



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

**CITY COUNCIL MEETING
REMOTE VIA PHONE USING ZOOM
TUESDAY, MAY 4, 2021 – 7:00 PM**

<https://us02web.zoom.us/j/85115081013?pwd=V3g2TWlrL0NxbDVDcmpNeWQvTUJoQT09>

Meeting ID: 851 1508 1013

Passcode: 052404

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

AGENDA

1. Call meeting to order
2. Roll call
3. Review and possible action relating to the **minutes of the April 20, 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:**
 - a. Presentation of plaque to **Jeff Hottman** for years of service (Bump)
 - b. Presentation of plaque to **Ron Bishofberger** for years of service (Christensen)

7. Resolutions and Ordinances:

- a. Review and second reading relating to an **Ordinance** to create Section 10-14 of the City of Fort Atkinson Municipal Code (**prohibiting large-scale commercial animal breeding**) (LeMire)
- b. Review and second reading relating to an **Ordinance** to amend section 6-86 of the City of Fort Atkinson Municipal Code (**retail Class A liquor license quota**) (Ebbert)
- c. Review and second reading relating to an **Ordinance** to amend Section 6-33 of the City of Fort Atkinson Municipal Code (**authority to issue operator's licenses**) (LeMire)
- d. Review and second reading relating to an **Ordinance** for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from **UMU, Urban Mixed Use, to PUD, Planned Unit Development**, to accommodate the **U-Haul** Storage redevelopment project (Juarez)

8. Reports of Officers, Boards, and Committees:

- a. **City Manager's Report** (LeMire)
- b. Review and possible action relating to **Council appointments** to Committees, Commission, and Boards by Council President and City Manager (Scherer/LeMire)
- c. Review and possible action relating to **Citizen appointments** to Committees, Commissions, and Boards (LeMire):
 - i. **Cable Television Committee:**
 1. Matthew Bills for a five- year term ending in 2026 (reappointment)
 2. Mark Thomas Bernhardt for the remainder of a five-year term ending in 2024 (appointment)
 - ii. **Economic Development Commission:**
 1. Bill Camplin for a three-year term ending in 2024 (reappointment)
 2. James Nelson for a three-year term ending in 2024 (reappointment)
 - iii. **Parks & Recreation Advisory Board:**
 1. Don Neste for a 3-year term ending in 2024 (reappointment)
 2. Steve Mahoney for a 3-year term ending in 2024 (School District Representative; reappointment)
 - iv. **Plan Commission:** Eric Schultz for a 3-year term ending in 2024 (reappointment)
 - v. **Sex Offender Residence Board:** Mary Zentner to a 2-year term ending in 2023 (reappointment)
 - vi. **Board of Zoning Appeals:** Jim Woodman to a 2-year term ending in 2023 (reappointment)

- d. List of **Vacancies for Citizens** on City Commissions, Committees, and Boards:
 - i. Tourism Committee (one seat)
 - ii. Board of Zoning Appeals (two seats)
- e. Review and possible action relating to the **minutes of the April 27, 2021 Plan Commission meeting** (LeMire)

9. Unfinished Business - None

10. New Business:

- a. Review and possible action relating to the purchase of **miBudget municipal budgeting module from Civic Systems for \$4,700** (Ebbert)
- b. Review and possible action to approve the Process and Rules to implement a **Consent Agenda** for Future City Council Meetings (LeMire)

11. Miscellaneous:

- a. Review and possible action relating to Temporary **Class “B”/”Class B” Retailer’s Licenses** for the Fort Atkinson Club for events on June 18, 2021 and July 16-17, 2021 (Ebbert)
- b. Review and possible action relating to granting of **operator licenses** (Ebbert)

12. Claims, Appropriations and Contract Payments:

- a. Review and possible action relating to **disallowance of claim** for sewer backup from Safeco Insurance (Ebbert)
- b. Review and possible action relating to the **Verified Claims** presented by the Director of Finance and authorization of payment (Ebbert)

13. Adjournment

Date Posted: April 29, 2021

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

**CITY COUNCIL MEETING MINUTES
REMOTE VIA PHONE USING ZOOM
TUESDAY, APRIL 20, 2021 – 7:00 PM**

CALL MEETING 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: Megan Hartwick, City Manager, City Attorney, City Clerk/Treasurer, City Engineer, Public Works Superintendent.

REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE APRIL 8, 2021 REGULAR CITY COUNCIL MEETING

Cm. Housley moved, seconded by Cm. Johnson to approve the minutes as presented. Motion carried.

PUBLIC HEARINGS - NONE.

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.*

PETITIONS, REQUESTS, AND COMMUNICATIONS:

a. Review and possible action relating to proclamation recognizing Fair Housing Month in the City of Fort Atkinson.

Cm. Kotz moved, seconded by Cm. Johnson for the City Council President to sign the Proclamation and declare the month of April 2021 as Fair Housing Month in the City of Fort Atkinson. Motion carried.

b. Review and possible action relating to proclamation recognizing April 30, 2021 as Arbor Day in the City of Fort Atkinson.

Cm. Housley moved, seconded by Cm. Scherer for the City Council President to sign the Proclamation and declare April 30, 2021 as Arbor Day in the City of Fort Atkinson. Motion carried.

RESOLUTIONS AND ORDINANCES:

a. Review and first reading relating to an Ordinance to create Section 10-14 of the City of Fort Atkinson Municipal Code (prohibiting large-scale commercial animal breeding) First reading.

Manager LeMire reviewed the Ordinance Committee recommendation and support for the first reading of the Ordinance. Council discussed the definitions and clarification that pet stores would not be allowed should the ordinance be passed.

Cm. Kotz moved, seconded by Cm. Johnson to approve the first reading of Ordinance to create Section 10-14 of the City of Fort Atkinson Municipal Code (prohibiting large-scale commercial animal breeding). Motion carried.

b. Review and first reading relating to an Ordinance to amend section 6-86 of the City of Fort Atkinson Municipal Code (retail Class A liquor license quota) First reading.

Clerk Ebbert discussed the support to amend the quota for “Class A” Intoxicating Liquor licenses to match the existing quota of Class “A” Fermented Malt Beverage licenses. The quota for both types of licenses would be 1 license per 750 residents. Six additional licenses would be available.

Cm. Kotz moved, seconded by Cm. Johnson to approve the first reading of Ordinance to amend section 6-86 of the City of Fort Atkinson Municipal Code (retail Class A liquor license quota). Motion carried.

c. Review and first reading relating to an Ordinance to amend Section 6-33 of the City of Fort Atkinson Municipal Code (authority to issue operator’s licenses) First reading.

Manager LeMire reviewed 2019 Act 166 that allows, by ordinance, a municipal official to issue operator licenses.

Cm. Kotz moved, seconded by Cm. Johnson to approve the first reading of Ordinance to amend Section 6-33 of the City of Fort Atkinson Municipal Code (authority to issue operator’s licenses). Motion carried.

d. Review and first reading relating to an Ordinance for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from UMU, Urban Mixed Use, to PUD, Planned Unit Development, to accommodate the U-Haul Storage redevelopment project.

Inspector Juarez provided the recommendation from the Plan Commission to approve the rezoning request.

Cm. Scherer moved, seconded by Cm. to approve the first reading relating to an Ordinance for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from UMU, Urban Mixed Use, to PUD, Planned Unit Development, to accommodate the U-Haul Storage redevelopment project, contingent upon upcoming approvals of the General Development Plan and Specific Implementation Plan. Motion carried.

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

a. Review and possible action relating to appointment of Mark Bardenwerper to Historic Preservation Commission to fill unexpired term through 2023.

b. Review and possible action relating to appointment of Brandon Thornton to Historic Preservation Commission for five year term through 2026.

Cm. Kotz moved, seconded by Cm. Johnson to approve the appointment of Mark Bardenwerper to fill unexpired term through 2023 and Brandon Thornton for a five year term through 2026 to Historic Preservation Commission. Motion carried.

c. Minutes of Ordinance Committee meeting held April 8, 2021.

d. Minutes of Plan Commission meeting held April 13, 2021.

e. Minutes of Historic Preservation Commission meeting held April 12, 2021.

f. Building, plumbing, and electrical permit report for March, 2021.

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

g. City Manager Report.

Manager LeMire provided her report. No action was taken.

UNFINISHED BUSINESS:

CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:

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

Cm. Kotz 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 unanimous roll call vote.

THE 2020-2021 CITY COUNCIL WILL ADJOURN – SINE DIE

Cm. Kotz moved, seconded by Cm. Scherer to adjourn – Sine Die. Motion carried.

The City Clerk administered the Oath of Office to newly elected Council members.

The City Manager called to order the first meeting of the 2021-2022 City Council at 7:50 pm on Tuesday, April 20, 2021.

ROLL CALL

Cm. Becker, Cm. Hartwick, Cm. Housley, Cm. Johnson, Cm. Scherer.

Election of the President of the City Council

A unanimous ballot was casted for Cm. Scherer to serve as Council President.

President takes chair and leads the Election of the President Pro Tem

A unanimous ballot was casted for Cm. Housley to serve as President Pro Tem.

REVIEW AND POSSIBLE CONFIRMATION OF THE CITY MANAGER'S APPOINTMENT OF MASON BECKER AS THE CITY COUNCIL MEMBER ON THE PLAN COMMISSION

Cm. Johnson moved, seconded by Cm. Hartwick to approve the appointment of Mason Becker as the City Council member on the Plan Commission. Motion carried.

REVIEW AND POSSIBLE ACTION TO DESIGNATE AN OFFICIAL CITY NEWSPAPER

Cm. Becker moved, seconded by Cm. Housley to designate the official City newspaper as the Daily Jefferson County Union. Motion carried.

NEW BUSINESS:

- a. Review and possible action relating to presentation and renew of test plot land rental at Hoard Road for Fort Atkinson FFA.*

Engineer Selle updated the 2020 agreement for the FFA to utilize 20 acres located at W6419 Hoard Road for planning test crops. They would like to continue this agreement again. Their crops harvested them \$9,517.89 with allowed the FFA to offset various costs of the program.

Cm. Becker moved, seconded by Cm. Johnson to renew the test plot land rental at Hoard Road with Fort Atkinson FFA. Motion carried.

- b. Review and possible action relating to authorization and signature of 2020 Recycling Program Annual Report.*

Engineer Selle provided the annual report with 1,061 tons of recycled material in 2020, an increase from 2019. We recycled 171.31 pounds per capita, which surpasses the collection standard.

Cm. Housley moved, seconded by Cm. Johnson to authorization and signature of 2020 Recycling Program Annual Report. Motion carried.

- c. Review and possible action relating to the Banker Road Neighborhood Plan Scope of Services from Vandewalle & Associates.*

Manager LeMire discussed the 75 acres of land owned by the City along Hoard Road. As the demand for a variety of housing types and styles in the City increased, the interest in the residential development of this area has also increased. Staff has been working with Vandewalle to review how the parcels can be developed efficiently, effectively and sustainably in an aesthetically pleasing manner.

Cm. Becker moved, seconded by Cm. Johnson to approve the Banker Road Neighborhood Plan Scope of Services from Vandewalle & Associates not to exceed \$28,870 of contingency funds. Motion carried on a unanimous roll call vote.

- d. Discussion and possible action relating to Board of Review scheduled for Wednesday May 5, 2021 10:00 am to 12:00 pm*

Cm. Housley moved, seconded by Cm. Hartwick to confirm the Board of Review scheduled for Wednesday, May 5, 2021 from 10:00 am to 12:00 pm. Motion carried.

- e. Review and possible action relating to purchase of tandem axle, hook style, roll-on/off truck with dump box and plow equipment for Department of Public Works.*

Superintendent Williamson reviewed the quotes received from Lakeside International and R.N.O.W. Both models quoted are similarly equipped. In March 2021, the Council authorized the borrowing of \$235,000 for the purchase of the truck. The overage of the purchase will be covered by the Public Works supply accounts.

