



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, JUNE 1, 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.

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**AGENDA**

1. Call meeting to order
2. Roll call
3. **Public Hearings – None**
4. **Public Comment:** *The City Council will receive comments from City residents. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information. No action will be taken on any public comments unless the item is also elsewhere on the agenda.*
5. **Consent Agenda:** *The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President.*
  - a. Review and possible action relating to the **minutes of the May 18, 2021 regular City Council meeting** (Ebbert)
  - b. Review and possible action relating to the **minutes of the May 25, 2021 License Committee meeting** (Ebbert)

- c. Review and possible action relating to the **minutes of the May 17, 2021 Economic Development Commission meeting** (LeMire)
- d. Review and possible action relating to the **minutes of the May 18, 2021 Ordinance Committee meeting** (LeMire)
- e. Review and possible action relating to **Special Event** request to hold the **Fat Boyz 16<sup>th</sup> Anniversary Bike Raffle** at parking lot of 201 – 235 S Main St on June 26, 2021 (Ebbert)

**6. Petitions, Requests, and Communications – None**

**7. Resolutions and Ordinances:**

- a. Second and possible third/final reading relating to an Ordinance to create Sections 22-456 through 22-458 of the City of Fort Atkinson Municipal Code **(relating to Mobile Merchants)** (LeMire)
- b. First reading relating to an Ordinance to amend Section 6-35 of the City of Fort Atkinson Municipal Code **(prohibits leaving a licensed premise with open alcohol)** (Bump)
- c. First reading relating to an Ordinance to create Section 58-73 and Section 58-76 of the City of Fort Atkinson Municipal Code **(relating to disorderly conduct and prohibitions on streets and sidewalks, respectively)** (Bump)
- d. First reading relating to an Ordinance to amend Section 62-4 of the City of Fort Atkinson Municipal Code **(relating to alcohol consumption in City parks after hours)** (Bump)
- e. Review and possible action relating to a **Resolution** approving participation in the **2022 Jefferson County Road Aid Program** and authorizing the City's contribution of **\$6,191 from the 2021 Street Program budget** (Selle)

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

- a. City Manager's Report (LeMire)
- b. City of Fort Atkinson **2021 Financial Update** (Justin Fischer, Baird)

**9. Unfinished Business:**

- a. Review and possible action relating to a **Developer's Agreement** between the **City of Fort Atkinson** and **Garrison Holdings, LLC** for TIF #8 assistance in the amount of **\$66,500** (LeMire)
- b. Review and possible action relating to the **Alcohol Beverage License applications** for the **licensing period of July 1, 2021 through June 30, 2022** (Ebbert)
- c. Review and possible action relating to the **Cigarette and Tobacco Product applications** for the **licensing period of July 1, 2021 through June 30, 2022** (Ebbert)

#### **10. New Business:**

- a. Review and possible action relating to the **Interactive Online Zoning Map Scope of Services** from Vandewalle & Associates for **\$6,325** (Juarez)
- b. Review and possible action relating to **Midwest Sealcoat, LLC's** proposal to **crackfill, level, resurface, and paint lines at tennis courts #5-8** for **\$24,995** (Franseen)
- c. Review and possible action relating to a contract with **Wolf Paving** for **2021 Street Program** not to exceed **\$1,784,311** with optional **paving of Jones Park parking lot** (Selle)
- d. Review and possible action relating to **Fort Atkinson Fire Station Change Order #7** in the amount of **\$10,090.50** (Rausch)

#### **11. Miscellaneous – None**

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

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

#### **13. Adjournment**

*Date Posted: May 28, 2021*

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City of Fort Atkinson  
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**CITY COUNCIL MEETING  
REMOTE VIA PHONE USING ZOOM  
TUESDAY, MAY 18, 2021 – 7:00 PM**

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**CALL MEETING TO ORDER**

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

**ROLL CALL**

Present: Cm. Becker, Cm. Hartwick, Cm. Housley, Cm. Johnson and Pres. Scherer. Also present: City Manager, City Clerk/Treasurer, City Attorney, City Engineer, Police Chief, Wastewater Supervisor, Water Supervisor, Public Works Superintendent, Parks & Recreation Director and Building Inspector.

**PUBLIC HEARINGS - NONE**

**PUBLIC COMMENT:**

**CONSENT AGENDA:**

- a. *Review and possible action relating to the minutes of the May 4, 2021 regular City Council meeting (Ebbert)*
  - b. *Review and possible action relating to building, plumbing, and electrical permit report for April, 2021 (LeMire)*
  - c. *Review and possible action relating to Special Event request to hold Easton's Cause softball tournament at Ralph Park on July 17-18, 2021 (Ebbert)*
  - d. *Review and possible action relating to a Temporary Class "B" Retailer's License for the EAB Softball Tournament – Easton's Cause on July 17-18, 2021 (Ebbert)*
  - e. *Review and possible action relating to Special Event request to hold Rhythm Remix in mapped downtown area on August 21, 2021 (Ebbert)*
  - f. *Review and possible action relating to Special Event request to hold Fort Atkinson Cruise Nights on several dates at Jones Park and Janesville Ave (Ebbert)*
  - g. *City Sewer, Water, and Stormwater Utility Financial Statements as of April 30, 2021 (Ebbert)*
  - h. *Review and possible action relating to granting of operator licenses (Ebbert)*
- Cm. Becker moved, seconded by Cm. Johnson to approve the Consent Agenda as listed, items 5.a. through 5.h., excluding item 5.3. Motion carried unanimously.

Item 5.3 was removed from consent agenda for review, discussion and approval.

- e. *Review and possible action relating to Special Event request to hold Rhythm Remix in mapped downtown area on August 21, 2021 (Ebbert).*



Pres. Scherer and Cm. Hartwick stated they are affiliated with the Special Event however they expressed no conflict of interest per policy and will not experience personal gain.

Cm. Becker moved, seconded by Cm. Johnson to approve the Special Event request to hold Rhythm Remix in mapped downtown area on August 21, 2021. Motion carried.

#### **PETITIONS, REQUESTS, AND COMMUNICATIONS - NONE**

#### **RESOLUTIONS AND ORDINANCES:**

*Review and final 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)*

Cm. Hartwick moved, seconded by Cm. Johnson to adopt this Ordinance to amend section 6-86 of the City of Fort Atkinson Municipal Code relating to the retail Class A liquor license quota. Motion carried unanimously.

*Review and final 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)*

Cm. Becker moved, seconded by Cm. Johnson to adopt this Ordinance to amend Section 6-33 of the City of Fort Atkinson Municipal Code relating to the authority to issue operator's licenses. Motion carried unanimously.

*First reading relating to an Ordinance to create Sections 22-456 through 22-458 of the City of Fort Atkinson Municipal Code (relating to Mobile Merchants) (LeMire)*

Manager LeMire reviewed the recommendation from the Ordinance Committee and the suggested revisions.

Cm. Becker moved, seconded by Cm. Johnson to direct the City Manager to prepare this Ordinance for a second reading at the meeting on June 1, 2021. Motion carried unanimously.

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

*City Manager's Report (LeMire)*

No action taken.

*Review and presentation of 2020 Annual Report (LeMire)*

Cm. Hartwick moved, seconded by Cm. Becker to accept and file the 2020 Annual Report. Motion carried unanimously.

#### **UNFINISHED BUSINESS:**

*Review and possible action relating to an Intergovernmental Agreement between the City of Fort Atkinson and the Town of Koshkonong relating to the Attachment of City-owned Properties (LeMire)*

Manager LeMire presented the IGA between the City and the Town, specifically the attachment of city-owned properties.

Cm. Becker moved, seconded by Cm. Johnson to approve the Intergovernmental Agreement between the City of Fort Atkinson and the Town of Koshkonong relating to the attachment of City-owned properties as presented by Manager LeMire. Motion carried unanimously.

**NEW BUSINESS:**

*Review and possible action relating to selecting a security camera proposal from Ignatek, LLC for \$12,271.54 for 22 cameras to be located in five City Parks (Franseen)*

Director Franseen reviewed the obtained quotes for cameras. The Department will receive a Community Foundation grant in the amount of \$12,500, park electrical account will contribute \$2,600 and the parks supply account will contribute \$71.54 to cover the entire cost of \$15,171.54

Cm. Becker moved, seconded by Cm. Johnson to approve the security camera proposal from Ignatek, LLC for \$12,271.54, with funding from the Fort Atkinson Community Foundation, for 22 cameras to be located at five City Parks as presented by Parks Director Franseen in the associated memo. Motion carried unanimously.

*Review and possible action relating to the Wastewater Utility Phase II Construction Project – Change Order #001 in the amount of \$17,843 (Christensen)*

Supervisor Christensen discussed the change order for Phase II that involves the tertiary filtration building. When construction began, it was noted the pipe for this building was not located where it was presumed to be as noted in 1993 drawings. The piping is 18 inches higher than noted therefore causing an increase in costs.

Cm. Becker moved, seconded by Cm. Johnson to approve Change Order #001 in the amount of \$17,843 relating to the Wastewater Utility Phase II Construction Project as presented by Wastewater Utility Supervisor Christensen in the associated memo. Motion carried unanimously.

**MISCELLANEOUS – NONE**

**CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:**

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

Cm. Hartwick moved, seconded by Cm. Johnson to approve the list of verified claims and authorize payment. Motion carried unanimously.

*The City Council will consider a motion to convene in closed session pursuant to State Stat. §19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved [Koshkonong Estates Mediation]; the Council will not reconvene in open session.*

Cm. Hartwick moved, seconded by Cm. Becker to move to convene in closed session pursuant to State Stat. §19.85(1)(g) to confer with legal counsel relating to the Koshkonong Estates Mediation. Motion carried unanimously.

**ADJOURNMENT**

Cm. Hartwick moved, seconded by Cm. Housley to adjourn. Meeting adjourned at 9:20 pm

Respectfully submitted,

Michelle Ebbert

City Clerk/Treasurer/Finance Director



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

**LICENSE COMMITTEE MEETING  
REMOTE VIA PHONE USING ZOOM  
TUESDAY, MAY 25, 2021 – 5:00 PM**

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**CALL MEETING TO ORDER**

Pres Scherer called the meeting to order at 5:00 pm.

**ROLL CALL**

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

**REVIEW AND POSSIBLE ACTION RELATING TO ALCOHOL BEVERAGE LICENSE APPLICATIONS  
FOR THE LICENSING PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2022. (EBBERT)**

Clerk Ebbert reviewed the submitted applications and clarified different types of licenses and the importance of a detailed premise description. No concerns were presented by the Committee.

Cm. Hartwick moved, seconded by Cm. Housley to recommend the City Council approve the Alcohol Beverage License Applications for the licensing period of July 1, 2021 through June 30, 2022 contingent upon payment of monies owed to the City of Fort Atkinson. Motion carried.

**REVIEW AND POSSIBLE ACTION RELATING TO CIGARETTE AND TOBACCO PRODUCT  
APPLICATIONS FOR THE LICENSING PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2022.  
(EBBERT)**

Clerk Ebbert reviewed the submission for cigarette and tobacco licenses. The Police Department makes contact with businesses to ensure compliance and sales to those of legal age.

Cm. Housley moved, seconded by Cm. Hartwick to recommend the City Council approve the Cigarette and Tobacco Product Applications for the licensing period of July 1, 2021 through June 30, 2022 contingent upon payment of monies owed to the City of Fort Atkinson. Motion carried.

**ADJOURNMENT**

Cm. Housley moved, seconded by Cm. Hartwick to adjourn. Meeting adjourned at 5:18 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

**ECONOMIC DEVELOPMENT COMMISSION MINUTES  
REMOTE VIA PHONE USING ZOOM  
MONDAY, MAY 17, 2021 – 9:00 AM**

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**CALL MEETING TO ORDER**

Chair Mark McGlynn called the meeting to order at 9:02 am.

**ROLL CALL**

Present: McGlynn, Ralston, Bare, Nelson, Councilmember Johnson, Ex-officio Chisholm and Ex-officio Manager LeMire. Also present: Council President Scherer and Clerk/Treasurer.

Absent: Housley and Camplin.

**REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE SEPTEMBER 25, 2020  
ECONOMIC DEVELOPMENT COMMISSION MEETING**

Nelson moved, Ralston seconded to approve the minutes of September 25, 2020. Minutes approved.

**REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO A  
DEVELOPER'S AGREEMENT BETWEEN THE CITY OF FORT ATKINSON AND GARRISON  
HOLDINGS, LLC**

Manager LeMire updated the action from the Commission last meeting that authorized Staff to develop a Developer's Agreement with Garrison Holdings, LLC.

The site plan were approved in 2020 with minor changes to bring the plan into compliance with the new Zoning Ordinance. The agreement provides \$66,500 in reimbursed construction costs through TIF provided the assessed value of the improvements on the park remain at \$700,000 after construction is complete. The \$66,500 will be paid over several years from increment added based on the value of the project.

The agreement is structured with "pay-go" financing, the only funds reimbursed to the Development are those added through the increment created by the development. No general property tax dollars from other property owners will be provided to the Developer per this agreement.

Nelson moved, seconded by Bare to recommend to City Council the Developer's Agreement between the City of Fort Atkinson and Garrison Holdings, LLC.

**ADJOURNMENT**

Ralston moved, seconded by Nelson and adjourned at 9:18 am.

Respectfully submitted  
Michelle Ebbert Clerk/Treasurer



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

**ORDINANCE COMMITTEE MEETING  
REMOTE VIA PHONE USING ZOOM  
TUESDAY, MAY 18, 2021 – 6:00 PM**

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**CALL MEETING TO ORDER**

President Scherer called the meeting to order at 6:00 pm.

**ROLL CALL**

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

**REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO AN  
ORDINANCE TO CREATE SECTION 22-456 THROUGH 22-458 OF THE CITY OF FORT ATKINSON  
MUNICIPAL CODE (CREATING GUIDELINES FOR LICENSING AND OPERATION OF MOBILE  
MERCHANTS)**

Manager LeMire reviewed the revised ordinance with revisions.

1. Changes the authority to issue a Mobile Merchant License from the Plan Commission to the City Clerk.
2. Establishes an appeal process if the application is denied by the Police Chief and the City Clerk. The City Council will review the appeal and make a final determination. The language used in this ordinance is similar to the appeals process and language included in the Operator's License ordinance.
3. Eliminates the section that created a lottery and payment for a mobile merchant to be located in a City parking lot.
4. Prohibits mobile merchants on residential and public lands; including streets, sidewalks, parks, and parking lots (except for when approved through a Special Event Permit).
5. Eliminates the fees from the ordinance and references a fee resolution, which will be adopted annually by the City Council.
6. Adds the requirement for the applicant's date of birth on the application.
7. Adds the requirement for the hours of operation on the application.
8. Limits the number of daily licenses permitted in a calendar year to 4 (there was no limit in the prior ordinance).
9. Changes some of the language for clarity and consistency.

Cm. Becker moved, seconded by Cm. Johnson to refer the Ordinance to create guidelines for licensing and operation of mobile merchants to City Council. Motion carried.

**REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO AN  
ORDINANCE TO AMEND SECTION 6-35 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE  
(PROHIBITS LEAVING A LICENSED PREMISE WITH OPEN ALCOHOL)**

**REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO AN ORDINANCE TO CREATE SECTION 58-73 AND SECTION 58-76 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE (RELATING TO DISORDERLY CONDUCT AND PROHIBITIONS ON STREETS AND SIDEWALKS, RESPECTIVELY)**

**REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO AN ORDINANCE TO AMEND SECTION 62-4 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE (RELATING TO ALCOHOL CONSUMPTION IN CITY PARKS AFTER HOURS)**

Chief Bump discussed the three ordinance purposes following past year activities resulting in extra enforcement in areas that included open intoxicants. Quality of life and safety of individuals was discovered to be a concern. With adoption of the Ordinance, it would provide an additional tool for the Police Officers to maintain peace and order in the community. Chief Bump also discussed the next two Agenda items.

Cm. Becker moved, seconded by Cm. Johnson to refer the following Ordinances to City Council: prohibits leaving a licensed premise with open alcohol, disorderly conduct and prohibition streets and sidewalks and alcohol consumption in city parks after hours. Motion carried.

**ADJOURNMENT**

Cm. Johnson moved, seconded by Cm. Becker to adjourn. Meeting adjourned at 6:46 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:** June 1, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Special Event:  
Fat Boyz 16<sup>th</sup> Anniversary Bike Giveaway

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### BACKGROUND

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

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

### DISCUSSION

**Event:** 16<sup>th</sup> Anniversary Bike Giveaway

**Date and Hours of Event:** Saturday, June 26, 2021, 2:00 pm – 9:00 pm

**Location:** Fat Boyz, 201-235 S. Main Street and rear parking lot

**Contact Person:** John Dawson, [johndawson78@gmail.com](mailto:johndawson78@gmail.com), 920-563-3051

**Estimated Number of Attendees:** 250

Mr. Dawson has requested to close off the alley and four parking stalls behind the businesses at 201-235 S Main Street from 2:00 pm to 9:00 pm. The event is scheduled to begin at 5:00 pm however; sales, service and consumption may begin at 2:00 pm following closure of the area.

Event information was routed to Departments with the following comments:

**Clerk/Treasurer:**

The applicant has requested to extend the premise description of their alcohol license to cover the alley behind the property and neighboring businesses. This request is consistent with past practice.

**Police Department:**

The Police Department supports this event and recommends the City Council approve the request as long as the extended venue aligns with the same areas used in past years.

As in years past, the Department also request that Fat Boyz take the necessary precautions to ensure that patrons taking advantage of the outside area are properly and safely contained within the designated area. We believe an assigned employee or security person present to ensure patrons do not leave the designated area with open intoxicants will help make the event safe.

**FINANCIAL ANALYSIS**

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

**RECOMMENDATION**

Staff recommends that City Council approve the Special Event for Fat Boyz 16<sup>th</sup> Anniversary Bike Raffle on June 26, 2021 and allow the expansion of the premise description to include the use of the back alley and parking stalls from 2:00 pm to 9:00 pm.

**ATTACHMENTS**

Special Event Application, Event Description and Map



CITY OF FORT ATKINSON  
Special Event Application

Name of Business/Group Organizing Event: <u>Fat Boyz Bike Rattle</u>	
Contact Person for Event: <u>John Dawson</u>	
Phone Number: <u>920-728-3415</u>	Email: <u>JohnDawson78@gmail.com</u>
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
<b>Special Event Details</b>	
Event Name: <u>16th Anniversary Bike Giveaway</u>	
Event Date: <u>JUNE 26 5:00-9:00</u>	
Event Location: <u>Back Parking Lot</u>	
Estimated Number of Attendees: <u>250</u>	Hours of Event: <u>5:00-9:00 back alley</u>
Check all applicable boxes:	
<input type="checkbox"/> I am renting a City Park	Attach copy of paid park rental from Parks & Recreation (920) 563-7781.
<input type="checkbox"/> I will be having music	Start and end time of music: <u>use Drawing 7pm Event 2-9 pm</u>
<input type="checkbox"/> I will be closing a street(s)	Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771.
<input checked="" type="checkbox"/> I will be selling beer and/or wine*	Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760
*Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide. <u>*has approp. license to sell alcohol.</u>	
<input type="checkbox"/> I will be erecting a tent, canopy or other temporary structure.	
By signing, I agree to the following statements:	
I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event.	
Responsible Party Signature: <u>John Dawson</u>	

Office Use Only

Date Submitted to Clerk: 5/13/21 Date Emailed to Departments: 5/13/21

Department	Comments, Concerns, Action(s) to be taken
<input checked="" type="checkbox"/> Clerk/Treasurer	<u>license premise extension requested</u>
<input checked="" type="checkbox"/> EMS - Ryan Brothers Ambulance	<u>no reply</u>
<input checked="" type="checkbox"/> Engineer and Building Inspection	<u>no concerns</u>
<input checked="" type="checkbox"/> Electrician	<u>no concerns</u>
<input checked="" type="checkbox"/> Fire and Rescue Department	<u>no concerns</u>
<input checked="" type="checkbox"/> Library and Museum	<u>no concerns</u>
<input checked="" type="checkbox"/> Parks & Recreation	<u>no concerns</u>
<input checked="" type="checkbox"/> Police Department	<u>noted in memo</u>
<input checked="" type="checkbox"/> Public Works Department	<u>no concerns</u>
<input checked="" type="checkbox"/> Wastewater and Water Utility	<u>no concerns</u>

Date Reported to City Council (if necessary): 6/1/2021

Comments, Contingencies, Findings:

April 16, 2021

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

Dear members of the Fort Atkinson City Council.

