



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

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 19, 2022 – 7:00 PM
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/5997866403?pwd=alcreldSbGpNUVl1VnR1RWF5bXovdz09>

Meeting ID: 599 786 6403
Passcode: 53538

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AGENDA

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

- a. Review and possible action relating to the **minutes of the June 30, 2022 Economic Development Committee meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- b. Review and possible action relating to the **minutes of the July 5, 2022 regular City Council meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- c. Review and possible action relating to the **minutes of the July 5, 2022 License Committee meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- d. Review and possible action relating to the **minutes of the July 13, 2022 Finance Committee meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- e. Review and possible action relating to **building, plumbing, and electrical permit report for June 2022** (Draeger, Building Inspector/Zoning Administrator)
- f. Review and possible action relating to the City Clerk-issued **License and Permit Report for June 2022** (Ebbert, Clerk/Treasurer/Finance Director)
- g. **City Sewer, Water, and Stormwater Utility Financial Statements** as of June 30, 2022 (Ebbert, Clerk/Treasurer/Finance Director)
- h. Review and possible action relating to **Special Event: Parks & Recreation Youth Triathlon**, Saturday July 30, 2022 at Rock River Park, Aquatic Center and Montclair Subdivision (Ebbert, Clerk/Treasurer/Finance Director)
- i. Review and possible action relating to **Special Event: Lemke Legacy 5K**, August 20, 2022 at Lion's Park Shelter, Glacier Trail (Ebbert, Clerk/Treasurer/Finance Director)
- j. Review and possible action relating to **Special Event: American Legion Post 166 2022 AA State Legion Baseball Tournament**, July 29-August 2, 2022 at Jones Park (Ebbert, Clerk/Treasurer/Finance Director)
- k. Review and possible action relating to **Special Event: Lion's Club, Brat & Curd Stand**, during Rhythm Remix, Saturday, August 27, 2022 at Lorman Bicentennial Park (Ebbert, Clerk/Treasurer/Finance Director)

6. Petitions, Requests, and Communications – None

7. Resolutions and Ordinances:

- a. Review and possible action relating to a **Resolution approving participation in the 2023 Jefferson County Road Aid Program** and authorizing the City's contribution of \$6,191 from the 2022 Street Program budget (Selle, City Engineer/Director of Public Works)
- b. Second reading of an **Ordinance to amend the Official Zoning Map** of the City of Fort Atkinson to change the zoning of the properties located at 603 N. Fourth Street, 609 N. Fourth Street, 615 N. Fourth Street, and 403 McMillen Street, from SR-5, Single-family Residential – 5, to I, Institutional (Selle, City Engineer/Director of Public Works)
- c. Third and final reading of an **Ordinance to amend the Official Zoning Map** of the City of Fort Atkinson to change the zoning of 1205 Industrial Drive from HI,

Heavy Industrial, to MI, Medium Industrial (Selle, City Engineer/Director of Public Works)

- d. First reading of an **Ordinance Annexing** the territory located at W6490 Campus Drive and W6492 Campus Drive to the City of Fort Atkinson (Selle, City Engineer/Director of Public Works)

8. Reports of Officers, Boards, and Committees:

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

9. Unfinished Business-None

10. New Business:

- a. Review and possible action relating to the **repurchase of land** per the Klement Business Park Covenants (LeMire, City Manager)
- b. Review and possible action relating to **Alcohol Beverage License** application for Guanajuato Produces for the licensing period of July 19, 2022 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)
- c. Review and possible action relating to **Alcohol Beverage License** application for La Morenita, LLC for the licensing period of July 19, 2022 to June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)

11. Miscellaneous – None

12. Claims, Appropriations and Contract Payments:

- a. Review and possible action relating to a **vehicle damage claim** against the City of Fort Atkinson from an incident on June 27, 2022 (Ebbert, Clerk/Treasurer/Finance Director)
- b. Review and possible action relating to the **Verified Claims** presented by the Director of Finance and authorization of payment (Ebbert, Clerk/Treasurer/Finance Director)

13. Adjournment

Date Posted: July 14, 2022

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

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

**ECONOMIC DEVELOPMENT COMMISSION MEETING
IN PERSON AND VIA ZOOM
THURSDAY, JUNE 30, 2022 – 3:00 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

Manager LeMire called the meeting to order at 3:00 pm.

2. ROLL CALL

Present: McGlynn, Ralston, Bare, Nelson, Camplin and Cm Johnson. Also present: Ex-Officio City Manager LeMire, Clerk/Treasurer Ebbert, JCEDC representative Deb Reinbold, Pete's Tire representatives Rachel Pattermann and Pete Brock.

3. REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE JANUARY 28, 2022 ECONOMIC DEVELOPMENT COMMISSION MEETING

Cm. Becker moved, seconded by Cm. Camplin to approve the minutes of the January 28, 2022 Economic Development Commission meeting. Motion carried.

4. UPDATE RELATING TO ECONOMIC DEVELOPMENT PROJECTS

Manager LeMire stated she was selected as the Chair of the JCEDC, she stated that she is working with the RB Scott/Mickelson group regarding their property in TID 6, two potentially new Tax Incremental Districts. She also noted a few RFIs pertaining to city property.

5. THE ECONOMIC DEVELOPMENT COMMISSION WILL ADJOURN INTO CLOSED SESSION PER WIS. STAT. §19.85(1)(F) TO CONSIDER FINANCIAL AND PERSONAL INFORMATION OF AN APPLICANT FOR THE CITY OF FORT ATKINSON'S CAPITAL CATALYST REVOLVING LOAN FUND (CCRLF)

Cm. Becker moved, seconded by Cm. Bare to adjourn into closed session pursuant to Wis Stat. SS 19.85(1)(F) to consider financial and personal information of an applicant for the City of Fort Atkinson's Capital Catalyst Revolving Loan Fund. Motion carried unanimously.

6. THE ECONOMIC DEVELOPMENT COMMISSION WILL RETURN TO OPEN SESSION AND MAY TAKE ACTION RELATING TO AN APPLICATION FROM PETE'S TIRE SERVICE, INC./RJ 2, LLC FOR THE CCRLF

Cm. Camplin moved, seconded by Cm. Becker to return to open session. Motion carried unanimously

Cm. McGlynn moved, seconded by Cm. Bare to approve a Capital Catalyst Revolving Loan in the amount of \$100,000 with a 2% fixed rate for a 10 year term with a personal guarantee from anyone 20% or more of ownership with Pete's Tire Service. Motion carried unanimously.

7. ADJOURNMENT

Cm. Becker moved, seconded by Cm. Bare to adjourn. Meeting adjourned at 3:42pm.

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

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 5, 2022 – 7:00 PM
CITY HALL – SECOND FLOOR**

CALL MEETING TO ORDER

President Becker called the meeting to order at 7:01 pm.

ROLL CALL

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

PUBLIC HEARINGS - NONE

PUBLIC COMMENT - NONE

CONSENT AGENDA:

- a) *Review and possible action relating to the minutes of the June 21, 2022 regular Fort Atkinson City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b) *Review and possible action relating to the minutes of the June 28, 2022 regular Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c) *Review and possible action relating to the minutes of the June 29, 2022 Loan Review Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- d) *Discussion and possible action relating to Temporary Class "B"/"Class B" Retailer's Licenses for the Fort Atkinson Club for events on July 15 and August 19, 2022 (Ebbert, Clerk/Treasurer/Finance Director)*
- e) *Discussion and possible action relating to Temporary Class "B" Retailer's Licenses for Easton's Cause for the 11th Annual EAB Softball Tournament on July 16-17, 2022 (Ebbert, Clerk/Treasurer/Finance Director)*
- f) *Review and possible action relating to Special Event: EAB Softball Tournament-Easton's Cause (Ebbert, Clerk/Treasurer/Finance Director)*

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

PETITIONS, REQUESTS, AND COMMUNICATIONS:

- a) *Review and possible action relating to proclamation recognizing July as Parks and Recreation Month in the City of Fort Atkinson (LeMire, City Manager)*

Cm. Becker moved, seconded by Cm. Johnson to approve the proclamation recognizing July as Parks and Recreation Month in the City of Fort Atkinson. Motion carried.

- b) *Recognition of the retirement of Amy Lutzke after 24 years of service to the Dwight Foster Public Library (Robinson, Library Director)*

No action required.

- c) *Presentation of the City of Fort Atkinson Financial Statements and Supplemental Information for the year ending December 31, 2021 (Andrea Jansen, CPA, CFE, Partner, Baker Tilly US, LLP)*

Cm. Hartwick moved, seconded by Cm. Johnson to accept and file the 2021 Financial Statements. Motion carried.

RESOLUTIONS AND ORDINANCES:

- a) *First reading of an Ordinance to amend the Official Zoning Map of the City of Fort Atkinson to change the zoning of the properties located at 603 N. Fourth Street, 609 N. Fourth Street, 615 N. Fourth Street, and 403 McMillen Street, from SR-5, Single-family Residential – 5, to I, Institutional (Selle, City Engineer/Director of Public Works)*

Engineer Selle presented the request from Fort Healthcare for a Zoning Map Amendment for the individual parcels located at 603 N Fourth St, 609 N Fourth St, 615 N Fourth St, and 403 McMillen St. Fort Healthcare is also the current owner of the proposed locations.

This Request for a Zoning Map Amendment came before the Plan Commission at a Public Hearing for that purpose on June 27, 2022. There were several residents in the Public Hearing at the Plan Commission meeting. Most were looking for additional clarity on the proposed Zoning Map Amendment and associated expansion of the Fort Healthcare campus. After discussion, the Plan Commission unanimously recommended that the proposed Zoning Map Ordinance move on to the first reading of the proposed Zoning Map Ordinance at Council.

Cm. Hartwick moved, seconded by Cm. Becker to direct the City Manager to prepare this Ordinance for a second reading at the City Council meeting on July 19, 2022. Motion carried.

- b) *Second reading of an Ordinance to amend the Official Zoning Map of the City of Fort Atkinson to change the zoning of 1205 Industrial Drive from HI, Heavy Industrial, to MI, Medium Industrial (Selle, City Engineer/Director of Public Works)*

Engineer Selle reviewed the request for a Zoning Map Amendment that came before the Plan Commission at a Public Hearing on June 14, 2022. There were no participants in the Public Hearing at the Plan Commission meeting. After discussion, the Plan Commission unanimously recommended that the City Council approve the Zoning Map Amendment.

The applicant also applied for a Conditional Use Permit for the expansion of a personal storage use on this property, which was approved by the Plan Commission on June 28th subject to Council approval of this Zoning Map Amendment and other conditions outlined in the attached Resolution.

Cm. Becker moved, seconded by Cm. Johnson to direct the City Manager to prepare this Ordinance for a third and final reading at the City Council meeting on July 19, 2022. Motion carried.

c) Second Reading of an Ordinance Annexing the territory along the southwest corner of US Highways 12 and 26 to the City of Fort Atkinson (Selle, City Engineer/Director of Public Works)

Engineer Selle presented the second reading on behalf of property owner Fort Healthcare Inc., has requested the annexation of the property located on the southwest corner of US Highways 12 and 26 from the Town of Koshkonong to the City of Fort Atkinson. The parcel (016-0614-3224-000) was purchased by Fort Healthcare Inc. in 2016 with the goal of building a new hospital facility. Fort Healthcare's plans have changed, and they are no longer interested in building a new facility in this location. City staff and representatives from Fort Healthcare have been working together on a number of projects, and staff suggested annexation of the property prior to any future sale so that the property would be subject to the City's zoning regulations and would not be prematurely developed in the Town.

Cm. Becker moved to suspend the rules and waive the third reading of this Ordinance annexing territory. Motion seconded by Cm. Johnson and carried.

Cm. Becker moved, seconded by Cm. Hartwick to adopt this Ordinance annexing the territory along the southwest corner of US Highways 12 and 26 to the City of Fort Atkinson. Motion carried.

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

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

No action required.

UNFINISHED BUSINESS – NONE

NEW BUSINESS:

a) Review and possible action relating to a request to purchase portable radios using State Grant Funds at a cost not to exceed \$29,657.76 (Bump, Police Chief)

Chief Bump presented the request to purchase and replace 16 portable radios in the Police Department was in the 2023-2027 Capital Improvements Project Plan, which was included in the 2022 Adopted Budget document. By finding an alternate funding source for these 16 radios, staff can use the planned funds for additional radios in the future. This project and purchase are fully funded through a grant from the State of Wisconsin. Funds will be reimbursed on a quarterly basis by the State. After our purchase is completed, a submission will be submitted for reimbursement which will occur before the end of the 2022 Fiscal Year. Total purchase price for everything within this project will be \$29,657.76.

Cm. Hartwick moved, seconded by Cm. Johnson to approve the purchase of 16 portable radios and other necessary items from General Communications for \$29,657.76 to be reimbursed through the Tribal and Local Law Enforcement Agency Initiative Program. Motion carried.

b) Review and possible action relating to the purchase of a Transit Van for the Water Utility from Griffin Ford for \$51,628.08 (Selle, Director of Public Works)

The 2022 Capital Improvements Project Budget (CIP) included \$45,000 for a new Water Utility Truck to be paid for through utility funds. During the course of the year, the team at the Water Utility determined that staff would be better served by a transit van rather than a traditional truck. The Griffin Ford proposal includes a 2023 Ford Transit T250 and offers a discount on the spray-in liner, for a total of \$51,628.08. The Ewald Automotive Group proposal includes a 2023 Ford Transit T250 for a total of \$52,305. While the costs are similar, the proposal from Griffin is about \$677 cheaper and has fewer logistical costs because the company is local.

Cm. Hartwick moved, seconded by Cm. Johnson to approve the purchase of a 2023 Ford Transit T250 from Griffin Ford for \$51,628.08 to be paid for through the Water Utility CIP. Motion carried.

c) Review and possible action on the replacement of the rotating assembly pump for a total cost of \$11,650 from Well Water Solutions (Selle, Director of Public Works)

Engineer Selle discussed with the Council the loss of both *functional* booster pumps which creates a logistical challenge with the management of the Main Station reservoir. The system pressure can be maintained easily with numerous other pumps, however the Main Station reservoir water is left stagnant, creating challenges with managing sufficient chlorine levels during particularly warm summer days. As a result, I directed Utility staff to move forward with procuring a contract with Water Well Solutions, the only vendor capable of fabricating parts for the 50 year old pump to replace the impeller. Two other vendors were called and declined the work. The vendor provided an estimate of \$11,650 dollars. The impeller can be re-used with the upgrade to the entire system and is not a lost investment.

Cm. Becker moved, seconded by Cm. Johnson to approve the replacement of the rotating assembly pump for a total cost of \$11,650 from Well Water Solutions to be paid for through the Water Utility Reservoir Maintenance account. Motion carried.

MISCELLANEOUS – NONE

CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:

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

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

ADJOURNMENT

Cm. Hartwick moved, seconded by Cm. Johnson to adjourn. Meeting adjourned at 8:02 pm.

Respectfully submitted,
Michelle Ebbert
City Clerk/Treasurer



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

**LICENSE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 5, 2022 – 6:15 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

President Scherer called the meeting to order at 6:17 pm.

2. ROLL CALL

Present: Cm. Johnson, Cm. Schultz and President Scherer. Also present: City Manager and City Clerk/Treasurer.

3. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION FROM LA MORENITA, LLC AT 303 S 3RD STREET WEST FOR THE LICENSING PERIOD OF JULY 19, 2022 THROUGH JUNE 30, 2023. (EBBERT)

Clerk Ebbert presented the application from La Morenita, LLC who has applied for a Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor: Cider Only license to sell beer and cider products at their 303 S 3rd Street West location. The seller's permit and federal ID number have not been confirmed at the time of packet distribution; however have been confirmed prior to this meeting. The agent for the business, and owner, Gustavo Ventura Juan was also requested to provide proof of taking the responsible beverage server course.

Cm. Schultz moved, seconded by Cm. Johnson to recommend the City Council approve the Alcohol License Application for the licensing period of July 19, 2022 to June 30, 2023 for La Morenita, LLC 303 S 3rd Street West contingent upon a successful background check, proof of responsible beverage server training and all monies owed to the City are paid prior to license issuance by the City Clerk. Motion carried.

4. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO A RENEWAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION FROM GUANAJUATO PRODUCES, LLC AT 1109 WHITEWATER AVENUE FOR THE LICENSING PERIOD OF JULY 19, 2022 THROUGH JUNE 30, 2023. (EBBERT)

Clerk Ebbert reviewed the renewal for Guanajuato Produces. They were first issued an alcohol license in December 2021. There are no changes to the premise description or the agent.

Cm. Johnson moved, seconded by Cm. Schultz to recommend the City Council approve the Renewal Alcohol License Application for the licensing period of July 19, 2022 to June 30, 2023 for Guanajuato Produces, LLC 1109 Whitewater Avenue contingent upon all monies owed to the City are paid prior to license issuance by the City Clerk. Motion carried.

5. ADJOURNMENT

Cm. Johnson moved, seconded by Cm. Schultz to adjourn. Meeting adjourned at 6:23 pm.

Respectfully submitted,
Michelle Ebbert
City Clerk/Treasurer



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

**FINANCE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
WEDNESDAY, JULY 13, 2022 – 4:00 PM
CITY HALL – SECOND FLOOR CONFERENCE ROOM**

1. CALL MEETING TO ORDER

President Scherer called the meeting to order at 4:05 pm.

2. ROLL CALL

Present: Cm. Becker, Cm. Hartwick and President Scherer. Also present: City Manager and City Clerk/Treasurer.

3. REVIEW OF DOCUMENTATION ASSOCIATED WITH NEW POSITIONS AND UPDATES TO THE 2022 NON-REPRESENTED PAY PLAN

a) New Positions Added

- a. Emergency Medical Technician/Firefighter (6)
- b. Paramedic/Firefighter (6)

b) Existing Positions Amended

- a. Assistant Director/Youth Services Librarian
- b. Adult Services Librarian

c) Existing Positions Reclassified

- a. Recreation Administrative Assistant/Program Coordinator
- b. Assistant Museum Director
- c. Museum Director
- d. Fire Division Chief (3)

Manager LeMire discussed the Pay Structure Appendix in the Handbook outlines the City's pay structure, pay ranges, and general compensation strategy for non-represented employees. The Handbook indicates that decisions relating to the pay structure are the responsibility of the City Manager. However, it also indicates that the role of determining the annual pay structure increases, typically called "cost of living adjustments" or "COLA" are the responsibility of the Finance Committee and City Council. Later in 2022, prior to the adoption of the 2023 Budget, staff intends to present information and a recommendation to the Finance Committee and the City Council relating to a COLA for all full-time non-represented employees.

No action was required.

4. THE FINANCE COMMITTEE MAY CONSIDER A MOTION TO CONVENE IN CLOSED SESSION PURSUANT TO STATE STAT. §19.85(1)(E) TO DEVELOP NEGOTIATING STRATEGIES FOR COLLECTIVE BARGAINING WITH THE FORT ATKINSON PROFESSIONAL POLICE ASSOCIATION

Cm. Becker moved, seconded by Cm. Hartwick to consider a motion to convene in Closed Session pursuant to State Stat. §19.85(1)(e) to develop negotiating strategies for collective bargaining with the Fort Atkinson Professional Police Association. Motion carried.

5. **ADJOURNMENT**

Cm. Becker moved, seconded by Cm. Hartwick to adjourn. Meeting adjourned at 5:20 pm.