Cm. Hartwick moved, seconded by Cm. Becker to approve the quota from Lakeside International of Janesville not to exceed \$238,543 for the purchase of an International HV507 tandem axle truck with dump box and plow provided by Monroe Truck Equipment. Motion carried on a unanimous roll call vote.

MISCELLANEOUS:

a. Review and possible action relating to Special Event request to hold Fort Atkinson Generals Baseball Fest at Jones Park on June 17 – 20, 2021.

Cm. Becker moved, seconded by Cm. Johnson to approve the Special Event request to hold Fort Atkinson Generals Baseball Fest at Jones Park on June 17 – 20, 2021. Motion carried.

b. Review and possible action relating to Special Event request to hold Dairy Day at the MOOseum at Hoard Historical Museum on June 19, 2021.

Cm. Hartwick moved, seconded by Cm. Housley to approve the Special Event request to hold Dairy Day at the MOOseum at Hoard Historical Museum on June 19, 2021 and approve street closures. Motion carried.

c. Review and possible action relating to Special Event request to hold Ice Cream Social at Hoard Historical Museum on July 3, 2021.

Cm. Housley moved, seconded by Cm. Becker to approve the Special Event request to hold Ice Cream Social at Hoard Historical Museum on July 3, 2021 and approve street closures. Motion carried.

d. Review and possible action relating to Special Event request to hold Fort Atkinson Summer Charity Concerts at Barrie Park on June 30 and July 14, 2021.

Cm. Becker moved, seconded by Cm. Housley to approve the Special Event request to hold Fort Atkinson Summer Charity Concerts at Barrie Park on June 30 and July 14, 2021. Motion carried with Cm. Hartwick recusing herself.

e. Review and possible action relating to Special Event request to hold Memorial Day Parade at designated route on May 31, 2021.

Cm. Becker moved, seconded by Cm. Johnson to approve the Special Event request to hold Memorial Day Parade at designated route on May 31, 2021 and street closures. Motion carried.

f. Review and possible action relating to operator licenses.

Cm. Hartwick moved, seconded by Cm. Johnson to approve operator licenses as presented. Motion carried.

g. City, Sewer, Water and Stormwater Utility Financial Statements as of March 31, 2021.

Cm. Becker moved, seconded by Cm. Housley to accept and file the City, Sewer, Water and Stormwater Utility Financial Statements as of March 31, 2021. Motion carried.

h. Consideration of a motion to convene in closed session pursuant to Wisconsin State Statute §19.85(1)(e) to deliberate and conduct other specified public business, when competitive or bargaining reason require a closed session [to discuss strategies relating to an Intergovernmental Agreement between the City and the Town of Koshkonong]. No action will be taken. The City Council will reconvene in open session only to adjourn the meeting.

Cm. Becker moved, seconded by Cm. Hartwick to convene in closed session pursuant to Wisconsin State Statute §19.85(1)(e) to deliberate and conduct other specified public business, when competitive or bargaining reason require a closed session [to discuss strategies relating to an Intergovernmental Agreement between the City and the Town of Koshkonong]. Motion carried on a unanimous roll call vote.

ADJOURNMENT

Cm. Johnson moved, seconded by Cm. Housley to reconvene into open session. Motion carried on a unanimous roll call vote.

Cm. Johnson moved, seconded by Cm. Housley to adjourn. Meeting adjourned at 9:25 pm.



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

FROM: Rebecca Houseman LeMire, City Manager

RE: Second Reading of an Ordinance to create Section 10-14 of the City of Fort Atkinson Municipal Code relating to the prohibition of Large-Scale Commercial Animal Breeding

BACKGROUND

City Council member Mason Becker requested that the Ordinance Committee and City Council review an ordinance prohibiting large-scale commercial animal breeding operations and the sale of dogs, cats, and rabbits at pet stores within the City. The City of Whitewater recently enacted a similar ordinance with the support of many local community members and organizations.

DISCUSSION

The recitals in the draft ordinance further explain the need/desire for this ordinance, including:

- Most puppies and kittens sold in pet stores are from large-scale animal breeding operations, that seek to maximum profits over the health and well-being of animals
- Puppies and kittens bred in large-scale operations are often abused and neglected and are more likely to be sick and/or have behavioral issues
- Pet stores who sell live puppies, kittens, and rabbits often mislead customers and make false health and behavior guarantees
- Current state and federal regulations of commercial breeding is severely lacking
- Prohibiting the sale of dogs, cats, and rabbits in pet stores in Fort Atkinson may reduce the demand for such animals bred in substandard conditions
- Pet stores and pet supply stores in the City are following and supportive of this ordinance change
- This ordinance will not affect a consumer's ability to obtain a dog, cat, or rabbit from a shelter, rescue, or breeder

The ordinance prohibits large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits. The ordinance restricts pet stores from selling dogs, cats, or rabbits in the City. It provides a penalty for violation, which, if convicted, is up to \$1,000.00 per violation plus the cost of prosecution (Sec. 1-10.). Each day the violation exists and each animal sold shall constitute a separate violation.

FINANCIAL ANALYSIS

This ordinance change is not expected to impact the City financially.

RECOMMENDATION

The City Attorney and all City Department Heads have reviewed this proposed ordinance. Any pertinent feedback was incorporated into the draft ordinance presented to the Ordinance Committee.

The Ordinance Committee met on April 8, 2021 and reviewed the draft ordinance creating Section 10-14 of the City of Fort Atkinson Municipal Code relating to the prohibition of large-scale commercial animal breeding. The Committee recommended that the City Council review and adopt this ordinance.

The City Council reviewed this ordinance and performed the first reading at the meeting on April 20, 2021. The Council did not request any formal changes to the Ordinance.

Staff recommends that the City Council perform the second reading of this Ordinance creating Section 10-14 of the Municipal Code relating to the prohibition of large-scale commercial animal breeding.

ATTACHMENTS

An Ordinance to create Section 10-14 of the City of Fort Atkinson Municipal Code relating to the Prohibition of Large-Scale Commercial Animal Breeding; March 12, 2021 Humane Society of Jefferson County Email of Support; Whitewater Ordinance Coalition Letter

ORDINANCE NO. ____

**AN ORDINANCE
TO CREATE SECTION 10-14 OF THE
CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO THE
PROHIBITION OF LARGE-SCALE COMMERCIAL ANIMAL BREEDING**

WHEREAS, most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits (“puppy mills” and “kitten mills,” respectively). According to the Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation; and

WHEREAS, pet store puppies are often sick and have behavioral problems due to the substandard conditions they were likely born into often including that they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies and they were placed in a pet store cage with or near other puppies who are often sick; and

WHEREAS, pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies; and

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking; and

WHEREAS, prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers; and

WHEREAS, the majority of pet stores, both large chains and small and family-owned shops, are already in compliance with the proposed ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events; and

WHEREAS, this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public; and

WHEREAS, the City Council believes it is in the best interest of Fort Atkinson, Wisconsin to adopt reasonable regulations to reduce costs to the City and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Fort Atkinson.

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

Section 1. Section 10-14 of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

"Sec. 10-14. – Large-scale Commercial Animal Breeding Prohibited.

(a) The purpose of this section is to prohibit large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits.

(b) Definitions:

- (1) Animals shall be defined as live, cats, dogs, or rabbits.
- (2) Animal care facility: an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.
- (3) Animal rescue organization: any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.
- (4) Breeder: a person that maintains a dog or cat for the purposes of breeding and selling their offspring.
- (5) Broker: a person that transfers a dog or cat from a breeder for resale by another person.
- (6) Cat: a member of the species of domestic cat, *Felis catus*.
- (7) Dog: a member of the species of domestic dog, *Canis familiaris*.

- (8) Pet Store: a retail establishment where companion animals are sold, exchanged, bartered or offered for sale to the general public. Such definition shall not include an animal care facility or animal rescue organization, as defined.
- (c) Restrictions on the Sale of Animals. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats, dogs, or rabbits. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations or offer space for such entities to showcase adoptable dogs, cats, or rabbits provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals. Dogs may not be kept overnight.
- (d) Penalty. A pet store that violates this section shall be subject to a civil penalty as outlined in Sec. 1-10 of this Code; and each dog, cat, or rabbit offered for sale in violation of this section shall constitute a separate violation.
- (e) Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable."

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

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2021.

Chris Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director

--- Forwarded message ---

From: Jeff Okazaki Jeff@hsjc-wis.com
Date: March 12, 2021 10:15:09 AM
Subject: RE: Pet Store Ordinance
To: Mason Becker MBecker@fortatkinsonwi.net

Hi Councilman Becker,

Thanks so much for reaching out. The Humane Society of Jefferson County was deeply involved in the passage of the Whitewater pet sale ordinance as the first municipality in our state to adopt this language into its municipal code. We're very happy to hear that the Fort Atkinson City Council is taking up the same effort.

We are happy to support this ordinance in any way we can, as we strongly believe in protecting our community from the sale of "puppy mill" animals.

I'm including the information we provided to the Whitewater City Council including our comments at the council meeting and the coalition letter that was sent in response to the proposed ordinance.

I think one of the strongest cases we had in support of the ordinance in Whitewater was the cooperation between non-profits like ours and the only for-profit pet store in town, Me and My Pets. We have a similar situation in Fort Atkinson, with the other location of Me and My Pets being located here in town.

If you think it would be helpful, I'd be happy to attend any council meetings to provide more information and answer any questions.

Best regards,

-Jeff



Whitewater Common Council
City Administration Building
312 W Whitewater Street
Whitewater, WI 53190

Honorable Council Members,

The undersigned organizations and businesses in Whitewater strongly support a humane pet store ordinance that prohibits the sale of puppies and kittens in pet stores. A humane pet store ordinance will help generate awareness about the cruel puppy mill-to-pet store supply chain and encourage puppy buyers to obtain dogs and cats from reputable sources.

Even though this ordinance will not impact any existing businesses, it is needed to prevent businesses from engaging in the sale of puppies and kittens in the future. It is well documented and undisputed that pet store puppies are supplied by puppy mills, which are inhumane commercial breeding facilities that treat dogs as breeding machines and puppies as products. Puppy mill dogs are often confined to small cages, endure continuous breeding, receive little-to-no veterinary care, suffer poor husbandry, and are often deprived of human companionship, exercise, and socialization. Not only are the puppy mills themselves horrible, so is the transportation process. Pet store puppies are often sick because they are born into deplorable conditions, taken from their mothers very early on, placed on semi-trucks with other vulnerable and potentially sick puppies, and shipped to faraway pet stores.

Consumers often unknowingly support the cruel puppy mill industry by purchasing pet store puppies. Pet stores dupe consumers into thinking they are obtaining their dogs from reputable breeders by touting that they are USDA licensed. However, a USDA license merely means those breeders can legally confine dogs to cages only 6 inches larger than the dogs themselves for their entire lives. Furthermore, federal regulation of commercial breeders is minimal, and enforcement is severely lacking.

A humane pet store ordinance in Whitewater is needed to protect consumers as well as animals from the cruel puppy mill and pet store industry. We urge Whitewater to be the first municipality in the state to take a stand against this cruelty by passing a humane pet store ordinance.