I am writing this letter to kindly request permission from the City of Fort Atkinson to use the public parking lot and alley in the back of my business, Fat Boyz Inc. located at 219 S Main Street. Reason for the request is to host a motorcycle drawing during the 16<sup>th</sup> Anniversary Celebration of Fat Boyz. The plan is to use the same space outside as you have allowed us to use the past few years around this time for the same purpose.

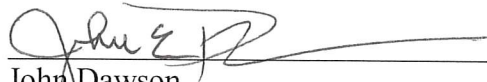
This is not an all-day request; we are kindly asking to use part of the parking lot (from mailboxes to south exit) and alley only from 2:00 pm – 9:00 pm (also allowing some time before and after for set-up & take down / cleanup). We will not have a tent outside but are asking to rope it off for this time *and* allow sales and open carryout of alcoholic beverages during this time.

Here is a summary:

Date:	Saturday, June 26 <sup>th</sup> , 2021
Time:	2:00 pm – 9:00 pm <i>event - back alley 5-9 pm</i>
Requestor:	Fat Boyz Inc.
Location:	Parking lot and alley between US Post Office and Businesses located at 201 S Main St – 235 S Main St
Event:	16th Anniversary Celebration / Motorcycle drawing

If you have any questions, please do not hesitate to contact me, 920-563-3051 or Cell 920-728-3415.

Sincerely,

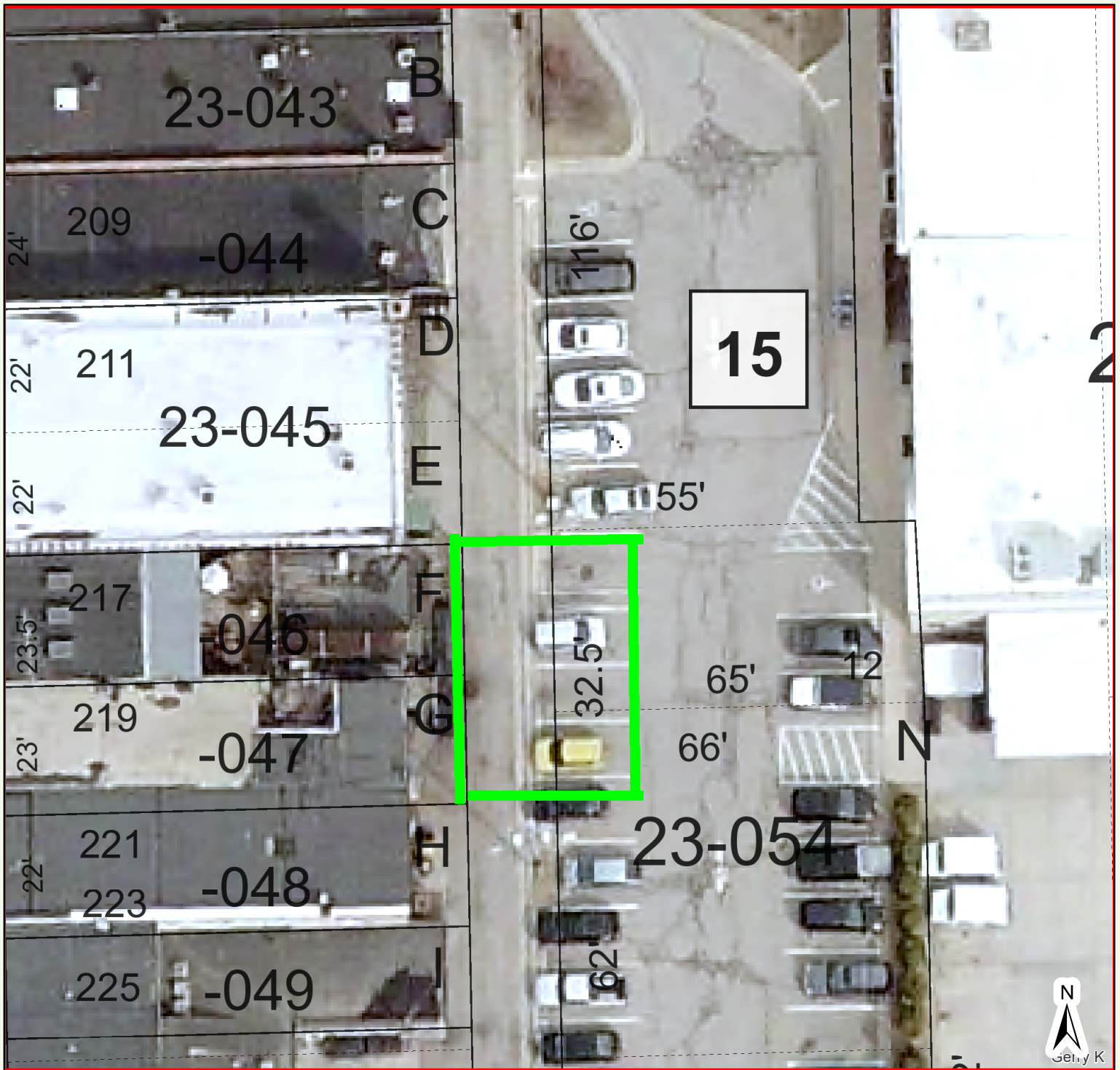
  
John Dawson  
Owner / Operator Fat Boyz Inc.

RECEIVED

APR 19 2021

CITY OF FORT ATKINSON  
CLERK / TREASURER

# Fat Boyz Request



## Parcels

□ Parcels

## Parcel Lines

— Property Boundary

--- Old Lot/Meander Lines

— Rail Right of Ways

— Road Right of Ways

— Section Lines

— Surface Water

— Map Hooks

Tax Parcels

— Streams and Ditches

raster.SDE.ORTHOS\_2018

■ Red: Band\_1

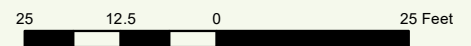
■ Green: Band\_2

■ Blue: Band\_3



Jefferson County Geographic Information System

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



Printed on: June 10, 2020

Author: Public User





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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Second and possible Third Reading of an Ordinance to create Sections 22-456 through 22-458 of the City of Fort Atkinson Municipal Code relating to Mobile Merchants

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### BACKGROUND

The City of Fort Atkinson has regulated mobile merchants for many years. In 2016, the ordinance regulating mobile merchants was amended and removed from Chapter 22 and placed in Chapter 15, which is the Zoning Ordinance. In 2020, the Zoning Ordinance was re-written, and the section regulating mobile merchants and requiring licenses was not included. As such, at this time, the City does not have any regulations relating to mobile merchants in the City's Municipal Code. As a "stop gap," staff has been requiring a license and using the regulations of the previously approved ordinance from the previous Zoning Code.

### DISCUSSION

The attached ordinance creating Sections 22-456 through 22-458 of the Municipal Code incorporates the previous version of the mobile merchant ordinance with the following changes:

1. Changes the authority to issue a Mobile Merchant License from the Plan Commission to the City Clerk.
2. Establishes an appeal process if the application is denied by the Police Chief and the City Clerk. The City Council will review the appeal and make a final determination. The language used in this ordinance is similar to the appeals process and language included in the Operator's License ordinance.
3. Eliminates the section that created a lottery and payment for a mobile merchant to be located in a City parking lot.
4. Prohibits mobile merchants on residential and public lands; including streets, sidewalks, parks, and parking lots (except for when approved through a Special Event Permit).
5. Eliminates the fees from the ordinance and references a fee resolution, which will be adopted annually by the City Council.
6. Adds the requirement for the applicant's date of birth on the application.
7. Adds the requirement for the hours of operation on the application.
8. Limits the number of daily licenses permitted in a calendar year to 4 (there was no limit in the prior ordinance).

9. Changes some of the language for clarity and consistency.

Also, please note that if this Ordinance is adopted, the City Clerk will provide a monthly report to the City Council that lists all of the staff-approved licenses issued during that month. This report will be placed on the Consent Agenda for the Council's information.

#### **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 attached document.

The Ordinance Committee reviewed a draft ordinance at the meeting on May 18, 2021 at 6:00 p.m. This memo was written prior to action by the Ordinance Committee. If changes are recommended by the Ordinance Committee or the City Council, they will be incorporated into the document for the second and third readings. Staff is attempting to move this ordinance forward quickly as the summer is the busy season for mobile merchants, and we continue to receive applications.

Staff recommends that the City Council suspend the rules to perform the second and third readings and adopt this Ordinance to create Sections 22-456 through 22-458 of the City of Fort Atkinson Municipal Code relating to Mobile Merchants.

#### **ATTACHMENT**

An Ordinance to create Sections 22-456 through 22-458 of the City of Fort Atkinson Municipal Code relating to Mobile Merchants

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE  
TO CREATE SECTIONS 22-456 THROUGH 22-458 OF THE  
CITY OF FORT ATKINSON MUNICIPAL CODE  
RELATING TO MOBILE MERCHANTS**

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

**Section 1.** Sections 22-456 through 22-458 of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

**“Article X. – MOBILE MERCHANTS <sup>[8]</sup>**

**Section 22-456. – Definitions.**

In this Article, the following definitions shall apply:

- A. “Charitable Organization” shall include any benevolent, philanthropic, patriotic, or eleemosynary person, association, or corporation.
- B. “City” hereafter means City of Fort Atkinson.
- C. “Merchandise or wares” shall include personal property of any kind and shall include products, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or perspective customer.
- D. “Non-Profit Organization” means not conducted or maintained for the purpose of making a profit as defined by the Federal Government or State of Wisconsin.
- E. “Religious Non-Profit” organization means as defined by Federal and State laws.
- F. “Mobile Merchant” includes any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City of not, who engages in a temporary and/or mobile business of selling and delivery of merchandise or wares, other than house to house, within the City, and who in furtherance of such purposes, hires, leases, uses, or occupies any building, structure, motor vehicle, trailer, tent, or other place within the City for the exhibition and sale of such wares and merchandise either privately or at public auction.

**Section 22-457 – Licensing.**

- A. License Required. It is unlawful for any Mobile Merchant, as defined above, to engage in any such business within the City without first obtaining a license issued in compliance with the provisions of this Article.
- B. Exemptions:



1. The terms of this Article shall not be held to include acts of persons selling personal property at wholesale to dealers in such articles nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this Article shall be held to prohibit any sale required by Statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to law.
  2. Mobile merchants, while participating in a fair, market, or special event sponsored by either a civic nonprofit organization, a religious non-profit organization, or the City, shall be exempt from the provisions of this Article, except as set forth in this subsection, provided that the civic, nonprofit, or religious sponsoring organization obtains prior approval from the City for the fair, market, or special event; that the merchants and nonprofit organization comply with all restrictions and requirements imposed by the City incidental to such approval; and that the location of the merchant(s) is included with the approved fair, market, or special event request.
- C. License Application. Applicants for a license under this Article must file with the City Clerk, an application which shall provide the following information:
1. Full name, date of birth, and physical description of the applicant and any employees or individuals working on behalf of the applicant;
  2. Complete permanent home and local address of the applicant;
  3. A brief description of the nature of the business and the goods to be sold;
  4. The length of time for which the right to do business is desired, six (6) months or twelve (12) months, where applicable, or a daily license, for a maximum of 10 consecutive days;
  5. The hours of operation the applicant intends to conduct business at certain locations;
  6. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation or any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefore;
  7. At the time of filing the application, the applicant shall pay the nonrefundable investigation and application review fees to the City Clerk to cover the cost of the investigation and review the initial application;
  8. Proof of approval of health and sanitation by County, State, or Federal agencies as required;
  9. The location(s) where the applicant intends to conduct business. Mobile Merchants must be located on private property with written permission from the property owner. Mobile Merchants are not permitted to conduct business on residentially-zoned property, nor on City-owned property including parks, sidewalks, rights-of-way, public parking lots, or other public lands or facilities, unless otherwise approved by the City as part of a special event, fair, or market;

10. The Applicant shall comply with Wisconsin Safety & Professional Services (SPS) Chapter 314, Fire Prevention, as well as National Fire Protection Association (NFPA) Chapter 1, Fire Code, before a permit to operate is issued.
- D. License – Investigation and Issuance.
1. Upon receipt of each application by the City Clerk, the application shall be referred to the Police Chief, who shall immediately institute such investigation of the applicant's business and moral character as he/she deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this Article within ten (10) business days after it has been filed.
  2. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Police Chief shall not endorse the application. The Police Chief shall detail his/her disapproval and reasons for the same and return the application to the City Clerk, who shall notify the applicant that the application is disapproved; that no license will be issued; and the process for an appeal of the denial as outlined in subsection H.
  3. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Police Chief shall endorse on the application, his/her approval and return the application to the City Clerk, who shall upon approval, deliver the license to the applicant. Such license shall contain the signature of the issuing officer and shall show the name and address of the licensee, the amount of fee paid, and the length of time the license shall be operative as well as the license number and other identifying description of any vehicle used in such business. No license shall be used at any time by any business other than the one to whom it is issued. The Clerk shall keep a record of all licenses issued.
- E. License – Fees. The fees for Mobile Merchant Licenses shall be included in a resolution adopted by the City Council and retained on file with the City Clerk.
- F. Exhibition of License. Licensees are required to exhibit the License during the hours of operation.
- G. License Revocation.
1. Licenses issued under this Article may be revoked by the City Council after notice and hearing, for any of the following causes:
    - i. Acts by the license holder or the employees or agenda of the license holder;
    - ii. Fraud, misrepresentation, or incorrect statement contained in the application for license;
    - iii. Fraud, misrepresentation, or incorrect statement in the course of carrying on his/her business as a Mobile Merchant;
    - iv. Any violation of this Article;
    - v. Conviction of any crime or misdemeanor;
    - vi. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a danger to the health, safety or general welfare of the public.

2. Notice of the hearing of a revocation of a license shall be given by the City Clerk in writing setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least five (5) days prior to the date set for the hearing or shall be delivered by a Police Officer in the same manner as a summons at least three (3) days prior to the date set for the hearing.
- H. Denial of License – Appeal Process.
1. If an application is denied, the City Clerk shall, in writing, set forth the reason for the denial. An applicant may appeal a denial to the City Council.
  2. 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.
  3. 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.
  4. The appellant may appear, be represented, and present evidence and witnesses. The City Council shall decide by a 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 Mobile Merchant License. Appeals that do not conform to these requirements shall not be considered by the City Council.
- I. License – Re-application. No licensee whose license has been denied or revoked shall make further application until a period of at least six (6) months has elapsed since any previous revocation.
- J. License – Term. A license year shall run from January 1<sup>st</sup> through December 31<sup>st</sup> each year. Six-month licenses can run for any consecutive six months in one calendar and can be applied for only once per calendar year. Daily licenses may be applied for up to four (4) times per calendar year.

#### Section 22-458 – Additional Regulations and Enforcement.

- A. In addition to all other regulations provided by this Article, Mobile Merchants shall be subject to the following regulations:
1. Vending may not begin until 7:00 a.m. and shall conclude by 10:00 p.m., unless otherwise approved by the City through a fair, market, or special event.
  2. No vending equipment may be located within 10 feet of a marked crosswalk or curb cut nor within 15 feet of a fire hydrant or Fire Department connection.
  3. The individuals conducting the sale shall be responsible for the cleanup of the site and any debris or litter in the immediate area caused by the

operation. Those conducting the sales shall provide a waste basket for use by customers at their sales location.

4. The individuals and the organization conducting the sales shall be responsible for complying with all applicable rules and regulations provided for in this Article.
  5. All equipment used by the individuals conducting the sales at the site shall be kept in a clean, sanitary, and hazard-free condition and maintained in a presentable appearance and in good repair.
  6. Noise emanating from the location(s) shall be kept to a minimum, shall not be directed towards the street or sidewalk, and shall be 80 decibels or below as measured at a distance of twenty (20) feet.
  7. No audio or video equipment such as speakers or video display monitors shall be allowed.
- B. Enforcement. It shall be the duty of the Police Department to require any business that is not known by such office to be duly licensed, to produce his/her license, and to enforce the provisions of this Article against any person found to be violating the same.
- C. Report of Violation. The Police Chief shall report to the City Clerk, all convictions for violation of the Article, and the City Clerk shall maintain a record for each license issued and record the reports of violations therein.
- D. Forfeitures. Violations of this Article shall result in penalties pursuant to Sec. 1-10 of the City's Code of Ordinances."

Footnotes:

[8]

Editor's note – Ord. 753, adopted October 18, 2016, repealed art. X, §§22-456-22-458 entitled "Transient Merchants," which derived from Code 1969, §§8.08(A)-(D). See art. VI of this Chapter for similar provisions.

**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.

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**Chris Scherer, President**

ATTEST:

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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:** June 1, 2021

**TO:** Fort Atkinson City Council

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

**RE:** First Readings of Open Intoxicants Ordinances

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### BACKGROUND

The purpose of this memo is to serve as background on the drafted ordinances aimed at making positive change across the community and specifically our downtown district, Riverwalk and parks where alcohol and public intoxication are negatively impacting the quality of life in our community.

### DISCUSSION

One way to determine needs as related to ordinances is to look to the officers on the street who utilize and apply local ordinances in the completion of their work. Officers continually look to positively impact the quality of life and safety of the community through visibility, education and enforcement. While identifying trends and problems, Officers in our City have continually brought forward issues specifically related to their inability to reduce public intoxication and open intoxicants, and the associated misbehaviors, through existing ordinance enforcement. Likewise, Officers desire to reduce the number of open intoxicants on our streets that are coming from inside our bars or from people who travel to our parks and Riverwalk as a drinking destination.

The importance of ordinance updates in this area are focused on reducing disorderly subjects, public intoxication, loud noise complaints, public urination, littering, property damage and fighting that have begun to plague our community's downtown, parks and even our cherished Riverwalk. The requested changes also work to improve the overall perception of safety for people who enjoy the assets our community has to offer.

These ordinances all work together to address the issues commonly encountered by Police Officers. These ordinance updates use a multi-tier approach to addressing problems that have an identifiable root cause.

- A. 6-35 Persons May Not Leave Licensed Premises with Alcohol.** This ordinance amendment makes it unlawful for any license-holder to permit any person to leave the licensed premise with an open container of alcohol.
- B. 58-73(10) Defecating or urinating in public places.** This ordinance amendment

makes it unlawful (and a Disorderly Conduct) for any person to defecate or urinate outside of designated facility.

- C. 58-76 (d) Possessing Open Alcohol Containers.** This ordinance amendment makes it unlawful to possess an open alcohol container on any public street, sidewalk, or public right-of-way unless the City Council has granted the appropriate permit or license.
- D. 62-4 Possession, Consumption or Alcohol Prohibited in Parks.** This ordinance amendment makes it unlawful to drink or possess alcohol in a City park between 10:00 p.m. and 5:00 a.m. unless permitted through an authorized event.

### **COMMUNITY IMPACT**

The goal of this series of ordinances amendments is to improve the quality of life for our residents, visitors, and property owners by addressing a major issue that is impacting our community. We are looking to reduce public intoxication, littering, public urination and other disorderly related issues. The new ordinances will allow officers the ability to address issues in a more well-rounded manner through visibility, education and enforcement. It will also motivate bar owners and employees to be more vigilant and active into the prevention and reduction of open alcohol from leaving their establishments.

### **FINANCIAL ANALYSIS**

These ordinance changes are not expected to impact the City financially.

