



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

**CITY COUNCIL MEETING  
REMOTE VIA PHONE USING ZOOM  
THURSDAY, APRIL 8, 2021 – 7:00 PM**

<https://us02web.zoom.us/j/84643838124?pwd=WmF3Nmww2cWJ2akJ0aEJyeGdnMGhGdz09>

Meeting ID: 846 4383 8124

Passcode: 454768

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**AGENDA**

1. Call meeting to order
2. Roll call
3. Review and possible action relating to the minutes of the March 16, 2021 regular City Council meeting
4. **Public Hearings: None**
5. **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.*
6. **Petitions, Requests, and Communications: None**
7. **Resolutions and Ordinances:**
  - a. Review and possible action relating to a Resolution declaring support for a strong state and local partnership: shared revenue funds critical services.

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

- a. City Manager's report.
- b. Minutes of License Committee meeting held March 16, 2021.

**9. Unfinished Business: None**

**10. New Business:**

- a. Review and possible action relating to Change Order #6 for construction at Fire Department.
- b. Review and possible action relating to change in Koshkonong Township fire protection.

**11. Miscellaneous:**

- a. Review and possible action relating to request by Chamber of Commerce to hold Farmers Market in parking lot across from Post Office on Saturdays from May to October, and to close South Water Street East on six occasions for special events.
- b. Review and possible action relating to Special Event request to hold Fort Youth Triathlon July 31 at multiple locations.
- c. Review and possible action relating to Special Event request to hold City of Fort Atkinson Park & Recreation World of Wheels September 18 at Ralph Park.
- d. Review and possible action relating to Renewal Alcohol Beverage License Application for Fort Atkinson Generals Baseball Team, Class "B" Fermented Malt Beverage.
- e. Review and possible action relating to Renewal Alcohol Beverage License Application for Fort Atkinson Lions Club, Class "B" Fermented Malt Beverage.
- f. Review and possible action relating to Original Alcohol Beverage License Application for Remington's, LLC d/b/a Jansen's for Class "B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License for use at 1245 Whitewater Ave.
- g. Review and possible action relating to operator licenses.

## **12. Claims, Appropriations and Contract Payments:**

- a. Review and possible action relating to verified claims presented by the Director of Finance.

## **13. Adjournment**

*Date Posted: April 5, 2021*

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**CITY OF FORT ATKINSON**  
City Council Minutes ~ March 16, 2021

CALL TO ORDER.

Pres. Becker called the meeting to order at 7:00 pm via Zoom.

ROLL CALL.

Present: Cm. Housley, Cm. Johnson, Cm. Kotz, Cm. Scherer and Pres. Becker. Also present: City Manager, City Attorney, City Clerk/Treasurer, City Engineer, Public Works Superintendent, Wastewater Supervisor, Park & Recreation Director and Museum Director.

APPROVAL OF MINUTES OF MARCH 2, 2021 REGULAR COUNCIL MEETING.

Cm. Housley moved, seconded by Cm. Johnson to approve minutes of March 2, 2021 regular council meeting. Motion carried via zoom.

PUBLIC HEARINGS

a. *Public hearing on Annual Report on Stormwater Permit.*

Action: See item 10-a.

PUBLIC COMMENT

None.

PETITIONS, REQUESTS AND COMMUNICATIONS

a. *Request to pursue Proclamation from State of Wisconsin declaring the City be named Intersectional Peony City of Wisconsin.*

Cm. Scherer moved, seconded by Cm. Johnson to approve request of Proclamation from State of Wisconsin declaring the City be named Intersectional Peony City of Wisconsin. Motion carried via Zoom.

RESOLUTIONS AND ORDINANCES – NONE

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

a. *City Manager's Report.*

Manager LeMire provided her report. No action was taken.

b. *Building, Plumbing and Electrical Permit Report for February 2021.*

c. *Minutes of Plan Commission meeting held March 9, 2021.*

d. *Minutes of Transportation and Traffic Review Committee meeting held March 11, 2021.*

Cm. Kotz moved, seconded by Cm. Scherer to accept and file Reports of Officers, Boards and Committees. Motion carried via Zoom.

UNFINISHED BUSINESS

a. *Review and possible action relating to a two-lot Certified Survey Map with a zero lot line for the property located at 1509 and 1511 Lena Lane.*

Engineer Selle provided the Plan Commission recommendation. This is the last lot in the Highland Heights Subdivision.

Cm. Kotz moved, seconded by Cm. Scherer to approve two-lot Certified Survey Map with a zero lot line for the property located at 1509 and 1511 Lena Lane. Motion carried via Zoom.

### NEW BUSINESS

*a. Review and possible action relating to Annual Report on Stormwater Permit, and authorize signature by proper officials.*

Engineer Selle reviewed the report that covered the following activities: public education and involvement, illicit discharge detection, construction site erosion control, post-construction stormwater management and pollution control.

Cm. Kotz moved, seconded by Cm. Johnson to accept and file the Annual Report on Stormwater Permit and authorize signature by proper officials. Motion carried via Zoom.

*b. Review and possible action relating to award of bid for Phase II construction at Wastewater Treatment Facility.*

Supervisor Christensen discussed the completion of Phase 1 of the plant update/phosphorus upgrade construction and presented the design of the second phase of construction that was started February 2020. The design was approved by the WDNR on January 28, 2021. The bid advertisement provided three bids, Staab Construction Corporation, C.D. Smith Construction and Miron Construction Corporation. The low bid came in under budget by Staab Construction at \$13,343,000. Three alternates were included in the bidding documents to be added or deducted from the base bid. Utility staff reviewed the alternates extensively and concluded that alternate #2 (Primary clarifier floor repair/re-grouting) be accepted for the added cost of \$42,000. Alternates #1 and #3 were rejected.

Cm. Scherer moved, seconded by Cm. Johnson to award the bid for Phase II construction at Wastewater Treatment Facility from Staab Construction Corporation of Marshfield, WI for \$13,343,000 and include Alternate #2 at \$42,000 for the total of \$13,385,000. Motion carried on a roll call vote via Zoom.

Cm. Scherer moved, seconded by Cm. Kotz to approve a 5% contingency as required by the State of Wisconsin Clean Water Fund Loan and authorize change order approval by the City Manager and City Engineer up to \$10,000 per order with an aggregate threshold of \$60,000. Motion carried on a roll call vote via Zoom.

*c. Review and possible action relating to Construction Related Services (CRS) agreement with Donahue & Associates for Phase II construction at Wastewater Treatment Facility.*

Supervisor Christensen discussed the agreement for construction of Phase II. Donohue & Associates provided a proposal for the engineering services to complete Phase II construction.

Cm. Kotz moved, seconded by Cm. Johnson to approve the Construction Related Services Agreement with Donohue & Associates for the cost not to exceed \$1,105,515. Motion carried on a roll call vote via Zoom.

### MISCELLANEOUS

a. *City, Sewer, Water and Stormwater Utility Financial Statements as of February 28, 2021.*  
Cm. Kotz moved, seconded by Cm. Scherer to accept and file City, Sewer, Water and Stormwater Utility Financial Statements as of February 28, 2021. Motion carried via Zoom.

b. *Review and possible action relating to change to Premise Description of Creamery 201, LLC dba Creamery 201 at 201 N Main St as provided.*

Clerk Ebbert reviewed the submission by Agent Katie Stahl for Creamery 201. They would like to include an outdoor patio area to their premise to allow clients to step outside with their alcoholic beverage obtained from their establishment. This patio is not visible from adjacent businesses and allows an emergency exit.

Cm. Kotz moved, seconded by Cm. Scherer to approve the Alcohol License Premise Description of Creamery 201, LLC d/b/a Creamery 201 at 201 N. Main Street to the following: *The second floor of 201 N. Main Street; the elevator/stairwell and hallway on first floor leading to adjacent private patio; and outdoor the private patio* contingent upon the addition of a stanchion and rope along the northwestern edge of the patio to limit access to the sidewalk during events. Motion carried via Zoom.

c. *Review and possible action relating to Special Event for drive-thru Easter Eggspress at Ralph Park from Jefferson to Hake St.*

Ebbert introduced the process for special event applications. The applications are routed to Departments to provide comment or clarify services needed by their Staff. Director Franseen presented the event to take the place of the Annual Easter Egg hunt for this Spring.

Cm. Kotz moved, seconded by Cm. Johnson to approve the Special Event for drive-thru Easter Eggspress at Ralph Park, Jefferson Street parking lot on Wednesday March 31<sup>st</sup> from 3 pm to 5 pm. Motion carried via Zoom.

d. *Review and possible action relating to operator licenses.*

Cm. Scherer moved, seconded by Cm. Johnson to approve operator license as presented. Motion carried via Zoom.

#### CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. *Verified claims.*

Cm. Scherer moved, seconded by Cm. Johnson to approve list of verified claims presented by the Director of Finance and to authorize payment. Motion carried on a roll call vote via Zoom.

#### ADJOURNMENT

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

Respectfully submitted,  
Michelle Ebbert  
City Clerk/Treasurer/Finance Director



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

## MEMORANDUM

**DATE:** April 8, 2021

**TO:** Fort Atkinson City Council

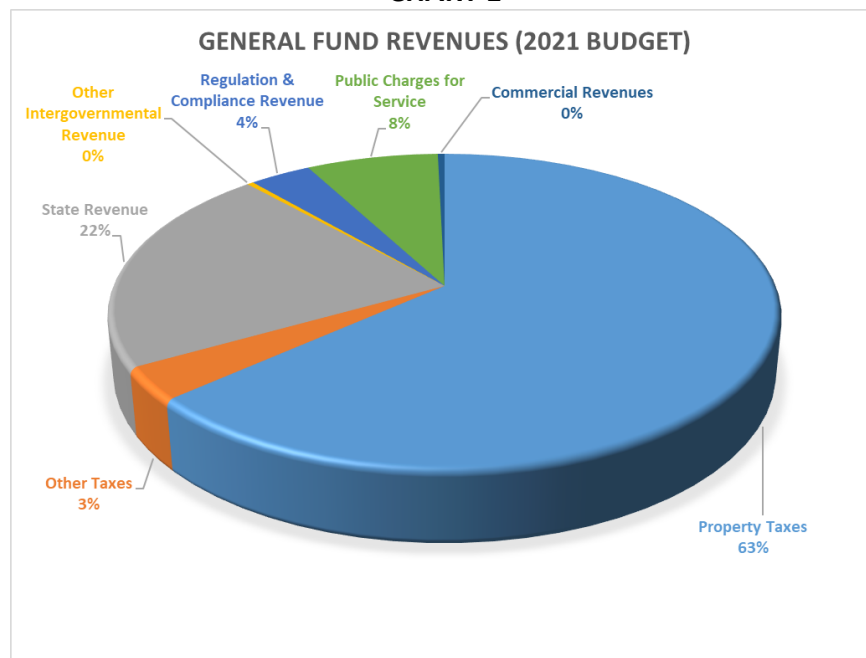
**FROM:** Rebecca Houseman LeMire, City Manager

**RE:** Review and possible action relating to a Resolution declaring support for a strong state and local partnership: shared revenue funds critical services

### BACKGROUND

Municipalities in Wisconsin are funded primarily in two ways: property taxes and shared revenues from the State. Chart 1 below shows the categories of general fund revenues from the 2021 Budget as a percentage of the total. The total general fund revenue budgeted in 2021 was \$9,484,569.00. Of that total, \$6,016,606.00 (63%) came from property taxes. The next largest source of revenue was state revenues at \$2,039,250.00 (22%). This category includes shared revenues, expenditure restraint program revenue, transportation aids, and other smaller state revenues.