Sincerely,

Eric Lange & Mary Horning, Co-owners, M.E. & My Pets, Whitewater, WI
Mandy and Darren Lewis, Owners, Albert's Dog Lounge, Whitewater, WI
Tammy Neumeister, Executive Director, Community Cat, Whitewater, WI
Jeff Okazaki, Executive Director, Humane Society of Jefferson County
Megan Nicholson, Wisconsin State Director, The Humane Society of the United States (HSUS)
Mindi Callison, Executive Director, Founder, Bailing Out Benji



City of Fort Atkinson
City Clerk/Treasurer's Office
101 N. Main Street
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MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to Code of Ordinances Sec 6-86 "Class A" Intoxicating Liquor License Quota – Second Reading

BACKGROUND

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

Alcohol licenses are further defined by the quotation marks used. For example, "Class A" refers to intoxicating liquor while Class "A" refers to fermented malt beverages. These licenses can also be issued together as a combination license, most common for grocery stores.

State Statutes have established quotas for Class B licenses issued by municipalities. Statutes do not provide quotas for Class A licenses, however Statutes do allow municipalities to establish such quotas. The City of Fort Atkinson has established quotas for both types of Class A licenses, most recently in 2004. At that time, the quotas had been adjusted to increase the number of licenses available for liquor and beer. The population in 2004 was 11,943.

Current Quotas:

Class "A" Fermented Malt Beverages (Beer): Ordinance 617 adopted July 20, 2004 allows one license per 750 in population. With the adoption of the ordinance, four new beer licenses were created for a total of 17. Seventeen has been the maximum allowed since 2004. During the 2020-2021 license year, 13 of the 17 licenses have been issued.

"Class A" Intoxicating Liquor (Liquor): Ordinance 618 adopted July 20, 2004 allows one license per 1,250 of population. This Ordinance created five new licenses for a total of 10. During the 2020-2021 license year, all 10 licenses have been issued.

Table 1 shows the City's Class A licenses issued during the 2020-2021 license year.

Table 1: City of Fort Atkinson Class A Licenses Issued (July 1, 2020 - June 30, 2021)

License Type	Establishment	Address
Class A Liquor	Blodgett Garden Center	1222 Janesville Ave
Class A Liquor	The Cheese Loft	1009 Janesville Ave
Class A Liquor	Humphrey Floral & Gifts	201 S Main St
Class A Liquor/Class A Beer	FA Gas	1285 Madison Ave
Class A Liquor/Class A Beer	Festival Foods	328 Washington St
Class A Liquor/Class A Beer	K P Mart	415 Janesville Ave
Class A Liquor/Class A Beer	La Tienda Mexicana	809 S Main St.
Class A Liquor/Class A Beer	Lions Quick Mart	1220 Janesville Ave
Class A Liquor/Class A Beer	Pick 'N Save #6396	1505 Madison Ave
Class A Liquor/Class A Beer	Walgreens #01976	300 N Main St
Class A Beer	Casey's General Store #3712	342 Whitewater Ave
Class A Beer	Kwik Trip #439	1565 Madison Ave
Class A Beer	Loeder BP Fort Atkinson	303 S Main St
Class A Beer	Nk Gas & Food, LLC	1012 Whitewater Ave
Class A Beer	Stop-N-Go (Kwik Trip)	313 Madison Ave
Class A Beer	Kwik Trip #1506	1680 Janesville Ave
Class A Beer	Not Issued	N/A
Class A Beer	Not Issued	N/A
Class A Beer	Not Issued	N/A
Class A Beer	Not Issued	N/A

The City's population has fluctuated since the quota ordinance was enacted. As such, there must be an additional 1,258 residents to add another "Class A" intoxicating liquor license.

DISCUSSION

Three years ago, I received the first inquiry on the availability of a "Class A" Liquor license. This past December I received a second inquiry on this type of License. Both of the businesses that inquired about the additional license have purchased properties and invested significant resources to make improvements.

Chapter 6 of the City's Code of Ordinances provides standards for the premises of Class A licenses.

Chapter 6 – Intoxicating Liquors

Sec. 6-87. Standards for premises.

No retail class A license for the sale of intoxicating liquor shall be granted for any convenience store (as defined in the City of Fort Atkinson Zoning Code) unless such premises provides for a separate area where the liquor will be kept for sale and which meets the following criteria:

- (1) The area must be at least 250 square feet.*
- (2) The area must be fully enclosed with permanent walls a minimum of eight feet in height.*

- (3) The area must have only one exit and entrance.*
- (4) The entrance and exit of the separated area must be directly visible from the store's register area to provide constant monitoring.*
- (5) The area shall be clearly labeled as restricted to those of legal drinking age.*
- (6) Variances from these standards must be requested of the license committee and the City of Fort Atkinson Planning Commission.*

Ordinance No. 727 adopted July 17, 2015.

The License Committee and the Ordinance Committee have reviewed this matter. Both Committees were provided the following quota options to consider for "Class A" intoxicating liquor (liquor).

Table 2: Existing Quota

No. of Licenses	No. of Residents	Total Licenses	License Available
1 per	1,250	10	0

Population: 12,395

Table 3: Options to Increase the Number of Class A Licenses

Options	No. of Licenses	No. of Residents	Total Licenses	No. of Additional Licenses
#1	1 per	1,000	12	2
#2	1 per	750	16	6
#3	Remove Quota			

If the current quota is changed, the standards from Ordinance No. 727 as noted above would still apply to the business.

Please see the attached survey relating to Class A quotas in other municipalities around Wisconsin.

FINANCIAL ANALYSIS

"Class A" Intoxicating Liquor licenses are \$500.00 per licensing period (July 1 – June 30). State Statutes determine this fee. The addition of liquor licenses would generate revenue not experienced prior. Changing the "Class A" quota is not expected to generate a significant amount of additional revenue (\$1,000 - \$3,000)

RECOMMENDATION

The Licensing Committee met on March 16th to review the Class A quotas and made a recommendation to the Ordinance Committee for Option 2 that creates the same standard for Class A Beer and Class A Liquor sales, which is one license per 750 in population.

The Ordinance Committee met on April 8th to review the Class A quotas and made a recommendation to the City Council for Option 2 that creates the same standard for Class A Beer and Class A Liquor sales, which is one license per 750 in population.

The City Council reviewed this ordinance amendment and performed the first reading at the meeting on April 20, 2021. The Council did not request any changes to the Ordinance.

Staff recommends that the City Council perform the second reading of this ordinance amending Section 6-86 of the City of Fort Atkinson Municipal Code relating to retail Class A Liquor Licenses.

ATTACHMENTS

Survey of Municipalities on Class A Intoxicating Liquor License Quotas; Ordinance to Amend Section 6-86 of the City of Fort Atkinson Municipal Code relating to retail Class A Liquor Licenses

Survey of Municipalities on Class A Intoxicating Liquor License Quotas

C,V,T	Municipality	Population	Do you have a Quota?	# Issued	All Licenses Issued?	Prior Quota?	Comments
Town	Rome	2,720	No			No	
City	Omro	3,517	No			No	
City	Black River Falls	3,622	Yes	6	Yes		
Village	Baldwin	3,998	No			No	
City	Mosinee	4,033	No	6		No	
City	Dodgeville	4,681	No			No	
City	Mayville	5,000	Yes	2	Yes		
City	Monona	7,920	No			No	
City	Jefferson	7,935	Yes	5	Yes		No more than 5 until population reaches 8,000, thereafter each additional population increase of 2,000 will allow another license.
City	Ashland	8,026	Yes	5	Yes		Has a set number but has increased upon request
Village	Mukwonago	8,057	No			Yes	After continued requests, they removed quota
City	Portage	10,132	No			Yes	After continued requests, they removed quota
Village	Suamico	11,346	No			No	
City	Hartford	14,223	Yes	6	Yes		
City	Whitewater	14,722	Yes	4	Yes		
City	Oconomowoc	15,217	No			No	
City	Watertown	23,633	No			No	
City	Oak Creek	34,451	Yes	26 of 30	No		2001: 1 per 2,000. 2015: 1 per 1,500. 2019: 1 per 1,200
City	Brookfield	37,920	No			No	

ORDINANCE NO. ____

**AN ORDINANCE
TO AMEND SECTION 6-86 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO RETAIL CLASS A LIQUOR LICENSES**

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

Section 1. Section 6-86 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

“Sec. 6-86. – License quotas.

The number of retail class A intoxicating liquor licenses issued by the city shall be limited to one license for each 750 or fraction thereof of the population of the city as determined by the last preceding census or official estimate thereof made by the Census Bureau of the United State Government or Wisconsin Department of Administration.

(Code 1969, § 8.09(F)(2), (3); Ord. No. 618, 7-20-04; Ord. No. 727, 3-17-15)”

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

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2021.

Chris Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

FROM: Rebecca Houseman LeMire, City Manager

RE: Second Reading of an Ordinance to amend Section 6-33 of the City of Fort Atkinson Municipal Code relating to Authority to Issue Operator's Licenses

BACKGROUND

City Clerk/Treasurer/Finance Director Michelle Ebbert has requested that the Ordinance Committee review an ordinance changing the authority to issue alcohol operator's licenses from the City Council to the City Clerk. Pursuant to 2019 Wis. Act 166, municipal governing bodies may now, by ordinance, authorize a designated municipal official, such as the Clerk, to issue operator's licenses. Such designation of authority may also include the authority to issue temporary operator's licenses and provisional operator's licenses.

DISCUSSION

Per State Statutes, no person may sell, manufacture, brew, or serve alcohol without a license from the municipality in which the premise is located. Individuals working for a license-holder must have an Operator's License or have the privilege of such a license (i.e. a corporate agent, a sole proprietor, or a family member of a sole proprietor).

Currently, Operator's Licenses are issued by the City Council after a staff review and recommendation. The staff review includes a background check through the Police Department and a check through the Treasury and the Municipal Court to ensure that the individual seeking the license does not owe any monies to the City.

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 a statutory residency requirement.

In reviewing the potential changes to the current ordinances relating to licensing (Sec. 6-33), staff found that the ordinance did not provide details on the process for issuing licenses at a local level. As such, State Statutes provided that process. The current ordinance did not

provide guidance or a process for the issuance of temporary or provisional licenses either. The proposed ordinance amendments address the following issues:

- Requires an operator's license for the sale and serving alcohol beverages
- Establishes a process for the application and issuance of said licenses
- Changes the authority to issue operator's licenses from the City Council to the City Clerk
- Establishes an appeal process if an operator's license is denied by the Clerk (the City Council would consider the appeal)
- Allows the City Clerk to issue provisional operator's licenses under certain circumstances
- Allows the City Clerk to issue temporary operator's licenses under certain circumstances
- Requires that operator's licenses and other licenses issued by the City be posted at the licensed premise

FINANCIAL ANALYSIS

This ordinance change is not expected to impact the City financially. However, issuing Operator's Licenses at a staff level will save staff time in preparing information and applications for inclusion on the City Council agenda and save time for applicants and establishments seeking licensed operators.

RECOMMENDATION

The City Attorney and all City Department Heads have reviewed this proposed ordinance. Any pertinent feedback was incorporated into the draft ordinance presented to the Ordinance Committee.

The Ordinance Committee met on April 8, 2021 and reviewed the draft ordinance amending Section 6-33 of the City of Fort Atkinson Municipal Code relating to Authority to Issue Operators' Licenses. The Committee recommended that the City Council review and adopt this ordinance.

The City Council reviewed this ordinance amendment and performed the first reading at the meeting on April 20, 2021. The Council did not request any changes to the Ordinance.

Staff recommends that the City Council perform the second reading of this Ordinance amending Section 6-33 of the Municipal Code relating to the authority to issue operators licenses.

ATTACHMENTS

An Ordinance to amend Section 6-33 of the City of Fort Atkinson Municipal Code relating to Authority to Issue Operators' Licenses; Current Alcohol Beverage Operator License Application

ORDINANCE NO. ____

**AN ORDINANCE
TO AMEND SECTION 6-33 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO AUTHORITY TO ISSUE OPERATOR'S LICENSES**

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

Section 1. Section 6-33 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

"Sec. 6-33. – Licenses.