Respectfully submitted

Michelle Ebbert

City Clerk/Treasurer/Finance Director



Permit Report

06/01/2022 - 06/30/2022

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

6/22/2022	22269	119 Sherman Ave W	Reflections Adult Day Care, LLC	Add/Alter Commercial	UDA Ramp	18,000	\$64.00
							\$64.00

Group Total: 1

Group: Deck

6/15/2022	22261	1409 Stacy Ln	Kuldip S Pangli	Deck	10x10	4,771	\$45.00
6/8/2022	22244	306 Zida St.	Brady Pennewell	Deck	Wood Deck attached	10,000	\$82.50
							\$127.50

Group Total: 2

Group: Demo/Raze

6/29/2022	22302	217 Wilson	Robert Rudder	Demo/Raze	removing barn	2,500	\$80.00
							\$80.00

Group Total: 1

Group: Electrical

6/29/2022	22304	614 Riverside Drive	Holly Tierney	Electrical	Service change and upgrade wiring	0	\$90.00
6/29/2022	22301	911 Edgewater Rd	Jim Johnson	Electrical	Remodel with sub panel	0	\$57.00
6/29/2022	22300	1701 Montclair Pl	Roxolid Creations	Electrical	New Home and Service	0	\$150.00
6/29/2022	22299	527 E. Milwaukee	Wendall Harmon	Electrical	Service Change	0	\$55.00
6/23/2022	22287	314 Madison Ave.	Tracey Knott	Electrical	wire radon system	0	\$35.75
6/23/2022	22278	404 W Cramer St	Jim Marousis	Electrical	Solar	0	\$175.00

6/23/2022	22271	1518 Agnes Rd	Robert & Shirley Krentz	Electrical	Basement Wiring	0	\$71.00
6/22/2022	22268	119 Sherman Ave West	Rick Reinel	Electrical	3 openings	0	
6/21/2022	22267	912 Riverside Drive	Yamin Ahmad	Electrical	EV Charger	0	\$35.00
6/17/2022	22265	309 Jackson St.	Roland Lee	Electrical	attached list Updating	0	\$52.50
6/17/2022	22264	603 Talent Trl. only	Susan simonson	Electrical	repair from lighting and fire	0	\$143.50
6/15/2022	22260	211 N. Third St.	Estate of Sharon Owsley	Electrical	Service update	0	\$55.75
6/13/2022	22257	314 Garfield St.	Chris & Teri Drake	Electrical	outlets	0	\$31.50
6/8/2022	22253	1131 Janesville Ave	Fireside Dinner Theatre	Electrical	7 communication Circuits	0	\$65.00
6/8/2022	22252	315-317 Foster Street	Jeffery Behling	Electrical	replacing exhaust fans	0	\$40.00
6/8/2022	22251	611 Sherman Avenue East	Fort Healthcare	Electrical	Remodel, 10 fixtures	0	\$72.50
6/8/2022	22246	105 Hilltop Tr. E.	Pamela Pennycooke	Electrical	Raising Existing Duplex	0	\$60.00
6/1/2022	22236	612 Robert Street	Joshua Paul	Electrical	Service Change	0	\$60.00
							\$1,249.50

Group Total: 18

Group: Fence

6/29/2022	22303	1120 Harriette St.	Jordan Nelson	Fence	Picket Fence	16,000	\$55.00
6/29/2022	22298	306 Wilcox St.	Kevin Duncan	Fence	Fence	1,000	\$55.00
6/13/2022	22258	909 Fox Court	Terri Stricker	Fence	4ft Chain link	3,000	\$55.00
6/10/2022	22254	313 Shirley St.	Jared B. Pinnow	Fence	Chain link	1,700	\$55.00
							\$220.00

Group Total: 4

Group: HVAC

6/23/2022	22286	415 Council St.	Bob Abbott	HVAC	Replace Furnace	0	\$65.00
6/23/2022	22285	509 S. High St.	Stephen Pooler	HVAC	replace AC	0	\$65.00
6/23/2022	22284	311 Nadig Dr.	Josh Bartels	HVAC	Replace AC	0	\$65.00
6/23/2022	22283	11 E. Hilltop Tr.	Jerry Price	HVAC	Replace AC	0	\$65.00
6/23/2022	22282	342 Jackson St.	Brandon Hausley	HVAC	Replace AC	0	\$65.00
6/23/2022	22280	215 S. High St.	Tim Humphrey	HVAC	replace AC	0	\$65.00
6/23/2022	22279	514 Washington St.	Rebecca Prager	HVAC	replace Furnace	0	\$65.00
6/23/2022	22277	311 Halcyon Place	Richard Wells	HVAC	replace AC	0	\$65.00
6/23/2022	22276	621 Grant St.	Jocelyn Strommen	HVAC	replace AC	0	\$65.00
6/23/2022	22275	221 E. Highland	Joan Grant	HVAC	Replace AC	0	\$65.00
6/23/2022	22274	525 Stratford Court	Elliott Weber	HVAC	replace HVAC	0	\$100.00
6/23/2022	22273	515 N. Fourth St.	Brenda Stevens	HVAC	Replace HVAC	0	\$100.00
6/23/2022	22272	1401 Montclair Place	Eric Brown	HVAC	Replacement HVAC	0	\$100.00
6/8/2022	22245	912 Peterson St.	Kevin Roberts	HVAC	Replace Furnace and AC	0	\$100.00
6/7/2022	22240	348 Merchants Ave	kirk weckler	HVAC	new furnace and ac	0	\$135.00
6/6/2022	22239	1701 Montclair pl.	Roxolid Creations	HVAC	New Furnace/AC	0	\$135.00
6/6/2022	22238	1659 Montclair Pl.	Roxolid Creations	HVAC	New Furnace/AC	0	\$135.00
							\$1,455.00

Group Total: 17

Group: Plumbing

6/30/2022	22305	1503 Stacy Lane	Luke Walsh	Plumbing	2 hose bibs and deduct water meter	0	\$48.00
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6/23/2022	22281	910 Banker Rd.	Anna Falci	Plumbing	Water lateral change not in ROW	0	\$105.00
6/21/2022	22266	1272 Farmco Ln.	Daryl Spoerl	Plumbing	water and sewer lateral	0	\$180.00
6/8/2022	22241	407 South Main St.	Jamie Jones	Plumbing	water service	0	\$105.00
							\$438.00

Group Total: 4

Group: Right of Way Opening Permit

6/27/2022	22293	1120 W CRAMER ST		Right of Way Opening Permit	WATER MAIN LINE REPAIR	0	
6/27/2022	22292	115 LORMAN ST		Right of Way Opening Permit	REPAIR WATER LEAK	0	
6/27/2022	22291	GAIL PL		Right of Way Opening Permit	REAPIR WATER MAIN BREAK	0	
6/27/2022	22290	830 FLORENCE ST		Right of Way Opening Permit	WATER MAIN REPAIR	0	
6/27/2022	22289	112 MONROE ST		Right of Way Opening Permit	WATER MAIN REPAIR	0	
6/24/2022	22288	1205 Arndt St	Bruce Gilbertson	Right of Way Opening Permit	DRIVEWAY	0	\$50.00
6/22/2022	22270	910 BANKER RD		Right of Way Opening Permit	INSTALLING WATER LINE	0	\$50.00
6/8/2022	22250	1272 FARMCO LN		Right of Way Opening Permit	INSTALLING WATER AND SEWER LATERAL	0	\$50.00
6/8/2022	22249	1022 GRANT ST		Right of Way Opening Permit	REPLACE SIDEWALK	0	\$50.00
6/8/2022	22248	1006 ELSIE ST		Right of Way Opening Permit	SEWER LINE REPAIR	0	\$50.00
6/8/2022	22247	600 LEXINGTON BLVD	SHARON STEVENS	Right of Way Opening Permit	DRIVEWAY REPLACEMENT	0	\$50.00
6/8/2022	22243	STH 106 & USH 12		Right of Way Opening Permit	MUG CONDUIT	0	\$50.00
6/8/2022	22242	420 BARK RIVER DRIVE		Right of Way Opening Permit	PLACING FIBER	0	\$50.00
							\$400.00

Group Total: 13

Group: Shed

6/29/2022	22297	304 E Highland Ave	Michael Huettl	Shed	11x12 pre-built	3,500	\$49.80
6/13/2022	22255	708 Coventry Circle		Shed		2,500	\$30.00
							\$79.80

Group Total: 2

Group: Sign

6/27/2022	22296	1425 Janesville Ave	True Storage	Sign	Cube Smart Signage	45,000	\$130.00
6/13/2022	22256	535 Berea Dr.	Crown of Life Christian Academy	Sign	Two wall signs and 1 Monument	7,000	\$105.00
							\$235.00

Group Total: 2

Group: Single Family Alteration/Addition

6/14/2022	22259	310 E. Milwaukee st.	Bob Paynter	Single Family Alteration/Addition	remove and replace front porch	26,000	\$70.80
6/2/2022	22237	1518 Agnes Rd	Robert Krentz	Single Family Alteration/Addition	Basement Finish	35,000	\$112.50
							\$183.30

Group Total: 2

							\$4,532.10
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Total Records: 66

7/8/2022

Jedidiah Draeger

Building Inspector



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

MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

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

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

The following is a list of the Licenses and Permits issued by the City Clerk for the period of June 22, 2022 through July 19, 2022 per the City of Fort Atkinson Municipal Code of Ordinances. No action is necessary by City Council, as these licenses and permits have already been issued. This report is for informational purposes only.

BEEKEEPING

None

OPERATOR

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

Applicant	Place of Employment	Recommended Approval by Fort Atkinson Police Department
Janet Schuenke	Casey's General Store	X
Stephanie Wendt	Casey's General Store	X
Carmen Petersen	Casey's General Store	X
Cynthia Davis	Casey's General Store	X
Caitlin Rieck	Casey's General Store	X
Zachary Bender	Casey's General Store	X
Signe Lass	Casey's General Store	X
Thomas Bergman	Festival Foods	X
Nancy Lapp	Festival Foods	X
Thomas Hayd	Festival Foods	X
John Rea	Festival Foods	X
Brodi Kozak	Festival Foods	X
Jean McDermott	Bienfang's Bar	X
Ross Weber	KP Mart	X
Jason Crandall	10-62 Saloon	X
Danielle Romo-Aveni	Open	X
Callie Hakala	Soup's On	X
Amity Sierra	La Cabana	X

Ashley McWilliam	KP Mart	X
Christopher Ott	The Fireside	X
Taryn Brand	The Fireside	X
Wendy Janecek	The Fireside	X
Rochelle Roller	The Fireside	X
Raina Graeber	Kwik Trip #1506	X
Jason Raether	Kwik Trip #1506	X
Melissa Kosloski	Kwik Trip #1506	X
Alexis Kersten	Kwik Trip #1506	X
Morgan Wiedenhoeft	Soup's On	X
Tonya Redenius	Soup's On	X
James Roethel	Fort Atkinson General's	X
Danielle Nelson	Paddy Coughlin's	X
Brianna Gutheridge	Walgreens	X
Donald Krebs Jr	American Legion Dugout #166	X
Stephanie VonAlven	Bridge Event Venue	X
Sandra Lynn	Festival Foods	X
Jennifer Ramirez	Big Bluestem Collective Market	X
Maria Cortez Arriola	La Cabana	X
Avarie Collman	Tavern On The Rock	X
Dawn McDermott	American Legion Dugout #166	X
Jacquelyn Luengas	Salamone's Italian Pizzeria	X
Shannon Hoots	Walgreens	X
Taylor Castillo-Wagner	Walgreens	X
Amanda Zilisch	Walgreens	X
Abby Swanson	Walgreens	X
Joshua Jurgella	Walgreens	X
Olivia Christ	Fat Boyz	X
Kevin Johnson	Fat Boyz	X
Abigail Dunkleberger	Creamery 201	X
Jodi Reeves	Rock River Lanes	X
Lacy Polnow	Mr Brews Taphouse	X
Ashley Morse	Fat Boyz	X
Kaela Hutter	American Legion Dugout #166	X
Kyle Scheffler	Mr Brew's Taphouse	X
Laura Woods	The Creamery	X
Maria Bertucci	Brickhouse Pizza Pub	X
Jessica Ward	Soups On	X
Susan Vosburg-Reinen	Festival Foods	X
Tanya Perez	Fat Boyz	X
Sara Boney	Mangiami Italiano	X
Jocelyn Edgington	Kwik Trip #1506	X
Michelle Weihert	Kwik Trip #1506	X
Hannah Pogantsch	Creamery 201	X

Nathan Mason	Lion's Quick Mart	X
Mary Newcomb	Open	X
Mary Davison	Big Bluestem Market Collective	X
Bailey Behm	Salamone's Italian Pizzeria	X
Emely Tovar	Salamone's Italian Pizzeria	X
Alivia Stewart	Fat Boyz	X
Nathan Lewis	Country Inn & Suites	X
Jennifer Peterson	Country Inn & Suites	X
Jaysha West	Country Inn & Suites	X
John Rice	Country Inn & Suites	X
Joel Osmundson	American Legion Dugout	X
Lisa Wheeler	Soup's On	X

MOBILE MERCHANT

None

DOOR-TO-DOOR RESIDENTIAL / DIRECT SELLER

Jacob Titherington	Ecoshield Pest Solutions	X
Trevor Temple	Ecoshield Pest Solutions	X
Nicholas Haskel	Ecoshield Pest Solutions	X
Joseph Williams	Ecoshield Pest Solutions	X
Connor Mckenzie	Ecoshield Pest Solutions	X
Paul Pappas	Ecoshield Pest Solutions	X
Michael Ingalls	Wisconsin Grout Busters	X



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to Special Event:
City of Fort Atkinson Park & Recreation Youth Triathlon

BACKGROUND

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

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

DISCUSSION

Event: Parks & Recreation Youth Triathlon

Date: Saturday, July 30, 2022

Location: Rock River Park, Aquatic Center, Montclair Subdivision

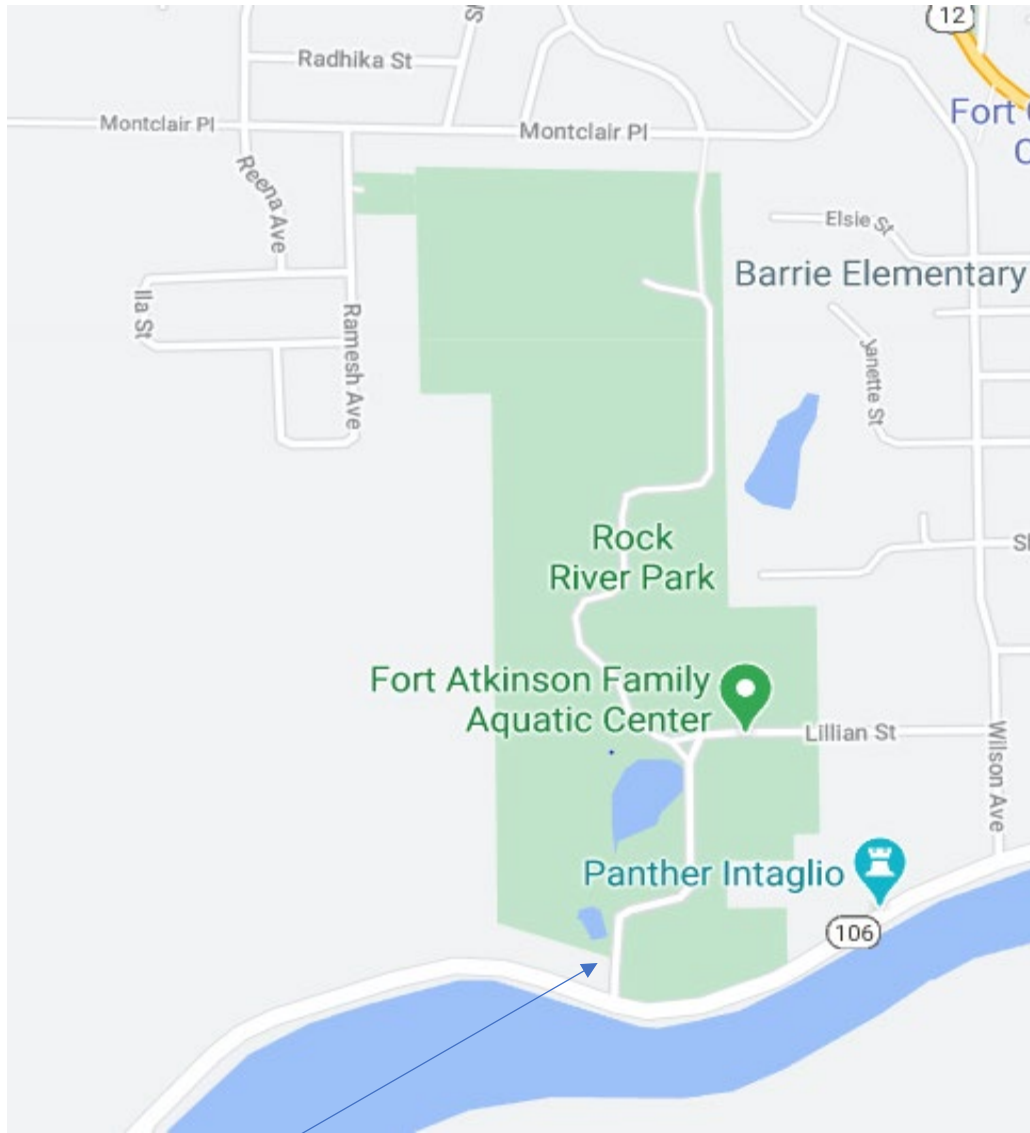
Contact Person: Brett Kettermann

Hours of Event: 7:00 am to 12:00 pm

Estimated Number of Attendees: 300+

Participants aged 7 to 14 will swim at the Aquatic Center, bike on the road through Rock River Park and the streets of Montclair, Reena, Ila and Ramesh. Participants will then run on Sinnissippi Drive in the park. Volunteers will bike and run alongside participants for safety.

Event information was routed to Departments without any concerns provided.



Sinnissippi Drive

FINANCIAL ANALYSIS

There is no financial impact to the City of Fort Atkinson for the event. Departments will assist with proper refuse receptacles and barricades.

RECOMMENDATION

Staff recommends that City Council approve the Special Event Youth Triathlon for the Parks & Recreation to be held on Saturday July 30, 2022 at Rock River Park, Aquatic Center and Montclair Subdivision and approve closure of Sinnissippi Drive from 5:00 am to 11:00 pm.

ATTACHMENTS

Special Event Application



CITY OF FORT ATKINSON
Special Event Application

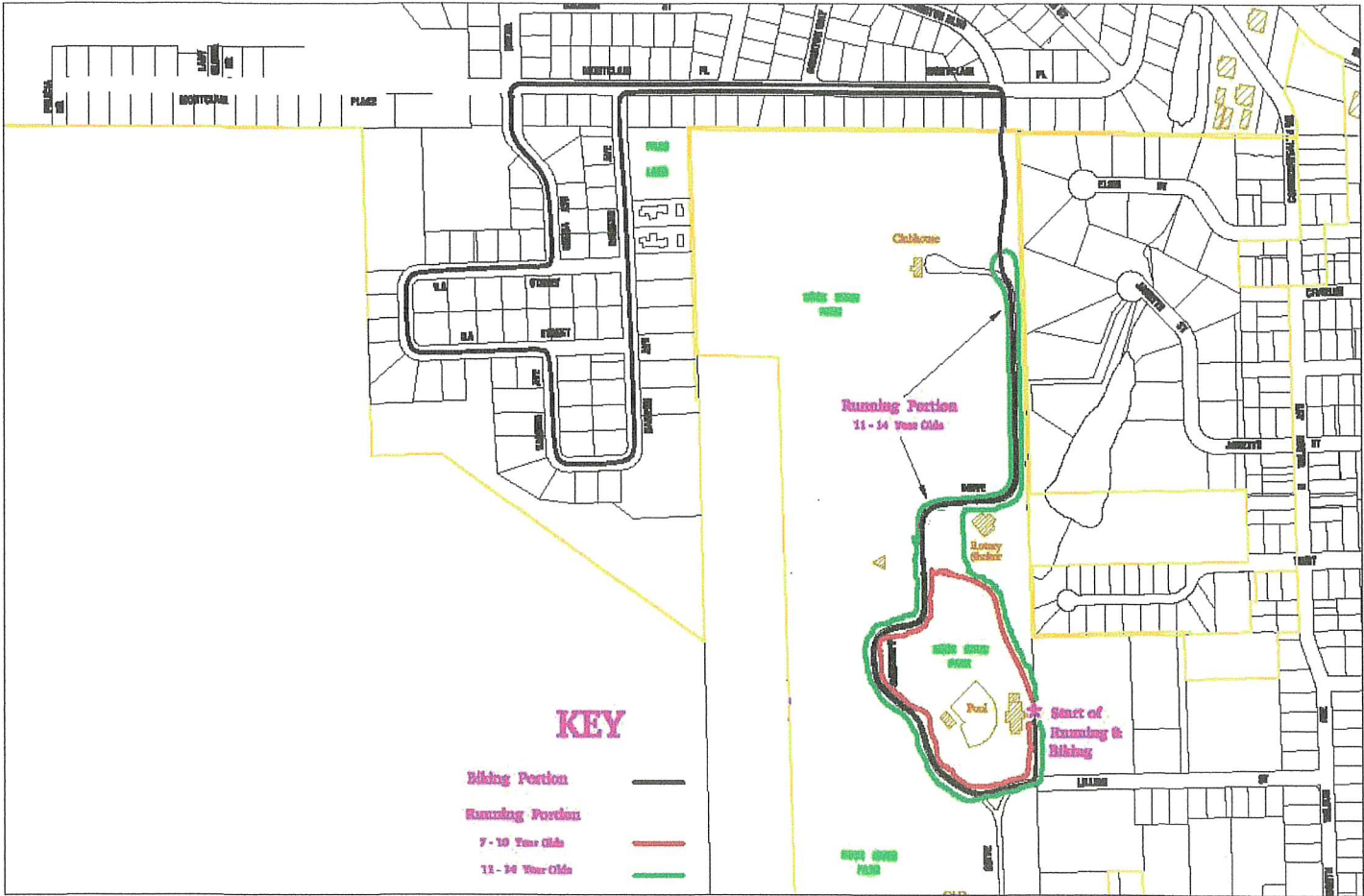
Name of Business/Group Organizing Event: <u>FORT PARKS & RECREATION</u>	
Contact Person for Event: <u>BRETT KETTERMAN</u>	
Phone Number: <u>920-563-7781</u>	Email: _____
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
Special Event Details	
Event Name: <u>Fort Youth Tri</u>	
Event Date: <u>July 30, 2022</u>	
Event Location: <u>Rock River Park</u>	
Estimated Number of Attendees: <u>80-100 participants, 70 volunteers, 300 spectators</u>	Hours of Event: <u>8:00am - 11am</u>
Check all applicable boxes: <input type="checkbox"/> I am renting a City Park Attach copy of paid park rental from Parks & Recreation (920) 563-7781. <input checked="" type="checkbox"/> I will be having music Start and end time of music: <u>8:30a - 11:30a</u> <input checked="" type="checkbox"/> I will be closing a street(s) Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771. <u>Sinissippi Dr 5:00a - 11:00a</u> <input type="checkbox"/> I will be selling beer and/or wine* Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760 *Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide. <input type="checkbox"/> I will be erecting a tent, canopy or other temporary structure. <u>* Looking to post No parking signs on Montclair Street for Biking portion</u>	
By signing, I agree to the following statements: I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event. Responsible Party Signature: <u>Brett Kettermann</u>	

Office Use Only

Date Submitted to Clerk: 6/30/22 Date Emailed to Departments: _____

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

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





MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to Special Event:
Lemke Legacy 5K

BACKGROUND

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

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

Event: Lemke Legacy 5K
Date: Saturday, August 20th, 2022
Location: Lion's Park Shelter, Glacier Trail
Contact Person: Rose Filipiak
Hours of Event: 9:00 am to 11:00 am
Estimated Number of Attendees: 100

Event information was routed to Departments without any concerns provided.