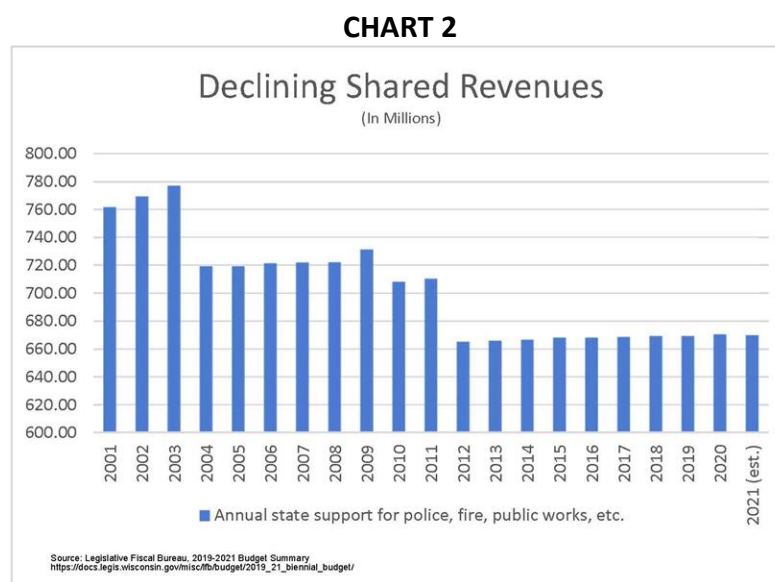
**CHART 1**



The demands on municipalities from residents, unfunded State mandates, and inflation on the costs to buy products and materials for our services continue to increase far beyond the ability to tax. As the League of Wisconsin Municipalities puts it, “this is simple supply and demand. The demand on municipalities has gone up, and the supply (the funding) has gone down.”

## DISCUSSION

The League of Wisconsin Municipalities, of which the City of Fort Atkinson is a member, has been encouraging local governments to adopt resolutions indicating the importance of shared revenue. The League provided the following chart (Chart 2) to show the continued decline of shared revenue funding from the State over the last 20 years. This chart shows the overall dollar amount provided to municipalities in millions of dollars.

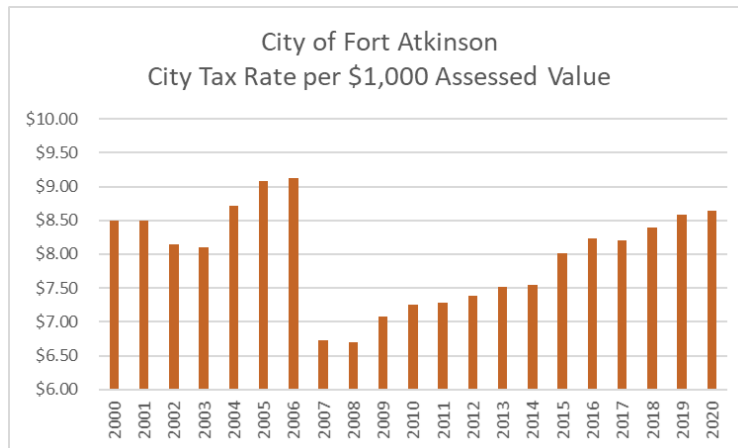


More information relating to this decline is provided in the attached article from The Municipality Magazine’s March 2021 issue.

The City Council is responsible for setting the City’s portion of the tax rate annually. As such, the Council understands that as shared revenue funding decreases, property taxes must increase to make up the difference. Chart 3 shows the City’s tax rate per \$1,000 of assessed value from 2000 through 2020. One can see the steady increase in tax rate from 2007 through 2020.



**Chart 3**



### **FINANCIAL ANALYSIS**

The City has very few ways to create additional revenue to run day-to-day operations. As shared revenues from the State continue to decrease, the City's tax rate may continue to increase.

### **RECOMMENDATION**

Staff recommends that the City Council adopt the Resolution declaring support for a strong state and local partnership and direct the City Clerk to send the executed resolution to our State Legislators, Governor Tony Evers, and to the League of Wisconsin Municipalities.

### **ATTACHMENTS**

Resolution declaring support for a strong state and local partnership: shared revenue funds critical services; March 2021 The Municipality Shared Revenue Article

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION DECLARING SUPPORT FOR A STRONG STATE  
AND LOCAL PARTNERSHIP:  
SHARED REVENUE FUNDS CRITICAL SERVICES**

**WHEREAS**, for over ninety years the state shared revenue program has been a key component of Wisconsin's state and local relationship and an important part of the state's overall program of property tax relief; and

**WHEREAS**, over the last 20 years shared revenue funding for municipalities has been cut by \$94 million; and

**WHEREAS**, over the last generation, property taxes have grown as a share of city and village revenues as shared revenue and other state aid to Wisconsin municipalities has lagged; and

**WHEREAS**, state aid provided a larger share of municipal revenues in Wisconsin than property taxes from 1975 to 1997. Today property taxes account for more than twice as much municipal revenue as state aid; and

**WHEREAS**, to create and maintain quality communities that attract businesses and families, municipalities must invest in services and infrastructure that people and businesses expect, like police protection, fire suppression, road maintenance, snowplowing, libraries, and parks; and

**WHEREAS**, the state should reinvest a portion of its sales and income tax revenue growth in local communities to spur further economic growth and make Wisconsin communities places where people want to live and work.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, calls on the Legislature to pass a state budget increasing funding for the shared revenue program and directs the Clerk to send a copy of this resolution to the state legislators representing the City of Fort Atkinson, to Governor Tony Evers and to the League of Wisconsin Municipalities.

Adopted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 8<sup>th</sup> day of April, 2021.

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**Mason Becker, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director

# Shared Revenue: Helping Fund Police and Other Services

Curt Witynski, Deputy Executive Director, League of Wisconsin Municipalities



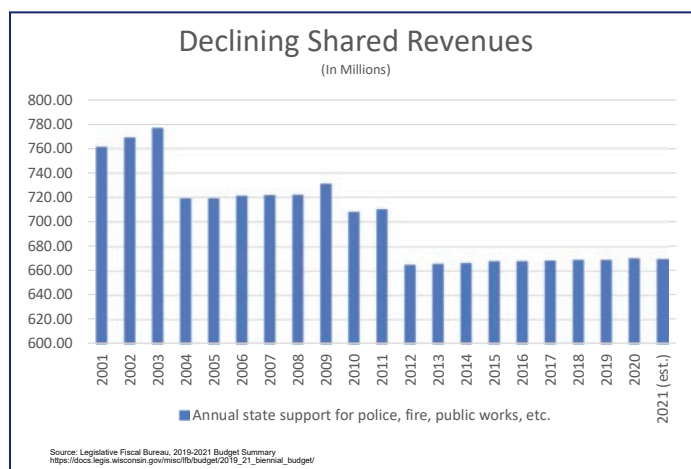
For over 100 years the state has provided general, unrestricted aid to municipalities, towns, and counties to help pay for basic local services like police and fire protection and to deliver property tax relief. This program has historically been called shared revenue. The state created the shared revenue program in 1911 using income tax dollars to hold municipalities harmless from a new property tax exemption the Legislature had created. In 2004, the shared revenue program was revised and renamed the county and municipal aid program.

Shared revenue has always maintained an important position in the state budget because it supports the most essential elements of local government services. The county and municipal aid and utility aid programs, combined with the expenditure restraint aid program, rank as the sixth largest state general fund program in 2020-21, behind elementary and secondary school aids, medical assistance, corrections operations, the University of Wisconsin system, and the school levy and first dollar tax credits.

Yet, while shared revenue remains one of the largest state programs in terms of total funding level, it has declined significantly in relative size to the rest of the state budget over the last 20 years due to large cuts to the program in 2004, 2010, and 2012, and little or no growth in other years. In 1994-95, shared revenue made up 12.5% of the state's total general fund appropriations, but that share has decreased to 4.3% of general fund appropriations in 2020-21. According to the Wisconsin Budget Project, over the last 25 years, shared revenue declined by over 47%, when accounting for inflation, from almost \$1.6 billion in 1996 to \$830 million in 2020. During that time, shared revenue for cities, villages, and towns was cut by \$94 million, a 12% drop. Over the same time frame the cost of providing services in communities has steadily increased, resulting in local property taxpayers shouldering a larger percentage of the cost of local government.

The formula for distributing shared revenue was turned off in 2002 and has not been used since. Annual payments are based on what a community received the prior year. Since 2002 each individual municipality and county has received the same payment it received the prior year except for those years when total funding for the program was cut. Total funding

for the program has remained at \$753 million since 2012. Consequently, since 2013, each community's annual payment has been the same amount it received in 2012.



For over 100 years the shared revenue program has been a key component of Wisconsin's system of state and local finance. It is an important part of the state's effort to keep property tax growth under control. Moreover, it is an equitable, efficient way to help fund police, fire, streets, and other critical local services. Yet, funding for this program has been steadily reduced over the last 20 years. The state cannot profess a commitment to holding down property taxes and continue to decrease or hold flat shared revenue. It is crucial that shared revenue be maintained, and program funding keep pace with the rising cost of providing police, fire, ambulance, street maintenance, elections, and other vital municipal services.