- (a) No alcohol beverage license shall be granted to any application for premises on which the applicant is responsible for any delinquent and unpaid person property taxes, assessments, utility bills or other financial claims of the city.
- (b) No license shall be granted for any premises unless the applicant for the license shall provide to the city evidence of ownership or leasehold interest in the premises for the term of the licenses.
- (c) Any license duly granted not used for 90 consecutive days shall be subject to review and possible suspension or revocation by the council. These licenses may not be regranted during the 90-day period.
- (d) Operator license required. No premises operated under a Class A, Class B, or Class C license may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any alcohol beverages to customers. For the purposes of this subsection, any member of a licensee's immediate family 18 years of age or older shall be considered the holder of an operator's license.
- (e) Regular operator's license.
 - (1) Operator licenses may be issued only upon written application.
 - (2) Submitted applications shall be referred by the City Clerk to the Police Department for review and recommendation. The Police Department shall review each submitted application and recommend issuance or denial of the license.
 - (3) The City Clerk shall issue a regular operator license to an applicant if the Police Department recommends issuance and the applicant is in compliance with all other requirements. The City Clerk shall deny issuance of a regular operator license to an applicant when the Police Department recommends denial.
 - (4) If an application is denied, the City Clerk denial shall be in writing and shall set forth the reason for the denial. An applicant may appeal a denial to the City Council. The appeal must be in writing, setting forth the reason for the

appeal, signed and dated by the applicant, and filed with the City Clerk within 30 days of the date of the denial. Written appeals that conform to the requirements set forth in this subsection shall be copied and forwarded to the City Council by the City Clerk. The City Clerk shall provide written notice to the appellant of the date, time and place of the City Council meeting at which the appeal shall be considered. The applicant may appear, be represented, and present evidence and witnesses. The City Council shall decide by majority of those voting whether to overrule the administrative denial. Abstaining is not a vote. The City Council may attach conditions and limitations to a granted operator license. Appeals that do not conform to these requirements shall not be considered by the City Council.

- (5) A submitted application that is incomplete or which contains false or misleading information must be denied and the applicant must wait six months before submitting another application.
- (f) Provisional operator's license. The City Clerk may issue a provisional license to a person who, at the time of applying for an operator's license and paying the fee, files a certified copy of a valid operator's license issued by another municipality.
 - (1) A provisional operator's license shall not be issued to any person whose regular or provisional operator's license has ever previously been denied or revoked by the City. Misuse of a provisional operator's license by an applicant shall constitute operation without a license and a violation of this chapter.
 - (2) A provisional operator's license is valid for a period not to exceed 60 days from the date of issuance by the City Clerk or until a regular operator's license is issued to the applicant by the City Clerk, whichever occurs first.
 - (3) The City Clerk may revoke any provisional license in the event that the City Clerk finds that the holder of such license made any false, misleading or incomplete statement on his or her application, or that the applicant has previously had his or her regular or provisional license denied or revoked by the City.
- (g) Regular and provisional operator license fee. The fee for an original or renewed operator's license and a provisional operator's license shall be in an amount as established by the City Council from time to time, and as set forth by Resolution. Neither fee shall be prorated. Original and renewed operator licenses shall expire on June 30th of each even-numbered year.
- (h) Temporary operator's license. Pursuant to Wis. Stats. §125.17(4) the City Clerk shall issue a Temporary Operator's License to any individual who meets the criteria in Subsection (e) of this section and is employed by, or donating their services to, nonprofit corporations, provided that:
 - (1) No person may hold more than two licenses of this kind per year.
 - (2) The license is valid for any period from one to 14 days, and the period for which it is valid shall be stated on the license.

(3) The fee for a temporary operator's license shall be established by the City Council from time to time, as set forth in the fee schedule established by Resolution.

- (i) Posting of License Required. Every person licensed to sell alcohol beverages under this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the licensed premise. An operator shall post his or her license in the licensed premises where he or she is employed or shall carry such license on his or her person while on duty.

(Code 1969, § 8.09(A)(1); Ord. No. 727, 3-17-15)"

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

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2021.

Chris Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



CITY OF FORT ATKINSON
Operator License Application

Expires June 30th Even Number Years - License Fee is Non-Refundable

Circle One: New | Renewal | Provisional | Temporary

OP2 \$25.00 | OP1 \$15.00 | OPP \$10.00

1. Full Legal Name _____ Date of Birth: ____ / ____ / ____

Address: _____ Phone: _____

City: _____ State: _____ ZIP: _____ Former Name: _____

Driver's License Number: _____

Prior Street Address (if above address is less than 5 years)

City

State

ZIP

From

To

2. Have you ever been convicted of a felony?

YES

NO

3. Within the past five (5) years, have you ever been arrested for, received a summons to appear in court for, or forfeited a bond for any of the following? If unsure, check the WI Circuit Court Access website at <http://wcca.wicourts.gov>

a) Any underage alcohol violation?

YES

NO

b) Operating a motor vehicle while intoxicated?

YES

NO

c) Selling or furnishing alcoholic beverages to underage person?

YES

NO

d) Permitting underage person on licensed premises?

YES

NO

e) Allowing persons on licensed premises after closing?

YES

NO

f) Any alcohol related violation other than a, b, c, d and e?

YES

NO

g) Sale or possession of drugs of any kind?

YES

NO

h) Fighting, disorderly conduct, assault or battery?

YES

NO

i) Resisting arrest or obstructing an officer?

YES

NO

j) Issuing bad checks?

YES

NO

k) Any crime or ordinance violation not listed above other than traffic or parking tickets?

YES

NO

4. For each YES response in #3, you must identify all the violations, when and where they occurred, on the following lines.

Attach additional sheets if necessary or continue on the back of this application.

Type of Arrest, Summons, Violation or Charge

Month/Year

City State

5. Within the last two (2) years, did you have or complete one of the following:

☐ Successfully completed a Responsible Alcohol Servers Course

☐ Were an alcohol agent for a retail alcohol license.

☐ Held an Operator's License issued in Wisconsin.

☐ Were the sole proprietor of retail alcohol license.

6. Do you wish to apply for a Provisional Operator License? (\$10 additional fee applies)

YES

NO

Certification: I hereby certify that the information on this application is complete, accurate and true. I understand that an inaccurate, misleading, or false answer constitutes sufficient reason for rejection, denial, non-renewal, or revocation of my license. Further, I understand that this license is only valid within the city limits of Fort Atkinson.

Date: _____ Signature of Applicant: _____

Where will you be working with your License: _____

Police Department Recommendations and Comments:

Chief of Police: Recommendation and Comments

Approve: _____ Deny: _____



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

FROM: Brian Juarez, Zoning Administrator

RE: Second Reading of an Ordinance for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from UMU, Urban Mixed Use, to PUD, Planned Unit Development, to accommodate the U-Haul Storage redevelopment project

BACKGROUND

U-Haul has purchased the existing facility at 1309 High St which was previously the site of a K-Mart. The redevelopment of the property requires the current zoning of UMU, Urban Mixed Use, to be changed to PUD, Planned Unit Development. This change will accommodate the various uses proposed.

DISCUSSION

This request for amendment to current zoning is a component of the Planned Unit Development process as outlined in section 15.10.44 of the Zoning Code, and approval of this rezone will be conditioned on subsequent approvals of the General Development Plan and the Specific Implementation Plan. The City's Future Land Use Map from the 2019 Comprehensive Plan establishes this property as appropriate for Planned Mixed Use land uses, intended to be vibrant urban places functioning as community focal and gather spots. The Comprehensive Plan also identifies Advisory Development Concepts for this property, which encompass mixed use (commercial and residential) buildings, townhomes, and condominiums. The proposed redevelopment of this site as a U-Haul storage facility does not align with these Advisory Development Concepts.

RECOMMENDATION

The Planning Commission has reviewed this item and recommended approval to the City Council. The City Council performed the First Reading of this Ordinance at the meeting on April 20, 2021.

Staff recommends that the City Council perform the Second Reading of this Ordinance at the meeting on May 4, 2021. Note that all recommendations are contingent upon approvals of the General Development Plan and Specific Implementation Plan.

ATTACHMENTS

Site Plan, Draft Ordinance, and Zoning Map Amendment Application

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

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

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

Phone number: _____ Email: _____

Property address of requested zoning change: _____

Zoning change request from _____ to _____

I Application Packet Requirements

The Applicant shall submit one electronic copy of the application.

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

II Criteria Used to Evaluate the Proposed Zoning Map Amendment

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

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

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

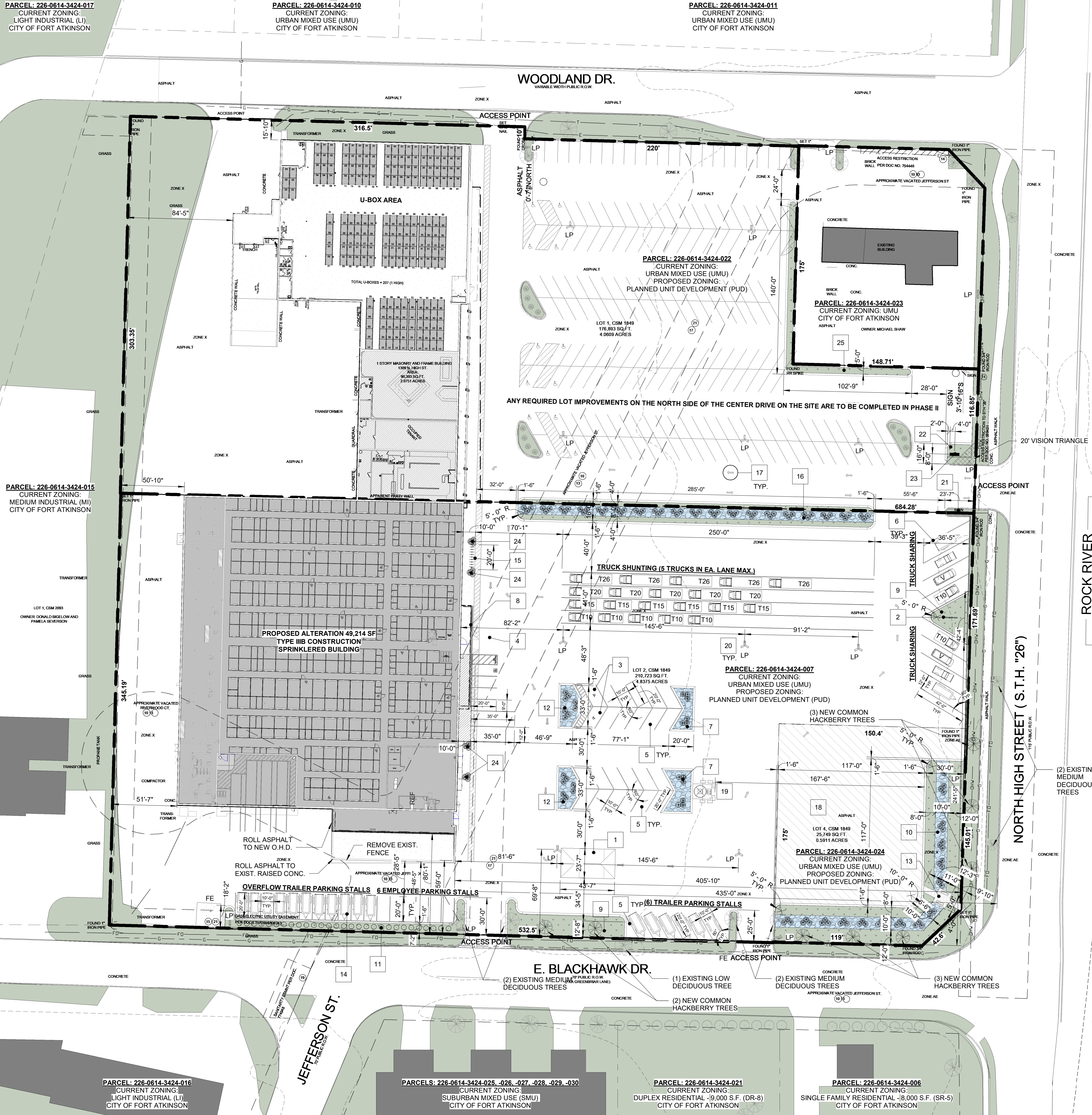
III Process Checklist

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

PARCEL: 226-0614-3424-017
CURRENT ZONING:
LIGHT INDUSTRIAL (LI)
CITY OF FORT ATKINSON

PARCEL: 226-0614-3424-010
CURRENT ZONING:
URBAN MIXED USE (UMU)
CITY OF FORT ATKINSON

PARCEL: 226-0614-3424-011
CURRENT ZONING:
URBAN MIXED USE (UMU)
CITY OF FORT ATKINSON



BUILDING STATISTICS		
AREA	SQ. FT.	PERCENT
LOAD / UNLOAD	2,598 SF	4%
D&R BAY	1,686 SF	3%
SHOWROOM	2,704 SF	5%
LOCKER LEASEABLE	28,742 SF	50%
OTHER SPACE (HALL & WALLS)	14,202 SF	25%
NIC	7,367 SF	13%
TOTAL BUILDING	57,299 SF	100%