### **RECOMMENDATION**

The City Attorney and all City Department Heads have reviewed these proposed ordinances; pertinent feedback was incorporated.

The Ordinance Committee reviewed these ordinances at the meeting on May 18, 2021 and recommended that the City Council review and perform a first reading of these three ordinance amendments.

### **ATTACHMENTS**

Redline Ord. Chapter 6-35 Leaving Licensed Premise (showing changes); Ord. No. Chapter 6-35 Leaving Licensed Premise  
Redline Ord. Chapter 58 DC, Public Intox (showing changes); Ord. No. Chapter 58 DC, Public Intox  
Redline Ord. Chapter 62-4 Alcohol in Parks (showing changes); Ord. No.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE  
TO AMEND SECTION 6-35 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE  
RELATING TO LEAVING A LICENSED PREMISE**

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

**Section 1.** Section 6-35 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

“Sec. 6-35. – ~~Reserved.~~ Persons May Not Leave Licensed Premises with Alcohol. It shall be unlawful for any person to whom a license has been granted to permit any person to leave said licensed premises with an open container containing any alcohol beverage, except as otherwise permitted by Wis. Stats. Chapter 125 relating to alcohol beverages.”

Editor’s note – Ord. No. 744, adopted Mar. 1, 2016, deleted §6-35 entitled “Tavern dance hall”, which derived from Code 1969, § 8.09(E); and Ord. No. 727, adopted Mar. 17, 2015.”

**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.

\_\_\_\_\_  
**City Council President**

ATTEST:

\_\_\_\_\_  
Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE  
TO AMEND SECTION 6-35 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE  
RELATING TO LEAVING A LICENSED PREMISE**

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

**Section 1.** Section 6-35 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

“Sec. 6-35. – Persons May Not Leave Licensed Premises with Alcohol. It shall be unlawful for any person to whom a license has been granted to permit any person to leave said licensed premises with an open container containing any alcohol beverage, except as otherwise permitted by Wis. Stats. Chapter 125 relating to alcohol beverages.

Editor’s note – Ord. No. 744, adopted Mar. 1, 2016, deleted §6-35 entitled “Tavern dance hall”, which derived from Code 1969, § 8.09(E); and Ord. No. 727, adopted Mar. 17, 2015.”

**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



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE  
TO AMEND THE FOLLOWING SECTIONS OF CHAPTER 58  
OF THE CITY OF FORT ATKINSON MUNICIPAL CODE:  
SECTION 58-73 RELATING TO DISORDERLY CONDUCT AND  
SECTION 58-76 RELATING TO PROHIBITIONS ON STREETS AND SIDEWALKS**

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

**Section 1.** Section 58-73 (11) of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

“Sec. 58-73. – Disorderly Conduct.

No person shall within the limits of the city commit any of the following offenses:

- (1) Engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct in a public or private place under the circumstances where such conduct tends to cause or provoke a disturbance or tends to reasonably disturb or annoy any other person.
- (2) Communicate a message by telephone or other electronic device with the reasonable expectation that the persons will receive the message with the intent to frighten, intimidate, threaten, abuse, harass or annoy another person(s).
- (3) Operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively, the motor to race excessively, or by emitting unnecessary and loud muffler noises.
- (4) Engage in any fight, brawl or altercation on any street, alley or other public or private ground.
- (5) Prowl about the premises of another in the nighttime, or peek in windows on another's premises, or do any other act intended, or naturally tending, to frighten or alarm other persons
- (6) Give or send or cause to be given or sent in any manner an alarm of fire that he/she knows to be false.
- (7) Without reasonable excuse or justification, resist or in any way interfere with any officer of the city while such officer is doing any act in his/her official capacity with lawful authority.
- (8) Intentionally aid any prisoner or person to escape from the lawful custody of a police officer or peace officer of the city.
- (9) Impersonate a police officer or peace officer within the city.
- (10) Be in any public place within the city in such a state of intoxication as to disturb others or the safety of others.

~~(10)~~(11) Defecating or urinating in public places. It shall be unlawful for any person to defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery, or other public area within the city, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings.

(Code 1969, § 17.01(A)—(C), (E)—(K); Ord. No. 713, 3-19-13)”

**Section 2.** Section 58-76 (d) of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

“Sec. 58-76. – Practices prohibited on streets and sidewalks.

(a) *Ball playing.* No person shall engage in playing any game of ball in any street.

(b) *Racing.* No person shall engage in racing any motor vehicle, bicycle, horse or other animal in any street within the city.

(c) *Air surfing.* No person shall air surf upon any motor vehicle, wagon, cutter, or other vehicle being driving along any street within the city.

~~(c)~~(d) *Possessing open alcohol containers.* It shall be unlawful for any person to possess an open container of alcohol or consume any alcoholic beverages upon any public street, sidewalk, alley, or public right-of-way within the City except when such right-of-way is included within an area for which the City Council has granted a Special Event Permit and/or a Temporary Class B License.

(Code 1969, § 18.06(A), (B), (D))”

**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.

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**City Council President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE  
TO AMEND THE FOLLOWING SECTIONS OF CHAPTER 58  
OF THE CITY OF FORT ATKINSON MUNICIPAL CODE:  
SECTION 58-73 RELATING TO DISORDERLY CONDUCT AND  
SECTION 58-76 RELATING TO PROHIBITIONS ON STREETS AND SIDEWALKS**

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

**Section 1.** Section 58-73 (11) of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

“Sec. 58-73. – Disorderly Conduct.

No person shall within the limits of the city commit any of the following offenses:

- (1) Engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct in a public or private place under the circumstances where such conduct tends to cause or provoke a disturbance or tends to reasonably disturb or annoy any other person.
- (2) Communicate a message by telephone or other electronic device with the reasonable expectation that the persons will receive the message with the intent to frighten, intimidate, threaten, abuse, harass or annoy another person(s).
- (3) Operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively, the motor to race excessively, or by emitting unnecessary and loud muffler noises.
- (4) Engage in any fight, brawl or altercation on any street, alley or other public or private ground.
- (5) Prowl about the premises of another in the nighttime, or peek in windows on another's premises, or do any other act intended, or naturally tending, to frighten or alarm other persons
- (6) Give or send or cause to be given or sent in any manner an alarm of fire that he/she knows to be false.
- (7) Without reasonable excuse or justification, resist or in any way interfere with any officer of the city while such officer is doing any act in his/her official capacity with lawful authority.
- (8) Intentionally aid any prisoner or person to escape from the lawful custody of a police officer or peace officer of the city.
- (9) Impersonate a police officer or peace officer within the city.
- (10) Be in any public place within the city in such a state of intoxication as to disturb others or the safety of others.

- (11) Defecating or urinating in public places. It shall be unlawful for any person to defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery, or other public area within the city, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings.

(Code 1969, § 17.01(A)—(C), (E)—(K); Ord. No. 713, 3-19-13)”

**Section 2.** Section 58-76 (d) of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

“Sec. 58-76. – Practices prohibited on streets and sidewalks.

- (a) *Ball playing.* No person shall engage in playing any game of ball in any street.
- (b) *Racing.* No person shall engage in racing any motor vehicle, bicycle, horse or other animal in any street within the city.
- (c) *Air surfing.* No person shall air surf upon any motor vehicle, wagon, cutter, or other vehicle being driving along any street within the city.
- (d) *Possessing open alcohol containers.* It shall be unlawful for any person to possess an open container of alcohol or consume any alcoholic beverages upon any public street, sidewalk, alley, or public right-of-way within the City except when such right-of-way is included within an area for which the City Council has granted a Special Event Permit and/or a Temporary Class B License.

(Code 1969, § 18.06(A), (B), (D))”

**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.

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**Chris Scherer, President**

ATTEST:

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Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE  
TO AMEND SECTION 62-4  
OF THE CITY OF FORT ATKINSON MUNICIPAL CODE  
RELATING TO ALCOHOL CONSUMPTION IN CITY PARKS AFTER HOURS**

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

**Section 1.** Section 62-4 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

“Sec. 62-4. – Possession, consumption of alcohol prohibited.

It shall be unlawful to possess or consume alcohol or fermented malt beverages on the premises known as Memorial Park and Bicentennial Park in the city. It shall be unlawful for any person to drink or possess any alcohol beverages in any City park between the hours of 10:00 p.m. and 5:00 a.m. unless the City Council and/or Parks and Recreation Director has approved a later time for an authorized event, in which case the prohibition becomes effective after such later time. The penalty for the violation of this article shall be as specified in section 1-10.

(Code 1969, § 7.04)”

**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.

\_\_\_\_\_  
City Council President

ATTEST:

\_\_\_\_\_  
Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE  
TO AMEND SECTION 62-4  
OF THE CITY OF FORT ATKINSON MUNICIPAL CODE  
RELATING TO ALCOHOL CONSUMPTION IN CITY PARKS AFTER HOURS**

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

**Section 1.** Section 62-4 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

“Sec. 62-4. – Possession, consumption of alcohol prohibited.

It shall be unlawful to possess or consume alcohol or fermented malt beverages on the premises known as Memorial Park and Bicentennial Park in the city. It shall be unlawful for any person to drink or possess any alcohol beverages in any City park between the hours of 10:00 p.m. and 5:00 a.m. unless the City Council and/or Parks and Recreation Director has approved a later time for an authorized event, in which case the prohibition becomes effective after such later time. The penalty for the violation of this article shall be as specified in section 1-10.

(Code 1969, § 7.04)”

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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

**FROM:** Andy Selle, P.E., City Engineer

**RE:** Review and possible action relating to a Resolution approving participation in the 2022 Jefferson County Road Aid Program and authorizing the City's contribution of \$6,191 from the 2021 Street Program budget

### BACKGROUND

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

### DISCUSSION

The City has contributed to this fund since 2015. In 2019 we were able to pave White St, Chippewa Ct, and a section of Whitewater Ave south of 3rd St. The balance had grown to about \$60,000 – with \$30,000 contributed by the City.

### FINANCIAL ANALYSIS

The requested amount, \$6,191 will be funded through the 2021 Street Program Budget as shown in Table 1 below. Our current balance in the County Road Aid Fund account is about \$12,400, which includes both the City capital and County match.

Table 1: County Road Aid Program Funding Source

Account Number	Account Description	Amount	Account Balance
05-60-0064-3100	2021 Streets Program	\$ 6,191.00	\$ 678,642.46
	<b>PROJECT TOTAL</b>	<b>\$ 6,191.00</b>	

### RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving participation in the Jefferson County Road Aid Program and authorizing the City Manager and City Clerk to expend \$6,191 from the 2021 Street Program budget for the 2022 County Road Aid program.

### ATTACHMENTS

Resolution Approving Participation in the Jefferson County Road Aid Program; Jefferson County Highway Department Letter dated April 29, 2021; Petition for County Highway Aid

**RESOLUTION NO. \_\_\_\_\_**  
**RESOLUTION APPROVING PARTICIPATION IN THE**  
**JEFFERSON COUNTY ROAD AID PROGRAM**

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

**WHEREAS**, the County Road Aid program matches the City's contribution, which is \$6,191.00 to be submitted by June 30, 2021 for the 2022 program; and

**WHEREAS**, the City has funds in the 2021 Streets Program budget to fund the City's contribution to this program.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Atkinson does hereby authorize the City Manager and City Clerk to expend \$6,191.00 from the City's 2021 Streets Program budget to Jefferson County for the 2022 County Road Aid program pursuant to the Petition for County Highway Aid as attached hereto.

Adopted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 1<sup>st</sup> day of June, 2021.

\_\_\_\_\_  
**Chris Scherer, President**

ATTEST:

\_\_\_\_\_  
Michelle Ebbert, City Clerk/Treasurer/Finance Director





Jefferson County Highway Department

1425 S. Wisconsin Drive

Jefferson, WI 53549

920-674-7266

920-674-7289 fax

William T. Kern

Highway Commissioner

Highway Account Specialist

Alice Fischer

April 29, 2021

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

**RECEIVED**

**MAY X 5 2021**

**CITY OF FORT ATKINSON  
CLERK / TREASURER**

Dear Michele,

This letter is in regards to the County Road Aid Petition Money. This year it has been decided to handle the County Road Aid similar to last year. Like last year, we have decided that the municipalities should only send in their portion of the funds and that the Highway Department will match these funds in 2022. This means that in April of 2022, we will be applying our matching funds to your account so that the full amount can be used in 2022 for road construction projects.

We would appreciate having the enclosed petition form and your municipalities' portion of the petition monies returned to the County Highway Office by **June 30, 2021**. The petition is being mailed to you in duplicate. Please return the original to the Highway Office after your city meeting in order that the Highway Committee can report to the County Board of Supervisors. The duplicate is for your files.

The City of Fort Atkinson has 61.91 miles of city streets, according to the mileage established by the Wisconsin Department of Transportation. Therefore, the municipalities' amount of the petition that is due by June 30, 2021 is \$6,191.00. The county share amounting to \$6,191.00 will be applied to the municipalities account in April of 2021.

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

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

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

Sincerely,

**JEFFERSON COUNTY HIGHWAY DEPARTMENT**

A handwritten signature in black ink, appearing to read 'Will Kern', written over a horizontal line.

**William T. Kern  
Highway Commissioner**

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

## PETITION FOR COUNTY HIGHWAY AID

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

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

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

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

Total improvement costs     \$12,382.00    

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

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

\_\_\_\_\_ Will participate in County Road Aid this year.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

*City of Fort Atkinson*

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

# PETITION FOR COUNTY HIGHWAY AID

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**City of Fort Atkinson**

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

Item 8b



# City of Fort Atkinson

2021 Financial Update

June 1, 2021

Justin A. Fischer, Director

[jfischer@rwbaird.com](mailto:jfischer@rwbaird.com)  
777 East Wisconsin Avenue  
Milwaukee, WI 53202  
Phone 414.765.3827  
Fax 414.298.7354

# City of Fort Atkinson

## 2021 Financial Update

June 1, 2021

## Economic/Interest Rate Update and Forecast

### Interest Rate Update

- Interest rates decreased slightly on the short end, while the 10- and 30-year rates decreased 0.03% - 0.5% since last week. The 10- is at 1.63% and the 30- is at 2.34% but still up 0.70% and 0.68% respectively, since the start of the year. (5/20)
- The Fed keeping the target rate at zero until 2023 will likely keep short-term rates anchored for the next couple years.
- Increased fiscal spending from the latest Stimulus plan to multiple items on Biden's agenda (debt) will likely increase the sale of Treasury bonds pushing long-term rates and inflation higher. With short-term rates anchored, the yield curve will likely continue to steepen.

### Economic Update

- Initial jobless claims dropped to 444K the week ending May 15, the lowest it's been since the pandemic hit the labor market in March 2020. (5/20)
- Housing starts in the US tumbled 9.5% percent to an annualized rate of \$1.5 million in April 2021, following last months 15-year high of \$1.7million, likely due to rising costs for raw materials and difficulties finding workers (5/20)
- The worker shortage is pushing up wages, as US average hourly earnings rose 0.7% in April (5/20)
- The annual inflation rate soared to 4.2% in April 2021, from 2.6% in March. (5/13)
- The US economy grew by 6.4% in Q1, following a 4.3% expansion in the 4Q of 2020, beating market expectations of 6.1%. (5/6)

### The Federal Reserve

- As US inflation rises, Fed Chairman Powell explains that, "The surge in prices won't surprise most Americans, who have been paying more everywhere from the grocery store to cars to the housing market." (5/20)
- Similar to their December meeting, the Fed left rates unchanged and maintained their QE asset purchase program at their January meeting.

### INTEREST RATE FORECAST

	5/20	2021			2022				2023	
		2Q*	3Q*	4Q*	1Q*	2Q*	3Q*	4Q*	1Q*	2Q*
Fed Funds Upper	0.25%	0.25%	0.25%	0.25%	0.25%	0.30%	0.30%	0.30%	0.40%	0.50%
Fed Funds Lower	0.00%	0.00%	0.00%	0.01%	0.02%	0.03%	0.05%	0.06%	0.14%	0.23%
2-Year Treasury	0.15%	0.19%	0.25%	0.31%	0.37%	0.46%	0.55%	0.63%	0.73%	0.83%
5 -Year Treasury	0.83%	0.91%	0.99%	1.05%	1.10%	1.17%	1.26%	1.35%	1.42%	1.51%
10-Year Treasury	1.63%	1.72%	1.80%	1.88%	1.93%	2.00%	2.08%	2.16%	2.27%	2.35%
30-Year Treasury	2.34%	2.40%	2.48%	2.52%	2.58%	2.65%	2.72%	2.77%	2.93%	3.00%
3-Month Libor	0.15%	0.20%	0.22%	0.25%	0.27%	0.29%	0.34%	0.37%	0.50%	0.54%

### ECONOMIC FORECAST

Indicator	Q1 21*	Q2 21*	Q3 21*	Q4 21*	Q1 21*	Q2 22*
<b>Economic Activity</b>						
Real GDP (YoY)	0.4%	12.8%	6.7%	6.8%	6.2%	4.7%
Real GDP (QoQ)	6.4%	9.4%	6.8%	4.8%	3.7%	3%
CPI (YoY)	1.9%	3.8%	3.3%	3.3%	2.7%	2.2%
PCE Price Index (YoY)	1.7%	2.8%	2.5%	2.5%	2.2%	2%
Core PCE (YOY)	1.6%	2.3%	2.1%	2.2%	2.2%	2%
<b>Housing Market</b>						
Housing Starts (000s monthly avg.)	1546	1615	1590	1556	1555	1545
New Home Sales (000s, monthly avg.)	890	896	934	941	930	920
Existing Home Sales (Mln SAAR, mthly avg.)	6.5%	6.3%	6.3%	6.3%	6.2%	6.2%
Building Permits (000s monthly avg.)	1750	1713	1736	1713	1705	1710
<b>Labor Market</b>						
Unemployment (%)	6.2%	5.8%	5.2%	4.7%	4.5%	4.4%
Non Farm Payrolls (000s mthly chg.)	770	628	625	493	350	290
Average Hourly Earnings (YoY)	4.2%	1.4%	2.6%	2.1%	1.6%	2%

\*Estimated. Actual

Source: Bloomberg, Department of US Treasury Website, Trading Economics Calendar as of 5/20/2021



# City of Fort Atkinson

2021 Financial Update

June 1, 2021

Outstanding General Obligation Existing Debt

Calendar Year	Total Existing Debt			LESS: Sewer Revenue Supported Debt Service			LESS: Water Revenue Supported Debt Service			LESS: Storm Revenue Supported Debt Service		
	PRINCIPAL	INTEREST	TOTAL	PRINCIPAL	INTEREST	TOTAL	PRINCIPAL	INTEREST	TOTAL	PRINCIPAL	INTEREST	TOTAL
2021	\$1,828,652	\$488,253	\$2,316,905	\$124,656	\$17,003	\$141,659	\$263,387	\$66,188	\$329,576	\$51,319	\$41,008	\$92,327
2022	\$1,776,993	\$447,651	\$2,224,644	\$121,000	\$14,477	\$135,477	\$264,000	\$58,838	\$322,838	\$51,000	\$39,209	\$90,209
2023	\$1,856,600	\$392,284	\$2,248,884	\$126,000	\$11,182	\$137,182	\$274,000	\$50,779	\$324,779	\$56,000	\$37,091	\$93,091
2024	\$915,400	\$348,220	\$1,263,620	\$76,000	\$8,575	\$84,575	\$159,000	\$44,295	\$203,295	\$57,000	\$34,864	\$91,864
2025	\$961,400	\$317,599	\$1,278,999	\$81,000	\$6,655	\$87,655	\$159,000	\$39,523	\$198,523	\$62,000	\$32,528	\$94,528
2026	\$1,087,400	\$283,171	\$1,370,571	\$81,000	\$4,485	\$85,485	\$164,000	\$34,426	\$198,426	\$62,000	\$30,093	\$92,093
2027	\$1,144,400	\$245,794	\$1,390,194	\$81,000	\$2,127	\$83,127	\$175,000	\$29,121	\$204,121	\$62,000	\$27,957	\$89,957
2028	\$876,000	\$214,762	\$1,090,762	\$6,000	\$895	\$6,895	\$65,000	\$25,581	\$90,581	\$67,000	\$26,046	\$93,046
2029	\$917,000	\$189,404	\$1,106,404	\$6,000	\$788	\$6,788	\$70,000	\$23,617	\$93,617	\$67,000	\$24,060	\$91,060
2030	\$799,000	\$164,938	\$963,938	\$6,000	\$680	\$6,680	\$70,000	\$21,577	\$91,577	\$72,000	\$21,999	\$93,999
2031	\$630,000	\$144,465	\$774,465	\$7,000	\$564	\$7,564	\$75,000	\$19,463	\$94,463	\$72,000	\$19,864	\$91,864
2032	\$651,000	\$126,224	\$777,224	\$7,000	\$439	\$7,439	\$75,000	\$17,273	\$92,273	\$77,000	\$17,653	\$94,653
2033	\$663,000	\$107,303	\$770,303	\$7,000	\$313	\$7,313	\$80,000	\$14,953	\$94,953	\$77,000	\$15,311	\$92,311
2034	\$584,000	\$89,226	\$673,226	\$7,000	\$188	\$7,188	\$80,000	\$12,482	\$92,482	\$82,000	\$12,814	\$94,814
2035	\$601,000	\$72,068	\$673,068	\$7,000	\$63	\$7,063	\$85,000	\$9,892	\$94,892	\$82,000	\$10,198	\$92,198
2036	\$535,000	\$55,025	\$590,025				\$80,000	\$7,228	\$87,228	\$85,000	\$7,478	\$92,478
2037	\$555,000	\$38,024	\$593,024				\$85,000	\$4,484	\$89,484	\$90,000	\$4,568	\$94,568
2038	\$575,000	\$20,295	\$595,295				\$90,000	\$1,530	\$91,530	\$90,000	\$1,530	\$91,530
2039	\$375,000	\$5,625	\$380,625									
	<b>\$17,331,845</b>	<b>\$3,750,332</b>	<b>\$21,082,176</b>	<b>\$743,656</b>	<b>\$68,433</b>	<b>\$812,089</b>	<b>\$2,313,387</b>	<b>\$481,248</b>	<b>\$2,794,635</b>	<b>\$1,262,319</b>	<b>\$404,269</b>	<b>\$1,666,588</b>



# City of Fort Atkinson

2021 Financial Update

June 1, 2021

Outstanding General Obligation Existing Debt (cont.)