## Distribution of Estimated 2021 County and Municipal Aid Payments (In Millions)

Towns \$42.1 | Villages \$63.2 | Cities \$525.1  
Counties \$122.6

Total \$753.0

More information about the shared revenue program is available from the Legislative Fiscal Bureau  
<http://bit.ly/SharedRevenueInfo>

*Learn how you can TAKE ACTION on page 20.*

**ACTION STEP:** State policy makers need to be informed about the importance of adequately funding the shared revenue program. Help us tell your shared revenue story in the capitol! Compile a narrative detailing what previous cuts in shared revenue have meant to your municipality and what an increase could mean for your community. There is a perception in the Legislature that increases will fund wants and not needs. At the League, we know that is not the case, but we need your help

to provide the necessary and accurate details that will resonate with legislators. Please prepare your community's shared revenue story and share it with your legislators. Please also send your completed piece to Gail Sumi, Member Engagement and Communications Director at [gsumi@lwm-info.org](mailto:gsumi@lwm-info.org), so that we can use your story when discussing the need for shared revenue increases under the dome!

## About the Author:

Curt Witynski is the League's Deputy Director. Curt manages the League's lobbying program, representing the League before the Legislature, the governor's office, and state agencies. He writes the *Legislative Bulletin* and *Capitol Buzz* newsletters and organizes legislative material on the League's webpage.

He also answers questions from the media and members about legislation, levy limits, state aid programs, and legal issues.

Questions? Contact Curt at [witynski@lwm-info.org](mailto:witynski@lwm-info.org) or Toni Herkert, the League's Government Affairs Director, at [therkert@lwm-info.org](mailto:therkert@lwm-info.org)



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**CITY OF FORT ATKINSON**  
**Licensing Minutes ~ March 16, 2021**

CALL MEETING TO ORDER.

Pres. Becker called the meeting to order at 6:00 pm.

ROLL CALL.

Present: Cm. Housley, Cm. Scherer and Pres Becker. Also present: City Manager and City Clerk/Treasurer.

REVIEW APPLICATION AND MAKE RECOMMENDATION FOR “CLASS B”  
INTOXICATING LIQUOR AND CLASS “B” FERMENTED MALT BEVERAGE FOR  
REMMINGTON’S, LLC DBA JANSEN’S FOR USE AT 1245 WHITEWATER AVENUE.

Clerk Ebbert reviewed the submission from Remmingtons LLC for a Class B license. The license, currently held by HGDL, LLC for use at 1245 Whitewater Avenue, provided they would like to surrender their license to Remmingtons for use at the same location. Agent of Remmingtons, Connie Jansen supplied appropriate documentation and a background check was successful.

Cm. Scherer moved, seconded by Cm. Housley to recommend City Council approval of the Original Alcohol Beverage License Application from Remmingtons, LLC d/b/a Jansen’s (Agent: Connie Jansen) for a “Class B” Intoxicating Liquor and Class “B” Fermented Malt Beverage License, for use at 1245 Whitewater Avenue contingent upon license surrender from HDGL, LLC. Motion carried via Zoom.

REVIEW OF CODE OF ORDINANCE SEC. 6-86 LICENSE QUOTAS – “CLASS A”  
INTOXICATING LIQUOR.

Clerk Ebbert presented the existing quotas for Class A licenses. The existing quotas, established in 2004 provided 10 Intoxicating Liquor licenses. Staff recommends that the number of Class A liquor licenses be increased in order to attract additional grocery or retail businesses who desire alcohol sales. Staff has provided three options that meet this goal, and recommends that the Ordinance Committee recommend Option 2 be approved by the City Council. Option 2 creates the same standard for Class A Beer and Class A Liquor sales, which is one license per 750 in population. The Committee shared a consensus for adjusting the quota.

Procedurally, a draft Ordinance will be presented to the Ordinance Committee at their next meeting to review a change to the quota.

ADJOURNMENT.

Cm. Housley moved, seconded by Cm. Scherer to adjourn. Meeting adjourned at 6:30 pm.

Respectfully submitted,

Michelle Ebbert  
City Clerk/Treasurer



**CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538**

**Date:** March 31, 2021

**TO:** City Council

**FROM:** Daryl Rausch, Fire Chief

**SUBJECT:** Fire Station Phase 2 Change Orders

### **Background**

Please review the attached change order request from Keller. As noted a number of these changes are related to construction issues encountered during excavation for the new west addition. Due to the conditions found during construction of Phase 1 (the east side addition) these foundation challenges were not unexpected. The need for the changes has been reviewed by the City Engineering department and have been found to be reasonable.

There are a number of changes related to construction of the east parking area. When the plans were approved and bids were awarded, the parking area was a flat lot without stormwater management. It was later determined that the city should demonstrate its commitment to stormwater management so a retention pond and filtering system was added even though not technically required by state or local code. These additional features required some minor changes to grading and layout. These changes are represented in the attached change orders.

There are several changes related to added features or rearrangement of equipment. These changes were driven by viewing the actual layout as construction progressed. Once we could see the interactions of equipment being fitted into existing spaces it became apparent that some added lighting, plumbing and design changes would be needed to enable functionality, access and service of equipment.

Finally, there are several changes related to equipment that was planned for reuse but was found unserviceable during construction. Specifically, the gutters, downspouts and heat tapes on the north side of the existing apparatus bays were found to be rotted away and the heat tapes are not working. Replacement and repair would have been needed even without new construction so it is wise to go ahead with replacement as part of the renovation. The cost included in the change order is wiring prep for new heat tapes which will be installed later this year by the City Electrician.

### **Discussion**

These changes are somewhat expected and will make the building more functional and efficient. We have done all we can to offset these changes as we have done with previous changes. We have critically reviewed all requests with an eye towards controlling and minimizing costs but we feel that these change orders are needed and are reasonable.

### **Financial Impact & Funding Source**

These change orders are funded through our remaining contingency fund and by using sales tax rebates currently being held by Keller. This approval does not increase the overall final budget of \$5.5 million as approved by the council and still leaves a small contingency balance of \$14,664.97

### **Recommendation**

Our project team recommends approval of the attached Keller Contract Change Order #6.



**CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538**

**Date:** April 8, 2020

**TO:** City Council

**FROM:** Devin Flanigan, Construction Manager

**SUBJECT:** Fire Station Change Order 6 – Memo 1

### **Background**

The intent of this change order was to encompass all the unforeseen in the process finishing Phase 1 and beginning phase 2 of the Fire Station project. Issues which the project has run into are poor soils, adding electrical lines, moving equipment location, epoxy moisture content, gutters, landscaping, and concrete aprons. The construction and issues occurred in Nov - Jan, but due to obtaining costs and documentation we are now formally presenting to City Council.

### **Soils**

A brief history on the soil conditions: Keller, Inc. hired PSI (Geotechnical Engineer) to provide a Geotechnical engineering services report. The report was formally completed in July of 2019. This report is utilized by the structural engineers when deciding how to engineer the footings and foundations. Four (4) individual borings were conducted for the approximate 5,100 sq. ft. apparatus bay addition to the west. There were a total of 12 borings for the site.

Overall, the borings shared similar results in a mix of brown fine sand, silt, and some traces of clay. Fill material was found approximately on average between 4 – 6 feet deep at the boring locations. Footings and foundations excavation would require approximately 5 feet of excavation. Knowing we would be required to excavate that 5 feet, the team believed it made sense to continue in this direction.

The PSI report indicated two options for footings 1) Conventional Spread Footings or 2) Dilled Piers. After a cost analysis of the two types of structural options the Drilled Piers would have been approximately \$90,000 - \$120,000 more costly. Due to this large spread, the team believed conventional spread footings would be the best solution based upon the margin of risk and upfront cost impact. Note: The excavation of approximately 5 feet for footings and foundations is included in the base bid previously approved.

During excavation in Phase 1 the Excavation contractor discovered bad soils in locations outside of the soil borings. The bad soils consisted of non-compactable fill material, bricks, sand, old foundations, and an abandoned slab from an older building. As excavation continued it became very apparent majority of the east addition was once an old building that was demoed and had left over material buried.

The team consulted with the soils engineer and their recommendation was to excavate to virgin subgrade and install slurry. Slurry is a concrete like material that is more cost effective than pouring concrete walls to the virgin subgrade. The total depth of excavation was approximately 9 feet throughout the site. As mentioned earlier, the first 5 feet was included in the base bid. The additional 4 feet of excavation required was over and beyond the base bid amount.

#### **ADDRESS**

P.O. Box 620, Kaukauna, WI 54130-0620

#### **PHONE**

920-766-5795 1-800-236-2534

#### **FAX**

920-766-5004

#### **WEB SITE**

[www.kellerbuilds.com](http://www.kellerbuilds.com)





Our structural engineer was consulted with evaluating other types of footings such as piers and gave us a recommendation. The structural engineer believed moving forward with the conventional spread footings would be best due to the costs for a complete redesign of the structural loadings, the timeline it would take, and the reality that piers would still likely cost more. Taking all of this into consideration the Keller team moved forward on purchasing and installing the slurry required (per the soils engineer) to move forward with conventional spread footings. This would require the excavator to undercut all of the footings for the east addition.

Overall, the east addition required a total of 144 yards of slurry (as compared to 428 yards in phase 1). During the public bid opening a cost per cubic yard of slurry was required by the bidders, and Keller submitted a cost of \$111.60 per cubic yard. The invoices for the slurry has been evaluated by the Project Manager and Fire Chief to ensure complete transparency since Keller is the Construction Manager and performing the Concrete work.

The excavator removed a total of 26 loads of existing fill material that could not be reused as site fill for phase 2. This total fill removal includes both the undercut required for the slurry and normal excavation for the walls and footings. We reviewed all of the materials, quantities, and verified the excavator's total cost is accurate. Please note Keller Inc. negotiated CJ Kavon from his unit bid price of 33.85 per load, saving \$3,970 on this cost which is accounted for below.

- Cost of the poor soils not to exceed \$12,722.40 to Keller
- Cost of the poor soils not to exceed \$6,552.50 to CJ Kavon Excavating
  - Total poor soils cost \$19,274.90

#### Backfill Material – ¾ inch Clear Stone

During the backfilling of the basement, footings, and foundations cold temperatures became a factor in deciding which material to utilize. The original schedule indicated the backfilling to take place in November, although due to issues throughout the project the backfilling took place in December. Utilizing a typical granular material / fill in subfreezing temperatures can impose long term risks of material settling, due to possibly not achieving 95% proctor compaction throughout. Keller collaborated with the soil consultant, civil engineer, and structural engineer which lead to the decision to utilize ¾ clear stone which will allow for a 95% proctor regardless of the cold weather temperatures.

