000 SF. The plan is consistent with in-fill development and exactly what the SR-7 zoning was intended to accomplish. The three lots meet all requirements of the Code.

RECOMMENDATION

At the meeting on July 11, 2023, the Plan Commission reviewed this matter and recommended that the City Council approve the Certified Survey Map.

Staff recommends that the City Council approve the Certified Survey.

ATTACHMENTS

PC Staff Report Packet; Certified Survey Map



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

CERTIFIED SURVEY MAP REPORT TO THE PLAN COMMISSION

DATE: July 11, 2023

FILE NUMBER: CSM-2023-08

PROPERTY ADDRESS: 720 Messmer St

EXISTING ZONING: SR-7

PARCEL NUMBER: 226-0614-3334-009

PROPOSED ZONING: N/A

OWNER: RTLE Properties

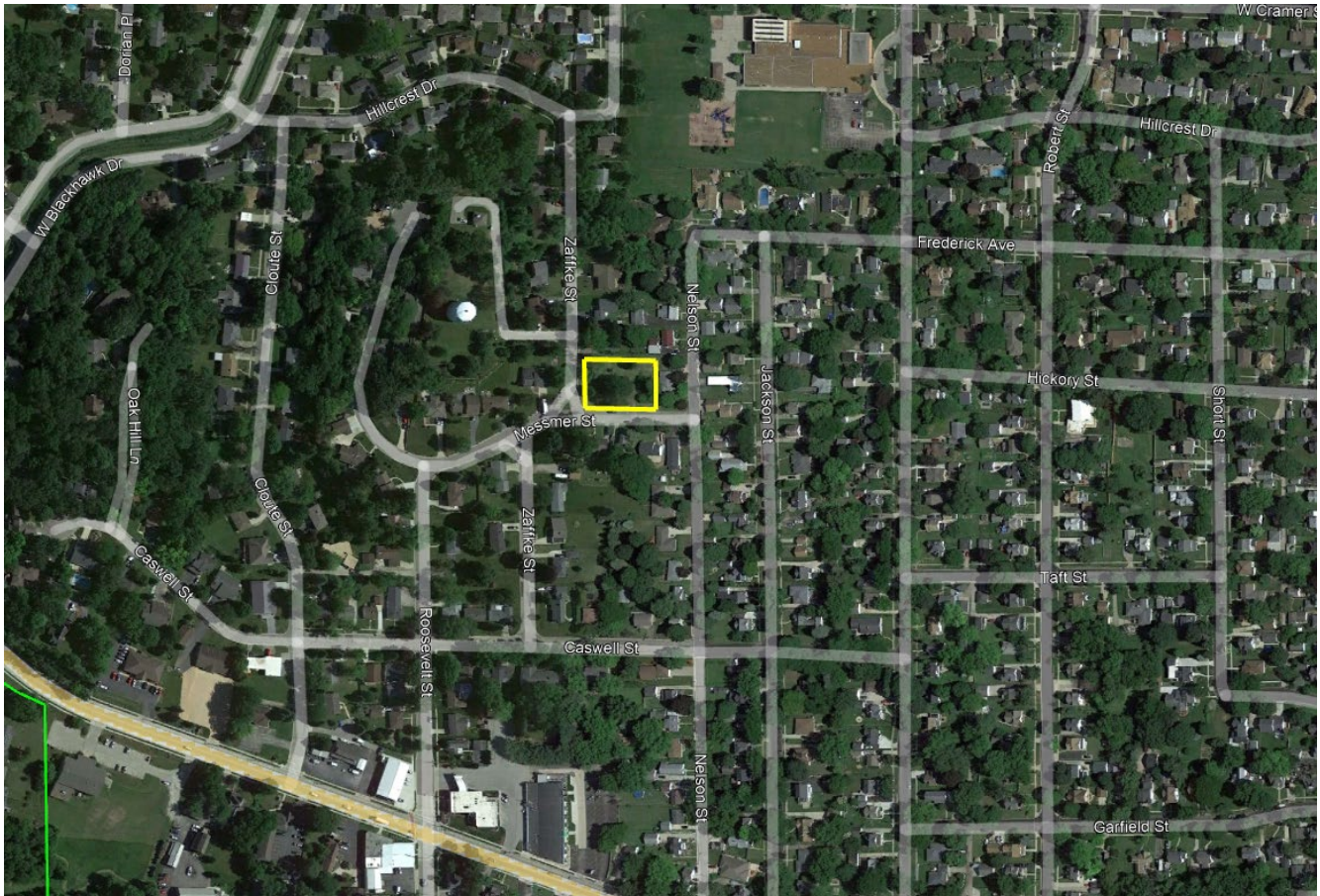
EXISTING LAND USE: Residential

APPLICANT: Ryan and Tara Foust

REQUESTED USES: Residential

REQUEST OVERVIEW:

The proposed CSM will break the lot into 3 buildable lots from the existing parent parcel. The existing home will be demolished.