LOCKER UNIT SCHEDULE						
TYPE	QUAN.	WIDTH	DEPTH	SQ. FT.	PERCENT	
A-1	2	10'-0"	15'-0"	300 SF	1%	
A-8	13	10'-0"	15'-0"	1950 SF	7%	
B-1	3	10'-0"	10'-0"	300 SF	1%	
B-2	5	10'-0"	10'-0"	500 SF	2%	
B-3	23	10'-0"	10'-0"	2300 SF	8%	
B-9	130	10'-0"	10'-0"	13000 SF	45%	
C-1	5	5'-0"	5'-0"	125 SF	0%	
C-3	59	5'-0"	5'-0"	1475 SF	5%	
D-1	2	5'-0"	10'-0"	100 SF	0%	
D-2	2	5'-0"	10'-0"	100 SF	0%	
D-3	113	5'-0"	10'-0"	5650 SF	20%	
F-3	13	8'-0"	10'-0"	1040 SF	4%	
G-3	5	5'-0"	8'-0"	200 SF	1%	
H-8	15	10'-0"	8'-0"	1200 SF	4%	
J-8	8	10'-0"	5'-0"	400 SF	1%	
K-3	1	8'-0"	5'-0"	40 SF	0%	
N-3	2	8'-0"	8'-0"	128 SF	0%	
TOTAL LOCKER COUNT: 401				28808 SF	100%	

EQUIPMENT LEGEND			
10' TRUCK VAN QTY: 7	15' TRUCK VAN QTY: 5	20' TRUCK VAN QTY: 5	VAN QTY: 2
26' TRUCK VAN QTY: 5	TRAILER QTY: 19	PICKUP TRUCK QTY: 2	

SITE AREAS	
TOTAL NORTH & SOUTH SITE AREA	413,635 SF
PERVIOUS SURFACE TOTAL 36,214 SF (8.8%)	
EXISTING PERVIOUS AREA	17,241 SF
PROPOSED PERVIOUS AREA - GRASS	
PROPOSED PERVIOUS AREA - LANDSCAPE STONE	
PROPOSED PERVIOUS AREA	18,973 SF
IMPERVIOUS SURFACE TOTAL 377,421 SF (91.2%)	
TOTAL BUILDING AREA	90,393 SF
CONCRETE AREA	
PAVER AREA	
EXISTING ASPHALT AREA	
PROPOSED IMPERVIOUS AREA	287,028 SF

LEGAL DESCRIPTION
LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 1849 RECORDED ON MAY 8, 1985 IN VOLUME 6 OF CERTIFIED SURVEYS ON PAGES 43 AND 44, AS DOCUMENT NO. 806243, BEING PART OF GOVERNMENT LOT 6, IN SECTION 34, TOWN 6 NORTH, RANGE 14 EAST, CITY OF FORT ATKINSON, JEFFERSON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE W1/4 CORNER OF SECTION 34; THENCE S. 88 DEG. 32' E. 1292.49 FEET; THENCE N. 18 DEG. 28' E. 346.66 FEET TO THE SW CORNER OF SAID LOT 2; THENCE S. 88 DEG. 32' 43" E. 399.85 FEET TO THE WLY RIGHT OF WAY LINE OF JEFFERSON STREET, 70.00 FEET WIDE; THENCE N. 22 DEG. 58' 57" E. ALONG SAID JEFFERSON STREET LINE, 43.18 FEET; THENCE N. 22 DEG. 20' 27" E. ALONG SAME SAID LINE, 32.88 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S. 88 DEG. 32' 43" W. 173.99 FEET; THENCE N. 01 DEG. 27' 17" E. 648.54 FEET TO THE S. LINE OF WOODLAND DRIVE, 60.00 FEET WIDE; THENCE S. 88 DEG. 32' 43" E. 316.50 FEET; THENCE S. 01 DEG. 27' 17" W. 10.00 FEET; THENCE S. 88 DEG. 32' 43" E. ALONG THE S. LINE OF WOODLAND DRIVE, 70.00 FEET WIDE, 220.00 FEET; THENCE S. 01 DEG. 27' 17" W. 175 FEET; THENCE S. 88 DEG. 32' 43" E. 148.71 FEET TO THE W. LINE OF STATE TRUNK HIGHWAY 26, 115.00 FEET WIDE; THENCE S. 01 DEG. 54' 48" W. ALONG SAID LINE, 288.54 FEET; THENCE N. 88 DEG. 32' 43" W. 150.40 FEET; THENCE S. 01 DEG. 27' 17" W. 175.00 FEET TO THE NORTH LINE OF GREENBRIAR LANE, 70.00 FEET WIDE; THENCE N. 88 DEG. 32' 43" W. ALONG SAID LINE, 358.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.
AND
LOT 4 OF CERTIFIED SURVEY MAP NO. 1849, RECORDED ON MAY 8, 1985 IN VOLUME 6 OF CERTIFIED SURVEYS ON PAGES 43 AND 44, AS DOCUMENT NO. 806243, BEING PART OF GOVERNMENT LOT 6, IN SECTION 34, TOWNSHIP 6 NORTH, RANGE 14 EAST, CITY OF FORT ATKINSON, JEFFERSON COUNTY, WISCONSIN.

- SITE LEGEND**
- RETURN CANOPY. SEE SHEET 106 FOR DETAILS
 - NEW PYLON SIGN. SEE DETAIL 2 / 108
 - 10'-0" X 20'-0" ADA PARKING STALL W/ 5'-0" AISLE SEE DETAILS 10 / 104, 11 / 104, 12 / 104 FOR PARKING STALL REQUIREMENTS AND SIGNAGE
 - 9'-0" X 20'-0" ADA VAN PARKING STALL W/ 8'-0" AISLE SEE DETAILS 10 / 104, 11 / 104, 12 / 104 FOR PARKING STALL REQUIREMENTS AND SIGNAGE & DETAIL 13 / 104 FOR CURB RAMP
 - 10'-0" X 20'-0" 60" PARKING STALL
 - 42'-0" X 12'-0" 60" PARKING STALL FOR TRUCK DISPLAY
 - CUT AND REMOVE EXISTING ASPHALT FOR NEW CURB ISLAND W/ DECOR. STONE AREA & A ROLL OVER CURB. SEE DETAIL 9 / 104 FOR CURB DETAIL. 2 MAIDEN GRASS, 2 DOUBLE PLAY GOLD SPIREA, & 2 GOLDEN NUGGET DWARF BARBERRY. SEE LANDSCAPE SCHEDULE FOR SHRUB INFO.
 - ADA CURB RAMP SEE DETAIL 13 / 104
 - CUT AND REMOVE EXISTING ASPHALT FOR NEW TOP SOIL, GRASS & A ROLL OVER CURB. SEE DETAIL 9 / 104, FOR CURB DETAIL. 2 NEW COMMON HACKBERRY TREES SEE LANDSCAPE SCHEDULE FOR TREE INFO.
 - CUT AND REMOVE EXISTING ASPHALT FOR NEW GRASS & STONE AREA W/ NEW SHRUBS & A ROLL OVER CURB. SEE DETAIL 9 / 104, FOR CURB DETAIL. 15 MAIDEN GRASS, 15 DOUBLE PLAY GOLD SPIREA, & 15 GOLDEN NUGGET DWARF BARBERRY. SEE LANDSCAPE SCHEDULE FOR SHRUB INFO.
 - CUT AND REMOVE EXISTING ASPHALT FOR NEW GRASS AREA W/ TREES & A ROLL OVER CURB. SEE DETAIL 9 / 104, FOR CURB DETAIL. 29 NEW ARBOVITAE TREES SEE LANDSCAPE SCHEDULE FOR TREE INFO.
 - CUT AND REMOVE EXISTING ASPHALT FOR NEW CURB ISLAND W/ DECOR. STONE AREA & A ROLL OVER CURB. SEE DETAIL 9 / 104 FOR CURB DETAIL. 3 MAIDEN GRASS, 3 DOUBLE PLAY GOLD SPIREA, & 3 GOLDEN NUGGET DWARF BARBERRY. SEE LANDSCAPE SCHEDULE FOR SHRUB INFO.
 - 5'-0" WIDE PAVER WALK CONNECTING EXISTING SIDEWALK TO THE SITE. (2) 4'-0" X 11'-0" WINGS OFF OF 5'-0" WIDE PAVER WALK FOR (2) NEW PARK BENCHES.
 - (17) NEW 10' X 20' PARKING STALLS. 6 STALLS TO BE DESIGNATED FOR EMPLOYEE PARKING. 11 STALLS TO BE FOR TRAILER OVERFLOW PARKING
 - BIKE PATH REST STOP W/ (10) BIKE STANDS, 1 BIKE TIRE AIR PUMP, & SIGNAGE DENOTING THE PUBLIC USE OF THE RESTROOMS & DRINKING FOUNTAINS. SEE 5 / 108
 - CUT AND REMOVE EXISTING ASPHALT FOR NEW GRASS & DECORATIVE STONE AREA W/ NEW SHRUBS. 19 MAIDEN GRASS, 19 DOUBLE PLAY GOLD SPIREA, & 19 GOLDEN NUGGET DWARF BARBERRY. SEE LANDSCAPE SCHEDULE FOR SHRUB INFO.
 - ARROWS PAINTED WHITE ON ASPHALT TO DIRECT CUSTOMERS THROUGH THE PARKING LOT. CUSTOMERS WILL ENTER SITE FROM THE DRIVEWAY FROM NORTH HIGH STREET. ARROWS WILL DIRECT THEM SOUTH, TOWARD THE RETURN CANOPY, THEN TO THE TRUCK SHUNTING, AND THEN OFF SITE USING THE DRIVEWAY TO NORTH HIGH STREET.
 - LANDSCAPE AREA IN LOT 4 (25,749 S.F.) TO BE COMPLETED IN PHASE I. ANY OTHER DEVELOPMENT ON LOT 4 TO BE COMPLETED IN PHASE II.
 - NEW PROPANE FILL STATION. TANK TO BE WHITE W/ 2'-0" TALL "PROPANE" LETTER SEE SHEET 108 FOR DETAILS.
 - EXISTING LIGHT POLES ARE TO REMAIN THE SAME. VERIFY ALL LIGHT POLE LOCATIONS ON SITE. AS A 24 HR. OPERATION, THE LOT LIGHTING CAN BE REDUCED, BUT DRIVE AREAS, CUSTOMER PARKING ARE, RETURN CANOPY, AND SHUNTING NEED TO REMAIN LIT AS CUSTOMERS CAN DROP OFF AND PICK UP 24 HOURS A DAY.
 - REMOVE EXISTING RESTAURANT SIGN
 - 200 SF OF GREEN AREA / CURB ISLAND ADDED TO EXISTING CURB ISLAND TO ACCOMMODATE NEW MULTI-TENANT SIGNAGE OUTSIDE OF THE 20'-0" VISION TRIANGLE
 - NEW MULTI-TENANT SIGN TO BE INSTALLED. SEE DETAIL 3 / 108
 - VERIFY EXISTING CONCRETE LANDSCAPE BED ON SITE. PLANT 1 MAIDEN GRASS, 1 DOUBLE PLAY GOLD SPIREA, & 1 GOLDEN NUGGET DWARF BARBERRY. SEE LANDSCAPE SCHEDULE FOR SHRUB INFO.
 - CUT AND REMOVE EXISTING ASPHALT FOR NEW 5'-0" WIDE CURB ISLAND
- NOTE:**
UPON PRELIMINARY DESIGN & PRIOR TO FINAL APPROVAL, STORMWATER & SITE DRAINAGE DETAILS TO BE FINALIZED.