- Cost of upgrading material \$7,055.66
  - Total cost for upgrade backfill material not to exceed \$7,055.66 to CJ Kavon

#### Access Control Wiring

During the City Approval of the project in March 17, 2020, the decision was made to utilize Ignatek for a more cost effective system. This system would be a 'wired' access control, rather than wireless. This cost was included in the overall approved budget, but never issued on a change order.

- The total cost of this is not to exceed \$1,885 to United Electric.





#### Hot Water Heater Relocation & add Laundry to Room 217

During the construction & installation of Phase 1, the Fire Department believed it would be best to relocate a hot water heater from janitor room 217 to the mezzanine. The hot water heater was already installed, which required the demo of the installed plumbing, and the installation of the new. Adding laundry to room 217 was decided during construction which would allow the Fire Department to have direct access to a washer and dryer on the second floor where the sleeping rooms are located.

- Cost to relocate hot water heater & add plumbing for laundry in 217 not to exceed \$2,050 to 1901
- Cost to add wiring for Laundry in room 217 not to exceed \$520 to United Electric.
  - The total cost of this is not to exceed \$2,570.

#### Utilize a Primer for Epoxy due to high moisture content

During the construction & installation of the epoxy floors, the concrete floors moisture content was measured as being too high per the manufacture recommendation. If the epoxy was installed with a moisture content at that level the warranty would be voided. The decision was made to utilize a primer which would allow the warrant to stay in place per the manufacture recommendations. It is important to note the project could occur a similar cost for phase 2 if there is a high moisture content.

- Cost to add primer to Phase 1 epoxy not to exceed \$2,037.00 to Floor Care USA
- Cost to add primer to Phase 3 epoxy not to exceed \$8,059.00 to Floor Care USA
  - The total cost of this is not to exceed \$10,096

#### Camera System Wiring

After Keller received Bids in the spring of 2020, the Fire Department decided to utilize a camera system that Ignatek would install. After competitively bidding the pricing for cameras (wireless and 'wired') the decision to utilize a wired camera system was made. United electric installed the required wiring for the camera system Ignatek installed.

- Cost to add wiring for camera system not to exceed \$790 to United Electric

#### Doorbell System Wiring

During construction of Phase 1 the Fire Department added a doorbell system to the main lobby of the Fire Station. Ignatek provided the doorbell and installation, while United Electric provided the required wiring for the doorbell.

- Cost to add wiring for doorbell system not to exceed \$690 to United Electric



#### City requested Fiber Line Conduit for Police Station

During the construction and final grading of the shared Police & Fire parking lot, the City requested a conduit from the Fiber Box on Milwaukee Ave to the Police Station. The conduit was provided by United Electric, and installed by both United and Kavon. This conduit was ran in order to be prepared for the future when Fiber is ran into the Police Station.

- Cost to provide and install conduit not to exceed \$1,890 to United Electric
- Cost to install conduit not to exceed \$445 to CJ Kavon.
  - The total cost of this is not to exceed \$2,335 paid from Covid fund.

#### Additional Truck Fill for Apparatus Bay Addition

During Phase 1 construction the Fire Department requested an additional truck fill be located in the West Apparatus Bay addition. After seeing first hand on the distances for the truck fills, the Fire Department believed it would be best to add a truck fill in the addition to help speed up operations during a fire.

- Cost to provide and install additional truck fill not to exceed \$3,589 to 1901.

#### Additional Air Drops for Apparatus Bay

During Phase 2 construction the Fire Department requested additional air drop connections for the shop in the Apparatus Bay.

- Cost to provide and install (2) two air drops in the shop not to exceed \$1,535 to 1901.

#### Relocate Air Compressor Piping to ‘non access area’

During Phase 2 construction the Fire Department requested both the general use air compressor and high pressure air compressor be relocated to the service platform on the west side of the facility for maintenance purposes.

- Cost to provide and install the plumbing of (2) air compressors not to exceed \$3,023 to 1901.

#### Add two Water Hose Bibs to the Apparatus Bay area

During Phase 2 construction the Fire Department requested Two (2) additional water hose bibs added to the apparatus bay. (Insulation for the lines costs \$1,980.00 which is included in price below)

- Cost to provide and install two additional water hose bibs not to exceed \$3,345 to 1901.



#### Adding Red Lights to the Apparatus Bay

During construction the Fire Department added lights to the Apparatus Bay. The goal of these lights are to help provide a positive image of the Fire Station, Department, and trucks when the apparatus bay has no 'standard' lights on.

- Cost to provide and install red lights in apparatus bay not to exceed \$2,025 to United Electric

#### Changing the status of selected lights in facility to stay on 24/7

After construction of Phase 1 the Fire Department requested that a select amount of lights stay 'on' inside the facility 24/7. By utilizing this, it may be safer to navigate the facility during the evening hours.

- Cost to change wiring for selected lights to stay on 24/7 not to exceed \$450 to United Electric

#### Add an outlet next to the light at the Flag Pole

After construction of Phase 1 the Fire Department requested that a receptacle be located next to the light at the flag pole location

- Cost to change wiring for this additional outlet not to exceed \$245 to United Electric

#### Add (3) workbench outlets and (2) charging stations

After construction of Phase 1 the Fire Department requested 3 workbench quads (requires an additional circuit), a quad behind the toolbox, convert 3 existing duplex receptacles to quads, and add 2 additional quads at the charging station.

- Cost to change wiring for this additional outlet not to exceed \$1,250 to United Electric

#### Add (2) Two exterior camera lines

After construction of Phase 1 the Fire Department requested (2) additional exterior cameras on the southwest corner of the new apparatus bay.

- Cost to change wiring for this additional outlet not to exceed \$780 to United Electric

#### Add Heat tape Hookups to the North Roof in Phase 3

After construction of Phase 1, it was discovered the heat tape which was intended on being reused was not sufficient and needed to be replaced. United Electric to install conduit, wire, and a box; Jeff Armstrong to install actual heat tape.

- Cost to change wiring for this additional outlet not to exceed \$645.57 to United Electric



#### Upgrade existing Gutter to a New Gutter

During the design of the Fire Station, the architects believed we could reuse the existing gutter on the North side of the existing Apparatus Bay. During construction of Phase 1 it was discovered this option would not be realistic due to the condition of the existing gutter. Both the contractor and Keller believed a new gutter was the best long-term option in order to not have possible leaking issues in the future.

- Cost to provide and install gutter not to exceed \$4,360 to Alois.

#### Upgrade aprons from asphalt to concrete

During the construction the aprons were switched from asphalt to concrete, and the deduct for asphalt is shown below.

- Cost deduct to remove asphalt aprons (\$3,000) to Wolf Paving.

#### Landscaping for Bio Basin & Seeding

During the design and prior to bids being received, the decision was made to have the City install landscaping & seeding to help the project budget. Due to Covid-19 and / parks & public works employees the City requested a landscaping company provide and install the plantings and seeding for the Fire Station. Total cost for services are \$4,215.

- Keller to pay for half of the plantings: Total City cost reduction of \$1,392.50.
- Cost to provide and install plantings and seeding not to exceed \$2,822.50 to McKay Nursery (Keller to provide \$1,392.50 to this scope for a total of \$4,215.00)

#### Storm Water Cost ALT #14

Originally there was discussion regarding payment for alternate 14 from a different fund, which was then removed from this project cost. Since the costs will be paid directly from the project fund and relocated within the City, the cost is being relocated back into the overall cost.

- Cost of Alternate #14 not to exceed \$15,210.00

#### Upgrade parking lot binder to have paved ramping

During the construction and final grading of the shared Police & Fire parking lot, the City requested the ramping of the asphalt be poured as one rather than the proposed overlaid ramping. All ramping will need to be milled in the spring.

- Cost to provide and install upgraded ramping and milling not to exceed \$3,100 to Wolf Paving
  - The total cost of this is to be paid by Keller



### **Discussion**

The discovery of poor soils during construction, rather than in the planning process was the reason why this occurred. Keller consulted with a soils engineering firm to help guide the project to the best of their abilities. Unfortunately, the soil borings missed the poor soils that would have presented a red flag to the team. These soil issues were also found in Phase 1 of the construction. Throughout the project, the Fire Department had a few changes which is often seen in projects of this magnitude.

### **Financial Impact & Funding Source**

The additional cost of this unforeseen cost will be partially accounted for in the built in contingency of the project. Another project funding sources would be the left over furniture budget. The balance of the costs would be required to come from another city funding source.



## **Conclusion**

All costs requested have been discussed with the Fire Department, and are agreed to have been either outside of the control of Keller, or additional city requested items. All unforeseen items (not owner requested) were not charged the 10% markup in an effort to show Keller is a partner throughout this project.

<u>Additional</u>		<u>Keller 10%</u>
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CJ Kavon – Additional Excavation (building foundation)	\$6,552.5	
Keller – Additional Slurry Cost (building foundation)	\$12,722.40	
CJ Kavon – Backfill Material – ¾ inch Clear Stone	\$7,055.66	
1901 – Hot Water Heater Relocation & add Laundry	\$2,050.00	\$205.00
United Electric – Add Laundry	\$520.00	\$52.00
Floor Care USA – Epoxy Primer (Phase 1)	\$2,037.00	
Floor Care USA – Epoxy Primer (Phase 3)	\$8,059.00	
United Electric – Camera Wiring	\$790.00	\$79.00
United Electric – Doorbell Wiring	\$690.00	\$69.00
United Electric – Fiber Conduit	\$1,890.00	\$189.00
CJ Kavon – Fiber Conduit	\$445.00	\$44.50
1901 – Additional Truck Fill	\$3,589.00	\$358.90
1901 – Additional Air Drops	\$1,535.00	\$153.50
1901 – Relocate Air Compressors	\$3,023.00	
1901 – Add Water Hose Bibs	\$3,345.00	\$334.50
United Electric – Red Apparatus Bay Lights	\$2,025.00	\$202.50
United Electric – 24/7 lights	\$450.00	
United Electric – Additional Exterior Outlet	\$245.00	\$24.50
United Electric – (3) workbench outlets and (2) charging stations	\$1,250.00	\$125.00
United Electric – Add (2) Two exterior camera lines	\$780.00	\$78.00
United Electric – Conduit, wire, and box for Heat Tape	\$645.57	
Alois – New Gutter on North Apparatus Bay	\$4,360.00	
Prager – Upgrade aprons from asphalt to concrete	\$9,895.00	
Wolf Paving – Upgrade ramping for parking lot & spring milling	Paid by Keller \$3,100.00	
McKay Nursery – Landscaping for Biobasins	\$1,392.50	
McKay Nursery – Seeding	\$1,430.00	