CSM-2023-08





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

City of Fort Atkinson Certified Survey Map Application

This form is designed to be used by the Applicant as a guide to submitting a complete application for review of a Certified Survey Map by the City to process the application.

APPLICANT Name, company, and client (if applicable): RTLE PROPERTIES

RYAN FOUST

Phone number: 608-209-8045 Email: RYAN.FOUSTING@GMAIL.COM

OWNER Name, company, and client (if applicable): RTLE PROPERTIES

RYAN FOUST

Phone number: SAME Email: →

Postal address for proposed CSM: 720 MESSMER ST FT. ATK.

Parcel Identification Numbers Involved: 226-0614-3334-009

Brief description of proposed division or combination and purpose: DIVIDE .5 ACRE
LOT INTO THIRDS.

I Application Packet Requirements

The Applicant shall submit one electronic copy of the application.

- ☒ A map of the subject property to scale depicting:
 - ☒ All lands and boundaries for the parcel(s)
 - ☒ Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 - ☒ All lot dimensions of the subject property.
 - ☒ A graphic scale and a north arrow.
- ☒ Legal Description
- ☒ All easements, setbacks or land restrictions on the parcel(s)



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

II Process Checklist

- | | |
|--|-------------|
| <input type="checkbox"/> Application fee of \$100 plus \$10 per additional lot received by City Treasurer (Maximum \$500) | Date: _____ |
| <input type="checkbox"/> Receipt of complete application packet by Zoning Administrator | Date: _____ |
| <input type="checkbox"/> City Staff Review | Date: _____ |
| <input type="checkbox"/> Plan Commission Public Hearing, review and recommendation | Date: _____ |
| <input type="checkbox"/> City Council review and action | Date: _____ |

Dated this 26 day of JUNE, 20 23

Respectfully submitted,


(Signature of Applicant)



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

CITY OF FORT ATKINSON
COST RECOVERY AGREEMENT

The City of Fort Atkinson may retain the services of **professional consultants** (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and/or other experts) to assist in the City's review of a development proposal that may be scheduled for review and action by the Plan Commission and/or City Council. The submittal of a development proposal or land use application by an Applicant shall be construed as an **agreement to pay for such professional services** applicable to the proposal or application. The City may apply reasonable charges for these services to the Applicant through invoices. The City may delay acceptance of the proposal or application as complete, or may delay final approval of the proposal, until the Applicant pays such fees. In the event invoices become delinquent, finance charges will accrue at 1% per month, 30 days after the due date. Review fees invoiced to the Applicant, which are not paid in a timely manner, may be assigned by the City as a special assessment to the subject property. The Applicant hereby waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. The City will provide notice to the applicant of the need to hire a professional consultant.

The Applicant is required to provide the City with an executed copy of this Cost Recovery Agreement as part of the land use application process. Applications are not considered complete and will not be considered by the Plan Commission without this executed Agreement.

(RYAN FOUST)
Applicant Name: RTLE PROPERTIES Project Name: 1880
Project Address: 720 MEASMER ST. Parcel Number: 226-0614-3334-009

Dated this 26 day of JUNE, 2023

Agreement signed and entered into by:

The City of Fort Atkinson

City Manager

Property Owner Information:

Applicant Information (if different):

Owner Name: RYAN FOUST
RTLE PROPERTIES

Applicant Name: SAME

Owner Signature: [Signature]

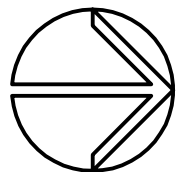
Applicant Signature: _____

Address: N2312 BECKER RD FT. ATK. Address: _____

Phone Number: 608.209.8645 Phone Number: _____

Email Address: RYAN.FOUST@RTLE Email Address: _____
GMAIL.COM

LOTS 8 & 22, 1960 ASSESSOR'S PLAT, CITY OF FORT ATKINSON,
AND ALSO BEING IN THE SE 1/4 OF THE SW 1/4, T.6N., 14E.,
SECTION 33, JEFFERSON COUNTY, WISCONSIN.



Referred to the Jefferson
County Coordinate System
with the East line of the SW
1/4 bearing *N01°11'31"W*

NOTES:

- 1) **Prepared for:** RTLE Properties LLC
N2312 Becker Rd.,
Fort Atkinson, WI, 53538
- 2) **SETBACKS**
FRONT = 20', 15' (COR. LOT)
SIDE = 7'
REAR = 20'

S. 1/4 COR.
SECTION 33,
CHISSELED
"X" IN CONC.
FOUND

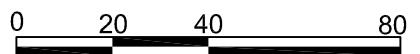
~~N01°11'31"W~~ 1039.63'

N01°11'31"W

N01°11'31"W 4232.62'

5272.25'

Scale 1" = 40'



Vicinity Map
SW 1/4,
Section 33-6-14
Scale 1" = 2000'

Vicinity Map

Legend:

- = 1-1/4" dia. iron pipe found unless otherwise noted
- = 3/4" X 18" rebar set 1.5lbs. per Lineal Foot
- = Sanitary Manhole

Parentheses indicate recorded as values.