Calendar Year	LESS: TID #6 Supported Debt Service			LESS: TID #7 Supported Debt Service			LESS: TID #8 Supported Debt Service			Total Levy Supported Debt Service		
	PRINCIPAL	INTEREST	TOTAL	PRINCIPAL	INTEREST	TOTAL	PRINCIPAL	INTEREST	TOTAL	PRINCIPAL	INTEREST	TOTAL
2021	\$354,000	\$29,633	\$383,633	\$225,000	\$17,475	\$242,475	\$118,300	\$35,227	\$153,527	\$691,990	\$281,720	\$973,709
2022	\$364,000	\$19,260	\$383,260	\$230,000	\$10,650	\$240,650	\$118,300	\$31,952	\$150,252	\$628,693	\$273,266	\$901,959
2023	\$280,000	\$8,663	\$288,663	\$240,000	\$3,600	\$243,600	\$118,200	\$28,677	\$146,877	\$762,400	\$252,293	\$1,014,693
2024	\$40,000	\$4,050	\$44,050				\$70,000	\$25,643	\$95,643	\$513,400	\$230,795	\$744,195
2025	\$40,000	\$3,050	\$43,050				\$70,000	\$22,843	\$92,843	\$549,400	\$213,000	\$762,400
2026	\$40,000	\$1,950	\$41,950				\$75,000	\$19,943	\$94,943	\$665,400	\$192,275	\$857,675
2027	\$45,000	\$675	\$45,675				\$80,000	\$17,243	\$97,243	\$701,400	\$168,672	\$870,072
2028							\$80,000	\$14,843	\$94,843	\$658,000	\$147,398	\$805,398
2029							\$85,000	\$12,368	\$97,368	\$689,000	\$128,572	\$817,572
2030							\$85,000	\$9,818	\$94,818	\$566,000	\$110,863	\$676,863
2031							\$90,000	\$7,193	\$97,193	\$386,000	\$97,382	\$483,382
2032							\$95,000	\$4,418	\$99,418	\$397,000	\$86,442	\$483,442
2033							\$95,000	\$1,496	\$96,496	\$404,000	\$75,231	\$479,231
2034										\$415,000	\$63,743	\$478,743
2035										\$427,000	\$51,916	\$478,916
2036										\$370,000	\$40,320	\$410,320
2037										\$380,000	\$28,973	\$408,973
2038										\$395,000	\$17,235	\$412,235
2039										\$375,000	\$5,625	\$380,625
	<b>\$1,163,000</b>	<b>\$67,280</b>	<b>\$1,230,280</b>	<b>\$695,000</b>	<b>\$31,725</b>	<b>\$726,725</b>	<b>\$1,179,800</b>	<b>\$231,660</b>	<b>\$1,411,460</b>	<b>\$9,974,682</b>	<b>\$2,465,717</b>	<b>\$12,440,400</b>



# City of Fort Atkinson

2021 Financial Update

June 1, 2021

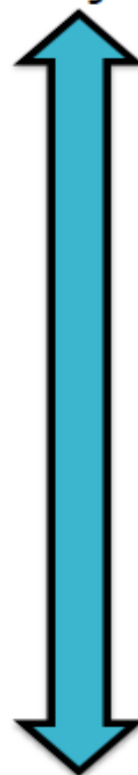
Bond Credit Ratings

BAIRD

- Rated issues generally provide lower interest cost to the issuer as it provides investors an objective view of the financial health of the entity
- Help to increase investor demand
- The **higher** the rating, the **lower** the interest rate

Note: Ratings measured on a scale that generally ranges from AAA or Aaa (highest) to D or C (lowest)

Strongest



Weakest

Moody's Long-term	S&P Long-term	Rating Description
Aaa	AAA	Prime
Aa1	AA+	High grade
Aa2	AA	
Aa3	AA-	
A1	A+	Upper medium grade
A2	A	
A3	A-	
Baa1	BBB+	Lower medium grade
Baa2	BBB	
Baa3	BBB-	
Ba1	BB+	Non-investment grade speculative
Ba2	BB	
Ba3	BB-	
B1	B+	Highly speculative
B2	B	
B3	B-	



# City of Fort Atkinson

2021 Financial Update

June 1, 2021

GO Bond Credit Rating Scorecard

City of Fort Atkinson							
Baird's Best Guess Indicative S&P Rating							
				Financial Measures			
Category	Institutional Framework	Economy	Management	Budgetary Flexibility	Budgetary Performance	Liquidity	Debt & Cont. Liabilities
Category Weighting	10%	30%	20%	10%	10%	10%	10%
Best Guess District Score <sup>(2)</sup>	3	3.5	2	1	2	1	3
Weighted Average <sup>(2)</sup>	2.45						
Best Guess Indicative Rating <sup>(2)</sup>	AA-						
Overriding Factors (Final Notch Overrides):	Projected per capita EBI > 225% of U.S. projected per capita EBI						N/A
	Projected per capita EBI > 300% of U.S. projected per capita EBI						N/A
	Total Market Value per capita < \$30,000						N/A
	Available FB > 75% of GF Exp (expected to continue)						N/A
	Available FB < \$500,000						N/A
Cap Overrides (rating capped):	Liquidity score equals 4						N/A
	Liquidity score equals 5						N/A
	Management score equals 4						N/A
	Management score equals 5						N/A
	Budget Flexibility score equals 5 (Available FB < -10% of GF Exp for most recently reported year)						N/A
	Available FB < -5% of GF Exp for the 2 most recently reported years						N/A
	Available FB < -5% of GF Exp for the 3 most recently reported years						N/A
Best Guess Indicative Rating After Overrides <sup>(2)</sup>	AA-						

<sup>1</sup> Source: Standard and Poor's U.S. Local Governments General Obligation Bond Ratings: Methodology and Assumptions. September 12, 2013.

<sup>2</sup> Best guess estimate of score. Preliminary, subject to change.

# City of Fort Atkinson

2021 Financial Update

June 1, 2021

GO Bond Credit Rating Comparison to Neighboring Communities

**BAIRD**

City of Fort Atkinson- Rating Comparison					
	City of Milton	City of Edgerton	City of Whitewater	City of Jefferson	City of Fort Atkinson
Rating (Moody's/S&P)	A1	A1	A+	Aa3	AA-
2020 Equalized Valuation (TID IN)	\$455,017,900	\$456,512,400	\$740,802,400	\$602,460,400	\$1,041,791,400
% Change in Equalized Valuations (TID IN) Since 2015	25.69%	35.85%	15.60%	25.05%	19.19%
Estimated Population as of January 2020*	5,585	5,642	15,035	7,935	12,395
Full Value per capita	\$81,471	\$80,913	\$49,272	\$75,924	\$84,049
Equalized valuation from five years prior (TID-IN)	\$362,028,200	\$336,037,600	\$640,840,100	\$481,758,700	\$874,030,900
Statutory Debt Limit (5% of Equalized Valuation)	\$22,750,895	\$22,825,620	\$37,040,120	\$30,123,020	\$52,089,570
Direct GO Debt (12/31/2019)*	\$11,050,000	\$3,289,376	\$21,791,388	\$8,635,901	\$19,025,277
% of Statutory Debt Limit Incurred	48.57%	14.41%	58.83%	28.67%	36.52%
% of Statutory Debt Limit Available	51.43%	85.59%	41.17%	71.33%	63.48%
Direct Debt per Capita	\$1,978.51	\$583.02	\$1,449.38	\$1,088.33	\$1,534.92
Direct Debt as a % of Equalized Valuation	2.43%	0.72%	2.94%	1.43%	1.83%

# City of Fort Atkinson

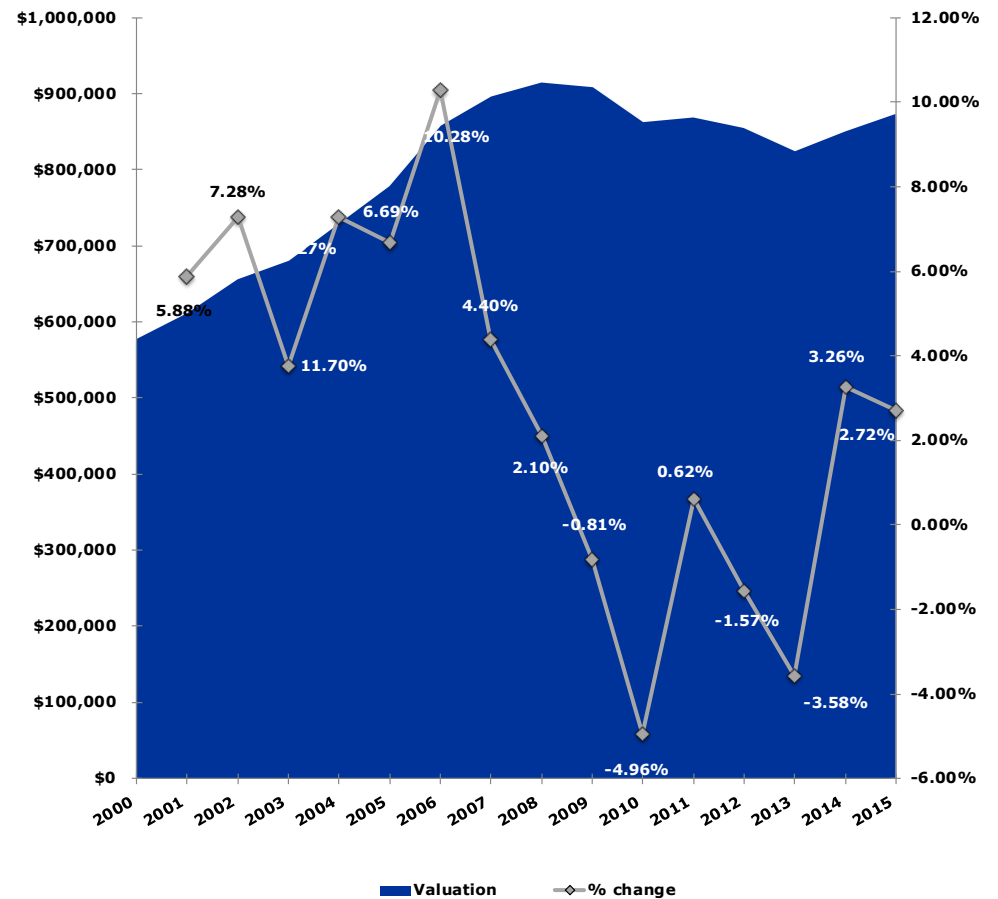
2021 Financial Update

June 1, 2021

Historical Equalized Valuation Growth

BAIRD

<u>Year</u>	<u>Valuation</u>	<u>% change</u>
2000	\$577,310,500	
2001	\$611,283,800	5.88%
2002	\$655,779,200	7.28%
2003	\$680,393,300	3.75%
2004	\$729,875,200	7.27%
2005	\$778,704,500	6.69%
2006	\$858,736,000	10.28%
2007	\$896,539,400	4.40%
2008	\$915,405,200	2.10%
2009	\$907,987,000	-0.81%
2010	\$862,971,300	-4.96%
2011	\$868,282,600	0.62%
2012	\$854,624,100	-1.57%
2013	\$824,011,600	-3.58%
2014	\$850,864,400	3.26%
2015	\$874,030,900	2.72%
2016	\$870,654,000	-0.39%
2017	\$903,920,400	3.82%
2018	\$936,226,400	3.57%
2019	\$994,300,600	6.20%
2020	\$1,041,791,400	4.78%



Twenty Year Average Annual Growth Rate..... 3.00%



# City of Fort Atkinson

## 2021 Financial Update

June 1, 2021

## Long-Term CIP Borrowing Plan Illustration

YEAR DUE	EXISTING DEBT SERVICE (Levy Supported) (A)	2021 Capital Equipment							2021 Street Projects			TOTAL 2021-2026 CIP DEBT SERVICE (B)	LESS: STORM & W&S DEBT SERVICE (B)	COMBINED DEBT SERVICE (Levy Supported)	COMBINED MILL RATE (C)	YEAR DUE
		\$235,000							\$675,000							
		GO Notes							GO Notes							
		Dated July 1, 2021 (First interest 3/1/22)							Dated July 1, 2021 (First interest 9/1/21)							
		PRINCIPAL (3/1)	INTEREST (3/1 & 9/1) AVG= 1.05%	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	PRINCIPAL (9/1/21 & 3/1 Thereafter)	INTEREST (3/1 & 9/1) AVG= 1.55%	TOTAL					
2021	\$999,186				\$101,844	\$7,946	\$5,465	\$8,525	\$121,978	\$1,802	\$123,780	\$123,780	(\$21,936)	\$1,101,030	\$1.25	2021
2022	\$901,959	\$116,662	\$2,301	\$118,963	\$49,169	\$3,836	\$2,638	\$4,116	\$51,477	\$8,283	\$59,760	\$341,849	(\$94,208)	\$1,149,600	\$1.30	2022
2023	\$1,014,693	\$118,338	\$625	\$118,963	\$49,169	\$3,836	\$2,638	\$4,116	\$52,292	\$7,468	\$59,760	\$279,452	(\$94,208)	\$1,199,938	\$1.35	2023
2024	\$744,195				\$49,169	\$3,836	\$2,638	\$4,116	\$53,101	\$6,659	\$59,760	\$549,206	(\$94,208)	\$1,199,193	\$1.34	2024
2025	\$762,400				\$49,169	\$3,836	\$2,638	\$4,116	\$53,962	\$5,798	\$59,760	\$531,075	(\$94,208)	\$1,199,267	\$1.33	2025
2026	\$857,675				\$49,169	\$3,836	\$2,638	\$4,116	\$54,816	\$4,943	\$59,760	\$435,697	(\$94,208)	\$1,199,163	\$1.33	2026
2027	\$870,072				\$49,169	\$3,836	\$2,638	\$4,116	\$55,685	\$4,075	\$59,760	\$386,712	(\$56,991)	\$1,199,793	\$1.32	2027
2028	\$805,398				\$49,169	\$3,836	\$2,638	\$4,116	\$56,557	\$3,203	\$59,760	\$489,811	(\$96,191)	\$1,199,018	\$1.31	2028
2029	\$817,572				\$49,169	\$3,836	\$2,638	\$4,116	\$57,463	\$2,297	\$59,760	\$371,860	(\$99,491)	\$1,089,941	\$1.19	2029
2030	\$676,863				\$49,169	\$3,836	\$2,638	\$4,116	\$58,373	\$1,387	\$59,760	\$423,960	(\$97,691)	\$1,003,132	\$1.09	2030
2031	\$483,382				\$49,169	\$3,836	\$2,638	\$4,116	\$59,298	\$462	\$59,760	\$611,060	(\$95,891)	\$998,551	\$1.08	2031
2032	\$483,442											\$554,200	(\$88,400)	\$949,242	\$1.02	2032
2033	\$479,231											\$556,500	(\$86,400)	\$949,331	\$1.01	2033
2034	\$478,743											\$558,200	(\$89,300)	\$947,643	\$1.01	2034
2035	\$478,916											\$554,400	(\$87,100)	\$946,216	\$1.00	2035
2036	\$410,320											\$555,100	(\$89,800)	\$875,620	\$0.92	2036
2037	\$408,973											\$555,200	(\$87,400)	\$876,773	\$0.92	2037
2038	\$412,235											\$554,700	(\$85,000)	\$881,935	\$0.92	2038
2039	\$380,625											\$553,600	(\$87,500)	\$846,725	\$0.88	2039
2040												\$551,900	(\$84,900)	\$467,000	\$0.48	2040
2041												\$554,500	(\$87,200)	\$467,300	\$0.48	2041
2042												\$556,300	(\$89,300)	\$467,000	\$0.48	2042
2043												\$552,400	(\$86,300)	\$466,100	\$0.47	2043
2044												\$557,700	(\$88,200)	\$469,500	\$0.48	2044
2045												\$552,200	(\$85,000)	\$467,200	\$0.47	2045
2046												\$555,900	(\$86,700)	\$469,200	\$0.47	2046
	\$12,465,877	\$235,000	\$2,925	\$237,925	\$593,534	\$46,311	\$31,850	\$49,683	\$675,000	\$46,377	\$721,377	\$12,867,262	(\$2,247,731)	\$23,085,408		

(A) Levy supported debt only. Does not include utilities or TID debt. Net of levy supported savings related to the current refunding of the 1/26/16 State Trust Fund Loan.

(B) This information is provided for information purposes only. It does not recommend any future issuances and is not intended to be, and should not be regarded as, advice.

Future CIP borrowings detailed below.