Keller Coordination / Supervision / Administration 10%	\$1,915.40
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Wolf Paving – Deduct asphalt from aprons	(\$3,000.00)
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Reverse AIA billing Alternate #14	\$15,210.00
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### Previously Approved & Budgeted

United Electric – Access Control Wiring	\$1,885.00
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<b>Change Order Costs Total</b>	<b>\$92,787.03</b>
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**Costs of Project Allotted to Department from above project cost.**

StormWater Fund: \$16,602.50

- \$15,210.00 for Alt #14, including the Bio Basins
- \$1,392.50.00 for Bio Basin Plantings

Covid Fund: \$12,388.00 (Approved in Previous Change Order)

- \$10,053.00 from project cost for Touchless Items
- \$2,335.00 Fiber Line Conduit for Police Station

Street Fund: \$8,773

- \$1,878.00 to remove and install concrete around Police Station
- \$9,895.00 to upgrade asphalt aprons to concrete
- Deduct \$3,000.00 to remove asphalt from project
- \$3,100.00 for ramping asphalt and grinding – Paid by Keller

Water Department: \$13,725.80

- \$13,725.80 from project cost

Funds from other sources: \$51,489.30



**Original Project Budget: \$5,499,911.70**

**Original Keller Contract: \$5,428,438.14**

**Change Order #6 Cost \$92,787.03**

	<u>Change Order 6 Funding</u>
Sales Tax Refund (savings)	\$59,419.45
Other City Funding	
• StormWater Fund:	\$16,602.50
• Covid Fund:	\$12,388.00
• Street Fund:	\$8,773.00
• Water Department:	\$13,725.80
Previous Remaining Contingency	\$48,713.80

Remaining Keller Contingency after Change Order: \$15,346.22

**Updated Keller Contract: \$5,427,295.14**

**Updated Project Budget: \$5,499,911.70**





**Keller**  
Planners | Architects | Builders

*Offices in Fox Cities, Madison,  
Milwaukee & Wausau*

**ADDRESS** N216 State Road 55  
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Kaukauna, WI 54130-0620  
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1•800•236•2534  
**FAX** 920•766•5004  
**WEB SITE** www.kellerbuilds.com

**FOR OFFICE USE**

Job No.: 68055  
Cust. No.: 7064  
Project Mgr.: Devin Flanigan  
Page: 1 of 2

## CONTRACT CHANGE ORDER

<b>Owner:</b> <b>City of Fort Atkinson</b>	<b>Date</b> 3/25/2021
Matt Trebatoski	<b>Original Contract</b> \$5,428,438.14
101 N. Main Street	<b>Current Contract Value</b> \$5,427,295.14
Fort Atkinson, WI 53538	<b>Change Order Number</b> #6
	<b>Amount This Change Order</b> \$0.00
<b>Project:</b> <b>City of Fort Atkinson – Fire Station</b>	<b>New Total With All Changes</b> \$5,427,295.14

### WE HEREBY AGREE TO MAKE THE FOLLOWING CHANGES AS DESCRIBED BELOW:

### PRICE

CJ Kavon	Additional excavation (building foundation).	\$6,552.50
Keller	Additional slurry cost (building foundation).	\$12,722.40
CJ Kavon	Backfill material – ¾" clear stone.	\$7,055.66
1901	Hot water heater relocation & add laundry.	\$2,050.00
United Electric	Add laundry.	\$520.00
Floor Care USA	Epoxy primer (Phase 1).	\$2,037.00
Floor Care USA	Epoxy primer (Phase 3).	\$8,059.00
United Electric	Camera wiring.	\$790.00
United Electric	Doorbell wiring.	\$690.00
United Electric	Fiber conduit.	\$1,890.00
CJ Kavon	Fiber conduit.	\$445.00
1901	Additional truck fill.	\$3,589.00
1901	Additional air drops.	\$1,535.00
1901	Relocate air compressors; piping only.	\$3,023.00
1901	Add water hose bibs.	\$3,345.00
United Electric	Red Apparatus Bay lights.	\$2,025.00
United Electric	24/7 lights.	\$450.00
United Electric	Additional exterior outlet.	\$245.00
United Electric	(3) Workbench outlets and (2) charging stations.	\$1,250.00
United Electric	Add (2) exterior camera lines.	\$780.00
United Electric	Conduit, wire and box heat tape.	\$645.57
Alois	New gutter on North Apparatus Bay.	\$4,360.00
Prager	Upgrade aprons from asphalt to concrete.	\$9,895.00
McKay Nursery	Landscaping for bio-basins.	\$1,392.50
McKay Nursery	Seeding.	\$1,430.00
Keller	Coordination/Supervision/Administration 10%	\$1,915.40
Wolf Paving	Deduct asphalt from aprons.	<\$3,000.00>
	Reverse AIA Billing Alternate #14	15,210.00
<b>Previously Approved &amp; Budgeted:</b>		
United Electric	Access control wiring.	\$1,885.00
Sales Tax Savings:		<\$59,419.45>
<b>Total Change Order #6:</b>		<b>\$33,367.58</b>



**Keller**<sup>TM</sup>  
Planners | Architects | Builders

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Job No.: 68055  
Cust. No.: 7064  
Project Mgr.: Devin Flanigan  
Page: 2 of 2

Original Contingency: \$143,000.00  
Less: Amount Deducted for Change Order #3: <\$78,681.60>  
Less: Amount Deducted for Change Order #4: <\$15,604.60>  
Less: Amount Deducted for Change Order #6: <\$33,367.58>  
**Remaining Contingency: \$15,346.22**

**TERMS AND CONDITIONS OF ORIGINAL CONTRACT APPLY TO ALL CHANGES MADE**

**TOTAL ADD:**

**\$0.00**

**ACCEPTANCE:**

**PAYMENT:**

Owner \_\_\_\_\_ Date \_\_\_\_\_  
*Devin Flanigan* 3/25/2021  
Keller, Inc. Representative \_\_\_\_\_ Date \_\_\_\_\_  
Keller, Inc. Approval \_\_\_\_\_ Date \_\_\_\_\_

**\*\*PLEASE SIGN AND RETURN ONE COPY, THANK YOU\*\***



**CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538**

**Date:** March 25, 2021

**TO:** City Council

**FROM:** Daryl Rausch, Fire Chief

**SUBJECT:** Koshkonong Township Fire Protection Change

Pursuant to a request for the City of Fort Atkinson to provide fire and EMS protection and response to the Blackhawk Bluff area, we are presenting the following proposal.

#### Background

The area in question would consist of approximately 12 sections and 50 homes or improved properties. The area in question is legally defined by the township as:

*All land being in the West ½ of Section 26, the Southeast ¼ of Section 33, and all of Sections 27 and 34, Township 5 North, Range 13 East, Town of Koshkonong, Jefferson County, Wisconsin.*

For the sake of clarity this includes all properties and areas adjacent to and accessible from Pottawatom Trail and the northside of County-Line Road. We estimate this area to contain approximately 100 full-time residents.

#### Discussion

This proposal does not include the homes on Charlie's Bluff that are within the township. That area will be best served by Milton Fire Department as we would need to go through their district in order to respond to that portion of Koshkonong Township.

#### Financial Impact & Funding Source

Using the same formulas currently used to determine costs for fire protection and EMS service to the other areas of Koshkonong Township, we propose the following;

EMS service cost \$1192.00 per year. (This additional revenue will be passed directly to Ryan Brothers).

Fire Service cost \$5,023.00 annually. (This revenue should be applied to continual overages in paid-on-call firefighter wages).

This cost, would be paid in addition to the current contract in 2021 (proportionally), 2022, 2023 and 2024. At the end of 2024 we are scheduled to recalculate all contract rates. At that time the charges can be added to the normal annual fee.

#### Recommendation

We recommend approval by the City Council and request that the City Attorney be asked to prepare the formal contract addendum. After the township approves a new contract addendum, implementation may take up to 60-days for the two dispatch centers to be notified and update their records so we could likely begin service to the area on or before by June 1, 2021.





**CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538**

**Date:** March 23, 2021

**TO:** City Council

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

**SUBJECT:** Special Event – Fort Atkinson Area Chamber of Commerce - Farmers Market

**Background:**

The Special Event Guide and Application was assembled to assist with planning events in the City of Fort Atkinson. A special event is 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) requires 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 are not limited to, neighborhood and community festivals, parades, processions, fairs and bicycle or foot races.

The application was created 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.

**Event:** Fort Atkinson Area Chamber of Commerce Farmers Market

**Date:** Saturday May 1 to Saturday October 30

**Location:** Parking Lot Water Street/Milwaukee Avenue.

**Contact Person:** Alisha Bade

**Hours of Event:** 6:00 am to 1:00 pm

**Estimated Number of Attendees:** 200-500

Information of the event was routed to Departments without concerns. A diagram of the event is provided.

**Financial Analysis:**

Barricades are provided by the Public Works Department for proper safety and closure of the section of Water Street. There is no financial cost to the City.

**Staff Recommendation:**

For the Council to approve the Special Event for the Fort Atkinson Area Chamber of Commerce Fort Farmers Market on Saturday May 1, 2021 thru Saturday October 30, 2021 and street closures of S. Water Street East.