LANDSCAPE NOTES

PAVED AREAS REQUIRED:
640 LANDSCAPE PTS. ARE REQUIRED FOR PAVED AREAS
MIN. 30% = 192 PTS. ARE REQUIRED TO BE TALL TREES
MIN. 40% = 256 PTS. ARE REQUIRED TO BE SHRUBS

PROVIDED:
-12 NEW TALL EVERGREEN TREES (33 PTS. EA.) = 396 POINTS
-1 EXISTING LOW DECIDUOUS TREE (10 PTS. EA.) = 10 POINTS
-98 MEDIUM DECIDUOUS SHRUBS (3 PTS. EA.) = 294 PTS.
-49 PERENNIALS = 20,250 S.F. = 20 PTS.
-TOTAL PTS. = 720 PTS.

STREET FRONTAGE LENGTH REQUIRED:
660 PTS. ARE REQUIRED FOR STREET FRONTAGE LENGTH
MIN. 50% = 330 PTS. ARE REQUIRED TO BE TALL TREES
MIN. 30% = 198 PTS. ARE REQUIRED TO BE MEDIUM TREES

PROVIDED:
-17 NEW TALL EVERGREEN TREES (33 PTS. EA.) = 561 PTS.
-8 NEW & 6 EXISTING MEDIUM DECIDUOUS TREES (15 PTS. EA.) = 210 PTS.
-TOTAL PTS. = 771 PTS.

LANDSCAPE SCHEDULE						
MK	QTY.	TYPE	SPECIES	TYPE	INSTALLATION SIZE	REMARKS
MG	49	PERENNIAL - MAIDEN GRASS	MISCANTHUS SINENSIS 'BANDWIDTH'	DECIDUOUS	30-36" H X 30-36" W	
DPGS	49	SHRUB - DOUBLE PLAY GOLD SPIREA	SPIREA JAPONICA 'YAN'	DECIDUOUS	16-24" H X 16-24" W	
GNDP	49	SHRUB - GOLDEN NUGGET DWARF BARBERRY	BERBERIS THUNBERGII 'GOLDEN NUGGET'	DECIDUOUS	12" H X 18" W	
CH	8	TREE - COMMON HACKBERRY	CELTIS OCCIDENTALIS	DECIDUOUS	1 1/2" Ø	
EGA	29	TREE - EMERALD GREEN ARBOVITAE	THUJA OCCIDENTALIS 'SMARAGD'	CONIFEROUS	4'-5" B&B	

PROJECT INFO:
19-138
PLAN NOT FOR CONSTRUCTION

CURRENT AS OF: 3/26/2021 7:36:34 AM
DRAWN BY: O.R.V.
SCALE: As indicated
SHEET NAME:

SITE PLAN

100

ARCHITECT OF RECORD:
LLOYD CARPENTER ARCHITECT, LLC

REVISIONS

1	--/--/--	---
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12	--/--/--	---

PLAN START DATE: 01/09/2020
APPROVED FOR BID: ---
APPROVED FOR REVIEW: ---
APPROVED FOR CONSTRUCTION: ---

U-HAUL OF FORT ATKINSON 750077
1309 N. HIGH ST.
FORT ATKINSON, WI 53538

alliance
CONSTRUCTION & DESIGN
www.alliancebuilds.com | 1050 Broadway St., Wroughton, WI 54180
office: 920-336-3400 | fax: 920-336-3401

ORDINANCE NO. ____

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

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

Section 1. Section 15.02.03 of the City of Fort Atkinson Zoning Ordinance, adopting the Map of Standard Zoning Districts, is hereby amended to change the zoning classification of the following described property from UMU, Urban Mixed Use, to PUD, Planned Unit Development:

Lot 4 of Certified Survey Map 1849-6-43, Document number 806243 (parcel number 226-0614-3424-024); Lot 4 of Certified Survey Map 1849-6-43, Document number 806243 (parcel number 226-0614-3424-007); and Lot 1 of Certified Survey Map 1849-6-43, Document number 806243 (parcel number 226-0614-3424-022), consisting of approximately 9.491 total acres of land, also known as 1309 and 1317 N. High Street, City of Fort Atkinson, Jefferson County, Wisconsin.

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

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

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2021.

Chris Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

FROM: Rebecca Houseman LeMire, City Manager

RE: Review and possible action relating to appointment of Council members and citizens to Committees, Boards, and Commissions

COUNCIL APPOINTMENTS

The following are the City Council appointments to City Committees, Commissions, and Boards for the 2021-2022 year, as recommended by President Scherer and Manager LeMire:

<u>COMMITTEE/BOARD</u>	<u>MEMBERSHIP</u>	<u>CHAIRPERSON</u>
Airport Committee	Chris Scherer	City Manager
Ambulance Advisory Committee	Megan Hartwick	Council President
Cable Television Committee	Mason Becker	Council Representative
Economic Development Commission	Bruce Johnson	Elected by Membership
Finance Committee	Mason Becker/Megan Hartwick	Council President
Historical Society Board	Brandon Housley	Elected by Membership
Library Board	Megan Hartwick	Elected by Membership
License Committee	Megan Hartwick/Brandon Housley	Council President
Ordinance Committee	Bruce Johnson/Mason Becker	Council President
Park & Recreation Board	Mason Becker	Elected by Membership
Plan Commission	Mason Becker	City Manager
Public Works Committee	Megan Hartwick/Bruce Johnson	Council President
Sex Offender Residence Board	Brandon Housley	City Manager
Tourism Commission	Brandon Housley	Elected by Membership
Transportation & Traffic Review Committee	Bruce Johnson	City Engineer
Zoning Appeals	Bruce Johnson/Brandon Housley	Elected by Membership

CITIZEN APPOINTMENTS

The following are the Citizen appointments to City Committees, Commissions, and Boards, as recommended by Manager LeMire:

- i. **Cable Television Committee:**
 - 1. Matthew Bills for a five- year term ending in 2026 (reappointment)
 - 2. Mark Thomas Bernhardt for the remainder of a five-year term ending in 2024 (appointment)

- ii. **Economic Development Commission:**
 - 1. Bill Camplin for a three-year term ending in 2024 (reappointment)
 - 2. James Nelson for a three-year term ending in 2024 (reappointment)
- iii. **Parks & Recreation Advisory Board:**
 - 1. Don Neste for a 3-year term ending in 2024 (reappointment)
 - 2. Steve Mahoney for a 3-year term ending in 2024 (School District Representative; reappointment)
- iv. **Plan Commission:** Eric Schultz for a 3-year term ending in 2024 (reappointment)
- v. **Police and Fire Commission:** STAND BY....
- vi. **Sex Offender Residence Board:** Mary Zentner to a 2-year term ending in 2023 (reappointment)
- vii. **Board of Zoning Appeals:** Jim Woodman to a 2-year term ending in 2023 (reappointment)

- i. **Vacancies for Citizens on City Commissions, Committees, and Boards:**
 - 1. Tourism Committee (one seat)
 - 2. Board of Zoning Appeals (two seats)

RECOMMENDATION

President Scherer and Manager LeMire recommend that the City Council review and approve the appointments as outlined above.

ATTACHMENTS

Application of Mark Thomas Bernhardt for available Cable Television Committee position attached.

CITIZEN SERVICE INFORMATION FORM

Name (Print): Bernhardt Mark Thomas Date: 4-27-2020
Last First Middle

Home Address: 1419 Adrian Blvd, Fort Atkinson

Business Name: Badger Images

Business Address: 1419 Adrian Blvd, Fort Atkinson WI

Telephone (Home): 801-574-9007 (cell) (Work): 262-458-1076

Email Address: mark@badgerimages.com

How long have you lived in the City of Fort Atkinson? '70-89, '95-present

Which Boards, Commissions and/or Committees interest you? Cable Television Committee

Please give a brief overview of your background, experience, interest or concerns in the above areas:

I live in Fort and am IT Director at East West Wisconsin (formerly Universal Electronics) in Whitewater. I have a 'hobby' business and have done some amateur and professional photography work and am interested in seeing if I can help the city enhance and expand their media presence. I have been learning video /audio production and think that the price point for simple video setups has come down, especially considering the power of apple and android devices.

I believe the city could stream 24/7 on Youtube and Facebook, and possibly on cable given enough available content. I think it would make sense to have a partnership with the chamber, fort online and the Daily Union to collect and provide content. I believe there are people with the creator mindset in the community who would be interested in volunteering, especially in the High School. Besides finding people with time to volunteer, I don't see any obstacles in implementing some of these ideas.

References:

1. _____ Phone: _____

2. _____ Phone: _____

Signature

Return this form to:
City Manager's Office
101 North Main Street
Fort Atkinson WI 53538
lidzikowski@fortatkinsonwi.net



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

**PLAN COMMISSION MEETING MINUTES
REMOTE VIA PHONE USING ZOOM
TUESDAY, APRIL 27, 2021 – 4:00 PM**

CALL MEETING TO ORDER

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

ROLL CALL

Present: Cm. Schultz, Cm. Becker, Cm. Highfield, Cm. Kessenich, Cm. Lescohier, Manager LeMire and Engineer Selle. Also present: City Attorney, City Clerk/Treasurer, Building Inspector and Public Works Superintendent.

REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE APRIL 13, 2021 REGULAR PLAN COMMISSION MEETING

Cm. Becker moved, seconded by Cm. Highfield to approve the minutes as presented. Motion carried.

REVIEW AND POSSIBLE ACTION RELATING TO THE SITE PLAN REVIEW APPLICATION AND PLANS FOR THE CROWN OF LIFE CHRISTIAN ACADEMY PROJECT LOCATED AT XXX BERE DRIVE (SPR-2021-01)

Engineer Selle reviewed the site plan submitted. The original plan was submitted and approved in 2019 under the previous zoning code. It was reviewed, resubmitted and re-evaluated against the revised code and confirmed to be in harmony with the Comprehensive Plan and Ordinances. Prior conditions were preservation of the conservancy area. The new zoning of the parcel shows the area being preserved and captured the wetlands on site.

Manager LeMire moved, seconded by Cm. Highfield to approve the Site Plan Review Application and plans for Crown of Life Christian Academy project located on Berea Drive SPR 2021-01 subject to the conditions outlined in the Staff Report regarding Bicycle and Pedestrian Access Standards, Off Street Parking and Traffic Circulation, Exterior Lighting Standards, Exterior Storage and Screening Standards and Site Plan Submittal. Motion carried.