There are limited parking spaces at the Lion's Park Shelter, the event coordinator has coordinated with Nasco to utilize their parking lot. All participants utilizing the Nasco parking lot will utilize the crosswalk to cross the street to the Lion's Park Shelter. The 5K will remain on the bike path.

FINANCIAL ANALYSIS

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

RECOMMENDATION

Staff recommends that City Council approve the Lemke Legacy 5K on August 20th, 2022 at the Lion's Park Shelter and Glacier Trail.

ATTACHMENTS

Special Event Application





CITY OF FORT ATKINSON
Special Event Application

I did email this to
Courtney Thom, but didn't
know if you also needed a
copy.

Name of Business/Group Organizing Event: <u>n/a Lemke Legacy 5K</u>	
Contact Person for Event: <u>Rose Filipiak</u>	
Phone Number: <u>920-420-7222</u>	Email: <u>rose.filiak@gmail.com</u>
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
Special Event Details	
Event Name: <u>Lemke Legacy 5K</u>	
Event Date: <u>Aug 20, 2022</u>	
Event Location: <u>Lions Park Shelter 1130 Janesville Ave, will be using Glacier Trail</u>	
Estimated Number of Attendees: <u>100</u>	Hours of Event: <u>0900-1100</u>
Check all applicable boxes:	
<input checked="" type="checkbox"/> I am renting a City Park	Attach copy of paid park rental from Parks & Recreation (920) 563-7781.
<input type="checkbox"/> I will be having music	Start and end time of music:
<input type="checkbox"/> I will be closing a street(s)	Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771.
<input type="checkbox"/> I will be selling beer and/or wine*	Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760
*Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide.	
<input type="checkbox"/> I will be erecting a tent, canopy or other temporary structure.	
By signing, I agree to the following statements:	
I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event.	
Responsible Party Signature: <u>Rose Filipiak</u>	

Office Use Only

Date Submitted to Clerk: 5/10/22

Date Emailed to Departments:

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

Date Reported to City Council (if necessary):

Comments, Contingencies, Findings:



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to Special Event: American Legion Post 166
AA State Legion Baseball Tournament

BACKGROUND

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

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DISCUSSION

Event: 2022 AA State Legion Baseball Tournament

Date: Saturday, July 29th – August 2nd, 2022

Location: Jones Park

Contact Person: Andy Schwantes

Hours of Event: 7/29, 7/30: 10:00AM – 9:00PM, 7/31: 11:30AM – 7:30PM, 8/1: 3:30PM - 8:30PM, and 8/2: 4:00PM-9:00PM

Estimated Number of Attendees: 1000+

Event information was routed to Departments without any concerns provided. Although the application states that they will be selling beer and/or wine, this will be handled through the Generals concession stand. No additional licensing required.

FINANCIAL ANALYSIS

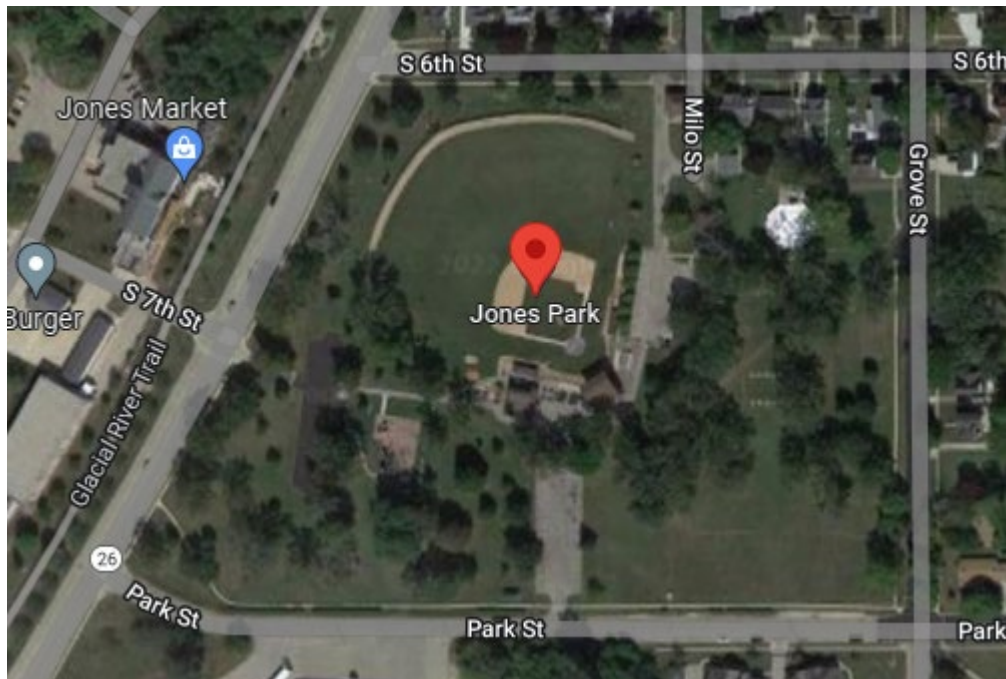
There is no financial impact to the City of Fort Atkinson for the event.

RECOMMENDATION

Staff recommends that City Council approve the Special Event for American Legion Post 166 – AA State Legion Baseball Tournament on July 29th – August 2nd, 2022 at Jones Park.

ATTACHMENTS

Special Event Application





CITY OF FORT ATKINSON
Special Event Application

Name of Business/Group Organizing Event: <u>Fort Legion Baseball</u>	
Contact Person for Event: <u>Andy Schwantes</u>	
Phone Number: <u>920-253-8840</u>	Email:
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit → event will raise \$ for our team but team operates as non-profit	
Special Event Details	
Event Name: <u>2022 AA State Legion Baseball Tournament</u>	
Event Date: <u>7/29 - 8/2</u>	
Event Location: <u>Jones Park</u>	
Estimated Number of Attendees: <u>1000 through all dates</u>	Hours of Event: <u>10-9pm (7/29, 7/30) 11:30-7:30 (7/31)</u> <u>3:30-8:30 (8/1)</u> <u>4-9 (8/2)</u>
Check all applicable boxes:	
<input checked="" type="checkbox"/> I am renting a City Park	Attach copy of paid park rental from Parks & Recreation (920) 563-7781.
<input type="checkbox"/> I will be having music	Start and end time of music:
<input type="checkbox"/> I will be closing a street(s)	Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771.
<input checked="" type="checkbox"/> I will be selling beer and/or wine*	Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760
*Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide.	
<input type="checkbox"/> I will be erecting a tent, canopy or other temporary structure.	
By signing, I agree to the following statements:	
I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event.	
Responsible Party Signature: <u>[Signature]</u>	

Office Use Only

Date Submitted to Clerk:

Date Emailed to Departments:

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

Date Reported to City Council (if necessary):

Comments, Contingencies, Findings:



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to Special Event:
Brat & Curd Stand

BACKGROUND

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

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DISCUSSION

Event: Brat & Curd Stand, in conjunction with Rhythm Remix

Date: Saturday, August 27th, 2022

Location: Lorman Bicentennial Park

Contact Person: Michelle Ebbert

Hours of Event: 10:00 am to 6:00 pm or sold out

Estimated Number of Attendees: 200-300

The Fort Atkinson Lion's Club will be serving brats and Curds in conjunction with Rhythm Remix. They have worked with Fort Health Care to utilize their parking lot for attendees.

The park has been reserved along with tables and chairs through the Fort Atkinson Parks Department. To aid in the eating area, we have rented a 20 x 40 tent to be placed in the Lorman

Bicentennial Park lot. Capital City Tent Rental provides setup, take down and repair to any damaged property, repair asphalt, etc.

Fort Health Care confirmed use of their parking space during those dates as the event conducted by the Lions Club is not affiliated with any alcohol sales or consumption.

Event information was routed to Departments without any concerns provided.

FINANCIAL ANALYSIS

There is no financial impact to the City of Fort Atkinson for the event. Departments will assist with proper refuse receptacles and barricades.

RECOMMENDATION

Staff recommends that City Council approve the Special Event Youth Triathlon for the Parks & Recreation to be held on Saturday July 30, 2022 at Rock River Park, Aquatic Center and Montclair Subdivision and approve closure of Sinnissippi Drive from 5:00 am to 11:00 pm.

ATTACHMENTS

Special Event Application and Event Letter





CITY OF FORT ATKINSON
Special Event Application

Name of Business/Group Organizing Event: <u>Fort Atkinson Lions Club</u>	
Contact Person for Event: <u>Michelle Ebbert</u>	
Phone Number: <u>920 563 7760</u>	Email: <u>mebbert@fortatkinsonwi.gov</u>
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
Special Event Details	
Event Name: <u>Brat & Curd Stand In conjunction w/ Rhythm Remix</u>	
Event Date: <u>Saturday Aug 27</u>	
Event Location: <u>Lorman Bicentennial Park</u>	
Estimated Number of Attendees: <u>200-300</u>	Hours of Event: <u>10 AM - 6 pm or sold out</u>
<p>Check all applicable boxes:</p> <p><input checked="" type="checkbox"/> I am renting a City Park Attach copy of paid park rental from Parks & Recreation (920) 563-7781.</p> <p><input checked="" type="checkbox"/> I will be having music Start and end time of music: <u>10-6pm</u> <u>will not be magnified in sound.</u></p> <p><input checked="" type="checkbox"/> I will be closing a street(s) <u>parking lot</u> Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771.</p> <p><input type="checkbox"/> I will be selling beer and/or wine* Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760</p> <p>*Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide.</p> <p><input checked="" type="checkbox"/> I will be erecting a tent, canopy or other temporary structure.</p>	
<p>By signing, I agree to the following statements:</p> <p>I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event.</p> <p>Responsible Party Signature: <u>Michelle Ebbert</u></p>	

Office Use Only

Date Submitted to Clerk: Date Emailed to Departments:

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

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



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

FROM: Andy Selle, P.E., City Engineer/Director of Public Works

RE: Review and possible action relating to a Resolution approving participation in the 2023 Jefferson County Road Aid Program and authorizing the City's contribution of \$6,191 from the 2022 Street Program budget

BACKGROUND

Jefferson County has a match program in place, known as the County Road Aid Fund. In place since 2005, the program allows municipalities to contribute cash to an account based upon the total length of streets in their jurisdiction. The County will in turn match that amount, effectively doubling the value. The work is then performed by the County crews, up to the amount available in the fund.

DISCUSSION

The City has contributed to this fund since 2015.

FINANCIAL ANALYSIS

The requested amount, \$6,191 will be funded through the 2022 Street Program Budget (Acc't: 05-60-0064-2500). Our current balance in the County Road Aid Fund account is \$37,600.26, which includes both the City capital and County match.

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving participation in the Jefferson County Road Aid Program and authorizing the City Manager and City Clerk to expend \$6,191 from the 2022 Street Program budget for the 2023 County Road Aid program.

ATTACHMENTS

Resolution Approving Participation in the Jefferson County Road Aid Program; Jefferson County Highway Department Letter; Petition for County Highway Aid

RESOLUTION NO. ____
RESOLUTION APPROVING PARTICIPATION IN THE
JEFFERSON COUNTY ROAD AID PROGRAM

WHEREAS, the City Council of the City of Fort Atkinson deems it to be in the best interest of the City to participate in the Jefferson County Road Aid program in 2022; and

WHEREAS, the County Road Aid program matches the City's contribution, which is \$6,191.00 to be submitted by June 30, 2022 for the 2023 program; and

WHEREAS, the City has funds in the 2022 Streets Program budget to fund the City's contribution to this program.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Atkinson does hereby authorize the City Manager and City Clerk to expend \$6,191.00 from the City's 2022 Streets Program budget to Jefferson County for the 2023 County Road Aid program pursuant to the Petition for County Highway Aid as attached hereto.

Adopted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 19th day of July, 2022.

Christopher Scherer, Council President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



Jefferson County Highway Department

1425 S. Wisconsin Drive

Jefferson, WI 53549

920-674-7266

920-674-7289 fax

William T. Kern

Highway Commissioner

Highway Account Specialist

Alice Fischer

May 2, 2022

**Michele Ebbert, City Clerk
City of Fort Atkinson
101 North Main Street
Fort Atkinson, WI 53538**

Dear Michele,

This letter is in regards to the County Road Aid Petition Money. This year it has been decided to handle the County Road Aid similar to last year. Like last year, we have decided that the municipalities should only send in their portion of the funds and that the Highway Department will match these funds in 2023. This means that in April of 2023, we will be applying our matching funds to your account so that the full amount can be used in 2023 for road construction projects.

We would appreciate having the enclosed petition form and your municipalities' portion of the petition monies returned to the **County Highway Office by June 30, 2022**. The petition is being mailed to you in duplicate. Please return the original to the Highway Office after your city meeting in order that the Highway Committee can report to the County Board of Supervisors. The duplicate is for your files.

The City of Fort Atkinson has 61.91 miles of city streets, according to the mileage established by the Wisconsin Department of Transportation. Therefore, the municipalities' amount of the petition that is due by June 30, 2022 is \$6,191.00. The county share amounting to \$6,191.00 will be applied to the municipalities account in April of 2023.

On April 19, 2005, the County Board of Supervisors adopted Resolution No. 2005-02 establishing the procedure for County Road Aid to towns, villages and cities for road projects. The most notable change in County Road Aid is that the Jefferson County Highway Department has the right of first refusal on future road construction projects.

We again offer the cooperation and help of our Highway Department if you wish to consult us regarding proposed street work in the City of Fort Atkinson. Please notify our office if you are going to do any construction, so that our staff may assist you in assessing your needs and making recommendations.

If there are any questions regarding this or other matters related to our department, please contact me or another member of our staff.

Sincerely,

JEFFERSON COUNTY HIGHWAY DEPARTMENT

A handwritten signature in black ink, appearing to read 'W. T. Kern'.

**William T. Kern
Highway Commissioner**

NOTE: Petition and check for municipalities' portion of petition MUST be in our office by June 30. If there is a concern with the date please contact our office.

PETITION FOR COUNTY HIGHWAY AID

The **City of Fort Atkinson**, Jefferson County, Wisconsin, hereby petitions the Board of Supervisors of the County of Jefferson as follows:

1. That heretofore, to-wit, on the _____ day of _____, 20____, at a lawful meeting of the governing body of said municipality a resolution was duly adapted to appropriate funds for the improvement of highways in said municipality at a cost estimated as follows:

Local municipality share \$6,191.00 (to be paid by June 30)

County of Jefferson share **\$6,191.00** (to be applied to account in April)

Total improvement costs \$12,382.00

2. That the County of Jefferson share of the appropriation does not exceed the maximum of \$100.00 per mile of local roads in said municipality.
3. That said municipality is willing to abide by the rules set forth in Resolution No. 2005-02 adopted April 19, 2005, and to offer the Jefferson County Highway Department a right of first refusal for the work.

4. According to the resolution, City of Fort Atkinson takes the position of (**must check one**):

_____ Will participate in County Road Aid this year.

_____ Does not wish to participate in County Road Aid this year.

WHEREFORE, said municipality requests that the Board of Supervisors of the County of Jefferson grant this petition for County highway aid in the sum of \$ \$6,191.00 in accordance with the provisions of s.83.14 and s. 83.03(1) of the Wisconsin Statutes and in accordance with the resolutions of said Board of Supervisors heretofore adopted.

Dated this _____ day of _____, 20_____.

City of Fort Atkinson

NOTE: Petition and check for municipalities' portion of petition MUST be in our office by June 30



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

FROM: Andy Selle, P.E., City Engineer/Director of Public Works

RE: Second reading of an Ordinance to amend the Official Zoning Map of the City of Fort Atkinson to change the zoning of 603 N Fourth St., 609 N Fourth St., 615 N Fourth St., and 403 McMillen St. from SR-5, Single Family Residential, to I, Institutional

BACKGROUND

Fort Healthcare, Inc. has requested a Zoning Map Amendment for the individual parcels located at 603 N Fourth St, 609 N Fourth St, 615 N Fourth St, and 403 McMillen St. Fort Healthcare is also the current owner of the proposed locations.

This Request for a Zoning Map Amendment came before the Plan Commission at a Public Hearing for that purpose on June 27, 2022. Please see the attached Plan Commission staff report for an analysis of the request against the criteria set forth in Section 15.10.31 of the City's Zoning Ordinance.

There were several residents in the Public Hearing at the Plan Commission meeting. Most were looking for additional clarity on the proposed Zoning Map Amendment and associated expansion of the Fort Healthcare campus. After discussion, the Plan Commission unanimously recommended that the proposed Zoning Map Ordinance move on to the first reading of the proposed Zoning Map Ordinance at Council.

DISCUSSION

As a result of the feedback during the Public Hearing, Fort Healthcare Inc, developed a letter to residents within the area and was mailed on June 30, 2022. The letter is attached here for Council's review. A representative of Fort Healthcare will be present at the meeting to present the project to Council and answer questions.

FINANCIAL ANALYSIS

Staff does not expect this ordinance to impact the City financially.

RECOMMENDATION

Staff recommends that the City Council perform the second reading of this Ordinance and direct the City Manager to prepare the Ordinance for the third and final reading on August 2, 2022.

ATTACHMENTS

6.28.22 PC Staff Report Packet ZMA-2022-02; Draft Ordinance Amending the Official Zoning Map; Letter from Fort Healthcare to Residents



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

REQUEST FOR ZONING MAP AMENDMENT REPORT TO THE PLAN COMMISSION

DATE: June 28, 2022

FILE NUMBER: ZMA-2022-02

PROPERTY ADDRESSES: 603 N Fourth St.
609 N. Fourth St. 615 N Fourth St.
403 McMillen St.

EXISTING ZONING: RS-5, Single-family Residential
District – 5

PARCEL NUMBERS: 226-0514-0321-011
226-0514-0321-012, 226-0514-0321-004
226-0514-0321-003

EXISTING LAND USE: Four Single-family Homes

PROPOSED ZONING: I, Institutional

OWNER: Fort Healthcare Inc.

REQUESTED USES: Parking Lot Expansion

APPLICANT: Fort Healthcare Inc.

REQUEST OVERVIEW:

Applicant and property owner Fort Healthcare Inc. has requested a Zoning Map Amendment to change the existing zoning of the four parcels outlined above from RS-5, Single-family Residential – 5, to I, Institutional. Fort Healthcare intends to expand the hospital parking lot to the north, and changing the zoning classification is the first action toward that goal. Fort Healthcare intends to move and/or demolish the four existing houses and vacate a section of North 4th Street in the future.

Fort Healthcare parcel to the north of the hospital campus that is currently used for remote parking. One of the goals in changing the zoning classification of these parcels and expanding parking to the north is to eliminate the need for the remote parking area. The remote parking parcel may be used for new housing development in the future.

The Plan Commission will hold a public hearing at the meeting on June 28th and may make a recommendation for action by the City Council based on the criteria outlined in the Zoning Ordinance, the analysis by staff, conformance with the Comprehensive Plan, and information gathered at the public hearing.

PUBLIC NOTICE:

Zoning Map Amendment applications require a Class 2 Public Notice and notification of surrounding property owners. A public notice was published in the *Jefferson County Daily Union* on June 14th and June 21st. A notice of this public hearing at the Plan Commission was mailed to property owners within 100 feet of the subject property on May 26, 2022.

COMPREHENSIVE LAND USE PLAN (2019):

Future land use for this site is listed as Institutional. Per the City Comprehensive Plan, this district is intended to permit both large- and small-scale institutional development including those on single sites within larger areas of both residential and nonresidential zoning districts. Residential uses are intended to occur at an approximate density of 1 dwelling unit per acre. This district avoids the creation of commercial spot zone intrusions in primarily residential or industrial areas where spots of commercial zoning may be incompatible.