CITY OF FORT ATKINSON  
Special Event Application

Name of Business/Group Organizing Event: Fort Atkinson Area Chamber of Commerce	
Contact Person for Event: Alisha Bade	
Phone Number: (920) 397-9070	Email: manager@fortfarmersmarket.com
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
Special Event Details	
Event Name: Fort Farmers Market	
Event Date: May - October, every Saturday morning	
Event Location: Parking lot between S. Water St. E & Milwaukee Ave. E	
Estimated Number of Attendees: several Hundred each Saturday	Hours of Event: Saturdays 6am - 1pm
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: 6 AM - 1 PM
<input checked="" type="checkbox"/> I will be closing a street(s)	Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771.
<input type="checkbox"/> I will be selling beer and/or wine*	Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760
*Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide.	
<input checked="" type="checkbox"/> I will be erecting a tent, canopy or other temporary structure.	*See layout
Vendors Set up their own structures.	
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: Alisha Bade	

Office Use Only

Date Submitted to Clerk: 3-12-21 Date Emailed to Departments: 3-18-21

Department	Comments, Concerns, Action(s) to be taken
<input checked="" type="checkbox"/> Clerk/Treasurer	OK, no concerns
<input checked="" type="checkbox"/> EMS - Ryan Brothers Ambulance	no reply
<input checked="" type="checkbox"/> Engineer and Building Inspection	no comments provided
<input checked="" type="checkbox"/> Electrician	no comments provided
<input checked="" type="checkbox"/> Fire and Rescue Department	no comments provided
<input checked="" type="checkbox"/> Library and Museum	no comments provided
<input checked="" type="checkbox"/> Parks & Recreation	no comments provided
<input checked="" type="checkbox"/> Police Department	no concerns, fully supports events
<input checked="" type="checkbox"/> Public Works Department	no comments provided
<input checked="" type="checkbox"/> Wastewater and Water Utility	no comments provided

Date Reported to City Council (if necessary): 4-8-21

Comments, Contingencies, Findings:





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

## MEMORANDUM

**DATE:** April 8, 2021

**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

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### BACKGROUND

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

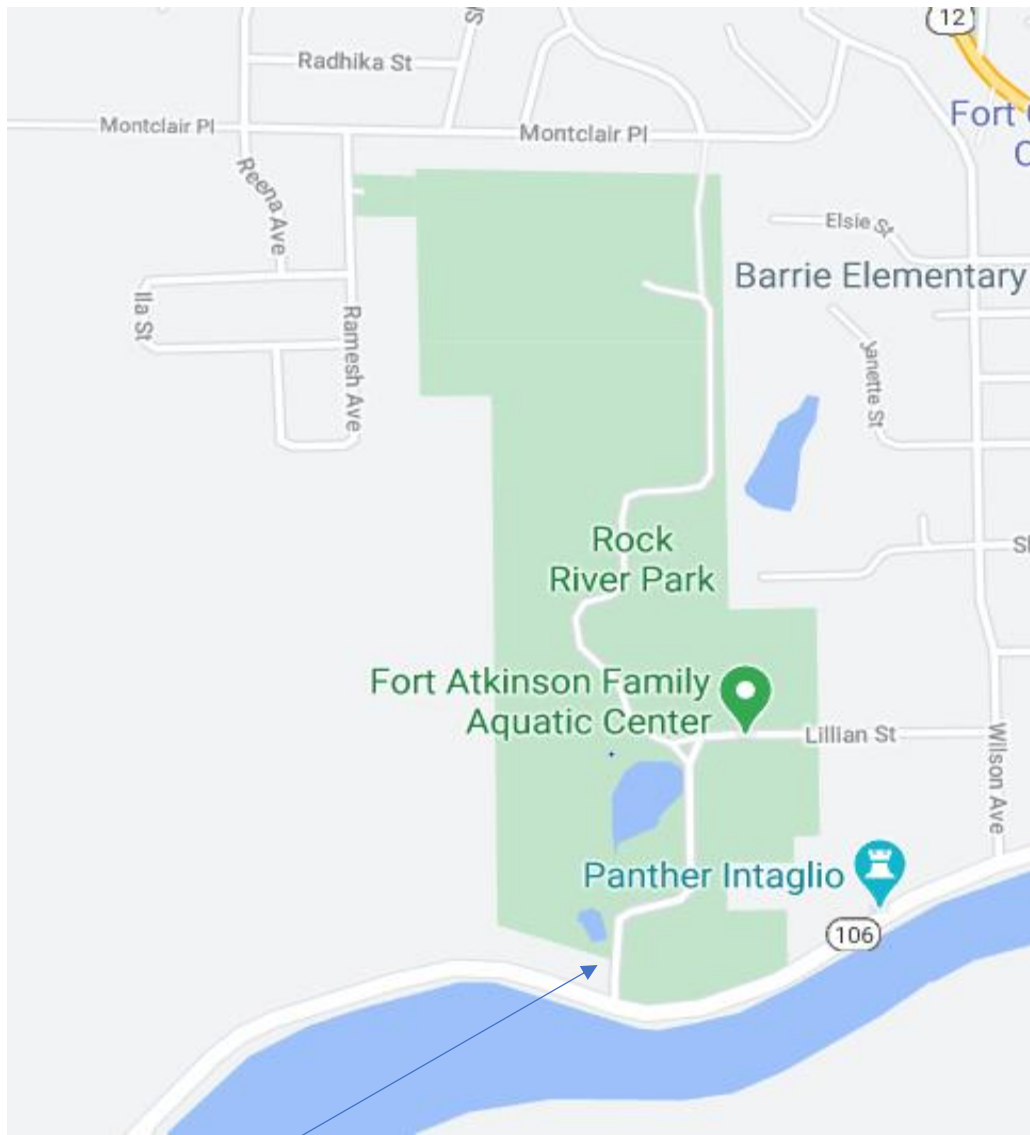
The Special Event Guide defines a special event as a planned extraordinary occurrence or temporary aggregation of attractions, open to the public, that (a) is conducted on public property, (b) is conducted on private property and has a substantial impact on public property, (c) has activities that request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

### DISCUSSION

**Event:** Parks & Recreation Youth Triathlon  
**Date:** Saturday, July 31, 2021  
**Location:** Rock River Park, Aquatic Center, Montclair Subdivision  
**Contact Person:** Brett Ketterman  
**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 31, 2021 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

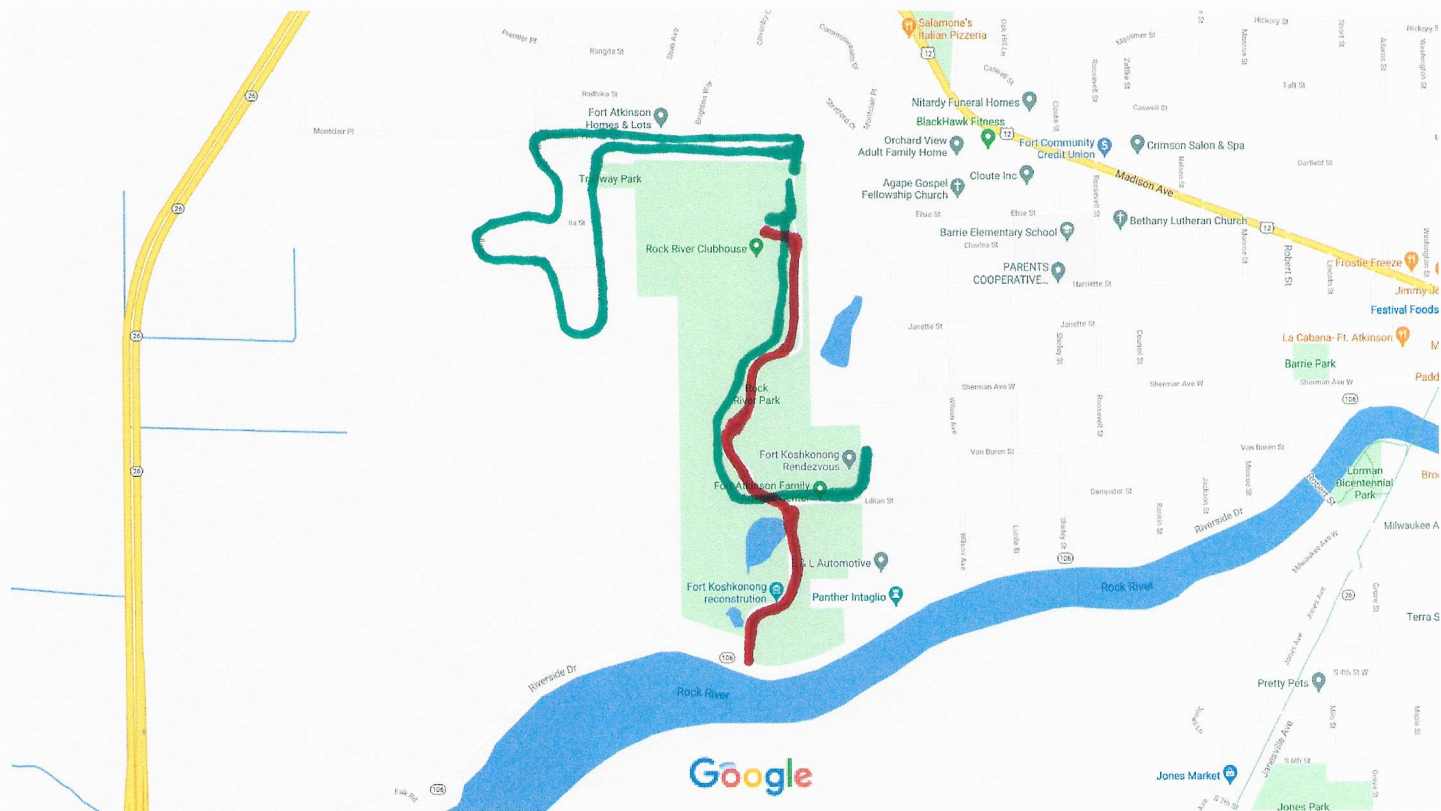
Name of Business/Group Organizing Event: <b>FORT PARKS &amp; RECREATION</b>	
Contact Person for Event: <b>BRETT KETTERMAN</b>	
Phone Number: <b>920-563-7781</b>	Email: <b>bketterman@fortatkinsonwi.net</b>
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
<b>Special Event Details</b>	
Event Name: <b>FORT YOUTH TRIATHLON</b>	
Event Date: <b>SATURDAY, JULY 31, 2021</b>	
Event Location: <b>ROCK RIVER PARK, FORT AQUATIC CENTER, MONTCLAIR SUBDIVISION</b>	
Estimated Number of Attendees: <b>300</b>	Hours of Event: <b>7AM-NOON</b>
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: <input checked="" type="checkbox"/> I will be closing a street(s) Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771. <input type="checkbox"/> I will be selling beer and/or wine* Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760 *Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide. <input checked="" 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: <b>Brett Kettermann</b>	

Office Use Only

Date Submitted to Clerk: **3/31/21** Date Emailed to Departments: **3/31/21**

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:	

Google Maps



Map data ©2021 500 ft

- \*Closing Sinnissippi Drive Sat - 11am
- \*No PARKING Signs on bike route (goes up  
Friday afternoon, taken down Sat - 11AM.

Kids ages 7-14 swim in the Aquatic Center, bike using the Road through Rock River Park and on the streets of Montclair Pl, Reene Ave, Ila St, and Ramesh Ave. Participants run on Sinnissippi Drive in the park. We have over 50 volunteers that bike and run with the participants, and volunteers on the bike portion of the race. This is 13<sup>th</sup> year we have ran a youth triathlon



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

## MEMORANDUM

**DATE:** April 8, 2021

**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 World of Wheels

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### BACKGROUND

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

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

### DISCUSSION

**Event:** Parks & Recreation World of Wheels  
**Date:** Saturday, September 18, 2021  
**Location:** Ralph Park – Jefferson Street parking lot  
**Contact Person:** Brett Kettermann  
**Hours of Event:** 9:00 am to 10:30 am  
**Estimated Number of Attendees:** 400+

World of Wheels is a free event for all ages to get up close to vehicles of many sizes and purposes. Past vehicles on display included: Police, Fire and EMS Emergency Response Vehicles, Snow Plow, Dump Truck, End loader, Refuse Truck, Semi-Truck, School Bus, Cement Truck, Tow Truck, etc.