W = Water Valve
H = Hydrant

N. 1/4 COR.
SECTION 33,
RR. SPK.
FOUND

MESSMER ST.

NELSON ST.

Wisconsin Mapping, LLC

* surveying and mapping services

306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

Dwg. No. 6111-23

Sheet 1 of 1

Date 6/22/2023



MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

FROM: Andy Selle, Director of Public Works

RE: Review and possible action relating to an Extra-Territorial Certified Survey Map for the property located at W7398 County Road C

BACKGROUND

The property owner would like to break off a +/- 16 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.2 miles from the City boundary. The Future Land Use map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

RECOMMENDATION

At the meeting on July 11, 2023, the Plan Commission reviewed this matter and recommended that the City Council approve the Extra-Territorial Certified Survey Map.

Staff recommends that the City Council approve the Certified Survey.

ATTACHMENTS

PC Staff Report Packet; Certified Survey Map



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

CERTIFIED SURVEY MAP (EXTRA-TERRITORIAL) REPORT TO THE PLAN COMMISSION

DATE: July 11, 2023

FILE NUMBER: CSM-2023-10

PROPERTY ADDRESS: W7398 County Rd C

EXISTING ZONING: N/A

PARCEL NUMBER: 022-0613-2544-001

PROPOSED ZONING: N/A

OWNER: John and Kristin Kutz

EXISTING LAND USE: Woods w/ Home

APPLICANT: John and Kristin Kutz

REQUESTED USES: N/A

REQUEST OVERVIEW:

The property owner would like to break off a +/- 16 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.2 miles from the City boundary.



PUBLIC NOTICE:

Public Notice is not required.

COMPREHENSIVE LAND USE PLAN (2019):

The [Future Land Use](#) map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

OFFICIAL MAP (2022):

There are no Officially Mapped corridors in this area.

RECOMMENDATION:

Staff recommends that the Plan Commission recommend the City Council approve this preliminary Certified Survey Map.

ATTACHMENTS:

Preliminary CSM Application



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

CERTIFIED SURVEY MAP (EXTRA-TERRITORIAL) REPORT TO THE PLAN COMMISSION

DATE: July 11, 2023

FILE NUMBER: CSM-2023-10

PROPERTY ADDRESS: W7398 County Rd C

EXISTING ZONING: N/A

PARCEL NUMBER: 022-0613-2544-001

PROPOSED ZONING: N/A

OWNER: John and Kristin Kutz

EXISTING LAND USE: Woods w/ Home

APPLICANT: John and Kristin Kutz

REQUESTED USES: N/A

REQUEST OVERVIEW:

The property owner would like to break off a +/- 16 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.2 miles from the City boundary.



PUBLIC NOTICE:

Public Notice is not required.

COMPREHENSIVE LAND USE PLAN (2019):

The [Future Land Use](#) map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

OFFICIAL MAP (2022):

There are no Officially Mapped corridors in this area.

RECOMMENDATION:

Staff recommends that the Plan Commission recommend the City Council approve this preliminary Certified Survey Map.

ATTACHMENTS:

Preliminary CSM Application



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

City of Fort Atkinson Certified Survey Map Application

This form is designed to be used by the Applicant as a guide to submitting a complete application for review of a Certified Survey Map by the City to process the application.

APPLICANT Name, company, and client (if applicable): _____

Phone number: _____ Email: _____

OWNER Name, company, and client (if applicable): _____

Phone number: _____ Email: _____

Postal address for proposed CSM: _____

Parcel Identification Numbers Involved: _____

Brief description of proposed division or combination and purpose: _____

I Application Packet Requirements

The Applicant shall submit one electronic copy of the application.

- ☐ A map of the subject property to scale depicting:
 - ☐ All lands and boundaries for the parcel(s)
 - ☐ Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 - ☐ All lot dimensions of the subject property.
 - ☐ A graphic scale and a north arrow.
- ☐ Legal Description
- ☐ All easements, setbacks or land restrictions on the parcel(s)



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

II Process Checklist

- | | |
|--|-------------|
| <input type="checkbox"/> Application fee of \$100 plus \$10 per additional lot received by City Treasurer (Maximum \$500) | Date: _____ |
| <input type="checkbox"/> Receipt of complete application packet by Zoning Administrator | Date: _____ |
| <input type="checkbox"/> City Staff Review | Date: _____ |
| <input type="checkbox"/> Plan Commission Public Hearing, review and recommendation | Date: _____ |
| <input type="checkbox"/> City Council review and action | Date: _____ |