Since the Comprehensive Plan was adopted in 2019, Fort Healthcare has made the decision to invest in its existing hospital facility rather than building a new facility in a new location. Part of the investment strategy is to consolidate certain operations within the hospital facility with the goal of possible redevelopment of other parcels currently used for parking and/or medical office uses in the area. The “healthcare center” concept in the Comprehensive Plan may be more centralized on the existing hospital site, while the northern parcels may become available for future redevelopment to support the housing needs of the community.

REVIEW BY ZONING ADMINISTRATOR AND CITY STAFF:

Section 15.10.31 of the City’s Zoning Ordinance outlines the process for Zoning Map Amendments. Section 15.10.31 (4) includes the following criteria for review by the Zoning Administrator and City staff in crafting a recommendation to the Plan Commission. The criteria from the Ordinance is in italics, and staff analysis is below.

- (a) Does the request advance the purpose of this Chapter as outlined in Section 15.01.03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency?*

The purpose of the Zoning Ordinance is to protect the health, safety, morals, comfort, convenience, and general welfare of the public. It is designed to control and lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote adequate light and air; to protect surface water and groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; to preserve the character of historic areas; and to preserve burial sites as defined in Sec. 157.70(1)(b), Wisconsin Statutes. It is also the intent of this Chapter to implement certain goals and objectives of the City of Fort Atkinson Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

This request does advance the purpose of the Zoning Ordinance.

- (b) Is the request in harmony with the Comprehensive Plan? If the proposed amendment is not in harmony, a Comprehensive Plan Amendment is required prior to rezoning.*

Yes – the request is in harmony with the Comprehensive Plan (see above).

(c) Does the request maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district?

Yes – The subject parcels are adjacent to an Institutional zoning district and were identified in the Comprehensive Plan as parcels that may be appropriate for future institutional uses.

(d) Does the request address any of the following factors that are not properly addressed on the current Official Zoning Map?

- a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.*
- b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.*
- c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a difference zoning district.*
- d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.*

The current zoning designation does not conform to the Comprehensive Plan. The requested change would bring the land into conformity.

Section 15.10.31(7) directs the Plan Commission to consider items (a) through (d), as well as the following, when making a recommendation to the City Council:

(e) Do the public benefits outweigh any and all potential adverse impacts of the proposed amendment?

Supporting the investment in and expansion of a healthcare facility in the City of Fort Atkinson outweighs any potential minor adverse impacts.

RECOMMENDATION:

Staff recommends that the Plan Commission recommend that the City Council approve the requested Zoning Map Amendment to change the zoning of the properties located at 603 N Fourth St., 609 N. Fourth St., 615 N Fourth St., and 403 McMillen St. from (SR-5) Single Family Residential -5, to (I) Institutional based on its compatibility with the Comprehensive Plan and compliance with Section 15.10.31(4) of the Zoning Ordinance.

The City Council is expected to review this request at the regular meetings on July 5th and July 19th.

ATTACHMENTS:

Application requesting the Zoning Map Amendment; Explanation of Request; Notice to the Public with Zoning Exhibit

City of Fort Atkinson Procedural Checklist for Zoning Map Amendments (Rezoning) Requirements per Section 15.10.31

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Official Zoning Map and by the City to process the application.

Name, company, and client (if applicable): Fort Health Care, Inc

Phone number: 920-568-5490 Email: james.nelson@forthc.com

Property address of requested zoning change: 603 N Fourth Street; 609 N Fourth Street;
615 N Fourth Street; 403 McMillen Street

Zoning change request from SR5 to Institutional

I Application Packet Requirements

The Applicant shall submit an electronic or paper copies, as may be required by the City, of the application.

- ☐ A map of the subject property to scale, depicting the following:
 - ☐ All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
 - ☐ All parcel numbers for the subject property.
 - ☐ 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 north arrow.
- ☐ Legal description of the property.
- ☐ Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.
- ☐ Any further information needed by the Plan Commission to facilitate the making of a comprehensive report to the Plan Commission and City Council.

II Criteria Used to Evaluate the Proposed Zoning Map Amendment

The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 15.01.03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency.
2. Is in harmony with the Comprehensive Plan.
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.

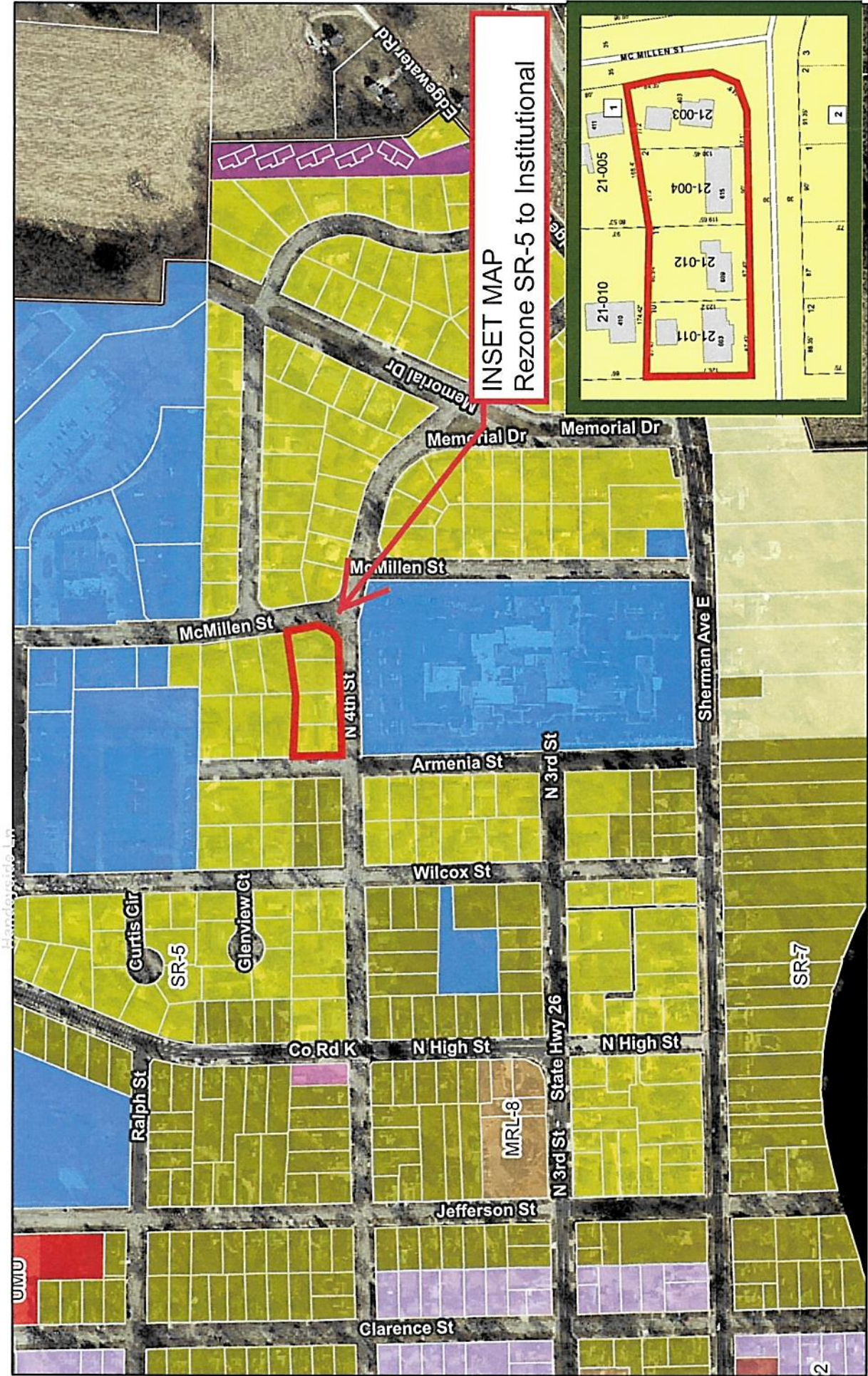
4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
- a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
 - b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.
 - c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
 - d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

III Process Checklist

- | | |
|--|-----------------------|
| <input type="checkbox"/> Staff-Applicant meeting (if applicable) | Date: _____ |
| <input type="checkbox"/> Application fee of \$200.00 received by City Clerk | Date: <u>SW</u> ✓ |
| <input type="checkbox"/> Reimbursement of professional consultant costs agreement executed. | Date: <u>SW</u> ✓ |
| <input type="checkbox"/> Receipt of complete application packet by Zoning Administrator | Date: <u>sw</u> _____ |
| <input type="checkbox"/> City Staff input | Date: <u>sw</u> _____ |
| <input type="checkbox"/> Class 2 legal notice sent to official newspaper by City Clerk | Date: <u>sw</u> _____ |
| <input type="checkbox"/> Class 2 legal notice published on <u>6.14.22</u> and <u>6.21.22</u> | Date: <u>sw</u> _____ |
| <input type="checkbox"/> Notification of neighboring property owners within 100 feet of the petition | Date: _____ |
| <input type="checkbox"/> Notification of clerks of municipalities within 1,000 feet of the petition | Date: _____ |
| <input type="checkbox"/> Notification of airports within 1 mile of the petition | Date: _____ |
| <input type="checkbox"/> Plan Commission Public Hearing, review and recommendation | Date: _____ |
| <input type="checkbox"/> City Council review and action | Date: _____ |
| | Date: _____ |



Fort Healthcare Rezoning Map



5/4/2022, 5:55:15 PM

CITY OF FORT ATKINSON

Jefferson County Tax Parcels

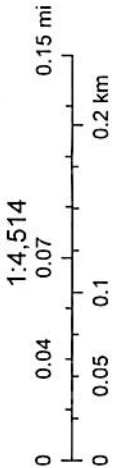
City of Fort Atkinson Municipal Boundary 2021 (incl. Preliminary Annexation)

City of Fort Atkinson Base Zoning

SR-2 - Single Family Residential - 15,000sf

SR-5 - Single Family Residential - 8,000sf

SR-7 - Single Family Residential - 6,000sf





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.

Applicant Name: Fort HealthCare, Inc

Project Name: Rezone 4 parcels to Industrial

Project Address: see attached

Parcel Number: see attached

Dated this 5 day of May, 2022.

Agreement signed and entered into by:

The City of Fort Atkinson

City Manager

Property Owner Information:

Applicant Information (if different):

Owner Name: Fort HealthCare, Inc

Applicant Name: _____

Owner Signature: James Nelson sop/cfo

Applicant Signature: _____

Address: 611 Sherman Ave, E

Address: _____

Phone Number: 920-568-5490

Phone Number: _____

Email Address: james.nelson@Fortho.com

Email Address: _____

Fort HealthCare, Inc
Rezoning Request SR5 to Industrial / Cost Recovery Agreement
5-May-22

<u>Property Address</u>	<u>Parcel Number</u>
603 N Fourth Street	226-0514-0321-011
609 N Fourth Street	226-0514-0321-012
615 N Fourth Street	226-0514-0321-004
403 McMillen Street	226-0514-0321-003



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

May 26, 2022

NOTICE TO THE PUBLIC

The City of Fort Atkinson Plan Commission will hold a public hearing on **Tuesday, June 28, at 4 p.m.**, or as soon thereafter as the matter can be heard, to review and make a recommendation to the City Council on a request for a **Zoning Map Amendment** for the properties located at **603 N. Fourth St., 609 N. Fourth St., 609 N. Fourth St., 615 N. Fourth St. and 403 McMillen St.** in the City of Fort Atkinson. The public hearing and Plan Commission meeting will take place both in-person at 101 N. Main Street, Fort Atkinson and via Zoom:

<https://us02web.zoom.us/j/82214860406?pwd=TEVyUVdQM05VNFVzb0E2TUNTU0VnZlZz09>

Meeting ID: 822 1486 0406

Passcode: 53538

Dial by your location

+1 312 626 6799

The Zoning Map Amendment has been brought forward to change from Single Family Residential, SR5, to Institutional, I, to accommodate the expansion of the Fort HealthCare campus.


The Plan Commission is seeking input from the public. For more information, please contact City Engineer Andy Selle at aselle@fortatkinsonwi.net or (920) 563-7760. You may attend the public hearing via Zoom or submit a letter or email expressing your thoughts to City Engineer Selle.


Andy Selle, P.E.
City Engineer/Dir. of Public Works


AS/sw

Handeyside Ln



 CITY OF FORT ATKINSON

 Jefferson County Tax Parcels

 City of Fort Atkinson Municipal Boundary 2021 (incl. Preliminary Annexation)

ORDINANCE NO. ____

**AN ORDINANCE
TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF FORT ATKINSON**

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

Section 1. Section 15.02.03 of the City of Fort Atkinson Zoning Ordinance, adopting the Map of Standard Zoning Districts, is hereby amended to change the zoning classification of the following described properties from SR-5, Single-family Residential – 5, to I, Institutional:

Lot 10 of the George Whitmore Plat, consisting of approximately 0.251 acres of land in the City of Fort Atkinson, Jefferson County, Wisconsin (a/k/a 603 N Fourth Street, Parcel Number 226-0514-0321-011);

Lot 11 of the George Whitmore Plat, consisting of approximately 0.243 acres of land in the City of Fort Atkinson, Jefferson County, Wisconsin (a/k/a 609 N Fourth Street, Parcel Number 226-0514-0321-012);

Lot 2 of Block 1 of the Weidemann's First Addition, consisting of approximately 0.260 acres of land in the City of Fort Atkinson, Jefferson County, Wisconsin (a/k/a 615 N Fourth Street, Parcel Number 226-0514-0321-004); and

Lot 1 of Block 1 of the Weidemann's First Addition, consisting of approximately 0.220 acres of land in the City of Fort Atkinson, Jefferson County, Wisconsin (a/k/a 403 McMillen Street, Parcel Number 226-0514-0321-003).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect 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 _____, 2022.

CITY OF FORT ATKINSON

Christopher Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



James J. Nelson,
Senior V. P. Finance & Strategic Development/CFO
Fort HealthCare, Inc.
611 Sherman Avenue E
Fort Atkinson, WI 53538
james.nelson@forhc.com
920-568-5490 FAX 920-568-5412

June 30, 2022

Name

Address

Fort Atkinson, WI 53538

Dear Neighbors,

Thank you to those that came to the Fort Atkinson Planning Commission on Tuesday, June 28. I sincerely appreciated the concerns you expressed and ability to discuss those concerns with you during and after the meeting. I also appreciated the city engineer's willingness to stick around after the meeting to help answer a few questions. The main concerns I heard in the meeting were concerns over drainage, noise, light pollution, and traffic flow. Fort HealthCare is working on the "parking plan" for the four lots. We have hired an engineering firm to help us make sure we meet all the City's requirements as well as address the concerns you raised. We should have a good draft "parking plan" by the end of summer. Before we are able to proceed with the construction of the parking space for our employees, the City will require that we bring the "parking plan" to the Planning Commission for their approval. Before we submit our "parking plan" to the Planning Commission, we will invite you to sit down with us to go over the plan to make sure we eliminate as many of the concerns as possible.

As was relayed at/after the Planning Commission meeting, Fort HealthCare has been actively participating in the City's Comprehensive Planning process since its inception. Even before the initial Comprehensive Plan in 2008/9 was put into place we had identified any growth for us to be towards the other medical buildings toward the north. That is why the City placed the block north of Fourth Street between Armenia and McMillen in the "Community Facilities" category in their "Future Land Use" maps. This is also why we have been purchasing the houses as they've become available on this block since 2005. To date, we own 7 of the 12 properties on this block.

We know living on the edges of a hospital campus has its challenges. We appreciate your patience with us as we grow and address the changing needs of a community hospital.

Respectfully,

James J. Nelson
SVP/CFO
Fort HealthCare, Inc.



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

FROM: Andy Selle, P.E., City Engineer/Public Works Director

RE: Third/final reading of an Ordinance to amend the Official Zoning Map of the City of Fort Atkinson to change the zoning of 1205 Industrial Drive from HI, Heavy Industrial, to MI, Medium Industrial

BACKGROUND

Applicant Joe Salamone, on behalf of Ashers Storage LLC, has requested a Zoning Map Amendment and a Conditional Use Permit to allow for the construction of an additional building on the property located at 1205 Industrial Drive in the City of Fort Atkinson. The proposed use of the building will be for personal storage.

DISCUSSION

This request for a Zoning Map Amendment came before the Plan Commission at a Public Hearing for that purpose on June 14, 2022. Please see the attached Plan Commission staff report for an analysis of the request against the criteria set forth in Section 15.10.31 of the City's Zoning Ordinance.

There were no participants in the Public Hearing at the Plan Commission meeting. After discussion, the Plan Commission unanimously recommended that the City Council approve the Zoning Map Amendment.

Note that the applicant also applied for a Conditional Use Permit for the expansion of a personal storage use on this property, which was approved by the Plan Commission on June 28th subject to Council approval of this Zoning Map Amendment and other conditions outlined in the attached Resolution.

FINANCIAL ANALYSIS

Staff does not expect this ordinance to impact the City financially.

RECOMMENDATION

The City Council performed a first reading of this Ordinance on June 21st and the second reading on July 5th. Staff recommends that the City Council perform the third reading of this Ordinance and adopt it as proposed.

ATTACHMENTS

6.14.22 PC Staff Report Packet ZMA-2022-02; Ordinance Amending the Official Zoning Map; Resolution No. 1381 approving the Conditional Use Permit



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

REQUEST FOR ZONING MAP AMENDMENT REPORT TO THE PLAN COMMISSION

DATE: June 14, 2022

EXISTING ZONING: Heavy Industrial (HI)

PROPERTY ADDRESSES: 1205 Industrial Drive

EXISTING LAND USE: Personal Storage (legal nonconforming) and Auto Shop

PARCEL NUMBER: 226-0514-0921-015

PROPOSED ZONING: Medium Industrial (MI) with a Conditional Use Permit for Personal Storage

OWNER: Ashers Storage LLC

EXISTING LAND USE: Vehicle repair and personal storage

APPLICANT: Joe Salamone

FILE NUMBER: ZMA-2022-01

REQUESTED USES: Additional personal storage

REQUEST OVERVIEW:

Applicant Joe Salamone, on behalf of Ashers Storage LLC, has requested a Zoning Map Amendment and a Conditional Use Permit to allow for the construction of an additional building on the property located at 1205 Industrial Drive in the City of Fort Atkinson. The proposed use of the building will be for personal storage.

The existing structures and land uses on the subject property include a vehicle repair shop, and a mini-storage warehouse building used for personal storage. Personal storage is not permitted in the Heavy Industrial (HI) Zoning District, and the uses, buildings, and site are considered "legal nonconforming" to the Zoning Ordinance.

Per Section 15.05.10 of the Zoning Ordinance, a legal nonconforming use can be continued, but it cannot be expanded or enlarged. However, the applicant is also seeking a Zoning Map Amendment for the property to change the zoning from HI to Medium Industrial (MI). Personal storage is a Conditional Use in the MI Zoning District and requires a Conditional Use Permit before the use may be established (in this case, expanded).

The Plan Commission will hold a public hearing at the meeting on June 14th and may make a recommendation for action by the City Council based on the criteria outlined in the Zoning Ordinance, the analysis by staff, conformance with the Comprehensive Plan, and information gathered at the public hearing.

PUBLIC NOTICE:

Zoning Map Amendment applications require a Class 2 Public Notice and notification of surrounding property owners. A public notice was published in the Jefferson County Daily Union on May 31st and June 7th. A notice of this public hearing at the Plan Commission was mailed to property owners within 100 feet of the subject property on May 16, 2022.

COMPREHENSIVE LAND USE PLAN (2019):

Future land use for this site is listed as General Industrial. Per the City Comprehensive Plan, this land category is intended for manufacturing, warehousing, distribution, and office uses, often with outdoor storage areas and usually with moderate attention to building design, landscaping, and signage. The zoning districts associated with this land use type are MI (Medium Industrial) and HI (Heavy Industrial).

The request for a Zoning Map Amendment and a Conditional Use Permit to allow for personal storage uses are in harmony with the City's Comprehensive Plan.

REVIEW BY ZONING ADMINISTRATOR AND CITY STAFF:

Section 15.10.31 of the City's Zoning Ordinance outlines the process for Zoning Map Amendments. Section 15.10.31 (4) includes the following criteria for review by the Zoning Administrator and City staff in crafting a recommendation to the Plan Commission. The criteria from the Ordinance is in italics, and staff analysis is below.

- (a) Does the request advance the purpose of this Chapter as outlined in Section 15.01.03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency?*

The purpose of the Zoning Ordinance is to protect the health, safety, morals, comfort, convenience, and general welfare of the public. It is designed to control and lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote adequate light and air; to protect surface water and groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; to preserve the character of historic areas; and to preserve burial sites as defined in Sec. 157.70(1)(b), Wisconsin Statutes. It is also the intent of this Chapter to implement certain goals and objectives of the City of Fort Atkinson Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

This request does not advance the purpose of the Zoning Ordinance; however, it does not detract from these stated purposes in a way that would negatively impact the general welfare of the public.