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. This is a free event for all ages to attend.

## **RECOMMENDATION**


Staff recommends that City Council approve the Special Event World of Wheels for the Parks & Recreation to be held on Saturday September 18, 2021 at Ralph Park.

## **ATTACHMENTS**

Special Event Application



CITY OF FORT ATKINSON  
Special Event Application

Name of Business/Group Organizing Event: FORT PARKS & RECREATION	
Contact Person for Event: BRETT KETTERMAN	
Phone Number: 920-563-7781	Email: bketterman@fortatkinsonwi.net
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
Special Event Details - Kids of all ages can see many types of cars & trucks up close. We will use parking lot off of Jefferson St. for participating vehicles	
Event Name: WORLD OF WHEELS	
Event Date: SATURDAY, SEPTEMBER 18, 2001	
Event Location: RALPH PARK	
Estimated Number of Attendees: 400	Hours of Event: 9-10:30 A.M.
Check all applicable boxes: <input type="checkbox"/> I am renting a City Park Attach copy of paid park rental from Parks & Recreation (920) 563-7781. <input type="checkbox"/> I will be having music Start and end time of music: <input 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: 	

Office Use Only

Date Submitted to Clerk: 3/31/21 Date Emailed to Departments: 3/31/21

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

Date Reported to City Council (if necessary):

Comments, Contingencies, Findings:





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

## MEMORANDUM

**DATE:** April 8, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Renewal Alcohol Beverage License Application for Fort Atkinson Generals Baseball Team, Class "B" Fermented Malt Beverage

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### BACKGROUND

The State of Wisconsin regulates alcohol licensing for local governments through Chapter 125. Local governments are given the authority to issue licenses where alcohol is consumed in a public place in accordance with requirements set forth by Statute. 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 as you consume alcohol Away from the premises. Likewise, Class B you consume on-site, for example Bar.

*A Class "B" beer license may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.26(5)).*

State Statutes have established quotas for "Class B" Intoxicating Liquor licenses issued by municipalities. Statutes do not provide quotas for Class "B" Fermented Malt Beverage licenses; however, Statutes do allow municipalities to establish such quotas. The City of Fort Atkinson does not have a quota on Class "B" Fermented Malt Beverage licenses.

### DISCUSSION

The General Baseball Team submitted a renewal application for their fermented malt beverage license. The Team sells beverages during their home games and Baseball Fest conducted in June. As required, they have licensed operators (bartenders) and take measures to ensure those purchasing and consuming are of legal drinking age.

Applicant: Fort Atkinson Generals Baseball Team Inc.  
License: Class "B" Fermented Malt Beverage

Licensing period: April 9, 2021 to October 9, 2021

Agent: Tim Garant

Premise: Jones Park concession, ball diamond, dugouts, grandstands, bathrooms and grass seating.

During Baseball Fest in June, the consumption will include the fenced horseshoe pits, carnival and concert.

### **FINANCIAL ANALYSIS**

License fees are determined locally, but must be within the statutory maximum and minimum. Municipalities are free to set the fee anywhere within the statutory range without justifying their costs. Six-month license will be one-half of the annual license fee for such license. A Class "B" Fermented Malt Beverage license is \$100.00 per licensing period, July 1 to June 30. The six-month license fee would be \$50.00 and a \$25.00 publication fee.

### **RECOMMENDATION**

Staff recommends that the City Council approve renewing the Annual Alcohol Beverage License for a Class "B" Fermented Malt Beverage for Fort Atkinson Generals Baseball Team Inc for use at Jones Park from April 9, 2021 to October 9, 2021.

### **ATTACHMENTS**

Renewal Alcohol Beverage License Application – Fort Atkinson General Baseball Team, Inc

# Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 04 01 2021 ending: 09 30 2021  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of }  
☐ Village of } Fort Atkinson  
☒ City of }

County of Jefferson Aldermanic Dist. No. N/A

Check one: ☐ Individual ☐ Limited Liability Company  
☐ Partnership ☒ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

## A. Individual or Partnership:

Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

## B. LLC or Corporation (and Agent):

Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company	Address of Corporation / Limited Liability Company (if different from licensed premises)
Fort Atkinson Generals Baseball Team, Inc	PO Box 98, Fort Atkinson 53538

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Garant	Timothy	A	1134 Maple St, Fort Atkinson 53538

## All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Roethel	James		PO Box 2, Fort Atkinson 53538
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Koepke	Sue		W4611 Lower Hebron Rd, Fort Atkinson 53538
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Smith	Joshua		1422 Jamesway, Fort Atkinson 53538
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Allard	Daniel		1433 Lena Ln, Fort Atkinson 53538
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Wales	Michelle		1134 Maple St, Fort Atkinson 53538
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Becker	Melanie		415 Rock River Lane, Fort Atkinson 53538

## C. Business Information

- Trade Name Fort Atkinson Generals Baseball Tea Business Phone Number (262) 617-6251
- Address of Premises 600 Janesville Avenue Post Office & Zip Code Fort Atkinson 53538
- Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ..... Yes ☒ No ☐
- Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)  
Jones Park Concession Stand, Grandstand and Whole Park

Applicant's Wisconsin Seller's Permit Number 456-1020150024-03	
FEIN Number 391416520	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
<b>TOTAL FEE</b>	<b>\$</b>



5. Legal description (omit if street address is given on previous page): City Park, Baseball Field & Concession Std

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? **If yes, complete page 3** ..... ☐ Yes ☒ No

b. Are **charges** for **any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on page 3.** ..... ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain** ..... ☐ Yes ☒ No

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8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? **If not, explain** ..... ☒ Yes ☐ No

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9. Does the applicant understand they must hold a Wisconsin Seller's Permit? ..... ☒ Yes ☐ No  
[phone (608) 266-2776]

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ..... ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ..... ☐ Yes ☒ No

12. Does the applicant owe municipal property taxes, assessments, or other fees? ..... ☐ Yes ☒ No  
(Note: Renewal of licenses may be denied pursuant to a local ordinance, if the licensee owes municipal taxes, assessments or other fees).

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Contact Person's Name (Last, First, M.I.) Garant, Timothy A	Title / Member Agent / Board Member	Date 03/22/2021
Signature <i>Timothy A Garant</i>	Phone Number (920) 222-2184	Email Address tgarant74@gmail.com

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk	Date reported to council / board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Add'l Office(s) Director(s) of Corporation

Hartwick, Samuel	1225 Orchard Lane, Fort Atkinson 53538
Yandry, Douglas	423 Edward St, Fort Atkinson 53538
Taylor, Trista	W5280 Mirkwood Dr, Jefferson 53549
Galston, Scott	33 William St, Fort Atkinson 53538
Crandall, Justin	336 S Pleasant St, Whitewater 53190
Koepke, Chris	4940 Parkwood Dr, Milton 53563



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

## MEMORANDUM

**DATE:** April 8, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Renewal Alcohol Beverage License  
Application for Fort Atkinson Lions Club, Class "B" Fermented Malt Beverage

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### BACKGROUND

The State of Wisconsin regulates alcohol licensing for local governments through Chapter 125. Local governments are given the authority to issue licenses where alcohol is consumed in a public place in accordance with requirements set forth by Statute. 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 as you consume alcohol Away from the premises. Likewise, Class B you consume on-site, for example Bar.

*A Class "B" beer license may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.26(5)).*

State Statutes have established quotas for "Class B" Intoxicating Liquor licenses issued by municipalities. Statutes do not provide quotas for Class "B" Fermented Malt Beverage licenses; however, Statutes do allow municipalities to establish such quotas. The City of Fort Atkinson does not have a quota on Class "B" Fermented Malt Beverage licenses.

### DISCUSSION

The Fort Atkinson Lions Club submitted a renewal application for their fermented malt beverage license. The Club operates the concession stand at Ralph Park during the adult softball season in evenings running May through early September. As required, they have licensed operators (bartenders) and take measures to ensure those purchasing and consuming alcohol are of legal drinking age.

Applicant: Fort Atkinson Lions Club – SCARP (Selling Concessions at Ralph Park)  
License: Class "B" Fermented Malt Beverage

Licensing period: May 1, 2021 to October 31, 2021

Agent: Michelle Ebbert

Premise: Ralph Park concession stand and storage in block building. Consumption in grass seating, bleachers, softball fields, dugouts, pavilions and restrooms. Records maintained in the Agent's office.

#### **FINANCIAL ANALYSIS**

License fees are determined locally, but must be within the statutory maximum and minimum. Municipalities are free to set the fee anywhere within the statutory range without justifying their costs. Six-month license will be one-half of the annual license fee for such license. A Class "B" Fermented Malt Beverage license is \$100.00 per licensing period, July 1 to June 30. The six-month license fee would be \$50.00 and a \$25.00 publication fee.

#### **RECOMMENDATION**

Staff recommends that the City Council approve renewing the Annual Alcohol Beverage License for a Class "B" Fermented Malt Beverage for Fort Atkinson Lions Club for use at Ralph Park from May 1, 2021 to October 31, 2021.

#### **ATTACHMENTS**

Renewal Alcohol Beverage License Application – Fort Atkinson Lions Club

# Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 05 01 2021 ending: 10 31 2021  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of }  
☐ Village of } Fort Atkinson  
☒ City of }

County of Jefferson Aldermanic Dist. No. N/A

Check one: ☐ Individual ☐ Limited Liability Company  
☐ Partnership ☒ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

## A. Individual or Partnership:

Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

## B. LLC or Corporation (and Agent):

Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company	Address of Corporation / Limited Liability Company (if different from licensed premises)
<u>FORT ATKINSON LIONS CLUB</u>	<u>PO BOX 352 FORT ATKINSON</u>

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>EBBERT</u>	<u>MICHELLE</u>		<u>1402 STACY LANE FORT ATKINSON</u>

## All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>TURK</u>	<u>RUSSELL</u>		<u>1231 ORCHARD LANE FORT ATKINSON</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>RING</u>	<u>DAVID</u>		<u>N3045 COUNTY ROAD J FORT ATKINSON</u>
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>HOOD</u>	<u>LISA</u>		<u>248 HERITAGE DRIVE FORT ATKINSON</u>
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>SCHAFER</u>	<u>STEVEN</u>		<u>N1672 PLEASANT ROAD FORT ATKINSON</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>ANDERSON</u>	<u>JOHN</u>		<u>1216 SHERMAN AVE FORT ATKINSON</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

## C. Business Information


- Trade Name SCARP Business Phone Number 608-290-3397
- Address of Premises RALPH PARK, JEFFERSON STREET Post Office & Zip Code FORT ATKINSON 53538
- Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ..... Yes ☒ No ☐
- Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

SALES FROM CONCESSION STAND, STORAGE IN BLOCK BUILDING AND STAND. CONSUMPTION IN PARK,  
SOFTBALL FIELDS, PAVILIONS. RECORDS ARE KEPT IN BLOCK BUILDING AND OFFICE OF AGENT.