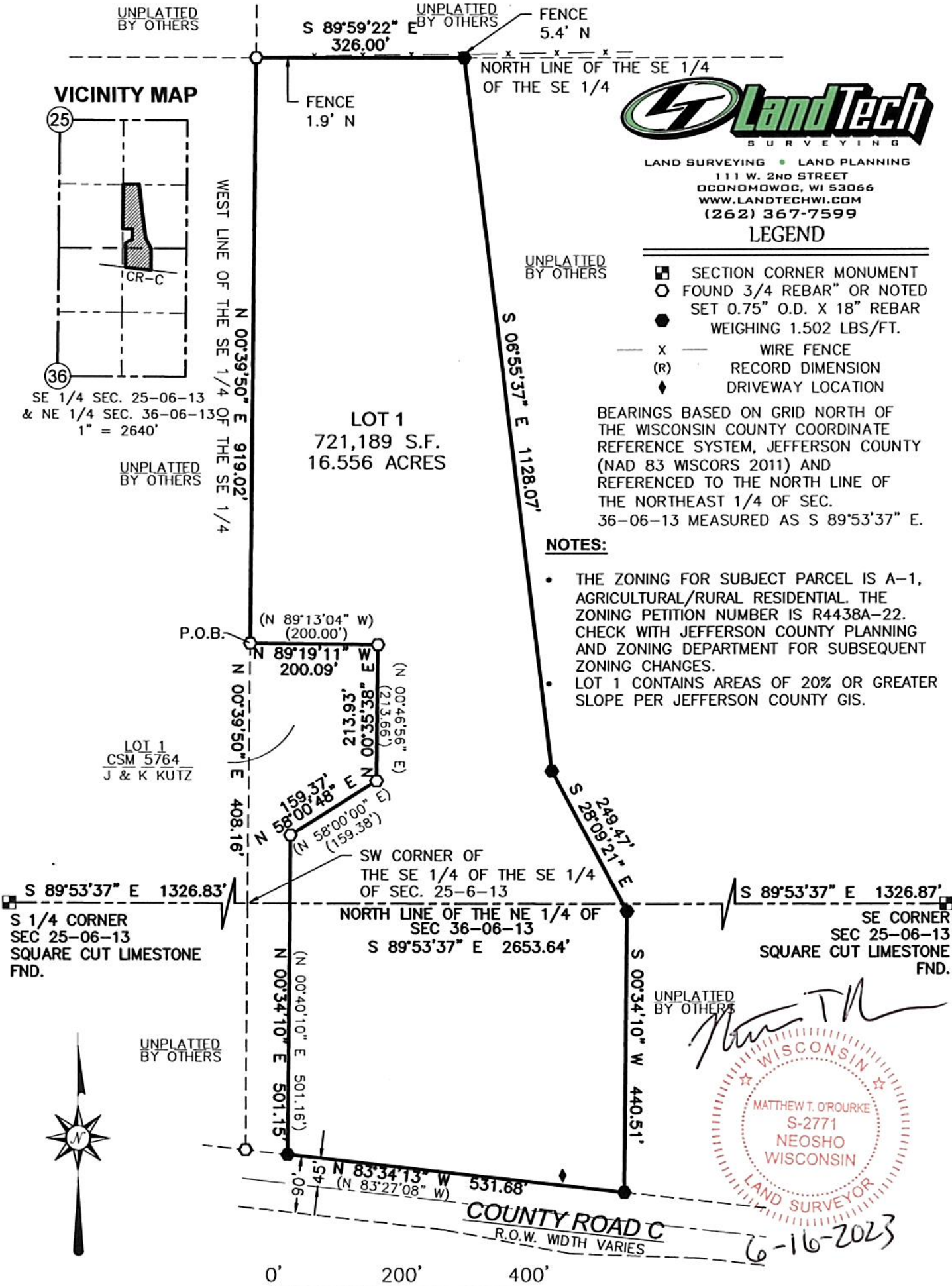
Dated this ____ day of _____, 20 ____

Respectfully submitted,

(Signature of Applicant)

JEFFERSON CO. CERTIFIED
SURVEY MAP NO. _____

BEING PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 25 AND THE NE 1/4
OF THE NE 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 13 EAST,
TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN.