(b) Is the request in harmony with the Comprehensive Plan? If the proposed amendment is not in harmony, a Comprehensive Plan Amendment is required prior to rezoning.

Yes – the request is in harmony with the Comprehensive Plan (see above).

(c) Does the request maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district?

Yes – This is an industrial area of the City, and the zoning change lessens the intensity as the area transitions to the Janesville Avenue commercial corridor.

(d) Does the request address any of the following factors that are not properly addressed on the current Official Zoning Map?

- a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.*
- b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.*
- c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a difference zoning district.*
- d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.*

The current zoning designation, HI, is in conformance with the Comprehensive Plan, as is the requested zoning designation, MI. This request is not based on a mistake on the Official Zoning Map. The factor that changed is the property owner's desire to construct an additional building for personal storage uses on the property based on the market's desire for additional personal storage options. This request is not based on changes in growth patterns or rates, aside from the market's desire for additional personal storage options.

Section 15.10.31(7) directs the Plan Commission to consider items (a) through (d), as well as the following, when making a recommendation to the City Council:

(e) Do the public benefits outweigh any and all potential adverse impacts of the proposed amendment?

While the public benefits of this project are minor, the potential adverse impacts are also minor.

Request for Zoning Map Amendment

June 14, 2022

ZMA-2022-01

RECOMMENDATION:

Staff recommends that the Plan Commission recommend that the City Council approve the requested Zoning Map Amendment to change the zoning of the property located at 1205 Industrial Drive from HI, Heavy Industrial, to MI, Medium Industrial, based on its compatibility with the Comprehensive Plan and compliance with Section 15.10.31(4) of the Zoning Ordinance.

The City Council is expected to review this request at the regular meetings on June 21st, July 5th, and July 19th. Zoning Map Amendments are required to be done by Ordinance, and Ordinances require three readings at City Council meetings.

ATTACHMENTS:

Application requesting the Zoning Map Amendment; Explanation of Request; Notice to the Public with Zoning Exhibit

**City of Fort Atkinson Procedural Checklist for Zoning Map Amendments
(Rezoning)**
Requirements per Section 15.10.31

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Official Zoning Map and by the City to process the application.

Name, company, and client (if applicable): Joe Salamone
Ashers Storage

Phone number: 920-728-1939 Email: jsalamone75@gmail.com

Property address of requested zoning change: 1205 Industrial Dr.

Parcel # 226-0514-0921-015

Zoning change request from HI Heavy Industrial to MI Medium Industrial

I Application Packet Requirements

The Applicant shall submit one electronic copy of the application.

- ☐ A map of the subject property to scale, depicting the following:
 - ☐ All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
 - ☐ All parcel numbers for the subject property.
 - ☐ 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 north arrow.
- ☐ Legal description of the property.
- ☐ Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.
- ☐ Any further information needed by the Plan Commission to facilitate the making of a comprehensive report to the Plan Commission and City Council.

II Criteria Used to Evaluate the Proposed Zoning Map Amendment

The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 15.01.03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency.
2. Is in harmony with the Comprehensive Plan.
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:

Written Justification for the Proposed Official Zoning Map Amendment

Request: Rezoning from (HI) Heavy Industrial to (MI) Medium Industrial

Address: 1205 Industrial Drive Fort Atkinson, WI 53538

Parcel: #226-0514-0921-015

Legal description:

Lot 1 of certified survey map no. 3757 recorded in volume 17. Pages 236 and 237 of certified survey maps of Jefferson county, Wisconsin, as document no. 1009240 and located in the NE ¼ of the ¼ and in the SE ¼ of section 9. T.5N., R.14E. OF THER 4TH P.M., CITY OF FORT ATKINSON, JEFFERSON COUNTY, WISCONSIN

Owners: Joseph & Angela Salamone

Property Name: Ashers Storage LLC

Request: We are requesting rezoning in order to stay compliant and continue with the original plans to add additional outside self-serve storage units on this property. We purchased this property in 2021 from the original owner who built the storage units and building. On the original construction prints approved by the City of Fort Atkinson on 4-30-99, the future building (150x40) was shown. We understand that the setbacks and minimum lot requirements for Heavy Industrial zonings have changed since that time. The new 50 foot setbacks on a minimum five acre lot for a Heavy Industrial zoning quickly shrink up a 1-acre lot. We are asking for a change in zoning to help accommodate the 1-acre lot. Moving to Medium Industrial zoning will allow us to complete a 100 x 50 storage building, meanwhile keeping a 45 foot set back on the east side for the sewer lateral.

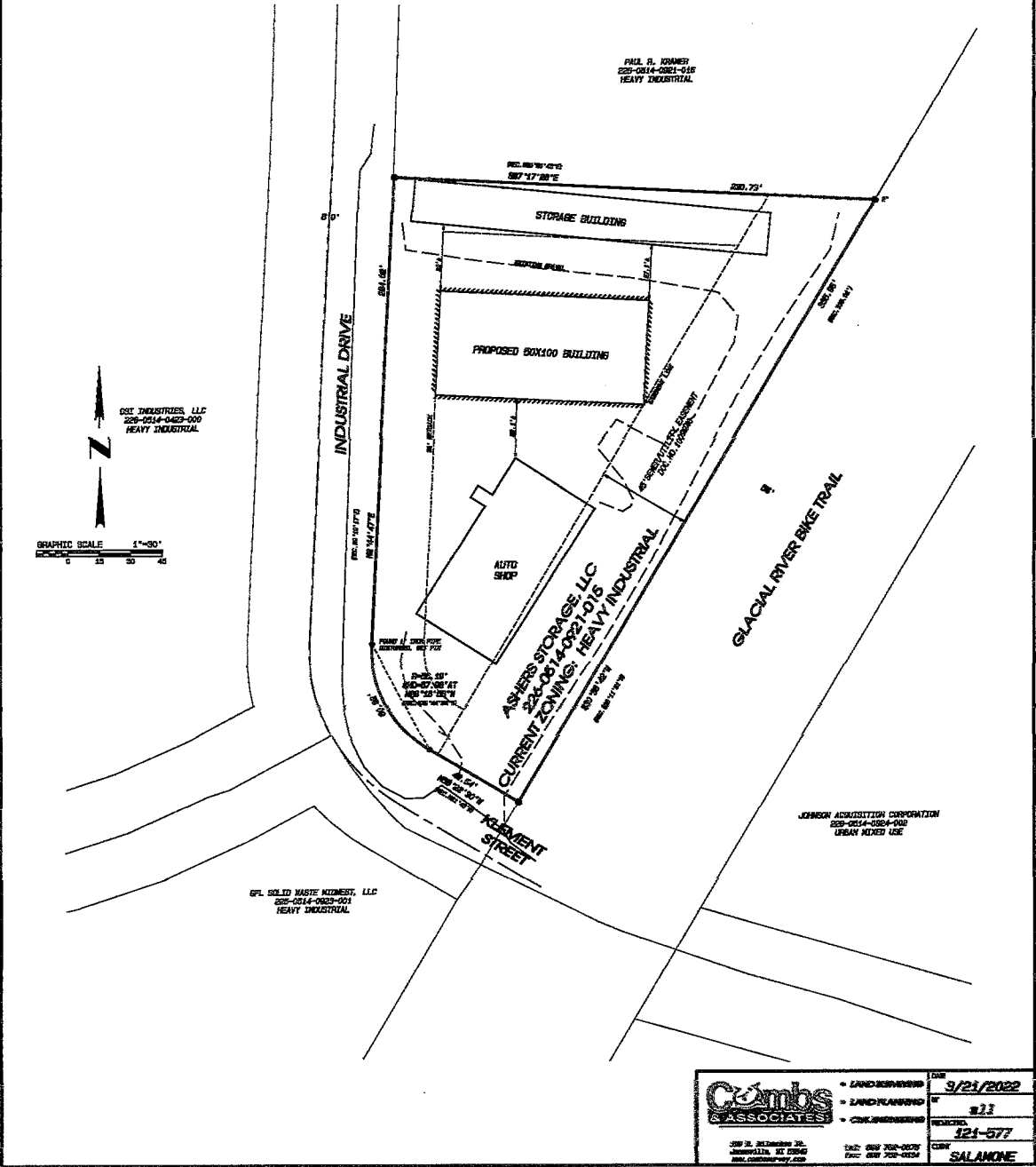
The property currently has 10x20 and 5x10 foot storage units. We are looking to add some 10 x 25 units to this property, meanwhile continuing to maintain the property and serve the City of Fort Atkinson.

Thank you for your time and consideration,

Joseph & Angie Salamone

CITY OF FORT ATKINSON C.U.P. EXHIBIT/SITE PLAN

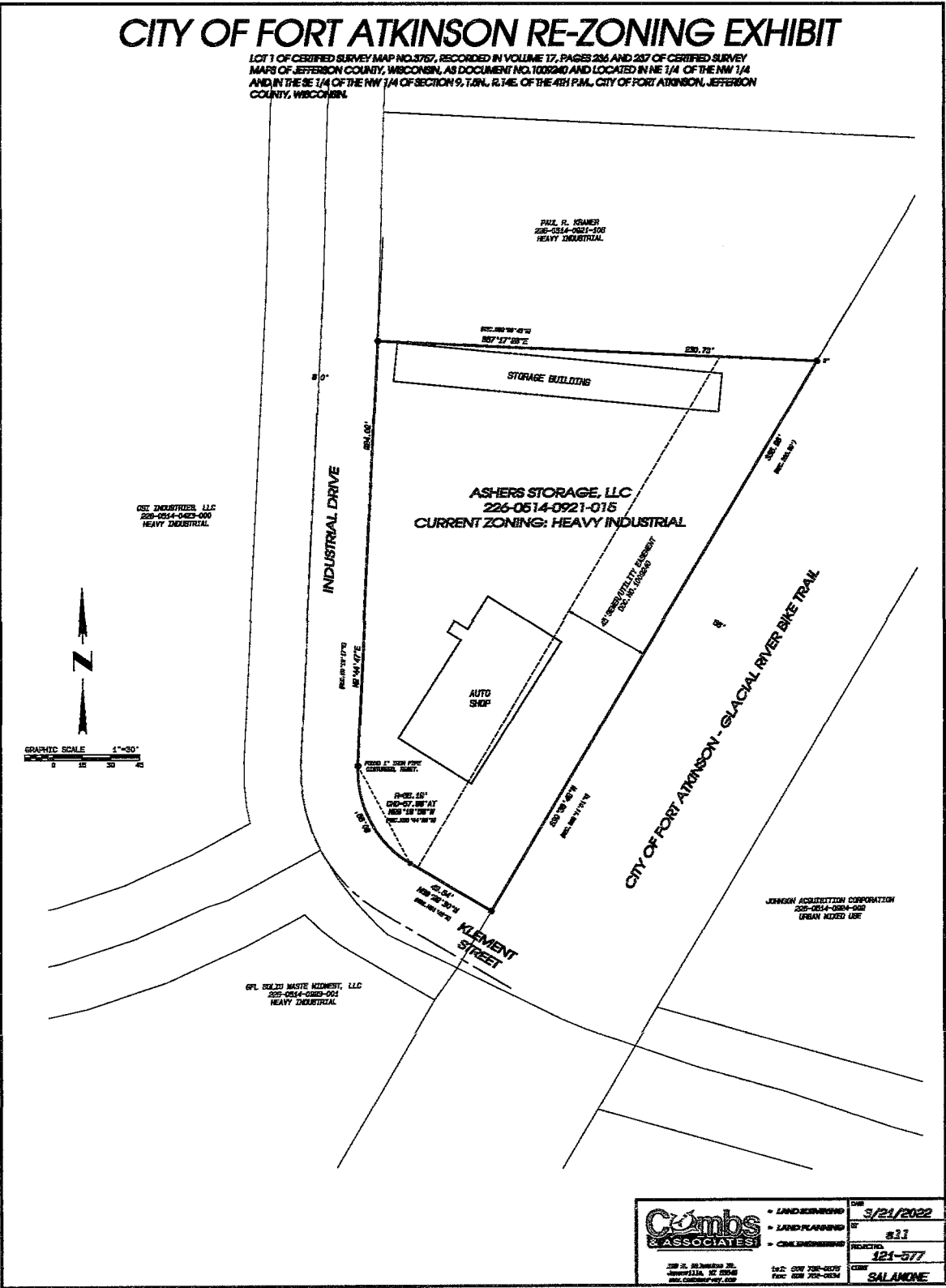
LOT 1 OF CERTIFIED SURVEY MAP NO. 1767, RECORDED IN VOLUME 17, PAGES 236 AND 237 OF CERTIFIED SURVEY MAPS OF JEFFERSON COUNTY, WISCONSIN, AS DOCUMENT NO. 1002240 AND LOCATED IN NE 1/4 OF THE NW 1/4 AND IN THE SE 1/4 OF THE NW 1/4 OF SECTION 9, T.2N, R.14E, OF THE 4TH P.M., CITY OF FORT ATKINSON, JEFFERSON COUNTY, WISCONSIN.



Combs ASSOCIATES	• LANDSCAPING	DATE
	• LAND PLANNING	9/21/2022
	• CIVIL ENGINEERING	BY
		121
		PROJECT
		121-577
		CITY
		SALAMONE

CITY OF FORT ATKINSON RE-ZONING EXHIBIT

LOT 1 OF CERTIFIED SURVEY MAP NO. 3767, RECORDED IN VOLUME 17, PAGES 236 AND 237 OF CERTIFIED SURVEY MAPS OF JEFFERSON COUNTY, WISCONSIN, AS DOCUMENT NO. 1008240 AND LOCATED IN NE 1/4 OF THE NW 1/4 AND IN THE SE 1/4 OF THE NW 1/4 OF SECTION 9, T.10N., R.14E. OF THE 4TH P.M., CITY OF FORT ATKINSON, JEFFERSON COUNTY, WISCONSIN.



Combs & Associates 239 N. Main Street Jefferson, WI 53538 www.combsandassociates.com	• LAND SURVEYING	DATE
	• LAND PLANNING	3/21/2022
	• CIVIL ENGINEERING	BY
		#37
	PROJECTED	121-577
	CHECKED	SALAMONE

Written Justification for the Proposed Official Zoning Map Amendment

Request: Rezoning from (HI) Heavy Industrial to (MI) Medium Industrial

Address: 1205 Industrial Drive Fort Atkinson, WI 53538

Parcel: #226-0514-0921-015

Legal description:

Lot 1 of certified survey map no. 3757 recorded in volume 17. Pages 236 and 237 of certified survey maps of Jefferson county, Wisconsin, as document no. 1009240 and located in the NE ¼ of the ¼ and in the SE ¼ of section 9. T.5N., R.14E. OF THER 4TH P.M., CITY OF FORT ATKINSON, JEFFERSON COUNTY, WISCONSIN

Owners: Joseph & Angela Salamone

Property Name: Ashers Storage LLC

Request: We are requesting rezoning in order to stay compliant and continue with the original plans to add additional outside self-serve storage units on this property. We purchased this property in 2021 from the original owner who built the storage units and building. On the original construction prints approved by the City of Fort Atkinson on 4-30-99, the future building (150x40) was shown. We understand that the setbacks and minimum lot requirements for Heavy Industrial zonings have changed since that time. The new 50 foot setbacks on a minimum five acre lot for a Heavy Industrial zoning quickly shrink up a 1-acre lot. We are asking for a change in zoning to help accommodate the 1-acre lot. Moving to Medium Industrial zoning will allow us to complete a 100 x 50 storage building, meanwhile keeping a 45 foot set back on the east side for the sewer lateral.

The property currently has 10x20 and 5x10 foot storage units. We are looking to add some 10 x 25 units to this property, meanwhile continuing to maintain the property and serve the City of Fort Atkinson.

Thank you for your time and consideration,
Joseph & Angie Salamone



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

May 16, 2022

NOTICE TO THE PUBLIC

The City of Fort Atkinson Plan Commission will hold a public hearing on **Tuesday, June 14, at 4 p.m.**, or as soon thereafter as the matter can be heard, to review and make a recommendation to the City Council on a request for a **Zoning Map Amendment** for the property located at **1205 Industrial Drive** in the City of Fort Atkinson. The public hearing and Plan Commission meeting will take place both in-person at 101 N. Main Street, Fort Atkinson and via Zoom:

<https://us02web.zoom.us/j/82214860406?pwd=TEVyUVdQM05VNFVzb0E2TUNTU05VZlZzO9>

Meeting ID: 822 1486 0406
Passcode: 53538

Dial by your location
+1 312 626 6799

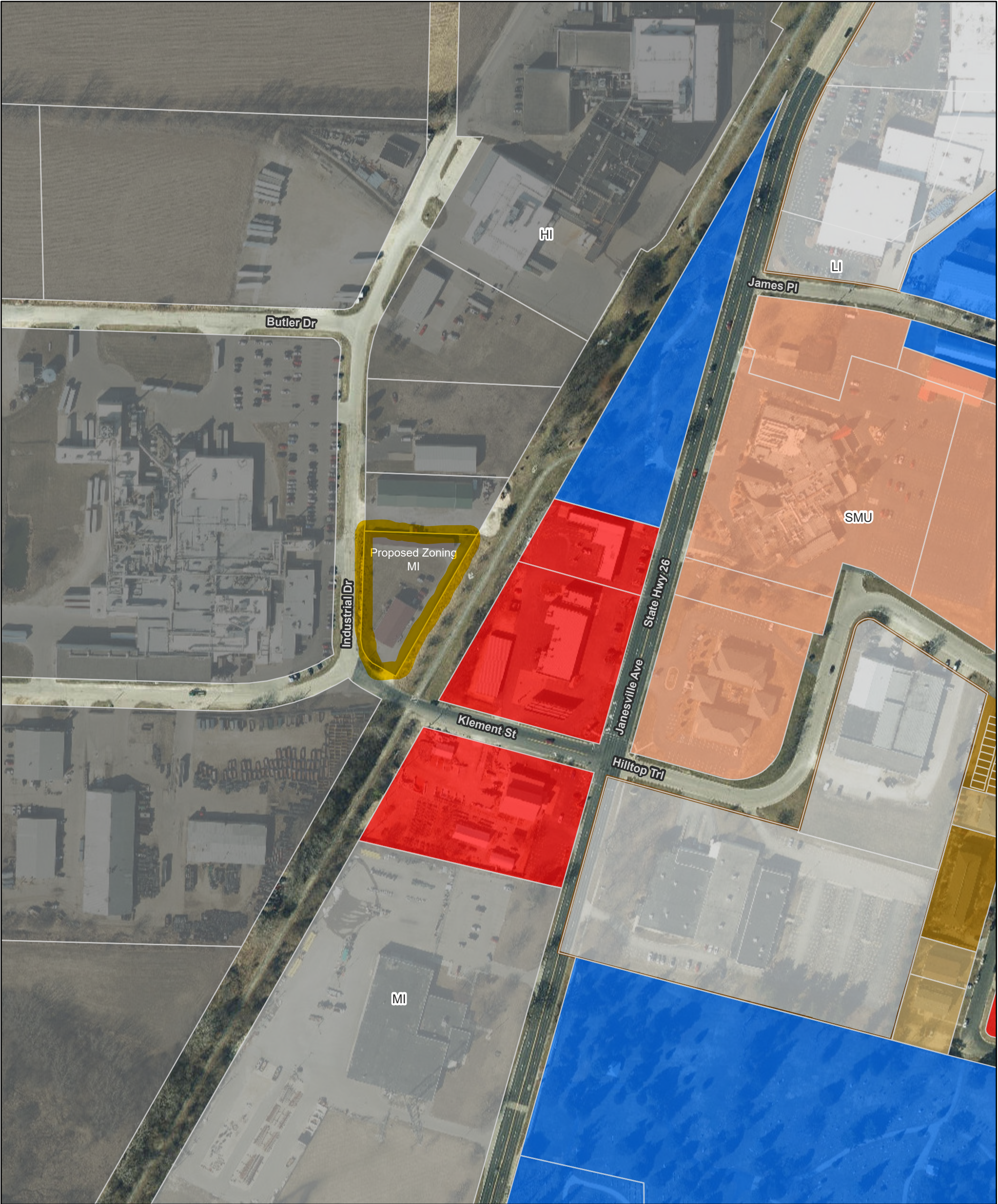
The Zoning Map Amendment has been brought forward to change from Heavy Industrial, HI, to Medium Industrial, MI, to accommodate the construction of an additional building for mini storage warehouse uses.

The Plan Commission is seeking input from the public. For more information, please contact City Engineer Andy Selle at aselle@fortatkinsonwi.net or (920) 563-7760. You may attend the public hearing via Zoom or submit a letter or email expressing your thoughts to City Engineer Selle.