Applicant's Wisconsin Seller's Permit Number <u>456-0000076007-02</u>	
FEIN Number <u>39-6093836</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 50
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 25
<b>TOTAL FEE</b>	<b>\$ 75</b>

5. Legal description (omit if street address is given on previous page): \_\_\_\_\_
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? **If yes, complete page 3** . . . . . ☐ Yes ☒ No
- b. Are **charges** for **any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on page 3.** . . . . . ☐ Yes ☒ No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain** . . . . . ☐ Yes ☒ No
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? **If not, explain** . . . . . ☒ Yes ☐ No
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
9. Does the applicant understand they must hold a Wisconsin Seller's Permit? . . . . . ☒ Yes ☐ No  
[phone (608) 266-2776]
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? . . . . . ☒ Yes ☐ No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? . . . . . ☐ Yes ☒ No
12. Does the applicant owe municipal property taxes, assessments, or other fees? . . . . . ☐ Yes ☒ No  
(Note: Renewal of licenses may be denied pursuant to a local ordinance, if the licensee owes municipal taxes, assessments or other fees).

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Contact Person's Name (Last, First, M.I.) MICHELLE EBBERT	Title / Member AGENT/FINANC SEC	Date 03/20/2021
Signature 	Phone Number 608-290-3397	Email Address mchl1ann@yahoo.com

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk 3-22-2021	Date reported to council / board 4-8-2021	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk



**CITY OF FORT ATKINSON, Fort Atkinson, WI, 53538**      **Date:** March 17, 2021

**TO:** City Council

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

**SUBJECT:** "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage

**Background:**

The State of Wisconsin regulates alcohol licensing for local governments through Chapter 125. Local governments are given the authority to issue licenses where alcohol is consumed in a public place in accordance with requirements set forth by Statute. The following are types of licenses that can be issued by the governing body:

- "Class A" Intoxicating Liquor
- Class "A" Fermented Malt Beverage (Beer)
- "Class A" Liquor: Cider Only
- "Class B" Intoxicating Liquor
- Class "B" Fermented Malt Beverage (Beer)
- "Class B" Winery
- "Class C" Wine
- Reserve "Class B" Intoxicating Liquor
- Temporary Class "B" Fermented Malt Beverage (Beer)
- Temporary "Class B" Wine

The placement of the quotation marks differentiates between intoxicating liquor and fermented malt beverages. Class A refers to consuming product *away* or off premise (grocery store, gas station). Class B refers to consuming product *on* premise (bar, tavern, restaurant, bowling alley) Class C refers to the sale of alcohol beverages accounts for less than 50% of gross receipts. Product may be sold by the glass or in an opened original container for consumption on the premises where sold.

A state quota on alcohol license applies only to "Class B" intoxicating liquor licenses, enacted December 1997. No municipality may issue a license that would cause the municipality to exceed its quota.

Table 1: Alcohol License Quotas

Type of License	Quota (State or Local)	No. of Licenses	No. of Available Licenses
"Class A" Intoxicating Liquor	Local / Municipal Quota	10	0
Class "A" Fermented Malt Beverage	Local / Municipal Quota	17	4
"Class B" Intoxicating Liquor	State	25	0
Reserve "Class B" Intoxicating Liquor	State	3	0

Licenses may be transferred under one of three provisions.

1. Place to place upon approval by the governing body.
2. Person to person if the licensee dies, becomes bankrupt or makes an assignment for the benefit of creditors.
3. To a receiver in foreclosure action appointed by a court.

An alcohol license holder may surrender their license contingent upon approval and award to a designated applicant. The new applicant is required to apply for the license set forth by Statute by completing the Original Alcohol Beverage Application, furnishing federal and state identification numbers and a successful background check by the Police Department.

**Discussion:**

The building located at 1245 Whitewater Avenue had been operated as Jansen's Banquet Hall, under license holder, HDGL, LLC d/b/a Jansen's Hall (Agent: Guy Dempsey). A representative of HDGL, LLC contacted building owner Connie Jansen with intent to surrender the license to her for operation as his health is ailing.

Ms. Jansen began necessary steps to apply for the license including obtaining a new Wisconsin Seller's Permit number and Federal ID Number. Mrs. Jansen completed the Original Alcohol Beverage License Application appropriately and passed a background check performed by the Police Department.

Ms. Jansen confirmed Jansen's Hall has not had rentals since October (no sales of food or alcohol). The space is currently leased to Fort Health Care for an indoor walking facility, which will run through April. Ms. Jansen noted they have rentals for May that will include the sale of alcohol.

HDGL, LLC provided a statement indicating that they will surrender their license contingent upon the application approval for Remmingtons, LLC d/b/a Jansen's for use at 1245 Whitewater Avenue.

**Financial Analysis:**

The applicant will be responsible for the \$25 publication fee and the pro-rated license fee upon issuance. The annual fee is \$500 for Intoxicating Liquor and \$100 for Fermented Malt.

**Staff Recommendation:**

Staff recommends that the City Council approve the Original Alcohol Beverage License Application from Remmingtons, LLC d/b/a Jansen's (Agent: Connie Jansen) for a "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License, for use at 1245 Whitewater Avenue contingent upon license surrender from HDGL, LLC.



# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning:                      ending:                       
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of                       
☐ Village of Fort Atkinson  
☒ City of                     

County of Jefferson Aldermanic Dist. No.                       
(If required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company  
☐ Partnership ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number	
FEIN Number	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

Name (Individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Jansen, Connie Marie Remingtons, LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>JANSEN</u>	<u>CONNIE</u>	<u>MARIE</u>	<u>1231 Sherman Ave FT. ATKINSON WI 53538</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Jansen</u>	<u>Connie</u>	<u>MARIE</u>	<u>1231 Sherman Ave W Fort Atkinson 53538</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Remingtons Jansen's Business Phone Number 920-691-2810  
2. Address of Premises 1245 Whitewater Ave Post Office & Zip Code 53538

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

1245 Whitewater Ave, one building, two separate banquet room, kitchen, bar, restrooms, storage, dance hall, outdoor fenced in courtyard

4. Legal description (omit if street address is given above):                     

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ..... ☒ Yes ☐ No

(b) If yes, under what name was license issued? HOGW, LLC

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain ..... ☒ Yes ☒ No
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ..... ☐ Yes ☒ No  
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain ..... ☐ Yes ☒ No
9. (a) Corporate/limited liability company applicants only: Insert state WI and date 02/17/21 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain ..... ☐ Yes ☒ No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. ☐ Yes ☒ No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ..... ☒ Yes ☐ No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ..... ☒ Yes ☐ No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ..... ☒ Yes ☐ No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Jansen Connie Marie</u>	Title/Member <u>Member</u>	Date <u>02/18/21</u>
Signature <u>Connie Jansen</u>	Phone Number <u>920-691-2810</u>	Email Address <u>cjansen1948@gmail.com</u>

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <u>2-18-21</u>	Date reported to council / board <u>3-16-21</u>	Date provisional license issued	Signature of Clerk / Deputy Clerk <u>[Signature]</u>
Date license granted	Date license issued	License number issued	

Date:

I, Guy S Dempsey hereby state that I,  
owner of HDGL LLC will surrender my "Class B" Intoxicating Liquor  
and Class "B" Fermented Malt Beverage License to \_\_\_\_\_  
contingent upon NONE

being approved for said "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License  
for use by Remington's LLC at the premise of  
1245 WHITEWATER Ave FT. ATKINSON WI 53538

Signed: Guy S. Dempsey  
Date: 2/18/21

Witness: [Signature]  
Date: 2/18/21



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

## MEMORANDUM

**DATE:** April 8, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to granting of Operator License Applications

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### BACKGROUND

The State of Wisconsin regulates alcohol licensing for local governments through Chapter 125. Local governments are given the authority to issue licenses where alcohol is consumed in a public place in accordance with requirements set forth by Statute.

An operator license is required for any person 18 or older serving or selling alcohol beverages in an establishment with a Class A, B or C license. Operator licenses are issued to person and allow the licensee to operate anywhere in the municipality. Operator's licenses are not limited to particular establishments. Operators who work in multiple establishments should carry their license with them instead of leaving the license at a particular establishment.

The City of Fort Atkinson provides two copies of an operator license so the licensee may carry one with them at all times and leave the other with their employer.

Operator applicants must be 18 years of age at time of issuance, may not have been convicted of a felony or be a "habitual law offender". A municipality may not issue an operator's license unless the applicant has completed a responsible beverage server training course. Applicants are exempted from the training course requirement if they are renewing an existing operator's license, have completed the training course within the last two years or have held a retail license or operator's license anywhere in the state within the last two years. There is not statutory residency requirement.

### DISCUSSION

The following applicants have applied for an Operator's license to serve and/or sell alcohol beverages in the City of Fort Atkinson. Applicants are required to complete an Operator License Application and successfully pass a background check performed by the Fort Atkinson Police Department.

The current licensing period is July 1, 2020 to June 30, 2022.

Applicant	Place of Employment	Recommended Approval by Fort Atkinson Police Department
Benjamin Jung	Lions Quick Mart	X
Alexis Kersten	Kwik Trip	X
Jessica Kitsembel	Lions Quick Mart	X
Tammie Schenck	Kwik Trip	X
Samantha Lapp-Wileman	Lions Quick Mart	X

### **FINANCIAL ANALYSIS**

The fee for an operator license is determined locally by the issuing municipality. An operator's license may be issued for one or two years, as determined by the governing body. The City of Fort Atkinson issues operator licenses for two years, beginning in even years on July 1<sup>st</sup>.

Issuance Period	Fee	Expiration
July 1, 2020 – June 30, 2021	\$25.00	July 30, 2022
July 1, 2021 – June 30, 2022	\$15.00	July 30, 2022

### **RECOMMENDATION**

Staff recommends that City Council approve the list of Operator Licenses as presented.

### **ATTACHMENTS**

None.