2022.....\$630,000

2023.....\$585,902

2024.....\$190,000

2025.....\$195,000

2026.....\$6,855,000

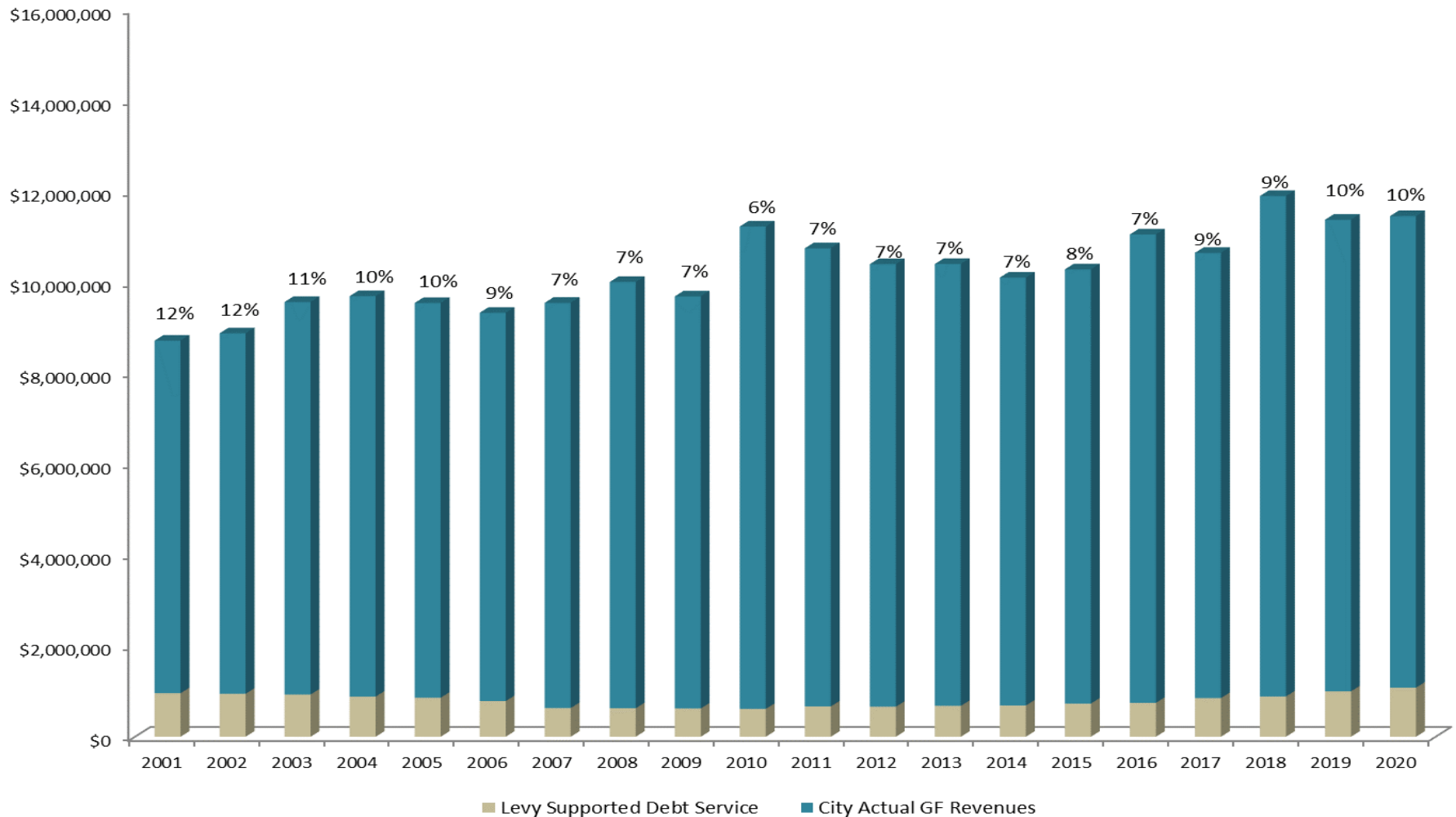
(C) Mill rate based on 2020 Assessed Valuation (TID-OUT) of \$881,045,815 with annual growth of 0.50%.

# City of Fort Atkinson

2021 Financial Update

June 1, 2021

Historical Levy Supported Debt Service vs. Actual General Fund Revenues



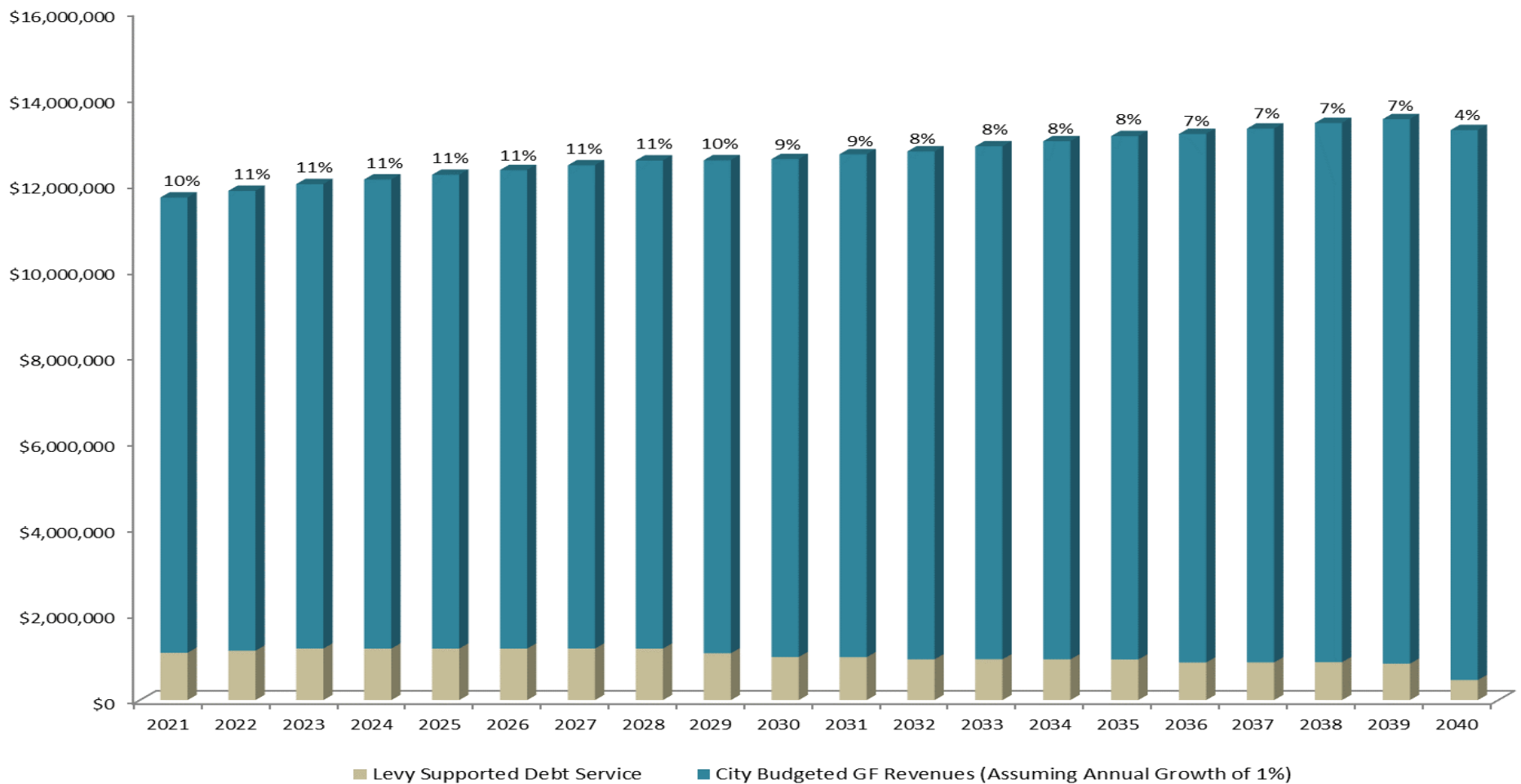
# City of Fort Atkinson

2021 Financial Update

June 1, 2021

BAIRD

Projected Levy Supported Debt Service vs. Budgeted General Fund Revenues (After All Future Capital Projects)