Andy Selle, P.E.
City Engineer/Dir. of Public Works




AS/sw

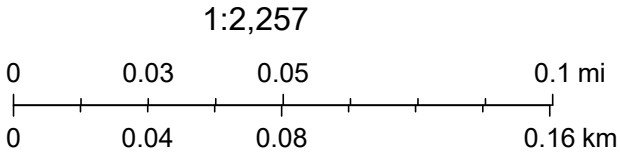
ArcGIS Web Map



5/12/2022, 10:50:19 AM

-  CITY OF FORT ATKINSON
-  Jefferson County Tax Parcels
-  City of Fort Atkinson Municipal Boundary 2021 (incl. Preliminary Annexation)
- City of Fort Atkinson Base Zoning
 -  MRL-8 - Multi-Family Residential
 -  MRM-12 - Multi-Family Residential
 -  SMU - Suburban Mixed Use
 -  UMU - Urban Mixed Use

-  I - Institutional
-  LI - Light Industrial
-  MI - Medium Industrial
-  HI - Heavy Industrial



RESOLUTION NO. 1381

**RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT
TO ALLOW A PERSONAL STORAGE USE ON THE PROPERTY LOCATED AT 1205 INDUSTRIAL
DRIVE IN THE MI, MEDIUM INDUSTRIAL ZONING DISTRICT
(CUP-2022-03)**

WHEREAS, the application of Joe Salamone, on behalf of Ashers Storage LLC, for a Conditional Use Permit to allow the a personal storage use on the property located at 1205 Industrial Drive, in the MI, Medium Industrial Zoning District, has been considered by the Plan Commission of the City of Fort Atkinson, Jefferson County, Wisconsin, at a public hearing on June 14, 2022, held for that purpose with due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk; and

WHEREAS, the Plan Commission considered the matter again at a meeting on June 28, 2022, held for that purpose with due notice of said meeting having been given to the public and interested parties.

NOW, THEREFORE, BE IT RESOLVED THAT, the Plan Commission of the City of Fort Atkinson, Jefferson County, Wisconsin, does hereby grant a Conditional Use Permit to allow an additional building to be used for personal storage on the property located at 1205 Industrial Drive, in the MI, Medium Industrial Zoning District, for the following described premises:

Lot 1 of Certified Survey Map No. 3757 recorded in Volume 17, pages 236 and 237 of Certified Survey Maps of Jefferson County, Wisconsin, as document no. 1009240 and located in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, T.5N, R.14E of the 4th P.M., City of Fort Atkinson, Jefferson County, Wisconsin (a/k/a 1205 Industrial Drive, Parcel Number 226-0415-0921-015).

As a condition of granting the Conditional Use Permit, the Plan Commission does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are deemed necessary for the public interest:

1. This Conditional Use Permit authorizes the addition of a 50-foot by 100-foot building to be used for personal storage, on the property located at 1205 Industrial Drive, in the MI, Medium Industrial Zoning District. If the requested zoning change for this property is not approved, this Conditional Use Permit is void.
2. This Conditional Use Permit does not allow outdoor storage of recreational vehicles and/or equipment on the subject property.
3. There are two existing buildings and uses on the subject property, which are considered "legal nonconforming" to the current Zoning Ordinance and may continue in accordance with said Ordinance.

4. The applicant shall follow all Site Plan Review and Approval Procedures outlined in Section 15.10.42 of the Zoning Code.
5. The City shall cause this Conditional Use Permit to be recorded with the Jefferson County Register of Deeds, the cost of which shall be paid by the applicant.
6. The applicant shall be current with all monies owed to the City, including any fees invoiced and associated with the review of this project and the recording of this document.
7. The applicant shall have 365 days from the date of approval of this Conditional Use Permit to initiate construction of this project and shall be operational within 730 days of the approval.
8. Any major changes to the proposed conditions or use of the property shall be approved by the Plan Commission by amending this Conditional Use Permit. The Zoning Administrator may approve minor changes administratively.

Adopted this 28 day of June 2022.

CITY OF FORT ATKINSON PLAN COMMISSION



Rebecca Houseman LeMire, Chairperson

ATTEST:



Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. ____

**AN ORDINANCE
TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF FORT ATKINSON**

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

Section 1. Section 15.02.03 of the City of Fort Atkinson Zoning Ordinance, adopting the Map of Standard Zoning Districts, is hereby amended to change the zoning classification of the following described property from HI, Heavy Industrial, to MI, Medium Industrial:

Lot 1 of Certified Survey Map No. 3757 recorded in Volume 17, pages 236 and 237 of Certified Survey Maps of Jefferson County, Wisconsin, as document no. 1009240 and located in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, T.5N, R.14E of the 4th P.M., City of Fort Atkinson, Jefferson County, Wisconsin (a/k/a 1205 Industrial Drive, Parcel Number 226-0415-0921-015).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect 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 _____, 2022.

CITY OF FORT ATKINSON

Christopher Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

FROM: Andy Selle, P.E., City Engineer/Director of Public Works

RE: First reading of an Ordinance Annexing the territory located at W6490 Campus Drive and W6492 Campus Drive to the City of Fort Atkinson

BACKGROUND

Applicant Ryan Quam, on behalf of property owner Tip of the Spear, LLC, has requested the annexation of two properties located on the north side of Campus Drive from the Town of Koshkonong to the City of Fort Atkinson. The parcels (016-0614-3323-014 and 016-0614-3323-015) were purchased by Tip of the Spear in May 2021 with the goal of urban development within the City.

DISCUSSION

The subject properties are located immediately south of the City's property and planned neighborhood along Banker Road. Annexing the subject properties will allow them to be redeveloped in the City on municipal water and sewer and in accordance with the Comprehensive Plan. There is also an opportunity for these parcels to be developed in coordination with the City's planned neighborhood. The City is considering the creation of a Tax Increment District in this area, and including these parcels, this fall. The parcels must be located within the City limits in order to be included in the TID.

The Comprehensive Plan shows the future land use of these parcels as "Planned Neighborhood," which is described as a carefully planned mix of primarily single-family residential development, including some two-family, multi-family residential, and neighborhood businesses uses consistent with the residential character of the area and retaining the City's existing balance of residential types.

The applicant has requested that the property be zoned RS-2, Single-family Residential – 2. In the short term, this district allows the continued use of the single-family dwelling on each parcel. However, in the future, depended on the planned uses, the zoning may be changed to a denser residential or mixed use zoning district.

This request has been submitted to the State Department of Administration, and staff will include the findings from the DOA with the Plan Commission staff report (if available) and with future Council reports for the second and third readings of this Ordinance. The Plan Commission is scheduled to review this request at the meeting on July 26th provide a

recommendation back to the City Council at the meeting on August 2, 2022, where the Council may perform a second reading of the Ordinance.

FINANCIAL ANALYSIS

Staff does not expect this annexation ordinance to impact the City financially.

RECOMMENDATION

Staff recommends that the City Council perform the first reading of this Ordinance and direct the City Manager to prepare the Ordinance for a second reading on August 2, 2022.

ATTACHMENTS

Annexation Application, Petitions, and Annexation Map; Draft Annexation Ordinance



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

PETITION FOR ANNEXATION TO THE CITY OF FORT ATKINSON

Address(es) of Property: W6490 Campus Drive and W6492 Campus Drive, Fort Atkinson, WI


Parcel Number(s): 016-0614-3323-014 and 016-0614-3323-015

The current population or territory to be annexed and/or attached is 4 persons.

We, the undersigned, constituting all of the owners of the real property in Jefferson County, Wisconsin, lying contiguous to the City of Fort Atkinson, respectfully petition the City Council of the City of Fort Atkinson to annex the territory described and shown on the attached scale map to the City of Fort Atkinson, Jefferson County, Wisconsin. (Plat of Annexation or Attachment must include a legal description of the subject property.)

We the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

We further respectfully request that this property be zoned SR-2.

Owner/Petitioner Signature:	Print Name:	Address:	Date:
	Ryan D. Quam	4604 Siggelkow Rd, Suite A, McFarland WI 53558	6-10-2022

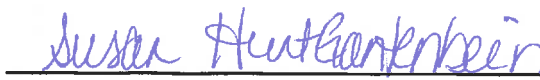
Personally came before me this 10th day of June, 2022, the above named,

(day)

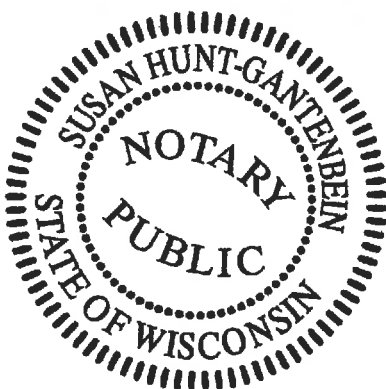
(month)

(year)

Ryan Quam to me known to be the persons who executed the foregoing instrument and acknowledged the same.


Notary Public, Dane County, Wisconsin (SEAL)

My Commission is permanent or expires on: 6-14-2024



Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102
wimunicipalboundaryreview@wi.gov
<https://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **Tip of the Spear, LLC Ryan D. Quam, Owner**

Phone: **608-332-2790**

Email: **rquam@quamengineering.com**

Contact Information if different than petitioner:

Representative's Name:

Phone:

E-mail:

1. Town where property is located: **Koshkonong**

2. Petitioned City or Village: **City of Fort Atkinson**

3. County where property is located: **Jefferson**

4. Population of the territory to be annexed: **4**

5. Area (in acres) of the territory to be annexed: **5.4**

6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel):
016-0614-3323-014 AND 016-0614-3323-015

Include these required items with this form:

1. ☐ Legal Description meeting the requirements of [s.66.0217 \(1\)\(c\)](#) [see attached annexation guide]
2. ☐ Map meeting the requirements of [s. 66.0217 \(1\)\(g\)](#) [see attached annexation guide]
3. ☐ Signed Petition or Notice of Intent to Circulate [see attached annexation guide]
4. ☐ Check or money order covering review fee [see next page for fee calculation]

(2021)

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$200 Initial Filing Fee (required with the first submittal of all petitions)

\$200 – 2 acres or less

\$350 – 2.01 acres or more

\$800 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)

\$200 – 2 acres or less

\$600 – 2.01 to 10 acres

\$800 – 10.01 to 50 acres

\$1,000 – 50.01 to 100 acres

\$1,400 – 100.01 to 200 acres

\$2,000 – 200.01 to 500 acres

\$4,000 – Over 500 acres

\$1,000 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Include check or money order, payable to: **Department of Administration**

DON'T attach the check with staples, tape, ...

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee & form received: _____

Payer: _____

Check Number: _____

Check Date: _____

Amount: _____

Exhibit B
Legal Description
Annexation to the City of Fort Atkinson

A part of the: Southwest one-quarter of the Northwest one-quarter, including all of Lot 1 of Jefferson County Certified Survey Map No. (CSM) 4431, recorded in Volume 22 of Certified Survey Maps on Page 168 as Document No. 1123862 of Jefferson County Records, of Section 33, Township 6 North, Range 14 East, Town of Koshkonong, Jefferson County, Wisconsin, being more particularly described as follows:

BEGINNING at the West one-quarter Corner of said Section 33;

thence, along the West line of said Northwest one-quarter, N00°50'50"W, 659.35 feet to the Northwest corner of the South one-half of said Southwest one-quarter of the Northwest one-quarter;

thence, along the North line of said South one-half of said Southwest one-quarter of the Northwest one-quarter, S88°09'18"E, 552.09 feet to its intersection with the Westerly right-of-way line of Banker Road;

thence, along said Westerly right-of-way line, S21°41'03"W, 30.72 feet to the beginning of a tangent curve, being concave Easterly, having a radius of 2031.17 feet and a chord which bears S19°26'49"W, 158.59 feet;

thence, continuing along said Westerly right-of-way line, Southerly, 158.63 feet along the arc of said curve through a central angle of 04°28'29" to its intersection with the North line of Lot 1 of CSM 4382;

thence, along last said North line, N88°09'15"W, 204.94 feet to the Northwest corner of said Lot 1 of CSM 4382;

thence, along the West line of said Lot 1 of CSM 4382 and its Southerly extension, S00°50'50"E, 196.47 feet to its intersection with the North line of Lot 1 of CSM 3015;

thence, along last said North line, S87°01'15"W, 41.54 feet to the Northwest corner of said Lot 1 of CSM 3015;

thence, along the West line of said Lot 1 of CSM 3015, S00°51'00"E, 147.22 feet to the Southwest corner of said Lot 1 of CSM 3015;

thence, along the South line of said Lot 1 of CSM 3015, S88°05'45"E, 159.14 feet to its intersection with aforesaid Westerly right-of-way line of Banker Road;

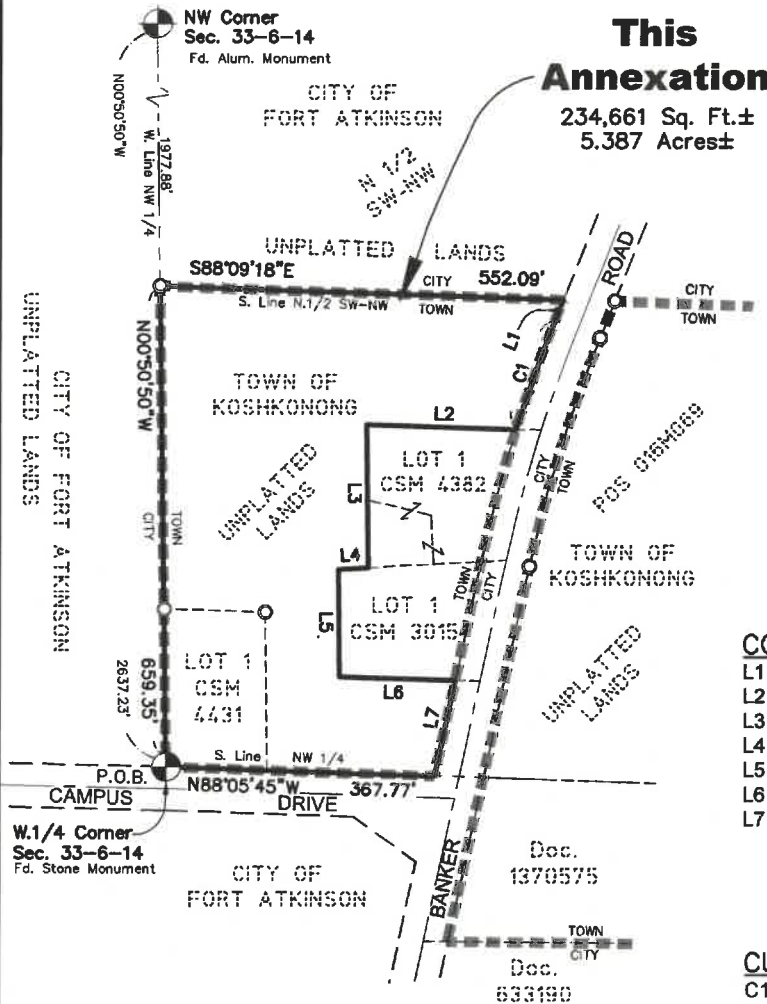
thence, along said Westerly right-of-way line, S12°07'17"W, 134.12 feet to its intersection with the South line of said Northwest one-quarter and the North right-of-way line of Campus Drive;

thence, along last said South line and North right-of-way line, N88°05'45"W, 367.77 feet to the **POINT OF BEGINNING**.

The above-described parcel contains 234,661 square feet or 5.387 acres, more or less, and is subject to all easements and agreements, if any, of record and/or fact and is shown on the map, Exhibit A, by Quam Engineering, LLC for Project No. MC-37-20 dated June 9, 2022, and by this reference made a part hereof.

Exhibit A - Annexation Map

A part of the SW 1/4 of the NW 1/4, including all of Lot 1 of CSM 4431, of Section 33, T.6N., R.14E., Town of Koshkonong, Jefferson County, Wisconsin



GRAPHIC SCALE



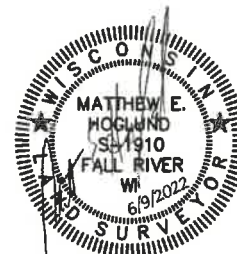
(IN FEET)

Notes:

1. Legal description is attached as Exhibit B.

LEGEND

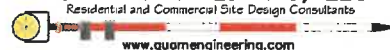
- Annexation Boundary
- - - Sectional Subdivision Line
- - - Existing R/W Line
- ===== Existing City Corporate Limits Line
- - - Existing Centerline
- - - Existing Parcel Line
- Found Property Iron



ANNEXATION TO THE CITY OF FORT ATKINSON ANNEXATION MAP

PROJECT NO. MC-37-20 SHEET 1 OF 2
June 9, 2022

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants



www.quamengineering.com

4604 Siggekow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752



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

**PETITION FOR ANNEXATION
TO THE CITY OF FORT ATKINSON**

Address(es) of Property: W6490 Campus Dr. + W6492 Campus Drive

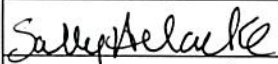

Parcel Number(s): 016-0614-3323-014 & 016-0614-3323-015

The current population or territory to be annexed and/or attached is 4 persons.

We, the undersigned, constituting all of the owners of the real property in Jefferson County, Wisconsin, lying contiguous to the City of Fort Atkinson, respectfully petition the City Council of the City of Fort Atkinson to annex the territory described and shown on the attached scale map to the City of Fort Atkinson, Jefferson County, Wisconsin. (Plat of Annexation or Attachment must include a legal description of the subject property.)

We the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

We further respectfully request that this property be zoned SR-2.

Owner/Petitioner Signature:	Print Name:	Address:	Date:
	SALLY Clarke	W6492 Campus Dr	6-17-2022
	Jerry Clarke	W6492 Campus Dr	6-17-2022

Personally came before me this 17 day of JUNE, 2022 the above named,

(day)

(month)

(year)

Sally Clarke Jerry Clarke to me known to be the persons who executed the foregoing instrument and acknowledged the same.


Notary Public, Jefferson County, Wisconsin (SEAL)



My Commission is permanent or expires on: 10-11-25



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

**PETITION FOR ANNEXATION
TO THE CITY OF FORT ATKINSON**

Address(es) of Property: W6490 Campus Dr. + W6492 Campus Dr.

Parcel Number(s): 016-0614-3323-014 + 016-0614-3323-015

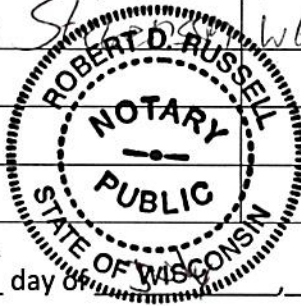
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We the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

We further respectfully request that this property be zoned SR-2.

Owner/Petitioner Signature:	Print Name:	Address:	Date:
	Darryl L. Maasz Sr.	W6490 Campus Dr.	7/17/22
	Sam Stevenson	W6490 Campus Dr.	7/17/22



Personally came before me this 7th day of July, 2022, the above named, Darryl L. Maasz Sr. (day) (month) (year)
Sam Stevenson to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Jefferson County, Wisconsin (SEAL)

My Commission is permanent or expires on: 1-3-2024

ORDINANCE NO. ____

**AN ORDINANCE ANNEXING
THE TERRITORY LOCATED AT W6490 CAMPUS DRIVE AND W6492 CAMPUS DRIVE
TO THE CITY OF FORT ATKINSON**

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

Section 1. TERRITORY ANNEXED. That pursuant to Sec. 66.0223(1) of the Wisconsin Statutes, and the Petition for Annexation filed by Ryan D. Quam, agent for Tip of the Spear, LLC, as the property owner, and all four residents of voting age, the following described territory in the Town of Koshkonong, Jefferson County, Wisconsin, is hereby annexed to the City of Fort Atkinson, Wisconsin:

A PART OF THE: SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER, INCLUDING ALL OF LOT 1 OF JEFFERSON COUNTY CERTIFIED SURVEY MAP NO. (CSM) 4431, RECORDED IN VOLUME 22 OF CERTIFIED SURVEY MAPS ON PAGE 168 AS DOCUMENT NO. 1123862 OF JEFFERSON COUNTY RECORDS, OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 14 EAST, TOWN OF KOSHKONONG, JEFFERSON COUNTY, WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 33; THENCE, ALONG THE WEST LINE OF SAID NORTHWEST ONE-QUARTER, N00°50'50"W, 659.35 FEET TO THE NORTHWEST CORNER OF THE SOUTH ONE-HALF OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER; THENCE, ALONG THE NORTH LINE OF SAID SOUTH ONE-HALF OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER, S88°09'18"E, 552.09 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF BANKER ROAD; THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S21°41'03"W, 30.72 FEET TO THE BEGINNING OF A TANGENT CURVE, BEING CONCAVE EASTERLY, HAVING A RADIUS OF 2031.17 FEET AND A CHORD WHICH BEARS S19°26'49"W, 158.59 FEET; THENCE, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTHERLY, 158.63 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'29" TO ITS INTERSECTION WITH THE NORTH LINE OF LOT 1 OF CSM 4382; THENCE, ALONG LAST SAID NORTH LINE, N88°09'15"W, 204.94 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 OF CSM 4382; THENCE, ALONG THE WEST LINE OF SAID LOT 1 OF CSM 4382 AND ITS SOUTHERLY EXTENSION, S00°50'50"E, 196.47 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF LOT 1 OF CSM 3015; THENCE, ALONG LAST SAID NORTH LINE, S87°01'15"W, 41.54 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 OF CSM 3015; THENCE, ALONG THE WEST LINE OF SAID LOT 1 OF CSM 3015, S00°51'00"E, 147.22 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 OF CSM 3015; THENCE, ALONG THE SOUTH LINE OF SAID LOT 1 OF CSM 3015, S88°05'45"E, 159.14 FEET TO ITS INTERSECTION WITH AFORESAID WESTERLY RIGHT-OF-WAY LINE OF

BANKER ROAD; THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S12°07'17"W, 134.12 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER AND THE NORTH RIGHT-OF-WAY LINE OF CAMPUS DRIVE; THENCE, ALONG LAST SAID SOUTH LINE AND NORTH RIGHT-OF-WAY LINE, N88°05'45"W, 367.77 FEET TO THE **POINT OF BEGINNING**. (A/K/A PARCEL NUMBERS 0614-0614-3323-014 AND 016-0614-3323-015, CONSISTING OF APPROXIMATELY 5.387 ACRES OF LAND).