PREPARED FOR:
JOHN KUTZ
W7398 COUNTY ROAD C
FORT ATKINSON, WI 53538

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771

REV: 06/12/2023
DATE 6/6/2023
JOB #22141
SHEET 1 OF 2

JEFFERSON CO. CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 25 AND THE NE 1/4 OF THE NE 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 13 EAST, TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED A DIVISION OF UNPLATTED LAND BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25 AND PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 13 EAST, TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 25, TOWN 6 NORTH, RANGE 13 EAST; THENCE S 89°53'37" E, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 25, 1326.83 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE N 00°39'50" E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25, 408.16 FEET TO THE POINT OF BEGINNING; THENCE N 00°39'50" E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25, 919.02 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE S 89°59'22" E, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25, 326.00 FEET; THENCE S 06°55'37" E, 1128.07 FEET; THENCE S 28°09'21" E, 249.47 FEET; THENCE S 00°34'10" W, 440.51 FEET TO THE NORTH R.O.W. OF COUNTY ROAD C; THENCE N 83°34'13" W, ALONG THE NORTH R.O.W. OF COUNTY ROAD C, 531.68 FEET TO THE EAST LINE OF CSM NO. 5764; THENCE N 00°34'10" E, ALONG THE EAST LINE OF CSM NO. 5764, 501.15 FEET; THENCE N 58°00'48" E, ALONG THE EAST LINE OF CSM NO. 5764, 159.37 FEET; THENCE N 00°35'38" E, ALONG THE EAST LINE OF CSM NO. 5764 213.93 FEET, TO THE NORTH LINE OF CSM NO. 5764; THENCE N 89°19'11" W, ALONG THE NORTH LINE OF CSM NO. 5764, 200.09 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 721,189 SQUARE FEET OR 16.556 ACRES.

THAT I HAVE MADE SAID SURVEY BY THE DIRECTION OF JOHN AND KRISTIN KUTZ OWNERS OF SAID LANDS.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF S. 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION CONTROL ORDINANCE OF JEFFERSON COUNTY, THE TOWN OF OAKLAND AND CITY OF FORT ATKINSON (EXTRATERRITORIAL) IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 16 DAY OF JUNE, 2023.


MATTHEW T. O'ROURKE, S-2771



TOWN OF OAKLAND APPROVAL

THIS LAND DIVISION IS HEREBY APPROVED BY THE TOWN OF OAKLAND,

THIS 29th DAY OF June, 2023


AUTHORIZED SIGNATURE

Susan M. Dascenzo
PRINT NAME

CITY OF FORT ATKINSON (EXTRATERRITORIAL) APPROVAL

THIS LAND DIVISION IS HEREBY APPROVED BY THE CITY OF FORT ATKINSON (EXTRATERRITORIAL),

THIS _____ DAY OF _____, 20____.

AUTHORIZED SIGNATURE

PRINT NAME

JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE APPROVAL

THIS LAND DIVISION IS HEREBY APPROVED BY THE JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE,

THIS _____ DAY OF _____, 20____.

MATT ZANGL, ZONING DIRECTOR



MEMORANDUM

DATE: July 18, 2023

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to Original Alcohol Beverage License and Cigarette and Tobacco License application for the licensing period of July 19, 2023 to June 30, 2024

BACKGROUND

The State of Wisconsin regulates alcohol licensing for local governments through Chapter 125. There are three classes of Licenses; Class A, Class B and Class C. "Class C" pertains strictly to wine with consumption on-site in a restaurant. The difference between Class A and B is where alcohol is authorized for sale and for consumption. Class A generally offers sale of alcohol on-site with consumption off-site (e.g. grocery or liquor store, gas station or convenience store). Class B allows for on-site sale and on-site consumption (e.g. Restaurant, Bar, Bowling Alley, Tavern). Class A can easily be remembered because alcohol is consumed *Away* from the premises. Likewise, Class B you consume on-site, for example *Bar*.

DISCUSSION

The gas station located at 303 S Main Street was purchased in 2022 and is managed by Kings Oil Company LLC of Dallas Texas. A lease was approved on April 24, 2023 for Handyspot 105, LLC to operate the location. However, Handyspot did not officially take over the location until the last week of June.

The prior lease and alcohol license was with Ameer Investments. Ameer surrendered their Class "A" Fermented Malt Beverage and "Class A" Liquor – Cider Only license and Cigarette and Tobacco License on Thursday June 29th. The location and Handyspot did not have valid licenses to sell alcohol or tobacco products and immediately removed the items from the sales floor.

Handyspot completed the Original License application, Supplemental Questionnaires, Schedule for Appointment of Agent, proof of Wisconsin Seller's Identification, Federal Identification Number and a copy of the lease agreement.

The Agent, Darcy Wargolet has served as the agent for several years and remains in this position. Chief Bump and the Police Department performed back ground checks with success. Following the backgrounds, a Cigarette and Tobacco License was issued on July 7, 2023 to allow the business to maintain sales revenue and frequent customers.

The License Committee is reviewing and providing a recommendation to the City Council at their meeting July 18th, 2023 at 6:30 pm.

FINANCIAL ANALYSIS

The license fee includes \$100 for publication, \$100 for the Class "A" Fermented Malt beverage license and \$100 for the Cigarette and Tobacco License.

RECOMMENDATION

Staff recommends the City Council approval of the Original Alcohol License and Cigarette and Tobacco License Application for the licensing period of July 19, 2023 to June 30, 2024 for Handyspot 105 LLC, for use at 303 S. Main Street contingent upon all monies owed are paid prior to license issuance by the City Clerk.