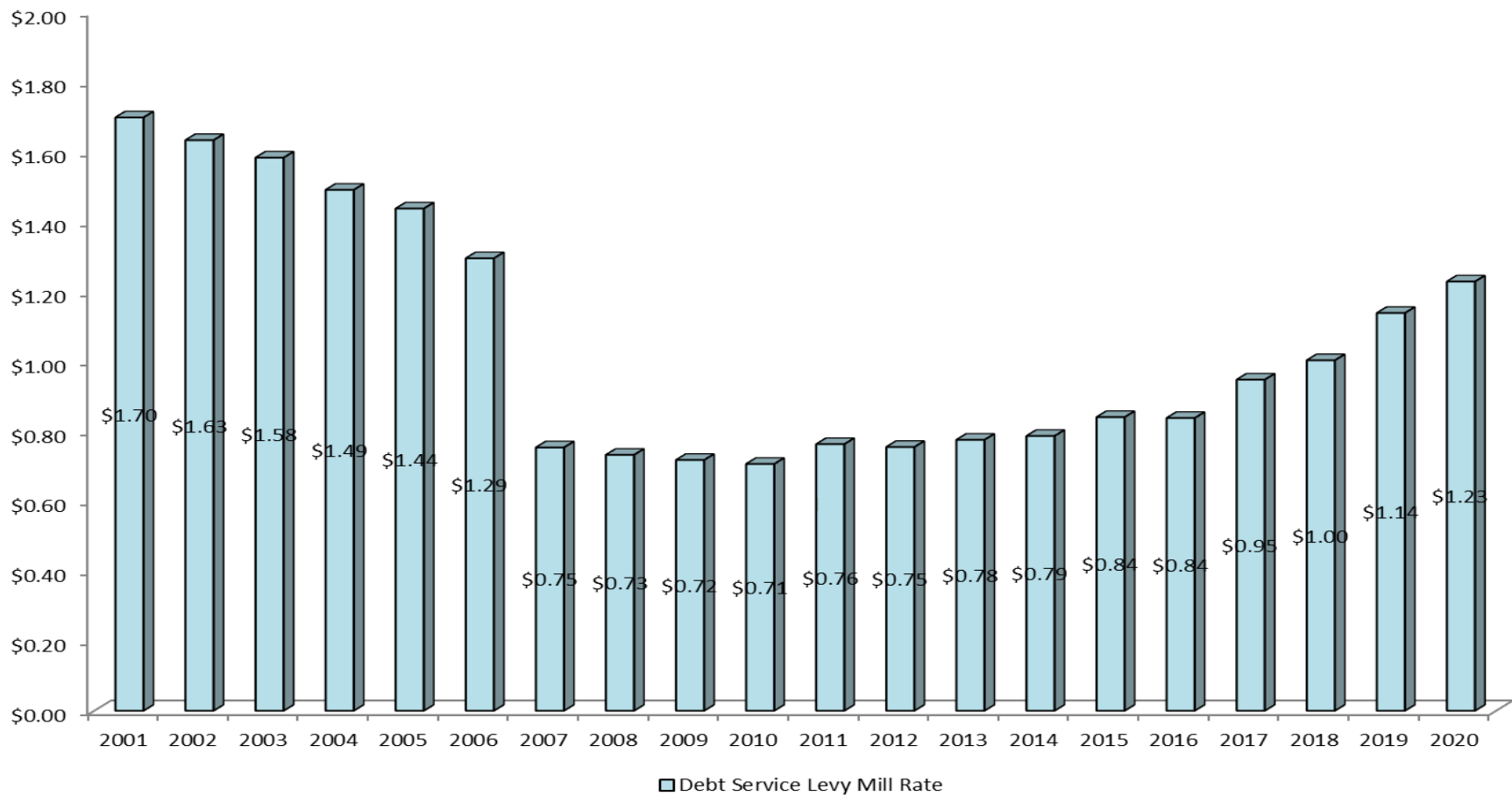


# City of Fort Atkinson

2021 Financial Update

June 1, 2021

Historical Levy Supported Debt Service Mill Rate



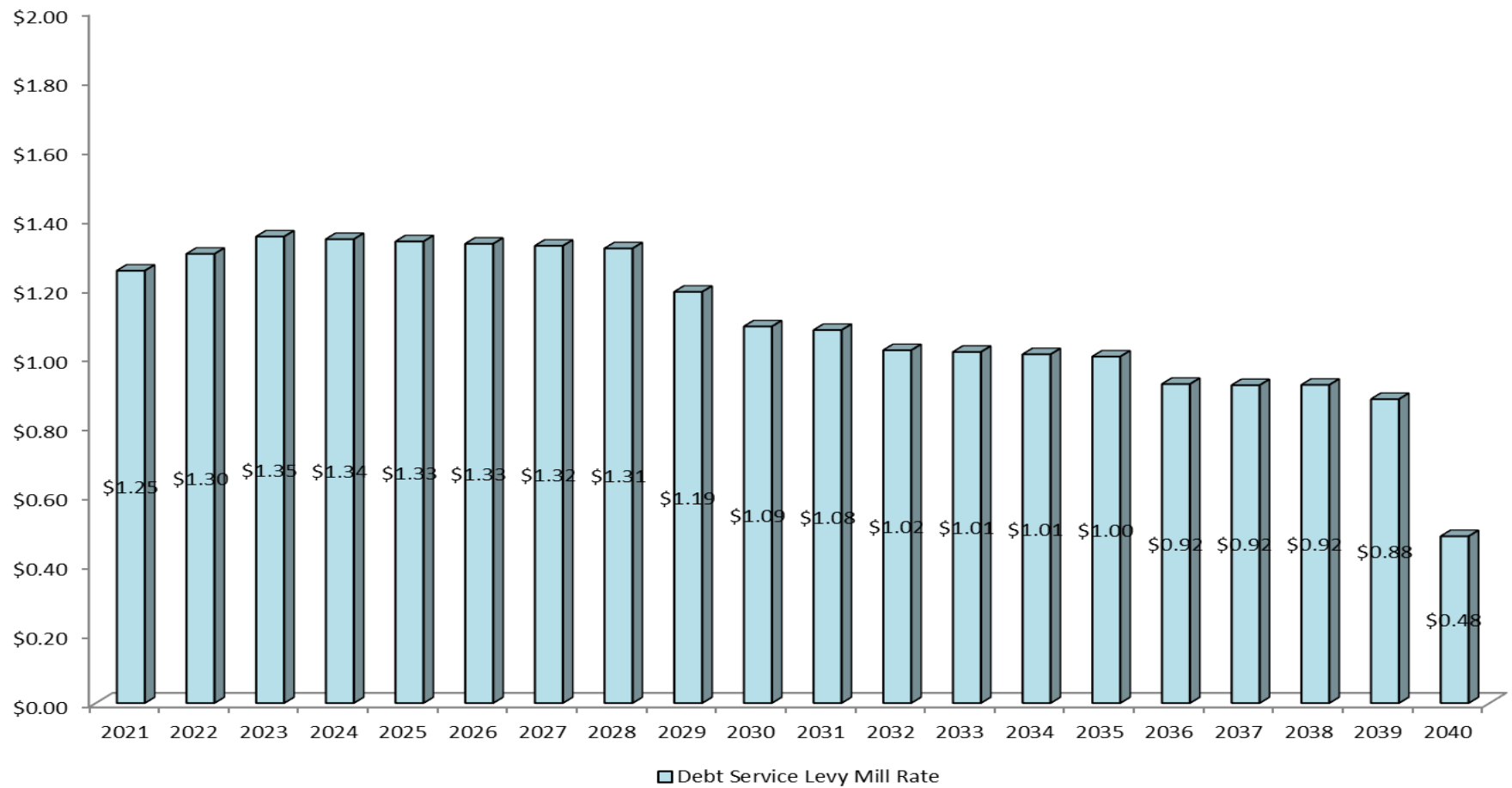
# City of Fort Atkinson

2021 Financial Update

June 1, 2021

BAIRD

## Projected Levy Supported Debt Service Mill Rate (After All Future Capital Projects)



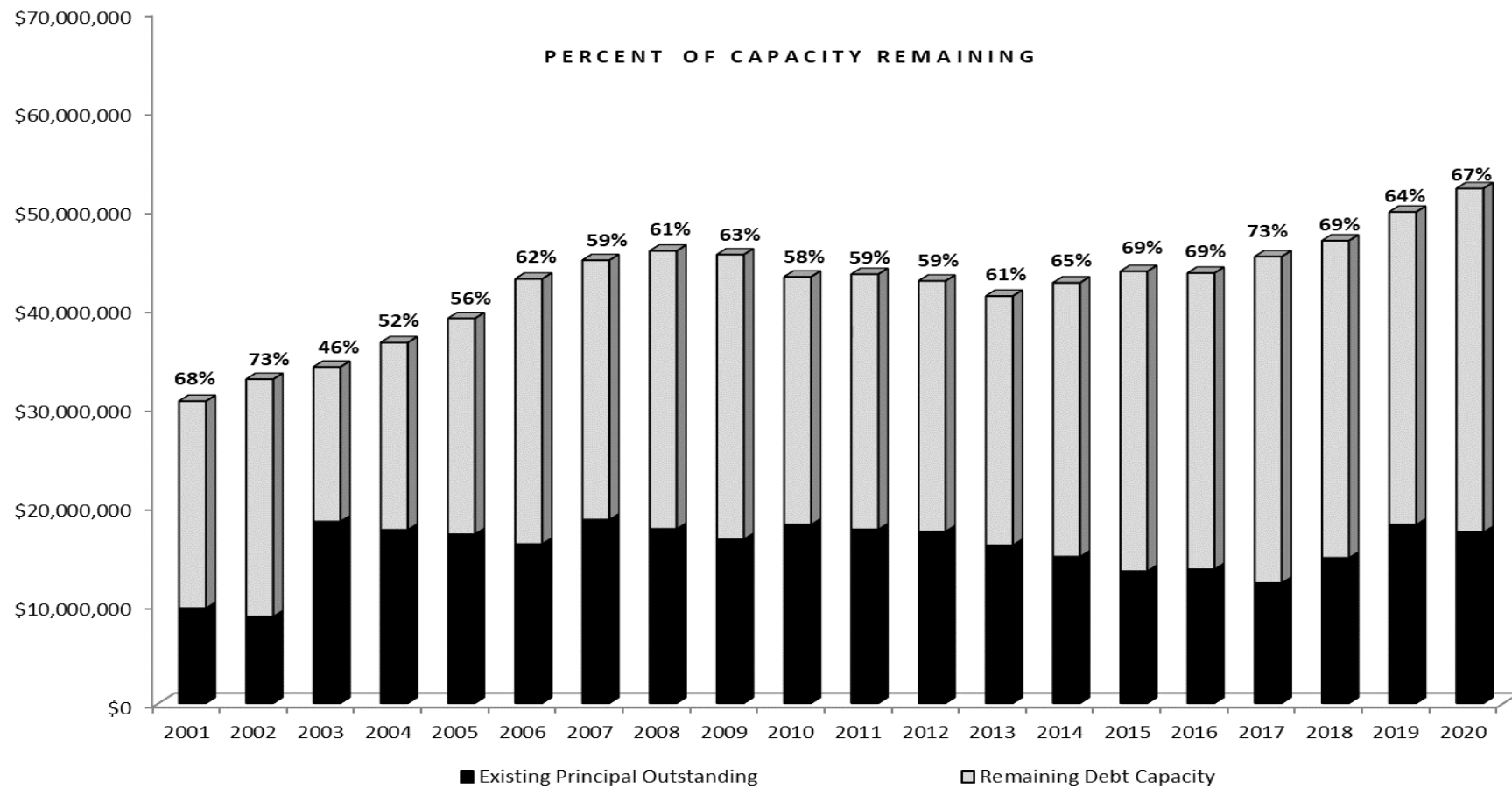


# City of Fort Atkinson

2021 Financial Update

June 1, 2021

Historical General Obligation Debt Capacity as of 12/31



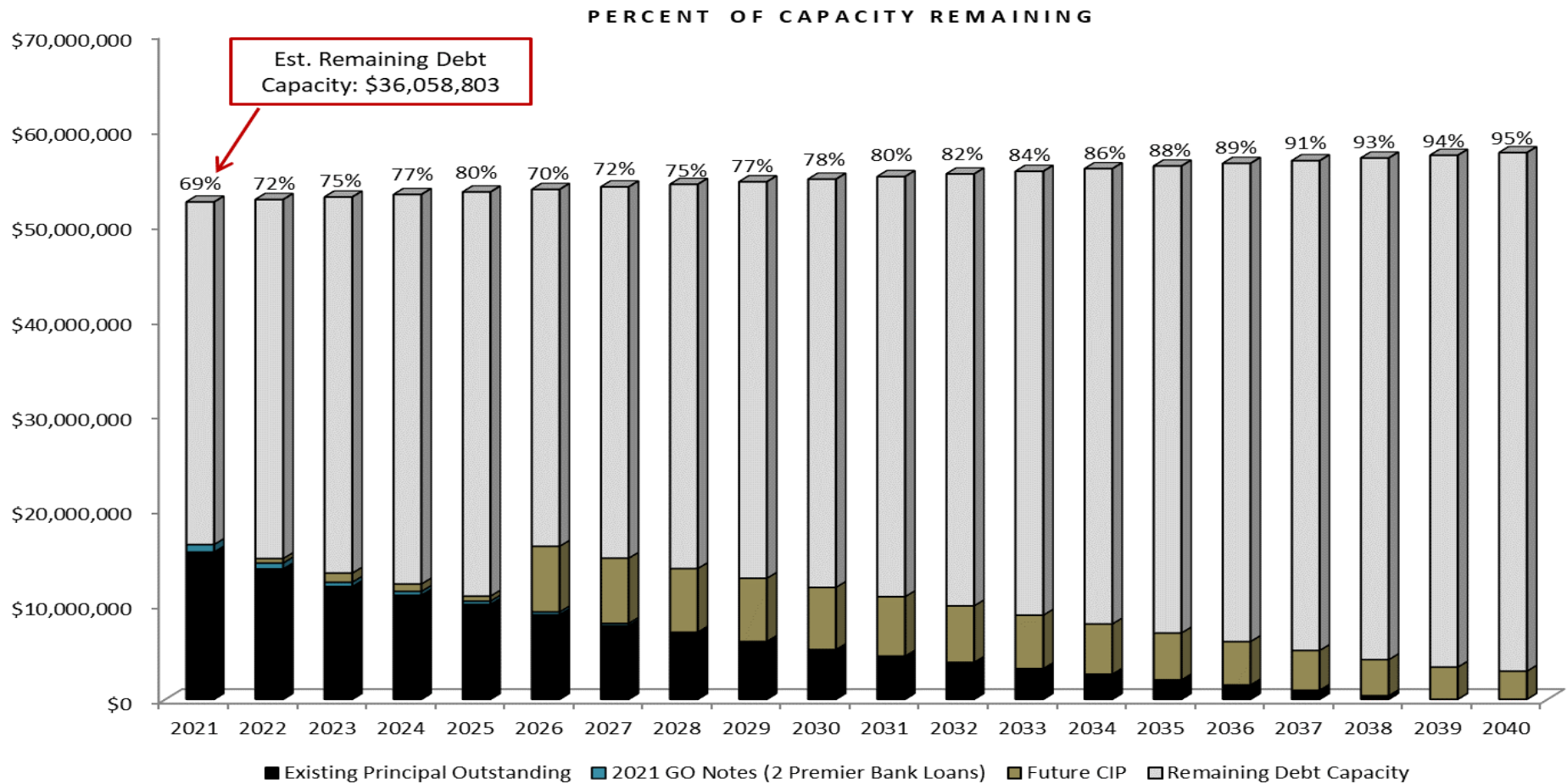
# City of Fort Atkinson

2021 Financial Update

June 1, 2021

Projected General Obligation Debt Capacity as of 12/31 (After All Future Capital Projects)

BAIRD



Note: Future capacity based on 2020 Equalized Valuation estimate (TID-IN) of \$1,041,791,400 with annual growth of 0.50%.



# City of Fort Atkinson

## 2021 Financial Update

June 1, 2021

## TID #6 Current Status

Assumptions	
Annual Inflation During Life of TID.....	0.00%
2020 Gross Tax Rate (per \$1000 Equalized Value)...	\$23.27
Annual Adjustment to tax rate.....	0.00%
Investment rate.....	0.50%
Data above dashed line are actual	

Background Data				RECIPIENT						Expenditures			TID Status			Year																				
				(a)		(b)		(c)		(d)		(e)		(f)			(g)		(h)		(i)		(j)		(k)		(l)		(m)		(n)		(o)		(p)	
				TIF District Valuation	Construction Increment	TIF Increment Over Base	Tax Rate	Tax Revenue	Computer Aid	Investment Proceeds	Transfers from Donor TID 7	Transfers from Donor TID 8	Total Revenues	Principal	Interest		Existing Debt Service	Annual Balance	Year End Cumulative Balance	Cost Recovery																
Year	(January 1)																(December 31)																			
	Base Value \$1,135,400																																			
2018	\$5,647,000		\$5,645,100	\$23.74																											2018					
2019	\$6,780,500		\$5,864,800	\$23.50																										2019						
2020	\$7,000,200		\$5,864,800	\$23.27	\$132,653	\$1,185	\$0	\$184,629	\$498,689	\$817,156	\$339,000	\$39,598	\$378,598	\$438,558	(\$2,309,908)	2019 audit														2020						
2021	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$0	\$176,539	\$582,836	\$897,035	\$354,000	\$29,633	\$383,633	\$513,403	(\$1,871,350)															2021						
2022	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$0	\$178,364	\$586,112	\$902,136	\$364,000	\$19,260	\$383,260	\$518,876	(\$839,071)															2022						
2023	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$0	\$175,414	\$589,487	\$902,561	\$280,000	\$8,663	\$288,663	\$613,898	(\$225,173)															2023						
2024	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$0	\$101,443	\$155,119	\$394,223	\$40,000	\$4,050	\$44,050	\$350,173	\$125,000	Expenditures Recovered														2024						
2025	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$625			\$138,286	\$40,000	\$3,050	\$43,050	\$95,236	\$220,235	Expenditures Recovered														2025						
2026	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$1,101			\$138,762	\$40,000	\$1,950	\$41,950	\$96,812	\$317,047	Expenditures Recovered														2026						
2027	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$1,585			\$139,246	\$45,000	\$675	\$45,675	\$93,571	\$410,618	Expenditures Recovered														2027						
2028	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$2,053			\$139,714				\$139,714	\$550,332	Expenditures Recovered														2028						
2029	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$2,752			\$140,412				\$140,412	\$690,744	Expenditures Recovered														2029						
2030	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$3,454			\$141,114				\$141,114	\$831,858	Expenditures Recovered														2030						
2031	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$4,159			\$141,820				\$141,820	\$973,678	Expenditures Recovered														2031						
2032	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$4,868			\$142,529				\$142,529	\$1,116,207	Expenditures Recovered														2032						
2033	\$7,000,200		\$5,864,800	\$23.27	\$136,476	\$1,185	\$5,581			\$143,242				\$143,242	\$1,259,449	Expenditures Recovered														2033						
					\$1,906,839	\$16,586	\$26,179	\$816,388	\$2,412,242	\$5,178,235	\$1,502,000	\$106,878	\$1,608,878																							
			\$0																																	

Type of TID: Industrial

2000 TID Inception (1/18/2000)

2018 Final Year to Incur TIF Related Costs

2033 Maximum Legal Life of TID (23 Years + 10 Years as Distressed)

# City of Fort Atkinson

## 2021 Financial Update

June 1, 2021

## TID #7 Current Status

**BAIRD**

Assumptions	
Annual Inflation During Life of TID.....	0.00%
2020 Gross Tax Rate (per \$1000 Equalized Value)....	\$23.27
Annual Adjustment to tax rate.....	0.00%
Investment rate.....	0.50%
Data above dashed line are actual	

DONOR																Year
Background Data				Revenues				Expenditures					TID Status			
Year	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)
	TIF District Valuation	Construction Increment	TIF Increment Over Base	Tax Rate	Tax Revenue	Computer Aid	Investment Proceeds	Total Revenues	Principal	Interest	Existing Debt Service	Transfers to Recipient TID 6	Combined Expenditures	Annual Balance	Year End Cumulative Balance	Cost Recovery
	(January 1)													(December 31)		
	Base Value													2019 audit		
	\$11,587,900															
2018	\$27,687,300		\$17,456,100	\$23.74												
2019	\$29,044,000		\$17,883,300	\$23.50												
2020	\$29,471,200		\$17,883,300	\$23.27	\$410,197	\$2,863	\$53	\$413,113	\$215,000	\$24,075	\$239,075	\$184,629	\$423,704	(\$10,591)	\$0	
2021	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$0	\$419,014	\$225,000	\$17,475	\$242,475	\$176,539	\$419,014	\$0	\$0	
2022	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$0	\$419,014	\$230,000	\$10,650	\$240,650	\$178,364	\$419,014	\$0	\$0	
2023	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$0	\$419,014	\$240,000	\$3,600	\$243,600	\$175,414	\$419,014	\$0	\$0	
2024	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$0	\$419,014				\$101,443	\$101,443	\$317,570	\$317,570	Expenditures Recovered
2025	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$1,588	\$420,601					\$0	\$420,601	\$738,172	Expenditures Recovered
2026	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$3,691	\$422,704					\$0	\$422,704	\$1,160,876	Expenditures Recovered
2027	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$5,804	\$424,818					\$0	\$424,818	\$1,585,694	Expenditures Recovered
2028	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$7,928	\$426,942					\$0	\$426,942	\$2,012,636	Expenditures Recovered
2029	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$10,063	\$429,077					\$0	\$429,077	\$2,441,713	Expenditures Recovered
2030	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$12,209	\$431,222					\$0	\$431,222	\$2,872,935	Expenditures Recovered
2031	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$14,365	\$433,378					\$0	\$433,378	\$3,306,313	Expenditures Recovered
2032	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$16,532	\$435,545					\$0	\$435,545	\$3,741,858	Expenditures Recovered
2033	\$29,471,200		\$17,883,300	\$23.27	\$416,150	\$2,863	\$18,709	\$437,723					\$0	\$437,723	\$4,179,581	Expenditures Recovered
		\$0			\$5,820,153	\$40,083	\$90,942	\$5,951,178	\$910,000	\$55,800	\$965,800	\$816,388	\$1,782,188			

# City of Fort Atkinson

## 2021 Financial Update

June 1, 2021

## TID #8 Current Status

Assumptions	
Annual Inflation During Life of TID.....	0.00%
2020 Gross Tax Rate (per \$1000 Equalized Value).....	\$23.27
Annual Adjustment to tax rate.....	0.00%
Investment rate.....	0.50%
Data above dashed line are actual	

Year	Background Data				Revenues				DONOR Expenditures					TID Status			Year
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	
	TIF District Valuation	Construction Increment	TIF Increment Over Base	Tax Rate	Tax Revenue	Computer Aid	Investment Proceeds	Total Revenues	Principal	Interest	Existing Debt Service	Transfers to Recipient TID 6	Combined Expenditures	Annual Balance	Year End Cumulative Balance	Cost Recovery	
	(January 1)													(December 31)			
	<b>Base Value</b>																
	<b>\$28,584,200</b>																
2018	\$46,159,700		\$26,837,400	23.74													2018
2019	\$55,421,600		\$31,608,700	23.50													2019
2020	\$60,192,900		\$31,608,700	23.27	\$630,646	\$818	\$94	\$631,559	\$113,300	\$38,410	\$151,710	\$498,689	\$650,399	(\$18,840)	\$18,840	2019 audit	2020
2021	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$0	\$736,364	\$118,300	\$35,227	\$153,527	\$582,836	\$736,364	\$0	\$0		2021
2022	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$0	\$736,364	\$118,300	\$31,952	\$150,252	\$586,112	\$736,364	\$0	\$0		2022
2023	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$0	\$736,364	\$118,200	\$28,677	\$146,877	\$589,487	\$736,364	\$0	\$0		2023
2024	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$0	\$736,364	\$70,000	\$25,643	\$95,643	\$155,119	\$250,761	\$485,602	\$485,602		2024
2025	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$2,428	\$738,792	\$70,000	\$22,843	\$92,843		\$92,843	\$645,949	\$1,131,551	Expenditures Recovered	2025
2026	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$5,658	\$742,021	\$75,000	\$19,943	\$94,943		\$94,943	\$647,079	\$1,778,630	Expenditures Recovered	2026
2027	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$8,893	\$745,257	\$80,000	\$17,243	\$97,243		\$97,243	\$648,014	\$2,426,644	Expenditures Recovered	2027
2028	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$12,133	\$748,497	\$80,000	\$14,843	\$94,843		\$94,843	\$653,654	\$3,080,299	Expenditures Recovered	2028
2029	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$15,401	\$751,765	\$85,000	\$12,368	\$97,368		\$97,368	\$654,398	\$3,734,696	Expenditures Recovered	2029
2030	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$18,673	\$755,037	\$85,000	\$9,818	\$94,818		\$94,818	\$660,220	\$4,394,916	Expenditures Recovered	2030
2031	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$21,975	\$758,338	\$90,000	\$7,193	\$97,193		\$97,193	\$661,146	\$5,056,061	Expenditures Recovered	2031
2032	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$25,280	\$761,644	\$95,000	\$4,418	\$99,418		\$99,418	\$662,226	\$5,718,288	Expenditures Recovered	2032
2033	\$60,192,900		\$31,608,700	23.27	\$735,545	\$818	\$28,591	\$764,955	\$95,000	\$1,496	\$96,496		\$96,496	\$668,459	\$6,386,746	Expenditures Recovered	2033
					\$10,192,733	\$11,458	\$139,128	\$10,343,318	\$1,293,100	\$270,070	\$1,563,170	\$2,412,242	\$3,975,412				

Type of TID: Mixed Use

2009 TID Inception (9/15/2009)

2024 Final Year to Incur TIF Related Costs

2033 Maximum Legal Life of TID (20 Years + 4 Years as Donor to Distressed)

## Future Planning

- Evaluate current and future needs of City
- Board updates and awareness
- Builds and maintains a stable financial program
- Assists in avoiding drastic changes in debt service payments
- Considered a credit positive when evaluated by credit rating agencies for future debt



## Financial Policies

- Fund Balance Policy - YES
- Investment Policy - YES
- Debt Management Policy - YES
- Post Issuance Compliance Policy - YES



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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and Possible Action relating to a Developer's Agreement between the City of Fort Atkinson and Garrison Holdings, LLC

---

### BACKGROUND

In September 2020, the Economic Development Commission reviewed a request from Garrison Holdings, LLC, for Tax Increment Financing (TIF) assistance for a new dental clinic at 1530 Doris Drive in the City of Fort Atkinson. The property is located in Tax Increment District (TID) #8. At that time, the Committee recommended that staff draft a Developer's Agreement between the City and Garrison Holdings to support this project through TIF assistance in the amount of \$66,500.

### DISCUSSION

The site plans for this project were approved in 2020. Staff recently met with James Garrison to reaffirm the site and building plans and review a draft of the Developer's Agreement. There will be some minor changes to the site plan to bring the project into compliance with the new Zoning Ordinance, including some additional curbing. The project has been approved by the Plan Commission, and Mr. Garrison has indicated that the project is moving forward with construction projected to be completed by December 31, 2021.

The attached Developer's Agreement between the City and the Garrison Holdings ("Developer") provides \$66,500 in reimbursed construction costs for the project through TIF, provided that the assessed value of the improvements on the parcel remain at \$700,000 after construction is complete. The \$66,500 will be paid over several years from the increment added based on the value of the project.

Table 1 on page 2 is a sample schedule for reimbursement to the Developer. Note that this is subject to change, based on the completion date, assessed value of the improvements, the tax rate, and the increment generated.

Table 1: Sample Garrison Holdings, LLC Reimbursement Schedule					
Valuation Year	Assessed Value	Estimated Tax Rate Per \$1,000 w/ 1% increase	Estimated Tax Increment	Revenue Year	Reimbursement to Developer
2022	\$ 700,000.00	\$ 25.8243	\$ 18,077.01	2023	\$ 12,000.00
2023	\$ 700,000.00	\$ 26.0825	\$ 18,257.78	2024	\$ 12,500.00
2024	\$ 700,000.00	\$ 26.3434	\$ 18,440.36	2025	\$ 13,000.00
2025	\$ 700,000.00	\$ 26.6068	\$ 18,624.76	2026	\$ 14,000.00
2026	\$ 700,000.00	\$ 26.8729	\$ 18,811.01	2027	\$ 15,000.00
<b>Total Assistance:</b>					<b>\$ 66,500.00</b>

### FINANCIAL ANALYSIS

The Agreement is structured with “pay-go” financing, which means that the only funds reimbursed to the Developer are those added through the increment created by the development. No general property tax dollars from other property owners will be provided to the Developer per this Agreement. The Agreement provides \$66,500 in incentive payments to the Developer, based on the increment added to the TID.

### RECOMMENDATION

The Economic Development Commission met on May 17, 2021 and unanimously recommended that the City Council approve the attached Developer’s Agreement between the City of Fort Atkinson and Garrison Holdings, LLC. Staff concurs with this recommendation.

### ATTACHMENTS

Developer’s Agreement between the City of Fort Atkinson and Garrison Holdings, LLC;  
September 18, 2020 Memorandum from City Manager Matt Trebatoski; July 31, 2020 TIF Assistance Request from Highland Dental; Approved Building Elevations



## **DEVELOPER'S AGREEMENT**

This Agreement is made as of the \_\_\_\_\_ day of June, 2021, by and between the City of Fort Atkinson, Wisconsin, hereinafter referred to as the "City" and Garrison Holdings, LLC, hereinafter referred to as the "Developer" under the following terms and conditions:

### **A. RECITALS**

1. Developer has received approval from the City for a commercial development (Highland Dental Health Clinic), hereinafter referred to as the "development" on Parcel No. 226-0614-3213-014.
2. Pursuant to Chapter 236.01, et. seq., Wisconsin Statutes and the Municipal Code of the City of Fort Atkinson, the City has approved the parcel with all requirements of said Statute and Ordinance having been met.
3. Developer is desirous of developing said parcel and providing all necessary improvements within said parcel.
4. Developer has received approval from the Planning Commission for the site plan for this development.
5. Pursuant to Chapter 66.1105(2)(f)2.d., Wisconsin Statutes, a Developer's Agreement is required;

NOW THEREFORE, in consideration of mutual covenants and agreements herein contained, the parties mutually agree as follows:

### **B. APPROVAL OF DEVELOPMENT**

1. Notwithstanding any action taken by the City in approving this development, final approval shall not be effective until the date upon which this Agreement is executed.
2. The taxable development will consist of a dental health clinic that will be constructed on the parcel. Construction will include the building, base and asphalt paving, storm sewer, curb and gutter, landscaping, parking lot lights, sidewalk, and site concrete. The Developer will up-front the construction costs of all of the items, but is requesting reimbursement from TID #8 for some of the construction costs. These costs are estimated at \$58,200, but reimbursement will be made on actual construction costs, as agreed to between the City and Developer, not to exceed \$66,500. The Developer will also provide the required erosion control during construction and detention and filtration ponds to meet the current Construction Site Erosion Control and Post-Construction Stormwater Management Ordinances. The construction schedule for the building and site is 2021. This schedule can be revised as agreed to by the City and the Developer. However, the Agreement will be void if the development is not substantially complete within two years of the date of this agreement.

3. The Developer agrees that the parcel will not become tax-exempt during the life of the Tax Incremental District (TID). Should the parcel become tax-exempt during the life of the TID, the Developer shall make an annual payment to the City based on the latest assessment of the parcel multiplied by the tax rate for each year. The payment shall be paid to the City by the Developer at the same time as the Parcel's real estate tax would have been due. This annual payment shall continue for the life of the TID. This provision is binding on not only the Developer, but also upon any successor-in-interest in this property. The Developer has the duty to ensure that this provision is made applicable to such successors, should there be any in the future. The Developer shall provide written notice to the City 60 days prior to any intended transfer of the property.