Section 2. EFFECT OF ANNEXATION. From and after the effective date of this Ordinance the territory described in Section 1 above shall be part of the City of Fort Atkinson for any and all purposes provided by law and any persons coming or residing within such territory shall be subject to all Ordinances, rules, and regulations governing the City of Fort Atkinson.

Section 3. PAYMENT TO THE TOWN OF KOSHKONONG. The applicant has requested annexation to the City per Section 66.0217(2) – Direct Annexation by Unanimous Approval. As such, no payment to the Town of Koshkonong is required (Wis. Stats. 66.0217(14)(a)).

Section 4. ZONING CLASSIFICATION. A) The Territory annexed to the City of Fort Atkinson by this Ordinance is designated to be part of the following district of the City for zoning purposes and subject to all provisions of Title 15 of the Code of General Ordinances in the City of Fort Atkinson entitled “Zoning Ordinance” relating to such district classifications and to zoning in the City: SR-2, Single-family Residential District – 2.

Section 5. WARD DESIGNATION. A) The territory described in Section 1 of this Ordinance is hereby made part of Ward 12 of the City of Fort Atkinson, subject to all ordinances, rules, and regulations of the City. Population of this territory is four (4) on the effective date of this Ordinance.

Section 6. SEVERABILITY. If any provision of this Ordinance is found to be invalid or unconstitutional or if the application of this Ordinance or any person or circumstance is invalid or unconstitutional such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Section 7. EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication.

Adopted this _____ day of _____, 2022.

CITY COUNCIL OF THE CITY OF FORT ATKINSON

Christopher Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director

Annexation Map

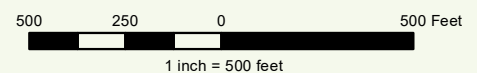


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|---------------------|-----------------------|--|--------------------|-------------|
| | Description | | Rail Right of Ways | Tax Parcels |
| | Municipal Boundaries | | Road Right of Ways | |
| Parcel Lines | | | | |
| | Property Boundary | | Section Lines | |
| | Surface Water | | Map Hooks | |
| | Old Lot/Meander Lines | | | |



Jefferson County Geographic Information System

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. Jefferson County makes no warranty whatsoever concerning this information.



Printed on: July 13, 2022

Author: Public User



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

FROM: Rebecca Houseman LeMire, City Manager

RE: Review and possible action relating to the repurchase of land per the Klement Business Park Covenants

BACKGROUND

In June 2020, the City negotiated the sale of 7.80 acres of land along Janesville Avenue and Mielke Drive to Mickelson Investments LLP (parcel number 226-0514-1742-000). The sale was meant to accommodate the construction of a new location for the Mickelson Investments' business: RB Scott. This company is a specialized dealer of process equipment and wear parts for the sand and gravel, crush stone, frac sand, and recycling industries.

DISCUSSION

Although staff and the property owner had not yet arrived at the Site Plan Review phase, it became clear in late 2021/early 2022 that this project was not compatible with the Klement Business Park Covenants, the City's Zoning Ordinance, nor the City's MS4 storm water discharge permit from the DNR. Specifically, the property owner did not intend to pave the yard where the heavy equipment on tracks would be stored and/or repaired. Additionally, the preliminary building proposed would not have met the exterior material standards required in the Covenants for this parcel with frontage on Janesville Avenue.

City staff and the property owner attempted to come up with solutions that would keep this business in Fort Atkinson or Jefferson County, including a land swap for other land within the Business Park, another location within the City, and an introduction to JCEDC/ThriveED in an attempt to find a new location. However, none of those options met the property owner's needs, and he has requested to sell the land back to the City per the Covenants. This parcel has frontage along Janesville Avenue and will be very marketable to a new owner in the future.

FINANCIAL ANALYSIS

Per the Covenants in Section XIV.A., the City has the option to repurchase the lot. The purchase price shall be the price paid for the land, the value of any improvements; and any special assessments. There have been no improvements nor has the City levied any special assessments on the property. The property owner purchased the land for \$155,820.00 in 2020. The property owner is responsible for a pro-rated portion of the property taxes, and the City may repurchase the property for \$153,246.97.

The re-purchase of this land was not budgeted, and there are not funds available in TID #6 because the expenditure period in this TID has closed. Staff recommends that the City use funds from the General Fund fund balance for the purchase, which may be repaid from TID #6 in the future.

Per the 2021 Audited Financial Statements, the City's unassigned General Fund fund balance was at \$3,537,691, or 37% of budgeted expenditures. The City's Fund Balance Policy calls for an unassigned fund balance of between 15% and 30% of budgeted expenditures. Even after the purchase, the City's fund balance remains strong.

RECOMMENDATION










Staff recommends that the City Council approve the re-purchase of parcel number 226-0514-1742-000 in the Klement Business Park for \$153,246.97, using General Fund fund balance with a closing date set for August 26, 2022.

ATTACHMENTS

Location Map; Signed Notice of Option to Exercise Purchase; Klement Business Park Covenants

Mickelson Investments Property

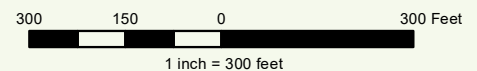


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|--|-----------------------|---|--------------------|-------------|
|  | Description |  | Rail Right of Ways | Tax Parcels |
|  | Municipal Boundaries |  | Road Right of Ways | |
| Parcel Lines | | | | |
|  | Property Boundary |  | Section Lines | |
|  | Old Lot/Meander Lines |  | Surface Water | |
| | |  | Map Hooks | |



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Printed on: July 13, 2022

Author: Public User

NOTICE OF OPTION TO EXERCISE PURCHASE

WHEREAS, Mickelson Investments LLP via Broker Mike Herl drafted an Offer to Purchase for Parcel #226-0514-1742-000 on February 19, 2020;

WHEREAS, The City of Fort Atkinson drafted a counter offer in February of 2020;

WHEREAS, Mickelson Investments LLP drafted an additional counter offer on March 6, 2020 which was accepted by the City of Fort Atkinson on March 18, 2020;

WHEREAS, the offer closed via Land Contract on June 25, 2020;

WHEREAS, the Land Contract was paid in full on March 8, 2021;

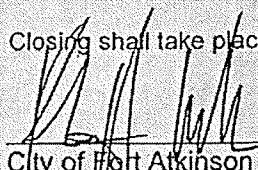
WHEREAS, the City of Fort Atkinson executed a Quit Claim Deed dated February 26, 2021 recorded on March 10, 2021;

WHEREAS, Mickelson Investments LLP has not built upon the property as of June 25, 2022, 24 months after the date of purchasing;

THEREFORE, the City of Fort Atkinson desires to exercise the option listed in the Declaration of Protective Covenants of Robert L. Klement Business Park Document 1040705, Volume 1158 Page 192, XIV.A., by purchasing the above property for \$155,820, upon the following conditions which the Seller shall pay:

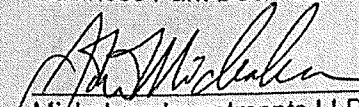
1. Unpaid real estate taxes and special assessments, if any;
2. Proration of current year's real estate taxes to date of closing;
3. Title Insurance policy premium paid by the Owner in connection with the original sale;
4. Unpaid liens or special charges of an ascertainable amount;
5. Any other costs of the Owner associated with the original sale to the Owner.

Closing shall take place within 60 days of this notice.


City of Fort Atkinson
By City Manager:
Rebecca Houseman LeMire

6/25/22
Date

Mickelson Investments LLP hereby acknowledge receipt of this Notice of Option to Exercise Purchase. Mickelson Investments LLP agrees to the terms found in the above Notice of Option to Exercise Purchase which were contained in the Robert L. Klement Business Park Declaration of Protective Covenants.


Mickelson Investments LLP

7/7/2022
Date

By: John Mickelson


Mickelson Investments LLP

7-7-2022
Date

By: Nancy A. Mickelson

This document prepared by:

David R. Westrick

WI SBN 01021165

ROGERS & WESTRICK, S.C.

93 N Main Street

Fort Atkinson, WI 53538

(920) 563-5577 / (920) 563-3577 fax

drw@rogerswestricklawoffice.com

Declaration of Protective Covenants

Robert L. Klement Business Park Fort Atkinson, Wisconsin

RECITALS:

1. The City of Fort Atkinson (hereinafter "City"), owns a certain parcel of land known as the Robert L. Klement Business Park. Said Park is located on the south side of the City and is more particularly described on Exhibit A which is attached hereto and incorporated by reference.
2. The following consists of various covenants running with the land that the City wishes to impose upon all future owners of said property as same is subdivided and sold to third parties. These covenants do not run with lands designated as Outlots C, D and E on attached Exhibit B, as they are designated residential parcels.
3. The City represents that the same was adopted by a regular meeting of the City Council of the City of Fort Atkinson on July 6, 2000.

I. USE OF LAND

It is the intent of the City of Fort Atkinson that this Business Park be developed to enhance the future of business growth of the City in a planned development for the general mix of business, industrial, distribution, and limited retail operations. The type of "mix" will be subject to the review and approval of the City Council. Retail use may be permitted providing such uses are compatible with the adjoining Business Park uses and do not contribute to excessive congestion, alter the character, or otherwise detract from the primary purpose of the Business Park as a business/industrial employment center.

II. GENERAL PROVISIONS

It is the intent of this declaration that all structures erected, enlarged, added to, altered, used, and maintained shall be designed, constructed and used so as to meet all applicable State of Wisconsin laws, administrative codes, and City of Fort Atkinson codes pertaining to building construction, sanitation and zoning, and so as to provide for a compatible and aesthetically pleasing development.

No building or improvement shall be erected, placed or altered on any building site in the Business Park until the plans and use for such building or improvement including site plans, landscaping plans, drainage plans, building plans and specifications have been approved by the City of Fort Atkinson and its Plan Commission. All proposed construction shall be completed within two years of commencement.

Use of parcels covered by these covenants shall be occupied only for uses permitted under zoning classification M-2 and shall be limited to trades or industries of a restrictive character which are not detrimental to the Business Park by reason of appearance, noise, dust,

smoke, or odor, or similar conditions as hereinafter provided. The following uses, not intending hereby to limit by enumeration, shall be prohibited:

- 1.) Quarrying
- 2.) Junkyards or salvage yards
- 3.) Drop forges, foundries, refineries, asphalt plants, concrete & plaster manufacturing & assemblage, or any similar use, the normal operation of which causes objectionable noise, odor, dust or smoke
- 4.) Any other use, the normal operation of which causes objectionable appearance, noise, odor, dust or smoke
- 5.) Slaughter houses, housing of animals
- 6.) Gas stations, convenience stores

III. BUSINESS PARK LOT DEVELOPMENT

No improvement, structure, addition or alteration shall be nearer than fifty (50) feet to the right-of-way line on any Business Park street or road. Corner lots shall have two (2) street setbacks each of fifty (50) feet.

Side yards shall be a minimum of twenty-five (25) feet setback on each side of a structure to the side lot line.

Rear yards shall be a minimum of thirty (30) feet from the rear lot line, or fifty (50) feet where abutting residential zoning.

IV. BUILDING APPEARANCE

All structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing development. The front and sidewalls of all structures facing a street shall be faced with at least fifty percent (50%) decorative masonry or other material approved by the Plan Commission. Sidewalls of structures facing a yard area shall have the aforementioned decorative siding extended for a minimum distance of twenty (20) feet or to a natural dividing point as approved by the Plan Commission.

Structures fronting on Janesville Avenue shall have all the façade facing toward Janesville Avenue surfaced with decorative masonry, window glass, or other decorative architectural siding.

The primary entrances of all buildings shall be oriented toward the public street on which the building is addressed. Front entrances shall be clearly defined by an extended roof or other architectural features. Foundation plantings shall be installed on the front of the building facing the street on which the property is addressed.

Walls facing side and rear yards shall be finished in materials complimentary to the façade facing the street. Walls facing residential zones shall be constructed of finish materials consistent with the front of the structure. Where plain concrete block masonry is used, such masonry shall be painted with a minimum of two (2) coats of paint.

Pole buildings or structures lacking a well-defined decorative entrance and façade are not appropriate.

V. PARKING AND ACCESS

It is the intention of these protective covenants to prohibit on-street parking within the planned Business Park. Driveways and parking areas shall be laid out to avoid a direct, unscreened view from the street to employee and visitor parking areas, loading docks, maneuvering areas and permitted outdoor storage areas. No parking shall be permitted on entry driveways.

All driveways and parking areas shall be paved surfaces with all materials meeting the accepted standards of the construction trades. Parking stalls shall be clearly stripped and delineated. All drives and walks shall be completed within one (1) year after construction of the building.

VI. OUTDOOR STORAGE

Outdoor storage of vehicles, products, equipment, supplies and other materials will be permitted in the side and rear yards of the parcel and must be screened with screening approved by the Plan Commission. Screens intended to screen outdoor storage areas may consist of the following materials either used individually or in combination: earthen berms, wooden fences, landscaping, or other nonmetallic materials. Open mesh metal security fences shall not be considered acceptable screening materials. Temporary outdoor storage may be permitted by prior written approval of the City Building Inspector, however, no storage will be allowed in front or street side yards at any time.

VII. FENCING

Security fences may be located in side or rear yard storage areas. No security fence shall be less than six (6) feet in height nor more than ten (10) feet in height. Security fences may have the accepted barbed wire "Y" or angle security device not to exceed twenty-four (24) inches. Said security fences shall be of chain-link type construction. If different types of fence materials are being proposed, such design and materials may be approved by the Plan Commission.

Fences are not allowed to extend beyond the minimum required street yard, or in the case of a greater setback, shall not extend beyond the footprint of the structure into the street yard. Corner lots shall have fencing extend to the minimum street setback requirement and shall not extend into the street yard in front of any structure.

VIII. LOADING ZONES

All loading berths shall be located a minimum of seventy-five (75) feet from the street right-of-way and only in rear yards and side yards behind the required front yard setback. No loading zones will be allowed in street side yards.

IX. LANDSCAPING

At least one street tree of an appropriate species approved by the City Forester shall be planted for each fifty (50) feet of frontage on a public street. All street trees shall be at least 2-1/2 inches caliper at the time of planting.

At least ten percent (10%) of the site area must be maintained in either lawn or landscaped green space.

Foundation plantings shall be installed on either side of the front entrance to the building facing toward the public street.

X. MAINTENANCE

Each owner of a lot shall at all times keep the premises, buildings, and other improvements on such owner's lot in a safe, clean, neat and sanitary condition. Specifically, no building or structure shall be permitted to fall into disrepair and shall at all times be kept in good repair and adequately painted or otherwise finished. All grass, trees, shrubbery shall be kept in good condition at all times (on both vacant and developed lots). Specifically, the entire site shall be maintained in healthy grass, turf or other approved ground cover, which is neatly maintained including mowing, watering, fertilizing, pruning and weeding. If, in the opinion of the Building Inspector, property maintenance is not being undertaken, the Plan Commission may, at any time after thirty (30) days prior written notice to the lot owner, contract for the completion of such maintenance work. The City shall have the right to levy a special assessment against the property in violation for such costs, plus ten percent (10%) for administrative costs. If such special assessment is not paid in full within thirty (30) days after it was levied against such lot by the City, the City shall be entitled to collect or enforce the collection of such special assessment and to bring any and all actions or proceedings necessary for the collection of such costs and for the foreclosure of liens thereof.

XI. DRAINAGE

No land shall be developed and no use shall be permitted that results in flooding, erosion or sedimentation on adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other storm water management facility. The development of each parcel shall provide for onsite stormwater management to insure that post-construction runoff does not exceed pre-construction runoff.

XII. UTILITIES

All utilities including all electric power, telephone and other communications equipment, gas, water, storm and sanitary sewers, excepting electric power lines exceeding 26.5 kv, shall be underground. The location of the utilities shall be subject to approval by the Plan Commission.

XIII. RUBBISH AND WASTE MATERIALS

No rubbish shall be burned on the premises except in an incinerator designed and approved for such purposes, meeting all appropriate State and Federal air emission standards.

All waste materials shall be located and kept in containers for pick up or proper disposal. All waste containers shall be screened from view of roads. Storage of waste materials shall not exceed thirty (30) days on any lot.

XIV. RECAPTURE, RESALE AND DIVISION OF LAND

A. If an owner of any lot, other than the City, does not commence construction of a building or buildings thereon within twenty-four (24) months after the date of purchase of such lot, and complete the construction of a building or buildings thereon within one (1) year after the start of construction, the City shall have the option to repurchase said lot. Exercise of the Option shall be effected by Resolution adopted by the Fort Atkinson City Council. Said Option shall be exercisable by the City upon delivery in writing of a notice to said owner within six (6) months after the expiration of said twenty-four (24) month or one (1) year period. Closing shall take place within sixty (60) days following the notice of intent to exercise such option on such date as shall be designated by the City.

The purchase price to be paid upon the exercise of such option shall be the sum of the following:

1. The purchase price paid for the land by the Owner.
2. The current market value, as determined below, of all improvements thereon paid for by the Owner.
3. All special assessments paid by the Owner of such land during the period of such ownership.

less the sum of the following:

1. Unpaid real estate taxes and special assessments, if any.
2. Proration of current year's real estate taxes to date of closing.
3. Title insurance policy premium paid by the Owner in connection with the original sale.
4. Unpaid liens or special charge of an ascertainable amount.
5. Any other costs of the Owner associated with the original sale to the Owner.

The market value of all improvements will be determined by a mutually agreed upon appraiser, which determination shall be binding on the City and the Owner.

Conveyance shall be by Warranty Deed from said owner to the City free and clear of all liens, encumbrances except those in existence prior to the Owner's purchase of the Property, and subject to municipal zoning and land division ordinance, recorded easements for public utilities, and the protective covenants contained in this Declaration and amendments thereof. Owner shall furnish a title insurance policy, at Owner's expense, to the City in the full amount of the purchase price.

Nothing contained in this paragraph shall be deemed to give the City a right of first refusal or option with regard to lands which have been improved by the construction of a building or buildings thereon, it being intended that the option provisions set forth above shall apply only to vacant parcels and parcels where there building construction has not been completed within one (1) year after the start of construction. The owner of any lot upon which the construction of the building has been completed per approved plans has the right to sell their property free of the City's option.

B. In the event an owner of land, other than the City, elects to sell any portion of the undeveloped land which is not being used in connection with the business of said owner, the same shall first be offered for sale, in writing, to the City, at a price computed as set forth in XIV, A. above. The City shall have forty-five (45) days from the date of receipt of such offer to

accept or reject the same, unless an extension of time may be mutually agreed upon and set forth in writing. Acceptance or rejection of such offer shall be approved by the City Council. Upon acceptance by the City, conveyance by the owner shall be by warranty deed free and clear of all liens and encumbrances except those in existence prior to the owner's purchase of the property, and subject to municipal zoning and land division ordinances, recorded easements for public utilities, and the covenants contained herein. The owner shall furnish, at owner's expense, a title insurance policy to the City for the full amount of the purchase price. In the event the City rejects any said offer, Owner may then sell such property to any other purchaser and the City shall have no further interest therein, except that any use of said property by any subsequent purchaser shall be subject to applicable zoning and land division ordinances, restrictions and regulations of the City relating to the use of said property and the provisions of these covenants in effect at the time of such sale.

C. Any proposed subdivision or re-subdivision and any sales of parcels or portions of parcels resulting in change or adjustment of lot lines must be reviewed the City Plan Commission, and approved the City Council. Any division not only shall comply with applicable government regulations, but also should not create a parcel that is not readily adaptable to the covenants contained herein.

D. No future owner of any parcels of land subject to these protective covenants may create by deed, easement or any other document any restriction, covenant or easement affecting any property subject to these covenants without having the document approved and also signed by the City. Any attempt to record said document without the City's signature will be absolutely void.

XV. SIGNS AND BILLBOARDS

No signs, other than company and product identification and directions signs, shall be permitted. The type, location and placement of signs shall be approved by the City Planning Commission.

XVI. ENFORCEMENT OF COVENANTS

Any disputes involving these covenants, which are covered by existing codes or ordinances, shall be enforced by the City Building Inspector.