ATTACHMENTS Alcohol and Cigarette License Application materials

Form
AT-106

Original Alcohol Beverage
License Application

| | |
|-----------------|-----------------|
| FOR CLERKS ONLY | |
| Municipality | C Fort Atkinson |
| License Period | 2023-2024 |

License(s) Requested

- ☒ Class "A" Beer \$ 100- ☐ "Class A" Liquor \$ _____
- ☐ Class "B" Beer \$ _____ ☐ "Class B" Liquor \$ _____
- ☐ "Class C" Wine \$ _____ ☒ "Class A" Liquor (Cider Only) \$ 0
- ☐ Reserve "Class B" Liquor \$ _____ ☐ "Class B" (Wine Only) Winery \$ _____

| | |
|------------------|----------------|
| License Fees | \$ <u>100-</u> |
| Publication Fee | \$ <u>100-</u> |
| Background Check | \$ _____ |
| Total Fees | \$ <u>200-</u> |

Part A: Premises/Business Information

| | | |
|--|---|--|
| 1. Legal Business Name (registered entity name or individual's name if sole proprietorship) <u>HANDYSPOT 105 LLC</u> | | |
| 2. Trade Name or DBA <u>HANDYSPOT 105 LLC</u> | | |
| 3. Premises Address <u>303 S MAIN ST</u> | | |
| 4. County <u>JEFFERSON</u> | 5. Municipality <u>FORT ATKINSON</u> | 6. Aldermanic District <u>_____</u> |
| 7. Mailing Address (if different from premises address) | | |
| 8. FEIN <u>93-1455366</u> | 9. Wisconsin Seller's Permit Number <u>456-1031414471-04</u> | |
| 10. Premises Phone <u>9205634808</u> | 11. Premises Email <u>HANDYSPOTLLC@gmail.com</u> | |
| 12. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization | | |
| 13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. Alcohol beverages may be sold and stored ONLY on the premises described in this application. Attach additional sheets if necessary. <u>Single Story Building 1 Office Space, 1 Storage Room</u> <u>Beer is inside cooler</u> | | |

Part B: Questions

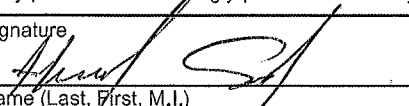
1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate. ☒ Yes ☐ No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No
If yes, please explain using the space below. Attach additional sheets if necessary.


| | | |
|---|--|----------------------------|
| Part C: For Corporate/LLC Applicants Only | | |
| 1. State of Registration <u>WISCONSIN</u> | 2. Date of Registration <u>04/28/2023</u> | |
| 3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Name of Parent Company | FEIN of Parent Company | |
| 4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary. | | |
| 5. Agent's Last Name <u>WARGOLET</u> | Agent's First Name <u>DARCY</u> | Phone <u>9205634808</u> |

| |
|--|
| Part D: Individual Information |
| A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company. |

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

| Last Name | First Name | Title | Phone |
|--------------|--------------------|-----------------------|-------------------|
| <u>SINGH</u> | <u>HARVINDER</u> | <u>BUSINESS OWNER</u> | <u>2696053005</u> |
| <u>SINGH</u> | <u>KULJIT PAUL</u> | <u>BUSINESS OWNER</u> | <u>2698611800</u> |
| | | | |
| | | | |

| | | |
|---|--|----------------------------|
| Part E: Attestation | | |
| Who must sign this application? <input type="checkbox"/> sole proprietor <input type="checkbox"/> one general partner of a partnership <input type="checkbox"/> one corporate officer <input type="checkbox"/> one managing member of an LLC | | |
| READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted. | | |
| Signature  | Date <u>06/29/2023</u> | |
| Name (Last, First, M.I.) <u>SINGH HARVINDER</u> | | |
| Title <u>BUSINESS OWNER</u> | Email <u>HANDYSPOTLLC@gmail.com</u> | Phone <u>2696053005</u> |

| | | |
|--|---|---|
| Part F: For Clerk Use Only | | |
| Date application was filed with clerk <u>06.29.2023</u> | Date reported to governing body <u>7.18.2023</u> | Date provisional license issued (if applicable) |
| Date license granted | License number | Date license issued |
| Signature of Clerk/Deputy Clerk  | | |

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☒ City of FORT ATKINSON County of JEFFERSON

The undersigned duly authorized officer/member/manager of HANDYSPOT 105 LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

HANDYSPOT 105 LLC
(Trade Name)

located at 303 S MAIN ST FORT ATKINSON WI 53538

appoints DARCY WARGOLET
(Name of Appointed Agent)

320 WEST BLACKHAWK DR #18 FORT ATKINSON WI 53538
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☒ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? Life

Place of residence last year 320 WEST BLACKHAWK DR #18 FORT ATKINSON WI 53538

For: HANDYSPOT 105 LLC
(Name of Corporation / Organization / Limited Liability Company)