REVIEW AND POSSIBLE ACTION RELATING TO THE SITE PLAN REVIEW APPLICATION AND PLANS FOR THE KWIK TRIP PROJECT LOCATED AT 1680 JANESVILLE AVE (SPR-2021-02)

Engineer Selle presented the application of the Kwik Trip located in the former Shell Station on the south side of Janesville Ave. The original plan was to remodel the location and return to the Commission with a signage plan. The revised plan is a new facility to encompass a portion of the neighboring lot recently purchased. The existing location will remain until the new location is complete and open. A main concern was traffic with a study completed showing an increase.

Cm. Kessenich: what is the typical lifecycle of one of these developments? Kwik Trip representatives confirmed their locations can typically last 50+ years. Commission members discussed sidewalk at the location and being pedestrian friendly.

Cm. Kessenich moved, seconded by Cm. Lescohier to approve the Site Plan Review Application and Plans for Kwik Trip project located at 1680 Janesville Avenue SPR-2021-02 subject to conditions outlined in the Staff report regarding Off Street Parking and Traffic Circulation, Bicycle Parking Spaces, Sign Standards, Exterior Storage and Screening Standards, Site Plan Submittal Stormwater and Wastewater Plan and General Note of the store remaining open during construction. Motion carried.

REVIEW AND POSSIBLE ACTION RELATING TO THE SITE PLAN REVIEW APPLICATION AND PLANS FOR A DETACHED ACCESSORY STRUCTURE AT 414-416 ROBERT ST (SPR-2021-03)

Engineer Selle discussed the application for a non-residential accessory building. The owner operates a real estate company and needs additional storage for staging furniture and props for her business.

Cm. Highfield moved, seconded by Cm. Lescohier to approve the Site Plan Review Application and Plans for a Detached Accessory Structure at 414-416 Robert Street SPR-2021-03 subject to the following conditions: the property owner shall provide a landscape plan and a plan for the parking area to Staff for approval within one year of approval. Motion carried.

REVIEW AND POSSIBLE ACTION RELATING TO AN APPLICATION FOR A MOBILE MERCHANT LICENSE FOR 2 CAN SMOKE BBQ FOR USE AT 901 JANESVILLE AVE (NASCO PARKING LOT)

Clerk Ebbert reviewed the application that was appropriately submitted with required documentation. The zoning code was repealed and created in late 2020. However, the Ordinance relating to Mobile Merchants was overlooked in the inclusion. Staff used the Ordinance as guidelines for reviewing and approving the submission. The ordinance will be revised and presented to Committee for review.

Cm. Highfield moved, seconded by Cm. Schultz approve the application for a Mobile Merchant License for 2 Can Smoke BBQ for use at 901 Janesville Avenue, Nasco parking lot contingent upon a successful background check and vehicle inspection. Motion carried.

ADJOURNMENT

Cm. Becker moved, seconded by Cm. Highfield to adjourn. Meeting adjourned at 4:47 pm.

Respectfully submitted
Michelle Ebbert
City Clerk/Treasurer



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

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

RE: Review and possible action relating to the purchase of miBudget municipal budgeting module from Civic Systems for \$4,700

BACKGROUND

In 2017, the City Council authorized the purchase of financial software, Civic Systems. Various modules exist within the software that aids in daily operations of the Clerk/Treasurer Department including: Accounts Payable, Accounts Receivable, Asset Management, Cash Receipting, General Ledger, Payroll, and Utility (Billing) Management. Within the modules, features exist to enhance the capability of the program. One appreciated feature is miViewpoint that allows Departments to monitor their expense accounts and track activity. Another module offered by Civic Systems is miBudget, which will allow staff to redevelop and streamline the annual budget process.

DISCUSSION

miBudget is a web-based feature that interfaces with our financial software. Once the budget grid is customized, Staff can begin to project year-end balances and develop future year budget. The customization can include prior years actual and budgets, current account balances, year-end projections, and future year budget. Additional columns could include calculations of prior year averages and percentage increases and decreases from previous years.

The use of miBudget eliminates transfer of paper documents and allows quicker transmission of communication between Department Heads and the Manager and Finance Director. Another advantage is the option to upload the budget into the general ledger versus hand-key data entry and eliminates a great cause for human errors. The use of miBudget also allows attachments and comments. Comments could include notes about increases in membership dues, changes in election-related expenditures, or salary increases, for example.

Staff provided a video demonstration to the Management Team and requested feedback in March. The vast majority of the feedback was positive, and several members of the team expressed excitement for the idea of streamlining the budget process.

FINANCIAL ANALYSIS

The cost of the miBudget license fee is \$3,500, and setup and training fee at \$1,200 for a total of \$4,700. Annually thereafter, the cost of unlimited support is \$875. Table 1 below shows the cost of the license, set up, and training in 2021, and annual support fees in future years. Table 1 also shows the proposed funding sources for these costs. It should also be noted that the initial \$4,700 may be reimbursed through the American Rescue Plan Act (ARPA) funds from the federal government that will be provided to the City in May.

Table 1: Cost and Funding Sources for miBudget Module

miBudget		License/Setup/Training	Annual Support
Funds	Accounts	\$4,700	\$875
General Fund			
Manager	01-51-5132-0600	\$90.20	\$17.15
Clerk/Treasurer	01-51-5141-0600	\$90.40	\$16.80
Municipal Court	01-51-5121-0600	\$90.40	\$16.80
Police Department	01-52-5211-0600	\$90.40	\$16.80
Fire Department	01-52-5231-0600	\$90.40	\$16.80
Building Inspection	01-52-5241-0600	\$90.40	\$16.80
Electrician	01-52-5242-0700	\$90.40	\$16.80
Garage-Public Works	01-54-5412-0600	\$90.40	\$16.80
Engineering	01-54-5421-0600	\$90.40	\$16.80
Library	01-55-5511-0600	\$90.40	\$16.80
Museum	01-55-5512-0600	\$90.40	\$16.80
Recreation	01-55-5521-0600	\$90.40	\$16.80
Parks	01-55-5541-0600	\$90.40	\$16.80
Wastewater Utility Fund	02-87-0874-0200	\$1,175	\$218.75
Water Utility Fund	03-33-0092-1000	\$1,175	\$218.75
Stormwater Utility Fund	10-51-5142-0600	\$1,175	\$218.75

RECOMMENDATION

Staff recommends that the City Council approve the purchase of the Civic Systems miBudget budgeting module in an amount not to exceed \$4,700, divided amongst accounts in the general and utility funds as shown in Table 1 above. Staff further recommends that the City Council approve the annual support cost of \$875.00, with \$218.75 from the General Fund, Wastewater Utility, Water Utility, and Stormwater Utility.

If this software is an eligible expense for the ARPA funds, staff will include a reimbursement to these funds if/when the Council determines this to be an appropriate allocation of ARPA funds.

ATTACHMENTS

Civic Systems Software Purchase Agreement

Software Purchase Agreement

Civic Systems, LLC
Ten Terrace Court
P.O. Box 7398
Madison, WI 53707-7398

City of Fort Atkinson
101 N. Main Street
Fort Atkinson, WI 53538

You agree to purchase the software and services detailed below and Civic Systems, LLC agrees to provide them.
Payment is due upon execution of the contract unless other payment terms are negotiated. The information provided in this proposal is valid for 90 days from issue date.

INVESTMENT SUMMARY

License Fee – miBudget	\$ 3,500
Setup (4 Hours @ \$150/HR)	600
Training (4 Hours @ \$150/HR)	600
	<hr/>
TOTAL INVESTMENT	\$ 4,700
	<hr/>
Annual Support	\$ 875
	<hr/>

*Above amounts do not include travel costs.

SIGNATURE AGREEMENT

The signatures below indicate each party's acceptance of this agreement.

CITY OF FORT ATKINSON, WI

Signature: _____
Title: _____
Date: _____

CIVIC SYSTEMS, LLC

Signature: _____
Title: _____
Date: _____



A SUBSIDIARY OF BAKER TILLY US, LLP



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

FROM: Rebecca Houseman LeMire, City Manager

RE: Review and Possible Action to Approve the Process and Rules to implement a Consent Agenda for Future City Council Meetings

BACKGROUND

In an effort to increase the efficiency of City Council meetings, staff has made a few changes to the agenda recently. The May 4th agenda will include some additional detail and requested action items, as well as the responsible staff member for the agenda item. In addition to those changes, I am requesting the Council consider implementing a Consent Agenda.

DISCUSSION

A Consent Agenda, or Consent Calendar according to Robert's Rules of Order, groups routine meeting discussion points into one agenda item. In so doing, the grouped items can be approved in one action, rather than through the filing of multiple motions. The use of a Consent Agenda can save anywhere from a couple of minutes of time during a Council meeting to a half hour or more, depending on the number of items on the Consent Agenda.

Typical items that are included on a Consent Agenda are those that are routine or recurring in nature, procedural decisions, non-controversial issues that do not require debate or deliberation, correspondence that does not require action, and items that have been previously discussed for which the Council has come to a consensus but that still need an official vote.

Examples of City of Fort Atkinson agenda items that may be appropriate for the Consent Agenda include:

- Previous City Council meeting minutes;
- Committee, Commission, or Board meeting minutes;
- Monthly verified claims;
- Monthly departmental reports, such as from the Building Inspector;
- Committee, Commission, and Board Appointments;
- Temporary Class B Alcohol Licenses; and
- Operator's Licenses (if the Council continues to approve these).

Staff has attached a "sample" May 4, 2021 City Council Agenda using a Consent Agenda format.

PROCESS AND RULES

The Consent Agenda process will only work if the reports and other matters for the meeting agenda are known in advance and distributed with the agenda packet in sufficient time to be reviewed by all Council members prior to the meeting.

Staff recommends the following Process and Rules to implement the Consent Agenda for the Fort Atkinson City Council:

1. When preparing the meeting agenda, the City Manager and Council President determine which items belong on the Consent Agenda.
2. The City Manager prepares a numbered list of the items to be included on the Consent Agenda after the Public Comment agenda item.
3. The list and supporting documentation are included in the City Council's packet distributed, at the latest, the Friday prior to the meeting.
4. After reading the Consent Agenda statement (see below), the President asks members if there are any items to be removed from the Consent Agenda.
5. If any Council member requests that an item be removed from the Consent Agenda, it must be removed. Members may request that an item be removed for any reason. Typical reasons may include: to further discuss the item, to ask in-depth questions about the item, to register a correction, or to vote against the item.
6. Once the item has been removed, the President can decide whether to take up the matter immediately or place it elsewhere on the meeting agenda.
7. When there are no items removed or no additional items to be removed, the President will entertain a motion to adopt the Consent Agenda, items X through Y. After a motion, a second, and a vote, the Consent Agenda is adopted. The Council President can move on to the next item on the agenda.
8. When preparing the minutes, the Clerk records the action on the Consent Agenda, including the individual items approved, and the action on any items removed.

Staff will include the following language at the beginning of the Consent Agenda, providing direction and setting expectations for the Council and the public in attendance:

"The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President."

Other area communities that use a Consent Agenda include the City of Jefferson, the City of Beloit, the City of Janesville, the Village of Johnson Creek, the City of Milton, and the City of Cambridge. The Cities of Edgerton, Evansville, Lake Mills, and Watertown do not use Consent Agendas.

FINANCIAL ANALYSIS

Staff does not expect that the item will have a financial impact on the City.

RECOMMENDATION

Staff recommends that the City Council review and discuss the use of a Consent Agenda for future City Council meetings to increase efficiency and save time. Staff further recommends that the City Council approve the Process and Rules to implement a Consent Agenda included in this memo and direct staff to begin its use with the May 18, 2021 City Council agenda.