The enforcement of the restrictions and covenants contained in this declaration of restrictions shall be by proceedings of law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages with such election at the option of the enforcing party. Such proceedings may be commenced by the City or by any owners of parcels in said Business Park.

XVII. MODIFICATION AND AMENDMENTS OF COVENANTS

As long as the City owns a minimum of one-fourth of the square footage of land in the Business Park, the restrictions and covenants set forth herein, may be modified and amended by the City upon execution of a written instrument setting forth such changes, as evidenced by a Resolution duly adopted by a favorable vote of at least two-thirds of all members of the City Council. Should the City's ownership of land fall below one-fourth of the total square footage, modifications and amendments can only be made by the City, as outlined above, with the

approval of a majority of the property owners. Majority of owners of lots or parcels shall be determined on the basis of total square footage of land owned by each owner of land in the Business Park subject to these covenants.

XVIII. VARIANCES

The City, within its scope of authority, reserves the right to grant variances from the strict application of the provisions of these covenants and impose other conditions and safeguards in variances so granted, provided such variances are in keeping with the overall development concept for the Business Park. The City Council may delegate their authority to the Plan Commission from time to time if it chooses.

XIX. REAL ESTATE ADDITION TO BUSINESS PARK

Other lots and parcels of land may be added to the Business Park from time to time and may be made subject to these covenants. In the event of the addition of such property, owners of new lots and parcels shall have the same rights and obligations as the owners of the original Business Park land.

XX. SEVERABILITY AND INVALIDATION

Invalidation of any one of these covenants or restrictions contained within this declaration of restrictions, by judgment or court order, shall in no way affect any other provisions hereof which shall remain in full force and effect.

Dated this 21st day of July, 2000.

CITY OF FORT ATKINSON

John Wilmet, City Manager

Faith A. Elford, CMC
City Clerk/Treasurer

Subscribed and sworn to before
me this 21st day of July, 2000.

Leila R. Carl, Notary Public
State of Wisconsin
My Commission Expires: 11-02-03

This document was drafted by:
Christopher J. Rogers, Fort
Atkinson City Attorney



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson License Committee

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

RE: Review and possible action relating to Alcohol Beverage License application for the licensing period of July 19, 2022 to June 30, 2023

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*.

Table 1: Type of license, beverage and where consumption is permitted.

<u>Type of License</u>	<u>Type of Beverage</u>	<u>Consumption Location</u>
"Class A"	Intoxicating Liquor	Off-site
Class "A"	Fermented Malt	Off-site
"Class A" Liquor: Cider Only*	Cider Only	Off-site
"Class B"	Intoxicating Liquor	On-site
Class "B"	Fermented Malt	On-site
"Class C"	Wine only	On-site
Reserve "Class B"	Intoxicating Liquor	On-site
Temporary Class "B" **	Fermented Malt	On-site
Temporary "Class B" **	Wine	On-site

*The 2015-17 Wisconsin State Budget (2015 Act 55) provides that municipalities shall issue a "Class A" liquor license if both of the following apply:

- The "Class A" liquor license application is for sales limited to cider products only.
- The application for a "Class A" liquor license holds a Class "A" beer license for the same premises.

2015 Act 55 provision also defines 'cider' to mean any alcohol beverage that is obtained from the fermentation of the juice of apples or pears and that contains not less than 0.5 percent alcohol by volume and not more than 7.0 percent alcohol by volume. "Cider" includes flavored, sparkling, and carbonated cider.

** Temporary Class “B” Fermented Malt and Temporary “Class B” Wine – these licenses are issued throughout the year to lodges, societies, bona fide clubs, chambers, non-profit, etc.

Table 2: Combination of Licenses

<u>License Combinations</u>	<u>Type of Beverage(s)</u>	<u>Consumption Location</u>
“Class A” and Class “A”	Intoxicating Liquor and Fermented Malt	Off-site
Class “A” and “Class A” Liquor: Cider Only	Fermented Malt and Cider	Off-site
“Class B” and Class “B”	Intoxicating Liquor and Fermented Malt	On-site
Class “B” and “Class C” Wine	Fermented Malt and Wine	On-site
Reserve “Class B” and Class “B”	Intoxicating Liquor and Fermented Malt	On-site
Temporary Class “B” and Temporary “Class B”	Fermented Malt and Wine	On-site

Table 3: License fees

<u>Type of License</u>	<u>License Fee</u>
“Class A” Intoxicating Liquor	\$500.00
Class “A” Fermented Malt	\$100.00
“Class A” Liquor: Cider Only	No fee.
“Class B” Intoxicating Liquor	\$500.00
Class “B” Fermented Malt	\$100.00
“Class C” Wine Only	\$100.00
Reserve “Class B” Intoxicating Liquor	\$10,000 (one-time)
Temporary Class “B” Fermented Malt	\$10.00
Temporary “Class B” Wine	\$10.00

A combination Class A license (intoxicating liquor and fermented malt) would total \$600.00

Table 4: Existing Quotas (06/28/2022)

<u>License</u>	<u>Quota</u>	<u>Licenses Issued</u>	<u>Licenses Available</u>
“Class A” Intoxicating Liquor	16 - 1 per 750 residents	15	1*
Class “A” Fermented Malt	17 - 1 per 750 residents	14	3
“Class B” Intoxicating Liquor	25 - 1 per 500 residents	25	0
RESERVE “Class B” Intoxicating Liquor	3 - \$10,000 one-time fee	3	0

*The City Council adopted Ordinance 799 on May 18th increasing the number of “Class A” licenses.

City of Fort Atkinson Code of Ordinances Sec. 6 addresses the following stipulations on issuing licenses.

Sec. 6-33. Licenses

- (a) No alcohol beverage licenses shall be granted to any applicant for premises on which the applicant is responsible for any delinquent and unpaid personal property taxes, assessments, utility bills or other financial claims of the City.
- (b) No license shall be granted for any premises unless the applicant for the license shall provide to the city evidence of ownership or leasehold interest in the premises for the term of the licenses.
- (c) Any license duly granted not used for 90 consecutive days shall be subject to review and possible suspension or revocation by the Council. These licenses may not be regranted during this 90-day period

DISCUSSION

This is the first renewal for Guanajuato Produce. They were first issued an alcohol license in December 2021. There are no changes to the premise description or the agent.

Of the “Class A” Intoxicating Liquor licenses quota of 16, this renewal would max out the quota.





FINANCIAL ANALYSIS

Alcohol license fees for the submitted application is \$600.00 and a publication fee of \$25.00.

RECOMMENDATION

Staff recommends approval of the Renewal Alcohol License Application for the licensing period of July 19, 2022 to June 30, 2023 for Guanajuato Produces, LLC 1109 Whitewater Avenue contingent upon all monies owed to the City are paid prior to license issuance by the City Clerk.

ATTACHMENTS Alcohol License Application



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson License Committee

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

RE: Review and possible action relating to Alcohol Beverage License application for the licensing period of July 19, 2022 to June 30, 2023

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*.

Table 1: Type of license, beverage and where consumption is permitted.

<u>Type of License</u>	<u>Type of Beverage</u>	<u>Consumption Location</u>
"Class A"	Intoxicating Liquor	Off-site
Class "A"	Fermented Malt	Off-site
"Class A" Liquor: Cider Only*	Cider Only	Off-site
"Class B"	Intoxicating Liquor	On-site
Class "B"	Fermented Malt	On-site
"Class C"	Wine only	On-site
Reserve "Class B"	Intoxicating Liquor	On-site
Temporary Class "B" **	Fermented Malt	On-site
Temporary "Class B" **	Wine	On-site

*The 2015-17 Wisconsin State Budget (2015 Act 55) provides that municipalities shall issue a "Class A" liquor license if both of the following apply:

- The "Class A" liquor license application is for sales limited to cider products only.
- The application for a "Class A" liquor license holds a Class "A" beer license for the same premises.

2015 Act 55 provision also defines 'cider' to mean any alcohol beverage that is obtained from the fermentation of the juice of apples or pears and that contains not less than 0.5 percent alcohol by volume and not more than 7.0 percent alcohol by volume. "Cider" includes flavored, sparkling, and carbonated cider.

** Temporary Class “B” Fermented Malt and Temporary “Class B” Wine – these licenses are issued throughout the year to lodges, societies, bona fide clubs, chambers, non-profit, etc.

Table 2: Combination of Licenses

<u>License Combinations</u>	<u>Type of Beverage(s)</u>	<u>Consumption Location</u>
“Class A” and Class “A”	Intoxicating Liquor and Fermented Malt	Off-site
Class “A” and “Class A” Liquor: Cider Only	Fermented Malt and Cider	Off-site
“Class B” and Class “B”	Intoxicating Liquor and Fermented Malt	On-site
Class “B” and “Class C” Wine	Fermented Malt and Wine	On-site
Reserve “Class B” and Class “B”	Intoxicating Liquor and Fermented Malt	On-site
Temporary Class “B” and Temporary “Class B”	Fermented Malt and Wine	On-site

Table 3: License fees

<u>Type of License</u>	<u>License Fee</u>
“Class A” Intoxicating Liquor	\$500.00
Class “A” Fermented Malt	\$100.00
“Class A” Liquor: Cider Only	No fee.
“Class B” Intoxicating Liquor	\$500.00
Class “B” Fermented Malt	\$100.00
“Class C” Wine Only	\$100.00
Reserve “Class B” Intoxicating Liquor	\$10,000 (one-time)
Temporary Class “B” Fermented Malt	\$10.00
Temporary “Class B” Wine	\$10.00

A combination Class A license (intoxicating liquor and fermented malt) would total \$600.00

Table 4: Existing Quotas (06/28/2022)

<u>License</u>	<u>Quota</u>	<u>Licenses Issued</u>	<u>Licenses Available</u>
“Class A” Intoxicating Liquor	16 - 1 per 750 residents	16	0
Class “A” Fermented Malt	17 - 1 per 750 residents	15	2
“Class B” Intoxicating Liquor	25 - 1 per 500 residents	25	0
RESERVE “Class B” Intoxicating Liquor	3 - \$10,000 one-time fee	3	0

*The City Council adopted Ordinance 799 on May 18th increasing the number of “Class A” licenses.

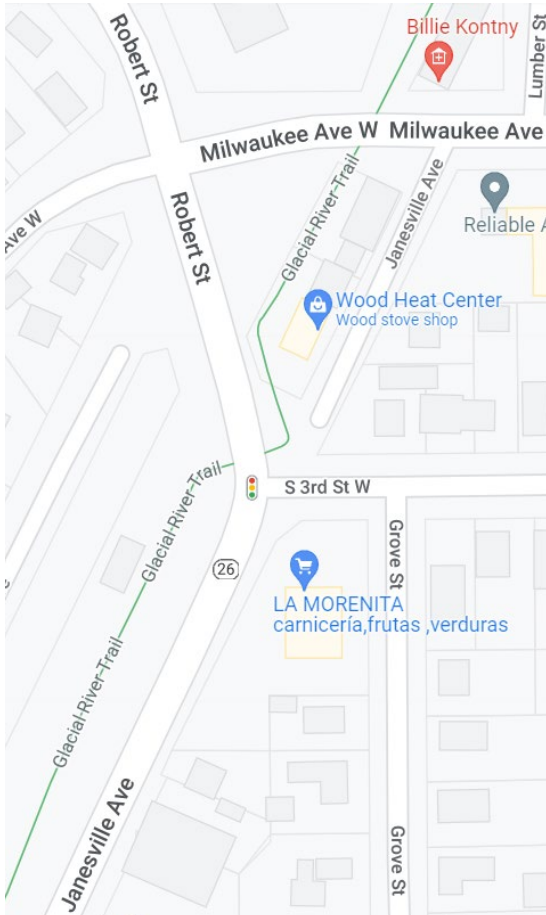
City of Fort Atkinson Code of Ordinances Sec. 6 addresses the following stipulations on issuing licenses.

Sec. 6-33. Licenses

- (a) No alcohol beverage licenses shall be granted to any applicant for premises on which the applicant is responsible for any delinquent and unpaid personal property taxes, assessments, utility bills or other financial claims of the City.
- (b) No license shall be granted for any premises unless the applicant for the license shall provide to the city evidence of ownership or leasehold interest in the premises for the term of the licenses.
- (c) Any license duly granted not used for 90 consecutive days shall be subject to review and possible suspension or revocation by the Council. These licenses may not be regranted during this 90-day period

DISCUSSION

La Morenita, LLC has applied for a Class “A” Fermented Malt Beverage and “Class A” Intoxicating Liquor: Cider Only license to sell beer and cider products at their 303 S 3rd Street West location. The agent for the business, and owner, Gustavo Ventura Juan was requested to provide proof of taking the responsible beverage server course.



FINANCIAL ANALYSIS

Alcohol license fees for the submitted application is (prorated for license period) \$300 and a publication fee of \$25.00.

RECOMMENDATION

Staff recommends approval of the Alcohol License Application for the licensing period of July 19, 2022 to June 30, 2023 for La Morenita, LLC 303 S 3rd Street West contingent upon a successful background check, proof of responsible beverage server training and all monies owed to the City are paid prior to license issuance by the City Clerk.

ATTACHMENTS Alcohol License Application



MEMORANDUM

DATE: July 19, 2022

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to a vehicle damage claim against the City of Fort Atkinson from an incident on June 27, 2022

BACKGROUND

In July 2021, the League of Wisconsin Municipalities Mutual Insurance (LWMMI) became the City's insurance carrier for property, liability and worker's compensation insurance. LWMMI represents us when claims are filed against the city for various actions. LWMMI will perform an investigation and obtain facts regarding the claim, which can include interviewing employees and on-site investigation. A final determination is then made and provided to Staff.

DISCUSSION

On June 27, 2022, staff received a claim from Mary Walden for damage to her vehicle that occurred that morning. She stated her vehicle sustained damage when she had to drive on the shoulder of Janesville Avenue in front of Kwik Trip, 1672 Janesville Avenue. She provided appropriate documentation which was turned over to LWMMI for review.

Following Staff review, it was confirmed that the City gave permission to Kwik Trip to reroute traffic onto the shoulder of Janesville Ave while they constructed a turn lane. The shoulder was not constructed to withstand heavy traffic and had deteriorated forming potholes. The City was not aware of the potholes until the incident was reported on 6/27 and appropriately filled the potholes that same day.

Statewide Services, Inc administers the claims for LWMMI and following review, have recommended the denial of the claim based on the fact that the investigation revealed no liability on behalf of the City.

FINANCIAL ANALYSIS

There is no financial impact to the City to disallow the claim.

RECOMMENDATION

Staff recommends the City Council disallow the claim against the City of Fort Atkinson from Mary Walden for damage to her vehicle on June 27, 2022 pursuant to Wisconsin Statute 893.80(1g).

ATTACHMENTS

Loss Reporting Form – Redacted; Disallowance Recommendation – Statewide; Draft
Disallowance of claim from Statewide Services, Inc



Statewide Services, Inc.

Claim Division

24 Hour Telephone: 877-204-9712

FAX: 800-858-1536

Email: StatewideClaimsReporting@statewidesvcs.com

NOTICE OF:

☐

CLAIM (submitted for consideration of payment)

☐

INCIDENT NOTICE (Record of purpose – may develop into claim)

INSURED INFORMATION

Insured Name: **CITY OF FORT ATKINSON**

Policy #:

Contact Person: **MICHELLE EBBERT**

Title/Position: **CLERK/TREAS**

Address: **101 N MAIN STREET STREET**

Phone #: **920-563-7760**

Email Address: **MEBBERT@FORTATKINSONWI.GOV**

Fax #: **920-563-7776**

(If applicable)

Add'l Contact Person:

Title/Position:

Phone #:

Email Address:

Fax #:

LOSS INFORMATION – DESCRIBE HOW LOSS OCCURRED

Kwik Trip routed traffic to shoulder to work on opposite side turn lane. Shoulder deteriorated during the construction window.

ATTACH ADDITIONAL COPIES AS NEEDED

REPORTED TO (POLICE OR FIRE DEPT.)

YES ON 06/27/2022

REPORT #

LOCATION OF CLAIM/INCIDENT
JANESVILLE AVENUE

DATE OF CLAIM/INCIDENT
06/27/2022

TIME

A.M.

P.M.

☒☐

DATE INSURED NOTIFIED

06/27/2022

Department/Operation

☐

Admin/General Operations

☐

Cemetery

☐

Electric Utility

☐

EMS

☐

Fire Dept. – Paid

☐

Fire Dept. – Volunteer

☐

Police

☐

Public Works – Park & Rec.

☐

Public Works – Streets-Snow/Maintenance

☐

Public Works – Sewer & Water

☐

Public Works – Tree Care

☐

Public Works – Other

☐

Water Utility

☐

Transit

☒

Other *private*

PROPERTY OF OTHERS LOSS INFORMATION

DESCRIBE PROPERTY (If auto, include year, make, model, plate no.)

2016 Volvo

OTHER VEHICLE /
PROPERTY, INS?

☐

YES

☐

NO

COMPANY OR AGENCY NAME & POLICY NO.

OWNER'S NAME & ADDRESS

*116 E
Mary Walden Highland*

BUSINESS PHONE

RESIDENCE PHONE

920.342.0058

DESCRIBE DAMAGE

Fort Atk.

ESTIMATE AMOUNT

WHERE CAN DAMAGE BE SEEN?

INJURED						
NAME & ADDRESS	PHONE (A/C, No.)	PED	INS. VEH.	OTHER VEH.	AGE	EXTENT OF INJURY
		<input type="checkbox"/>	<input type="checkbox"/>			

WITNESSES		
NAME & ADDRESS	BUSINESS PHONE	RESIDENCE PHONE

INSURED VEHICLE AUTO LOSS INFORMATION				
VEH. NO.	YEAR, MAKE, MODEL	V.I.N. (VEHICLE IDENTIFICATION)		PLATE NO.
DRIVER'S NAME		RESIDENCE PHONE	BUSINESS PHONE	
DESCRIBE DAMAGE	DATE OF BIRTH	DRIVER'S LICENSE NUMBER		PURPOSE OF USE
	ESTIMATE AMOUNT	WHERE CAN VEHICLE BE SEEN?		

FORM COMPLETED BY: Michelle Elbert :

PLEASE FORWARD THIS REPORT TO:

STATEWIDE SERVICES, INC.
CLAIM DIVISION
PO Box 5555
Madison, WI. 53705-0555

OR by FAX to 800- 858- 1536

OR by Email to: StatewideClaimsReporting@statewidesvcs.com

If a loss involves bodily injury, major property damage or a lawsuit, please call STATEWIDE SERVICES, INC, CLAIM DIVISION @ 1-877-204-9712. We will take the loss information from you or instruct you further as to what is necessary to do.

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

July 13, 2022

City of Fort Atkinson
Attn: Michelle Ebbert
101 N. Main St.
Fort Atkinson, WI 53538

Program: League of Wisconsin Municipalities Mutual Insurance
Our Insured: City of Fort Atkinson
Date of loss: 6/27/2022
Our Claim # WM000282260008
Claimant: Mary Walden
116 E. Highland Ave.
Fort Atkinson, WI 53538

Dear Michelle,

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which insures the City of Fort Atkinson. We are in receipt of the claim submitted by Mary Walden for vehicle damage allegedly caused by a pothole on the shoulder of Janesville Avenue.

We have reviewed the matter and recommend that the City of Fort Atkinson deny this claim pursuant to the Wisconsin statute for disallowance of claim 893.80(1g). The disallowance will shorten the statute of limitations period to six (6) months.

Our denial is based on the fact that the investigation revealed no liability on behalf of the City. The City was not aware of the shoulder condition prior to 6/24/2022.

Please submit the disallowance directly to the claimant at the above address. The disallowance should be sent certified or registered mail and must be received by the claimant within 120 days after you receive Notice of Claim. Please send a copy of the disallowance to Statewide Services Inc. Claims, for our records.

Thank you,

Sarah Bourgeois, AIC, AINS
Claims Rep. II
Statewide Services Inc.
PO Box 5555
Madison, WI 53705-0555
608-828-5439 Phone
800-854-1537 Fax
sbourgeois@statewidesvcs.com

CC: R&R Insurance Services

CLERK/TREASURER/FINANCE DIRECTOR
Michelle Ebbert
mebbert@fortatkinsonwi.gov

**NOTICE OF DISALLOWANCE OF CLAIMS
AGAINST CITY OF FORT ATKINSON**

July 20, 2022

Mary Walden
116 E Highland Avenue
Fort Atkinson WI 53538

Certified Mail Return Receipt Requested Restricted Delivery

Date of Loss: June 27, 2022
Claim: WM000282260008

Dear Ms Walden,

The City of Fort Atkinson ("City") received your Notice of Claim dated June 27, 2022 ("the Claim"). Pursuant to Wis. Stat. § 893.80(1g), the City is hereby giving you notice that your Claim is disallowed.

No action on a claim under Wis. Stat. § 893.80 may be brought after six months from the date of service of this notice of disallowance.

Sincerely,

Michelle A Ebbert
City Clerk/Treasurer/Finance Director

Electronic mail

CC: Statewide Services, Inc, Sarah Bourgeois
R&R Insurance Services, Karlie Davis