By: _____
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Darcy Wargolet, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Darcy Wargolet 6-29-23 Agent's age _____
(Signature of Agent) (Date)
FORT ATKINSON, WI Date of birth _____
(Home Address of Agent) 53538

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 07-06-23 by [Signature] Title Chief of Police
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Form
AT-103

Alcohol Beverage License Application Supplemental Questionnaire

Date
06/29/2023

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all officers, directors, and agent of a corporation or nonprofit organization
- all partners of a partnership
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information

1. Registered Entity Name (or individual name if sole proprietor)

HANDYSPOT 105 LLC

2. Trade Name or DBA

HANDYSPOT 105 LLC

3. Entity Type (check one)

☐ Sole Proprietor

☐ Partnership

☒ Limited Liability Company

☐ Corporation

☐ Nonprofit Organization

Part B: Individual Information

1. Name (Last, First, M.I.)

SINGH KULJIT PAUL

2. Relationship to Registered Entity (Title)

BUSINESS OWNER

3. Email

HANDYSPOT LLC@gmail.com

4. Phone

2698611800

5. Home Address

480 OLD WALNUT CIR

6. City

GURNEE

7. State

IL

8. Zip Code

60031

9. Date of Birth

09/08/1976

10. Drivers License/State ID Number

S620-5157-6256

11. Drivers License/State ID State of Issuance

IL

Part C: Address History

List in chronological order your last two residence addresses within the last 5 years.

Previous Address 1

Previous City, State, Zip

Dates (MM/YYYY - MM/YYYY)

Previous Address 2

Previous City, State, Zip

Dates (MM/YYYY - MM/YYYY)

Part D: Employment History

List in chronological order your last two employers within the last 5 years.

Employer's Name

MALATHON STATION

Employer's Address

2670 M-139 BENTON HARBOR, MI 49022

Dates Employed (MM/YYYY - MM/YYYY)

06/2016 - up to now

Employer's Name

Employer's Address

Dates Employed (MM/YYYY - MM/YYYY)

Part E: Criminal History

1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? ☐ Yes ☒ No

If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

| | |
|------------------------|--|
| Law/Ordinance Violated | Trial Date |
| Penalty Imposed | Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Law/Ordinance Violated | Trial Date |
| Penalty Imposed | Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No |

2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? ☐ Yes ☒ No

If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

Part F: Questions

1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. ☒ Yes ☐ No

ILLINOIS

- | | | |
|---|-------|--------|
| 2. How long have you continuously lived in Wisconsin prior to the date of application? | Years | Months |
| 3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |

Part G: Attestation

READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

| | |
|---|-----------------|
| Signature  | Date 06/29/2023 |
|---|-----------------|

Alcohol Beverage License Application
Supplemental QuestionnaireDate
06/29/2023

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

| | | | | |
|--|--------------------------------------|---|--------------------------------------|---|
| Part A: Premises/Business Information | | | | |
| 1. Registered Entity Name (or individual name if sole proprietor) HANDYSPOT 105 LLC | | | | |
| 2. Trade Name or DBA HANDYSPOT 105 LLC | | | | |
| 3. Entity Type (check one) | | | | |
| <input type="checkbox"/> Sole Proprietor | <input type="checkbox"/> Partnership | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Corporation | <input type="checkbox"/> Nonprofit Organization |

| | | | | |
|--|----------------|--|--------------------------------|------------------------|
| Part B: Individual Information | | | | |
| 1. Name (Last, First, M.I.) SINGH HARVINDER | | | | |
| 2. Relationship to Registered Entity (Title) BUSINESS OWNER | | 3. Email HANDYSPOTLLC@gmail.com | | 4. Phone 2696053005 |
| 5. Home Address 2144 WINTERS WAY | | | | |
| 6. City ST JOSEPH | 7. State MI | 8. Zip Code 49085 | 9. Date of Birth 08/04/1977 | |
| 10. Drivers License/State ID Number S520 298 278610 | | 11. Drivers License/State ID State of Issuance MI | | |

| | |
|--|---------------------------|
| Part C: Address History | |
| List in chronological order your last two residence addresses within the last 5 years. | |
| Previous Address 1 | |
| Previous City, State, Zip | Dates (MM/YYYY - MM/YYYY) |
| Previous Address 2 | |
| Previous City, State, Zip | Dates (MM/YYYY - MM/YYYY) |

| | |
|--|---|
| Part D: Employment History | |
| List in chronological order your last two employers within the last 5 years. | |
| Employer's Name SPRINGS INC | |
| Employer's Address 790 E MAIN ST BENTON HARBOR, MI 49022 | Dates Employed (MM/YYYY - MM/YYYY) 08/2015 - until now |
| Employer's Name | |
| Employer's Address | Dates Employed (MM/YYYY - MM/YYYY) |