ATTACHMENT

Sample May 4, 2021 City Council agenda with Consent Agenda



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

**CITY COUNCIL MEETING
REMOTE VIA PHONE USING ZOOM
TUESDAY, MAY 4, 2021 – 7:00 PM**

<https://us02web.zoom.us/j/85115081013?pwd=V3g2TWlrL0NxbDVDcmpNeWQvTUJoQT09>

Meeting ID: 851 1508 1013
Passcode: 052404

Dial by Location
+1 312 626 6799

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

AGENDA

1. Call meeting to order
2. Roll call
3. **Public Hearings – None.**
4. **Public Comment:** *The City Council will receive comments from City residents. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information. No action will be taken on any public comments unless the item is also elsewhere on the agenda.*
5. **Consent Agenda:** *The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President.*
 - a. Review and possible action relating to the **minutes of the April 20, 2021 Regular City Council meeting** (Ebbert)
 - b. Review and possible action relating to **Council appointments to Committees, Commission, and Boards** by Council President and City Manager (Scherer/LeMire)

- c. Review and possible action relating to **Citizen appointments to Committees, Commissions, and Boards** (LeMire)
- d. List of **vacancies for Citizens on City Commissions, Committees, and Boards** (LeMire):
 - i. Tourism Committee (one seat)
 - ii. Board of Zoning Appeals (two seats)
- e. Review and possible action relating to the **minutes of the April 27, 2021 Plan Commission meeting** (LeMire)
- f. Review and possible action relating to **Temporary Class "B"/"Class B" Retailer's Licenses for the Fort Atkinson Club** for events on June 18, 2021 and July 16-17, 2021 (Ebbert)
- g. Review and possible action relating to granting of **operator licenses** (Ebbert)
- h. Review and possible action relating to the **Verified Claims** presented by the Director of Finance and authorization of payment (Ebbert)

6. Petitions, Requests, and Communications:

- a. Presentation of plaque to **Jeff Hottman** for years of service (Bump)
- b. Presentation of plaque to **Brian Bishofberger** for years of service (Christensen)

7. Resolutions and Ordinances:

- a. Review and second reading relating to an **Ordinance** to create Section 10-14 of the City of Fort Atkinson Municipal Code (**prohibiting large-scale commercial animal breeding**) (LeMire)
- b. Review and second reading relating to an **Ordinance** to amend section 6-86 of the City of Fort Atkinson Municipal Code (**retail Class A liquor license quota**) (Ebbert)
- c. Review and second reading relating to an **Ordinance** to amend Section 6-33 of the City of Fort Atkinson Municipal Code (**authority to issue operator's licenses**) (LeMire)
- d. Review and second reading relating to an **Ordinance** for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from **UMU, Urban Mixed Use, to PUD, Planned Unit Development**, to accommodate the **U-Haul Storage redevelopment project** (Juarez)

8. Reports of Officers, Boards, and Committees:

- a. City Manager's Report (LeMire)

9. Unfinished Business – None

10. New Business:

- a. Review and possible action relating to the purchase of **miBudget municipal budgeting module from Civic Systems for \$4,700** (Ebbert)
- b. Review and possible action relating to the establishment of a **Consent Agenda** for future City Council meeting agendas (LeMire)

11. Miscellaneous – None

12. Claims, Appropriations and Contract Payments:

- a. Review and possible action relating to **disallowance of claim** for sewer backup from Safeco Insurance (Ebbert)

13. Adjournment

Date Posted: April 29, 2021

Visit us online! City news and information can be found at www.fortatkinsonwi.net, and be sure to follow us on Facebook @FortAtkinsonWI.



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

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

RE: Discussion and possible action relating to Temporary Class "B"/"Class B" Retailer's Licenses for the Fort Atkinson Club for events on June 18, 2021 and July 16-17, 2021

BACKGROUND

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

Alcohol licenses are further defined by the quotation marks used. For example, "Class A" refers to intoxicating liquor while Class "A" refers to fermented malt beverages. These licenses can also be issued together as a combination license, most common for grocery stores.

Temporary Class "B" (picnic) beer and/or wine licenses may sell fermented malt beverages to consumers at a picnic or similar gathering of limited duration. Such licenses may be issued only to bona fide clubs, chambers of commerce, county or local fair associations, agricultural societies, churches, lodges, societies, veteran's organizations that have been in existence for at least six months.

There is no limit to the number of Temporary Class "B" fermented malt beverage licenses that may be issued to an eligible organization in a calendar year. However, there is a limit of two Temporary "Class B" wine licenses that may be issued to an eligible organization in a 12-month period.

Temporary license holders must have licensed operators (bartenders) and they must purchase their products from a Distributor/Wholesaler.

The attached applications from The Fort Atkinson Club were completed and submitted in a timely manner as required by Department of Revenue form AT-315 and City of Fort Atkinson Code of Ordinance Section 6-61(b).

DISCUSSION

Organization: Bona Fide Club

Name: The Fort Atkinson Club

Street Location: 211 S Water Street East

Manager of affair: Jill Kessenich

Premises: 211 S Water Street East, The Fort Atkinson Club

Name of Event: Summer Patio Concerts

Date of Event: June 18, 2021

The Named Organization Applied for the Following License(s): Class "B" Fermented Malt Beverages

Organization: Bona Fide Club

Name: The Fort Atkinson Club

Street Location: 211 S Water Street East

Manager of affair: Jill Kessenich

Premises: 211 S Water Street East, The Fort Atkinson Club

Name of Event: Summer Patio Concerts

Date of Event: July 16 – 17, 2021

The Named Organization Applied for the Following License(s): Class "B" Fermented Malt Beverages and "Class B" Wine

FINANCIAL ANALYSIS

There is a \$10.00 license fee per Application for Temporary Retailer's License. Publication is not required for these licenses.

RECOMMENDATION

Staff recommends that the City Council approve of the Temporary Class B Retailer's License to sell products at The Fort Atkinson Club, 211 S Water Street E for the Summer Patio Concerts to be held on June 18 and July 16-July 17, 2021 contingent upon having licensed operators and purchasing products from a Wisconsin beverage distributor.

ATTACHMENTS

Applications for Temporary Class "B"/ "Class B" Retailer's Licenses

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00

Application Date: 04/27/2021

☐ Town ☐ Village ☒ City of Fort Atkinson

County of Jefferson

The named organization applies for: (check appropriate box(es).)

☒ A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

☐ A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 06/18/2021 and ending 06/18/2021 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) →

☒ Bona fide Club

☐ Church

☐ Lodge/Society

☐ Veteran's Organization

☐ Fair Association or Agricultural Society

☐ Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name The Fort Atkinson Club

(b) Address 211 S Water Street E

(Street)

☐ Town

☐ Village

☒ City

(c) Date organized 01/01/2015

(d) If corporation, give date of incorporation 07/28/2021

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: ☒

(f) Names and addresses of all officers:

President Dominique Walsh

306 Milwaukee Ave Fort Atkinson

Vice President John Landowski

102 Clarence St Fort Atkinson

Secretary James Vance

1227 Sherman Ave Fort Atkinson

Treasurer Lee Jahnke

79 N Main St Fort Atkinson

(g) Name and address of manager or person in charge of affair: Jill Kessenich

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 211 S Water St E

(b) Lot

Block

(c) Do premises occupy all or part of building? All

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover:

3. Name of Event

(a) List name of the event Summer Patio Concert

(b) Dates of event 06/18/2021

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer

Dominique Walsh
(Signature / Date)

FORT ATKINSON CLUB
(Name of Organization)

Date Filed with Clerk

4-27-21

Date Reported to Council or Board

5-4-21

Date Granted by Council

License No.

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00

Application Date: 04/27/2021

☐ Town ☐ Village ☒ City of Fort Atkinson

County of Jefferson

The named organization applies for: (check appropriate box(es).)

☒ A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

☒ A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 07/16/2021 and ending 07/17/2021 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) →

☒ Bona fide Club

☐ Church

☐ Lodge/Society

☐ Veteran's Organization

☐ Fair Association or Agricultural Society

☐ Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name The Fort Atkinson Club

(b) Address 211 S Water Street E

(Street)

☐ Town

☐ Village

☒ City

(c) Date organized 01/01/2015

(d) If corporation, give date of incorporation 07/28/2021

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: ☒

(f) Names and addresses of all officers:

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306 Milwaukee Ave Fort Atkinson

Vice President John Landowski

102 Clarence Fort Atkinson

Secretary James Vance

1227 Sherman Fort Atkinson

Treasurer Lee Jahnke

79 N Main Fort Atkinson

(g) Name and address of manager or person in charge of affair: Jill Kessenich

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 211 S Water St E

(b) Lot Block

(c) Do premises occupy all or part of building? All

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover:

3. Name of Event

(a) List name of the event Summer Patio Concert

(b) Dates of event 07/16/2021 - 7/17/2021 (COULDN'T PUT 2 DATES ON FORM)

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer

Dominique Walsh
(Signature / Date)

FORT ATKINSON CLUB
(Name of Organization)

Date Filed with Clerk

4-27-21

Date Reported to Council or Board

5-4-21

Date Granted by Council

License No.



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

MEMORANDUM

DATE: April 30, 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

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
Amy Anderson	Lions Quick Mart	X
Esmeralda Camacho	LaTienda Mexicana	X
Hugo Cardona	LaTienda Mexicana	X
Michelle Haferman	Stop-n-Go	X
Ireal Jordan	Lions Quick Mart	X
Jocelyn Meyer	Walgreen's	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 1st.

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.



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

MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

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

RE: Discussion and possible action relating to Disallowance of Claim to Safeco Insurance

BACKGROUND

EMC Insurance Company represents the City for property, liability and workers' compensation insurance. The procedure for a Notice of Claim provided to the Clerk is to be presented to the City Council for Disallowance.

DISCUSSION

The claim of Safeco relates to monies it paid on behalf of claimant, John Firkus, for damages he sustained due to a basement sewage backup October 2020 at 1137 Peterson Street, single-family residence. The claim submitted by John Firkus to the City was disallowed by the City Council on December 15, 2020. EMC Insurance found the City to not be at fault of the backup, which is why the claim was disallowed.

It remains our position that the City is immune from such claims pursuant to Wisconsin Statute §893.80. Accordingly, the claim of Safeco should also be disallowed.

FINANCIAL ANALYSIS

There is no financial impact to the City as the City was not found to be at fault and the claim is to be disallowed.

RECOMMENDATION

Staff recommends that the City Council disallow the claim submitted by Safeco Insurance.

ATTACHMENTS

Notice of Claim – Safeco Insurance



P: 800.313.5169 210 Landmark Dr.
F: 800.313.5179 Normal, IL. 61761

NOTICE OF CLAIM

DATE/TIME OF LOSS: 10/16/2020 12:01 AM

LOSS LOCATION: 1137 PETERSON ST, FORT ATKINSON, WI 53538-2444

AMOUNT CLAIMED: \$5000.00

DESCRIPTION OF LOSS:

YOUR INSURED, THE CITY OF FORT ATKINSON, FAILED TO PROPERLY MAINTAIN SEWER, THEREFORE SEWER WATER AND WASTE BACKED UP INTO OUR INSURED, JOHN FIRKUS', BASEMENT, CAUSING DAMAGES.

OUR CLIENT'S INSURED'S VEHICLE OR PROPERTY:

BASEMENT LOCATED AT 1137 PETERSON ST, FORT ATKINSON, WI 53538-2444
OWNER: JOHN FIRKUS

YOUR VEHICLE OR PROPERTY:

SEWER LOCATED NEAR 1137 PETERSON ST, FORT ATKINSON, WI 53538-2444
OWNER: THE CITY OF FORT ATKINSON

STATE OF ILLINOIS

COUNTY OF MCLEAN

SIGNED THIS 14TH DAY OF APRIL, 2021 AT NORMAL, ILLINOIS.

CLAIMANT SIGNATURE Nicole Mestamora

NOTARY PUBLIC Collin Snyder My

Commission Expires:

10/30/21