Part E: Criminal History

1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? ☐ Yes ☒ No

If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

| | |
|------------------------|--|
| Law/Ordinance Violated | Trial Date |
| Penalty Imposed | Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Law/Ordinance Violated | Trial Date |
| Penalty Imposed | Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No |

2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? ☐ Yes ☒ No

If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

Part F: Questions

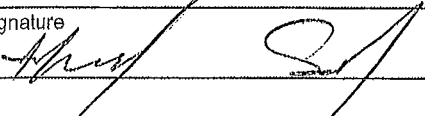
1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. ☒ Yes ☐ No

MICHIGAN

- | | | |
|---|-------|--------|
| 2. How long have you continuously lived in Wisconsin prior to the date of application? | Years | Months |
| 3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |

Part G: Attestation

READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

| | |
|--|--------------------|
| Signature  | Date 06/29/2023 |
|--|--------------------|



CITY OF FORT ATKINSON
JEFFERSON COUNTY
WISCONSIN

CIGARETTE & TOBACCO PRODUCTS LICENSE

For the Sale of
Cigarette and Tobacco Products.

WHEREAS, the local governing body of the City of Fort Atkinson, Jefferson County, Wisconsin, has upon application duly made, granted and authorized the issuance of a Cigarette and Tobacco Products License as defined by and pursuant to Section 134.65 of the Statutes of the State of Wisconsin and Local Ordinances, and;

WHEREAS, the said applicant has paid to the Treasurer the sum of \$100.00 and has complied with all the requirements necessary for obtaining such license;

LICENSES ARE HEREBY ISSUED to said applicant for the manufacture, sales, exchange, barter, disposition of or giving away or keeping the sale of cigarettes, cigarette paper, cigarette wrappers, or tobacco products made or prepared for the purpose of being filled with tobacco for smoking as defined in State Statute.

HANDYSPOT 105 LLC
Handyspot 105
303 S. Main Street
Fort Atkinson WI 53538

Over the Counter Sales
of Cigarette and Tobacco Products

This license is effective for licensing period 07/07/2023 - 06/30/2024.



Given under my hand and seal of the
City of Fort Atkinson, County of Jefferson,
State of Wisconsin on July 6th, 2023.

COPY

Michelle A Ebbert, City Clerk/Treasurer/Finance Director

This license must be FRAMED and POSTED in a conspicuous place where
Cigarette and Tobacco products are sold.

License Number: **CIG-23-24-2000**
Fee: **\$100.00**

Application for Cigarette and Tobacco Products Retail License

Submit to municipal clerk.

MUNICIPAL USE ONLY

| |
|---|
| License Number CLG-23-24-2000 |
| Period Covered 7-7-23 / 6-30-24 |
| Date of Issuance 7-7-2023 |

| |
|---|
| Applicant's Wisconsin 15-digit Sales Tax Account Number 456-1031414471-04 |
|---|

← This must be issued in the same Legal Name of the licensee below.

| | | | | | |
|---|--------------------|--------------------------|--|--|--|
| Legal Name (corporation, limited liability company, partnership or sole proprietorship) HANDYSPO7 105 LLC | | | Federal Employer Identification No. (FEIN) 93-1455366 | | |
| Trade or Business Name (if different than Legal Name) HANDYSPO7 105 LLC | | | Telephone Number () | | |
| Business Address (License Location) 303 S MAIN ST | | | Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town | | |
| Municipality FORT ATKINSON | State WI | Zip Code 53538 | of: FORT ATKINSON | | |
| Mailing Address (if different than Business Address) | | | Business Telephone (920) 563 4808 | | |
| | | | County JEFFERSON | | |
| | | | State Zip Code | | |

Organization (check one)

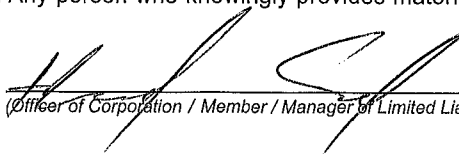
☐ Sole Proprietor ☐ Wisconsin Corporation – Enter date incorporated: _____
☐ Partnership ☐ Out-of-State Corporation – Are you registered to do business in Wisconsin? ☐ Yes ☐ No
☒ Other (describe) **LIMITED LIABILITY COMPANY (LLC)**

- ☒ Yes ☐ No 1. Does the applicant understand that they must purchase cigarettes only from distributors or jobbers who hold a permit with the Wisconsin Department of Revenue?
- ☒ Yes ☐ No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, revenue.wi.gov/forms/excise/ctp-129.pdf.)
- ☒ Yes ☐ No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- ☒ Yes ☐ No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- ☒ Yes ☐ No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- ☒ Yes ☐ No 6. Does the applicant understand that they may not sell single cigarettes?
- ☒ Yes ☐ No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- ☒ Yes ☐ No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco-directory may be sold in Wisconsin?

Cigarettes / Tobacco will be sold ☒ over counter ☐ through vending machine ☐ both

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another.

Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)