4. The Developer agrees to construct the development on the parcel with a minimum assessed value of improvements (land excluded) of \$700,000.00, as determined by the City Assessor. If the assessed value of improvements is less than \$700,000.00, the Developer will be required to make an annual tax equivalent payment to the City for the tax difference between the assessed value of improvements and the minimum value of \$700,000.00. This obligation shall commence on the first complete calendar year after the completion of the development. The payment (if necessary) shall be paid to the City by the Developer at the same time as the Parcel's real estate tax is due. The tax equivalent payment by the Developer shall continue annually until such time as the assessed value of improvements is equal to or greater than \$700,000.00 or the Tax Incremental District is retired, whichever occurs first.

### **C. CONSTRUCTION**

1. The Developer agrees to design and construct the proposed development. The construction will include all improvements noted on the drawings approved by the Plan Commission and updated and reviewed by the City Engineer and Building Inspector. The construction will be scheduled to begin in 2021 and be completed by no later than December 31, 2022, or as mutually agreed between the City and Developer.

### **D. CONSTRUCTION AGREEMENT**

1. The Developer agrees that this parcel shall be graded according to the grading and erosion control plans included in the plans. Erosion control facilities shall be in place prior to commencement of any work. Building permits for the lot will not be issued unless erosion control measures for the parcel have been installed and are being maintained. It shall be the responsibility of the Developer to set foundation grades for the building on the parcel. Areas disturbed by grading and not ready for immediate construction, shall be seeded to prevent erosion. It shall be the responsibility of the Developer to protect all existing and proposed drainage facilities from erosion damage. Erosion control and stormwater management shall be under the applicable standards of Wisconsin Department of Natural Resources Standards NR 151 and NR 216.

2. The design and construction of the private storm sewer system is the responsibility of the Developer. The City shall review and approve all design work done and will inspect all construction work performed by private engineers/contractors.

#### **E. REIMBURSEMENT**

1. The Developer will request reimbursement for construction costs based on actual costs. The costs will be submitted to the City with paid invoices from contractors to document the costs. The City shall inspect the site prior to authorizing reimbursement to insure the items are constructed according to specifications.

2. After approved by the City, the construction costs will begin to be reimbursed to the Developer annually using Incremental Funds from TID #8 as they become available from the increased value of the Development in the form of the Tax Increment. These Incremental Funds will be calculated using the 2021 Wisconsin Department of Revenue TID Increment Value as the base year, and any additional Increment generated from this Development in 2022-2023 will be returned to the Developer and will be the base amount for reimbursement in future years, provided the increment is available, until the verified costs outlined in Paragraph "B" have been repaid.

#### **F. MAINTENANCE**

1. The Developer will maintain the paved areas in this development to normal standards after final paving is installed.

#### **G. REMEDIES FOR BREACH**

1. In the event Developer fails to comply with any of the provisions of this Agreement, City shall have all legal remedies which are available to it, including but not limited to action against the Developer and the equitable remedies of specific performance and injunctive relief.

#### **H. GENERAL CONDITIONS**

1. This Agreement shall inure to the benefit of and be binding upon the executors, administrators, successors or assigns, as the case may be, of the parties hereto.

2. This Agreement may not be assigned without the written consent of the City.

3. This Agreement contains the entire agreement of the parties. All verbal agreements or discussions have been merged into this Agreement and no modifications or changes to this Agreement are permitted unless reduced to writing and signed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have entered into this Developer's Agreement as of the date first above written.

**CITY OF FORT ATKINSON**

**GARRISON HOLDINGS, LLC**

---

Rebecca Houseman LeMire, City Manager  
City of Fort Atkinson

---

James Garrison  
Garrison Holdings, LLC

---

Michelle Ebbert, City Clerk/Treasurer  
City of Fort Atkinson

---

Dr. Brenda Garrison  
Garrison Holdings, LLC

Date approved by City Council: \_\_\_\_\_



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

**Date:** September 18, 2020

**TO:** Economic Development Commission

**FROM:** Matt Trebatoski, City Manager

**SUBJECT:** Highland Dental Request for TIF Assistance

**Background:**

Attached is a letter from James and Dr. Brenda Garrison of Garrison HDH, LLC dba/Highland Dental Health. The Garrisons are planning to build a new dental clinic at 1530 Doris Drive with an estimated construction cost of \$1.175M and are requesting TIF assistance from the City. The property is located in TID #8 on the northwest side of town and more specifically next to the Fort HealthCare Clinic on Madison Avenue.

**Discussion:**

Traditionally, the City has primarily given TIF development assistance in the form of public infrastructure only, such as streets, parks and utilities, but more recently has given direct assistance to a few developers/businesses as well.

For new development, the City provided TIF assistance in 2012 to CBF Investments Co. LLC for a new building that was to be (and still is) occupied by Goodwill (Developer's Agreement attached). The assistance was given in the form of reimbursement for pavement sub-base, asphalt pavement, storm sewer and curb and gutter. Funds were disbursed after the increased value was on the assessment roll, and were paid using the tax increment generated from the new development. The assistance totaled approximately \$76,800 or about 9.5% of the additional assessed/taxable value of \$810,500.

The City has also provided TIF assistance for redevelopment projects such as \$80,000 for the Creamery Building in 2015, and \$16,600 for the RiverStone Restaurant & Wedding/Event Center in 2018. It has become much more commonplace for municipalities in Wisconsin to offer development assistance. The preferred method is "pay as you go", where the TIF doesn't pay until the funds become available, like what was done with the CBF agreement. This eliminates the risk and protects the TIF district from financial loss.

**Financial Analysis:**

Highland Dental requested a TIF grant of \$150-200,000 to assist with their project. This was based on a prior discussion we had with them regarding a general rule of thumb of 20% of the full project cost being considered a reasonable request for public assistance.

Since that time we have reviewed past TIF assistance given by the City and feel more comfortable with recommending approximately 9.5% of the expected project cost, which is in line with what was given for the CBF Investments project located in the same TIF district. Similar to the CBF project, we would recommend reimbursing the developer on a pay as you go basis for site improvements, with an amount of up to \$66,500. This amount would likely be paid to Garrison HDH, LLC over 4-5 years.

In the developer's agreement, we would also require a minimum assessed value for the improvements (land excluded) of \$700,000. If the final assessed value came in lower, the developer would be

required to make a payment in lieu of taxes to make up the difference. This would be paid annually until the TIF district was retired.

**Staff Recommendation:**

We recommend drafting a developer's agreement with Garrison HDH, LLC for development assistance of up to \$66,500 from TIF District #8, as discussed above. The agreement would come back to the EDC for approval.

Highland Dental is looking to make a new investment in the City, which will retain good paying jobs and has the opportunity for additional growth. We feel it is a reasonable request, especially given the uncertainties associated with the COVID-19 pandemic. Dental care is important for public health and dental clinics serve an essential service to the community.

Finally, this will be an attractive building that will serve the needs of the clinic and its patients for years to come. It will also be a structure that could easily lend itself to redevelopment/repurposing, if required in the future.



# HIGHLAND DENTAL

07/31/2020

Dear Mr. Trebatoski,

I am writing on behalf of Garrison HDH, LLC dba/Highland Dental Health. As you know Dr. Brenda Garrison and I are the sole owners of Highland Dental and have been in the process of building a new dental clinic at 1530 Doris Dr. I am writing to request the city provide Highland Dental with a TIF grant of \$150-200,000 to accompany this project. Below I outline the rationale for the request and the benefits to the city.

Brenda and I have lived in Fort Atkinson for approximately 8 years and have been active members of the business community. Highland Dental is a member of the Chamber of Commerce and Brenda has participated in Project LEAD. The nature of the dental business and Brenda's love for her patients means that we intend to remain in the community for many years to come. This in conjunction with our current space at 600 Highland Ave. no longer meeting our needs in terms of growth potential and capacity for modernization has made clear to us that a new space is necessary. We chose to build on the north west end of the city due to site availability and the obvious growth opportunities that it presents.

Our building project is projected to cost approximately \$1,175,000 plus land value. Associated Appraisal was provided with the building plans and specs and provided a preliminary approximation of 700-750,000 in assessed value. Given the current mil rate of \$23.32 per \$1000 this would provide approximately \$17,500 in annual tax revenue. A grant of 20% of the assessed value being approx. \$150,000 would see a repayment in about the 8<sup>th</sup> full year after occupancy, while a grant of \$200,000 would realize repayment in about the 11<sup>th</sup> year.

If the city were to provide the requested grant it would provide additional operational stability to the dental clinic and act as a partial hedge against the many unknowns that are present in the time of Covid-19. We are committed to providing the most modern, sterile, and patient centric dental office in the city, but many unknowns exist. It is my view that the demonstration of economic progress, particularly progress focused on health needs of residents, is valuable at any time, but especially now.

We recognize that the city has additional responsibilities regarding the use of our current building after we have moved into our new location. Dr. Richard Covey, the building owner, and former clinician, has been a long-time resident of the city, raising his family and building Highland Dental over many years. He is committed to finding a viable, long term tenant or selling to an ongoing concern as soon as possible after our departure. He agreed to provide a letter indicating his intentions which you will find attached.

Thank you for your time and consideration. Please feel free to reach out to us with additional questions or needed clarifications.

Sincerely,

James Garrison

Dr. Brenda Garrison

---

**Brenda Garrison, D.D.S. • Al Kempema, D.D.S.**

600 Highland Avenue Fort Atkinson, WI 53538 • (920) 563-9373 • [www.highlandsmile.com](http://www.highlandsmile.com)

August 1, 2020

**Matt Trebatoski**

**City manager**

At the request of James and Brenda Garrison, I wish to inform you of our intention to sell the property at 600 Highland Avenue in the city of Fort Atkinson after the Garrisons move to their new location. We have already been working with a local real estate firm to start look for a business or other commercial buyer and have been informed that the city's new rezoning plan will most likely zone this property for commercial use. Please direct any questions to me personally at 920-563-5601.

Sincerely,

Richard and Betty Covey

D and B Buena Vista LLC

N3095 Buena Vista Road

Fort Atkinson, WI 53538



SHEET INDEX

C1.0	SITE PLAN
A1.0	BASEMENT PLAN
A1.1	FLOOR PLAN
A2.0	ELEVATIONS
A3.0	BUILDING SECTIONS
A3.1	BUILDING SECTIONS
A4.0	REFLECTIVE CEILING PLANS/FOUNDATION PLAN

PROJECT INFORMATION

APPLICABLE BUILDING CODE

2015 INTERNATIONAL BUILDING CODE (WITH WISCONSIN AMENDMENTS)  
ASHRE STANDARD 90.1-2013

BUILDING CONTENT

BUILDING & FIRE AREA SQUARE FOOTAGES

FLOOR AREAS	EXISTING	NEW	SUB-TOTAL
SECOND FLOOR	----- S.F.	----- S.F.	----- S.F.
FIRST FLOOR	----- S.F.	4,484 S.F.	4,484 S.F.
CANOPIES (COLUMN SUPPORTED)	----- S.F.	----- S.F.	----- S.F.
BASEMENT	----- S.F.	1,483 S.F.	1,483 S.F.
BUILDING AREA SUB-TOTALS	----- S.F.	5,967 S.F.	5,967 S.F.
MEZZANINES	----- S.F.	----- S.F.	----- S.F.
FIRE AREA TOTALS	----- S.F.	5,967 S.F.	5,967 S.F.

HIGH PILE STORAGE NO  
FIRE ALARM SYSTEM T.B.D.

OCCUPANCY

B  
NON SEPARATED

CONSTRUCTION CLASSIFICATION

TYPE 5B CONSTRUCTION  
SPRINKLED NO  
FIREWALL NO

ALLOWABLE AREA

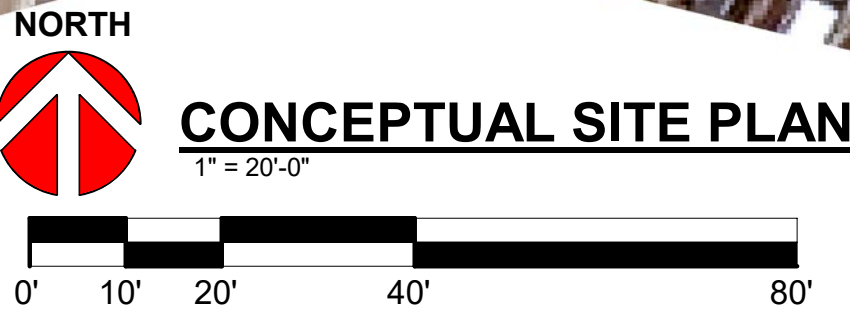
TABULAR FLOOR AREA: 9,000 S.F.  
FRONTAGE INCREASE: 6,750 S.F.  
SPRINKLER INCREASE: N/A S.F.  
TOTAL ALLOWABLE AREA: 15,750 S.F.  
ALLOWABLE FIRE AREA: 15,750 S.F.

BUILDING/SITE CONTENT

BUILDING SIZE 4,484 S.F. 11.5% (50% MIN.)  
HARD SURFACE 12,449 S.F. 32%  
GREEN SPACE 21,975 S.F. 56.5% (20% MIN.)  
PARCEL SIZE (APPROX.) 38,908 S.F. .89 ACRES  
PARKING PROVIDED 31 STALLS (1 STALL/144.7 S.F.)

ZONING INFORMATION

ZONING: -  
FRONT YARD SETBACK: 10'-0"  
SIDE YARD SETBACK: 6'-0"  
REAR YARD SETBACK: 10'-0"



THE LOT DIMENSIONS AND BEARINGS SHOWN ON THIS PLAN  
ARE INTERPRETED VALUES. FOLLOW UP INVESTIGATION WITH STATE  
AND LOCAL AUTHORITIES AND/OR WITH CERTIFIED SURVEY MAP DATA  
WHEN AVAILABLE IS REQUIRED.



**Keller**  
PLANNERS | ARCHITECTS | BUILDERS

FOX CITIES  
N216 State Road 55  
P.O. Box 620  
Kaukauna, WI 54130  
PHONE (920) 766-5795 /  
1-800-236-2534  
FAX (920) 766-5004

MADISON  
711 Lake Dr.  
Sun Prairie, WI 53590  
PHONE (608) 318-2336  
FAX (608) 318-2337

MILWAUKEE  
W204 N11509  
Goldendale Rd  
Cremontown, WI 53022  
PHONE (262) 250-9710  
FAX (262) 250-9740

WAUSAU  
5605 Lilac Ave  
Wausau, WI 54401  
PHONE (715) 849-3141  
FAX (715) 849-3181

www.kellerbuilds.com

WISCONSIN

FORT ATKINSON,

PROPOSED FOR:  
**HIGHLAND DENTAL**

PROPOSED FOR:

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REVISIONS  
1 JANUARY 2, 2020 KRW  
2 JANUARY 28, 2020 KRW

PROJECT MANAGER:  
S. LAUSTEN

DESIGNER:  
C. MANSKE

DRAWN BY:  
KRW

EXPEDITOR:  
-----

SUPERVISOR:  
-----

PRELIMINARY NO:  
P19312

CONTRACT NO:  
-----

DATE:  
DECEMBER 11, 2019

SHEET:  
**C1.0**

PRELIMINARY - NOT FOR CONSTRUCTION

PROPOSED FOR:

**HIGHLAND DENTAL**

FORT ATKINSON,

WISCONSIN





# HIGHLAND DENTAL

FORT ATKINSON,

WISCONSIN





**Keller**

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WISCONSIN

FORT ATKINSON,

PROPOSED FOR:

**HIGHLAND DENTAL**

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REVISIONS  
1 JANUARY 2, 2020 KRW  
2 JANUARY 28, 2020 KRW

PROJECT MANAGER:  
S. LAUSTEN

DESIGNER:  
C. MANSKE

DRAWN BY:  
KRW

EXPEDITOR:  
-----

SUPERVISOR:  
-----

PRELIMINARY NO:  
P19312

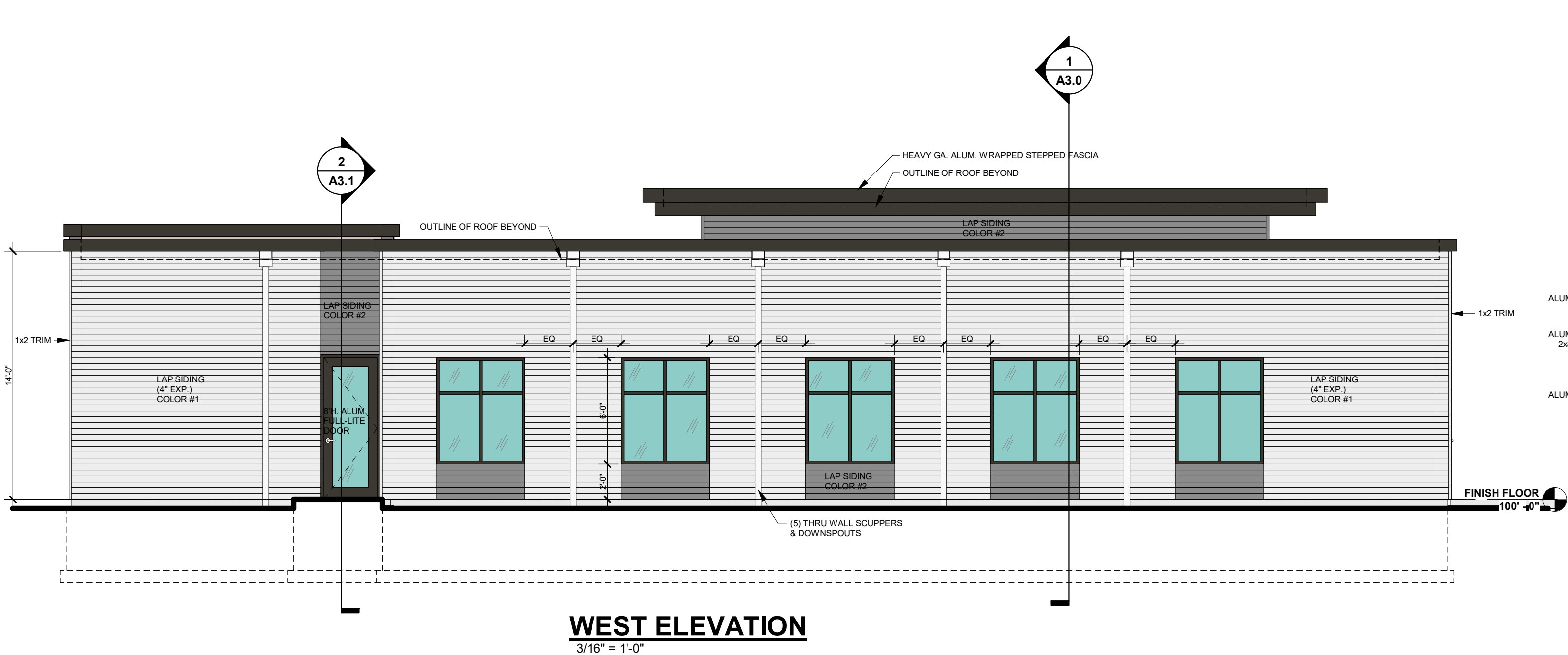
CONTRACT NO:  
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DATE:  
DECEMBER 11, 2019

SHEET:

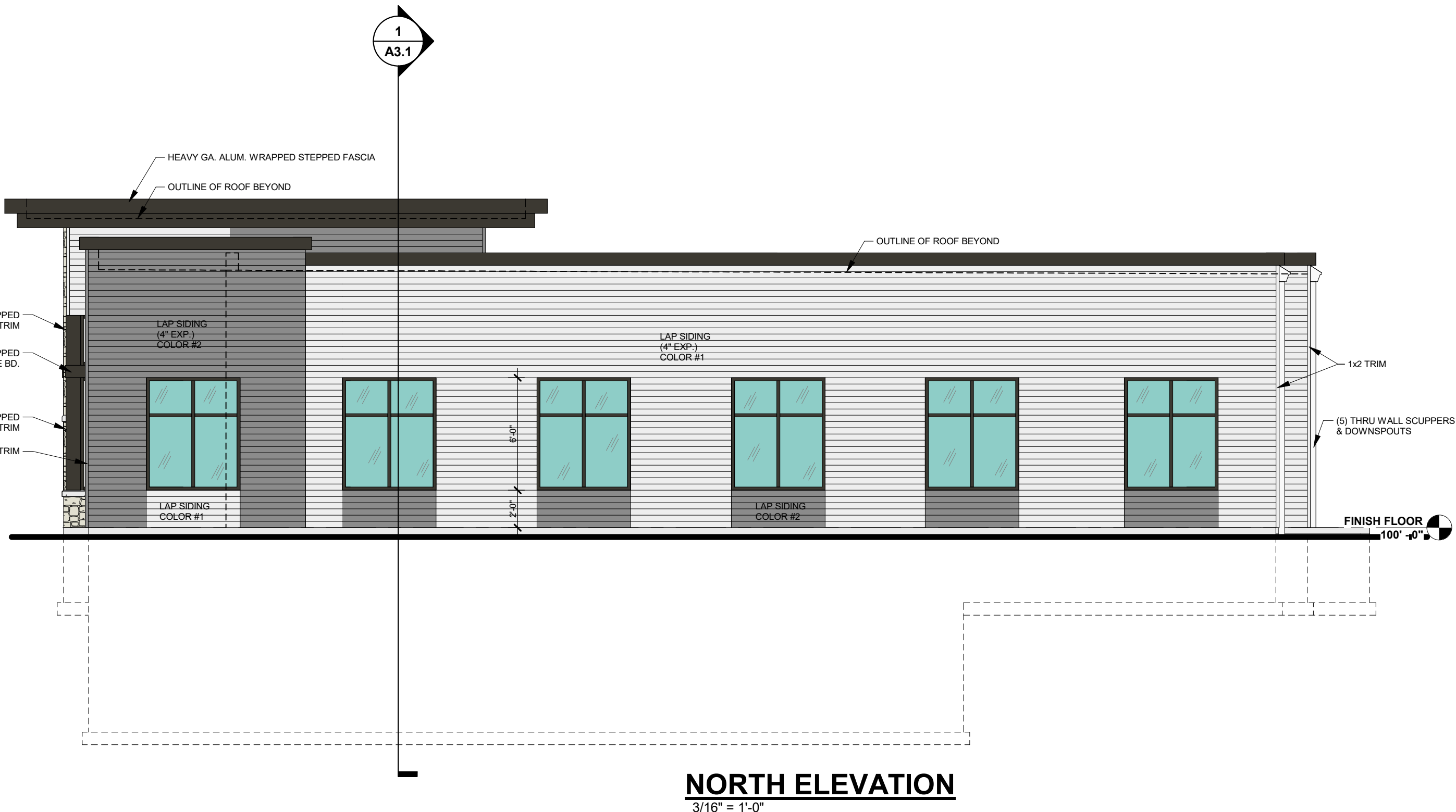
**A2.0**

PRELIMINARY - NOT FOR CONSTRUCTION



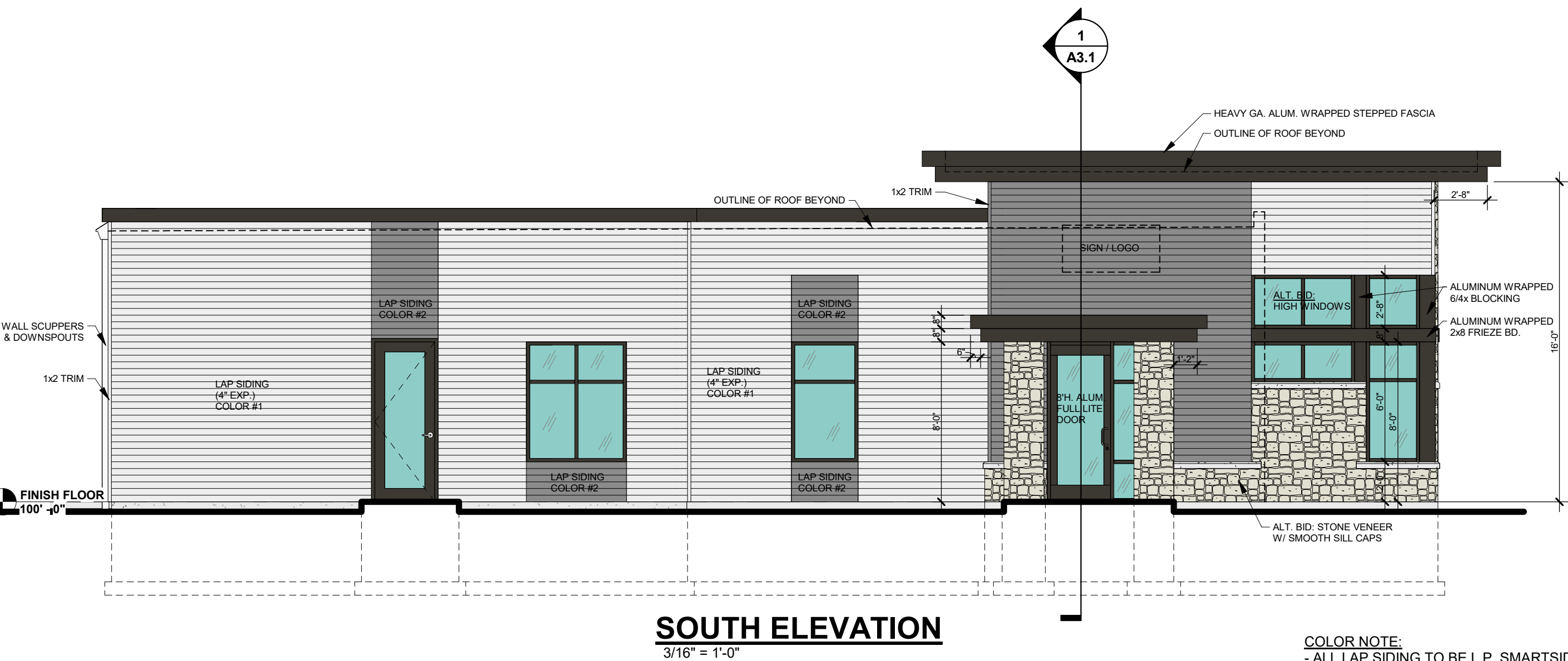
**WEST ELEVATION**

3/16" = 1'-0"



**NORTH ELEVATION**

3/16" = 1'-0"

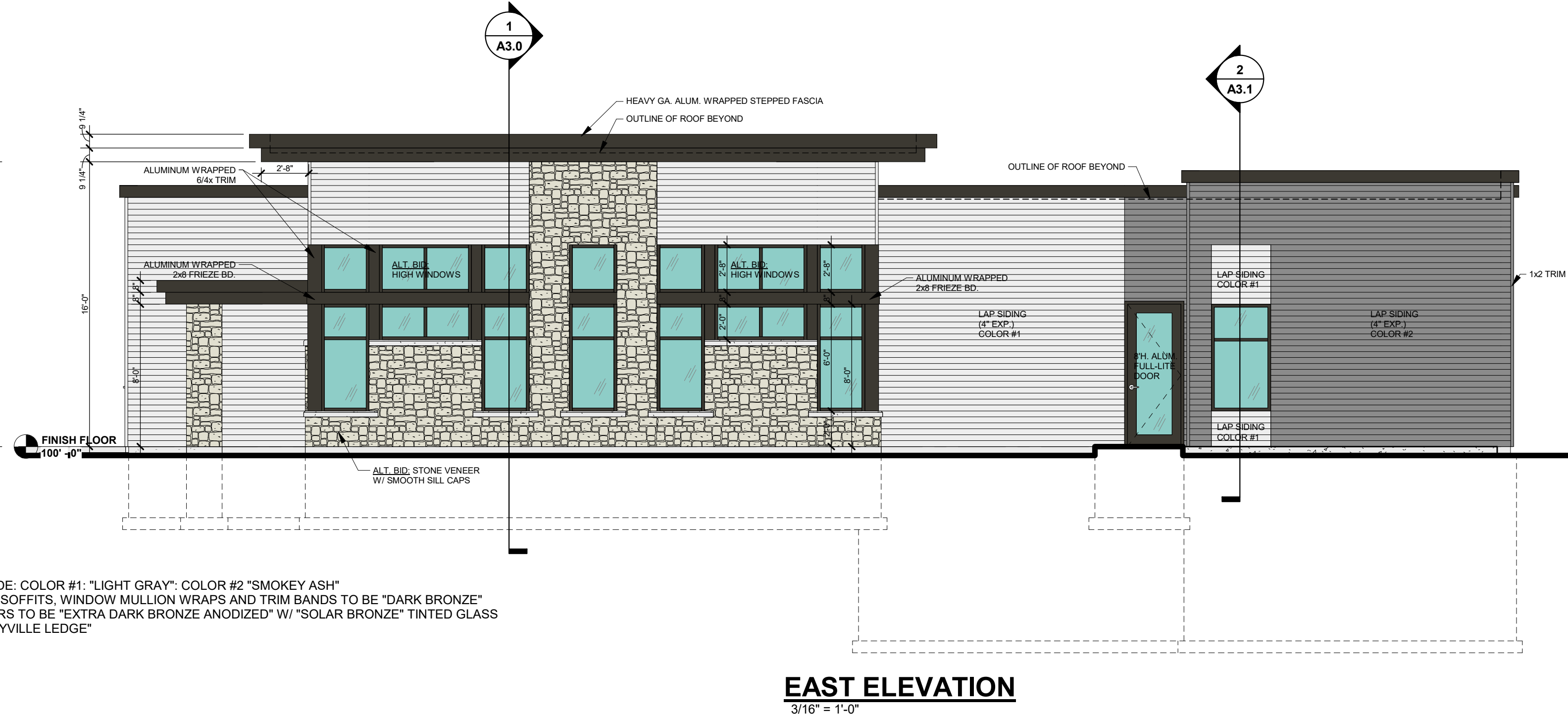


**SOUTH ELEVATION**

3/16" = 1'-0"

**COLOR NOTE:**

- ALL LAP SIDING TO BE L.P. SMARTSIDE; COLOR #1: "LIGHT GRAY"; COLOR #2 "SMOKEY ASH"
- ALL METAL PARAPET CAPS, FASCIA, SOFFITS, WINDOW MULLION WRAPS AND TRIM BANDS TO BE "DARK BRONZE"
- ALL ALUMINUM WINDOWS AND DOORS TO BE "EXTRA DARK BRONZE ANODIZED" W/ "SOLAR BRONZE" TINTED GLASS
- ALL 4" STONE TO BE HALQUIST / "MAYVILLE LEDGE"



**EAST ELEVATION**

3/16" = 1'-0"



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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Alcohol Beverage License applications for the licensing period of July 1, 2021 to June 30, 2022

### BACKGROUND

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

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

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

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

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

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

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

Table 2: Combination of Licenses

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

Table 3: License fees

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

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

Table 4: Existing Quotas

<u>License</u>	<u>Quota</u>	<u>Licenses Issued</u>	<u>Licenses Available</u>
“Class A” Intoxicating Liquor	16 - 1 per 750 residents	10	6*
Class “A” Fermented Malt	17 - 1 per 750 residents	17	0
“Class B” Intoxicating Liquor	25 - 1 per 500 residents	25	0
RESERVE “Class B” Intoxicating Liquor	3 - \$10,000 one-time fee	3	0

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

## **DISCUSSION**

We have 45 applications submitted for Alcohol Licenses. Of those, one is a new application and 44 are renewals.

The new application is for CS Ventures, LLC d/b/a Beauty and the Bean. They are applying for a Class “B” Fermented Malt and “Class C” Wine license. The ‘Bean’ or coffee shop business qualifies for a license to sell, serve and allow consumption on-site. The ‘Beauty’ (salon) is not included in the sale, service or consumption of alcohol.

The Police Department conducts compliance checks at each location allowing a positive interaction while confirming appropriate posting of licenses.

The licensing period of all alcohol licenses is July 1<sup>st</sup> to June 30<sup>th</sup>. Licensed establishments require employees that serve or sell alcohol to obtain an Operator (Bartender) License.

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

### **Sec. 6.33. Licenses**

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

## **FINANCIAL ANALYSIS**

Alcohol license fees for the upcoming licensing period of July 1, 2021 to June 30, 2022 is \$22,100. Applicants are also invoiced for a publication fee of \$25.00. Revenue from publication fee is \$1,125.

## **RECOMMENDATION**

The License Committee reviewed the applications at their May 25, 2021 meeting and recommended Council approval. Staff recommends that the City Council approve the Alcohol License Applications for the licensing period of July 1, 2021 to June 30, 2022 contingent upon all monies owed to the City are paid prior to license issuance by the City Clerk.

## **ATTACHMENT**

Alcohol License Applicant List

<u>License Type</u>	<u>Fee</u>	<u>Individ/Partner/Corporation/Name</u>	<u>D/B/A Business Name</u>	<u>Business Address 1</u>	<u>Agent Name</u>
Class A Liquor	\$ 500.00	Blodgett Milling Co Inc	Blodgett Garden Center	1222 Janesville Ave	Laura Jo Laatsch
Class A Liquor	\$ 500.00	Roger T. Humphrey	Humphrey Floral & Gifts	201 S Main St	Roger T. Humphrey
Class A Liquor	\$ 500.00	The Fireside, Inc	The Cheese Loft	1009 Janesville Ave	Ryan S. Klopccic
Class A Liquor Class A Beer	\$ 600.00	Green Way Holdings, Inc	FA Gas	1285 Madison Ave	Nirbhai Pangli
Class A Liquor Class A Beer	\$ 600.00	Skogen's Foodliner, Inc	Festival Foods	328 Washington St	Richard Rector
Class A Liquor Class A Beer	\$ 600.00	J & R Petro LLC	K P Mart	415 Janesville Ave	Karamjit K. Pangli
Class A Liquor Class A Beer	\$ 600.00	La Tienda Mexicana, Inc	La Tienda Mexicana	809 S Main St.	Jesus Gonzalez
Class A Liquor Class A Beer	\$ 600.00	Lions Quick Marts Inc	Lions Quick Mart	1220 Janesville Ave	James L. Johnson
Class A Liquor Class A Beer	\$ 600.00	Ultra Mart Foods LLC	Pick 'N Save #6396	1505 Madison Ave	Pamela A. Marks
Class A Liquor Class A Beer	\$ 600.00	Walgreen Co.	Walgreens #01976	300 N. Main St	Abby Johnson
Class A Beer Class A Liquor Cider Only	\$ 100.00	Casey's Marketing Company	Casey's General Store #3712	342 Whitewater Ave	Heidi Marcyes
Class A Beer Class A Liquor Cider Only	\$ 100.00	Kwik Trip Inc	Kwik Trip #439	1565 Madison Ave	Ryan L. Knutson
Class A Beer Class A Liquor Cider Only	\$ 100.00	Loeder Oil Co., Inc.	Loeder BP Fort Atkinson	303 S Main St	Daniel L. Loeder
Class A Beer Class A Liquor Cider Only	\$ 100.00	NK Gas & Foods LLC	Nk Gas & Food, LLC	1012 Whitewater Ave	Mohammad K. Javed
Class A Beer Class A Liquor Cider Only	\$ 100.00	Kwik Trip Inc	Stop-N-Go #1502	313 Madison Ave	Ryan L. Knutson
Class A Beer Class A Liquor Cider Only	\$ 100.00	Kwik Trip Inc	Kwik Trip #1506	1680 Janesville Ave	Steve Lawrence
Class B Beer Class C Wine	\$ 200.00	Martha Garcia	La Macarena Express	130 N Main Street	Martha Garcia
Class B Beer Class C Wine	\$ 200.00	Mr. Brews Taphouse VIII, LLC	Mr Brews Taphouse	201 N Main Street Ste 220	Gregg Day
Class B Beer Class C Wine	\$ 200.00	EYM Pizza of Wisconsin, LLC	Pizza Hut #35661	1550 Madison Ave	Tammie Schenck
Class B Beer Class C Wine	\$ 200.00	CS Ventures LLC	Beauty and the Bean	207 Milwaukee Ave E	Cassie Scolman
Class B Liquor Class B Beer	\$ 600.00	10-62 Saloon, LLC	10-62 Saloon	12 S Water St E	Erin Patterson
Class B Liquor Class B Beer	\$ 600.00	99 Sushi, Inc	99 Sushi	99 N Main Street	Mei Xin Lin
Class B Liquor Class B Beer	\$ 600.00	Paul Frank Florine Post No. 166 of the American Legic	American Legion Dugout	201 S Water St E	Joel Osmundson
Class B Liquor Class B Beer	\$ 600.00	Bienfang's Bar Inc.	Bienfang's Bar	28 N. Water St. E.	David P. Bienfang
Class B Liquor Class B Beer	\$ 600.00	Scuzzi's Pizza Bar LLC	Brickhouse Pizza	1501 Janesville Ave	Valbon Beqiri
Class B Liquor Class B Beer	\$ 600.00	J&J Wisconsin Ventures, LLC owned by Jaimie Brock	Brock's Riverwalk Tavern & Grill	99 S. Main Street	Jaimie L. Brock
Class B Liquor Class B Beer	\$ 600.00	Café Carpe	Café Carpe	18 S Water St W	Wm M Camplin & Alison C Welch
Class B Liquor Class B Beer	\$ 600.00	Ft Atkinson Hotel Group 2 LLC	Country Inn & Suites	1650 Doris Drive	R Brian Brandstetter
Class B Liquor Class B Beer	\$ 600.00	Creamery 201, LLC	Creamery 201	201 N. Main Street	Katie Stahl
Class B Liquor Class B Beer	\$ 600.00	Jorge Alvarado	El Patron	100 Madison Ave	Jorge A. Alvarado
Class B Liquor Class B Beer	\$ 600.00	Fat Boyz Inc	Fat Boyz	219 S Main St	John E. Dawson
Class B Liquor Class B Beer	\$ 600.00	Fort Investments, LLC	Fort 88 Smokehouse & Bar	855 Lexington Blvd	Valbon Beqiri
Class B Liquor Class B Beer	\$ 600.00	Remmington's LLC	Jansen's Hall	1245 Whitewater Avenue	Connie Jansen
Class B Liquor Class B Beer	\$ 600.00	Mangiami Italiano LLC	Mangiami Italiano	226 S Main St	Eric Webber
Class B Liquor Class B Beer	\$ 600.00	Riverfront Café LLC	Riverfront Café	1317 N High St	Merita Beqiri
Class B Liquor Class B Beer	\$ 600.00	NAP Enterprises, LLC	Rock River Lanes	1010 Larsen Rd	Nathanial Pfeifer
Class B Liquor Class B Beer	\$ 600.00	Salamone Pizza Inc	Salamones Italian Pizzeria	1245 Madison Ave.	Joseph P. Salamone
Class B Liquor Class B Beer	\$ 600.00	Patrick Beach	Soup's On	1125 Whitewater Ave	Patrick Beach
Class B Liquor Class B Beer	\$ 600.00	29 Sherman Ave W LLC	Tavern on Rock	29 W Sherman Ave	Arben Useni

Class B Liquor Class B Beer	\$ 600.00	The Fireside, Inc	The Fireside	1131 Janesville Ave	Ryan S. Klopchic
Class B Liquor Class B Beer	\$ 600.00	Bridge @ River & Main LLC	Bridge @ River & Main	88 S Main St	James Bowers
Class B Liquor Class B Beer	\$ 600.00	Big Bluestem Market Collective, LLC	Market Collective on Main	225 and 227 S. Main Street	Alicia Norris
Class B Liquor Class B Beer RESERVE	\$ 600.00	La Cabana 2, LLC	La Cabana 2, LLC	213 Washington Street	Julia Cortes
Class B Liquor Class B Beer RESERVE	\$ 600.00	Didley's LLC	Paddy Coughlin's	14 E Sherman Ave	Erin Patterson
Class B Liquor Class B Beer RESERVE	\$ 600.00	L Tree Cuisine, LLC	Riverstone Event Center	1915 Central Coast Lane	Kristin Richter





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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Cigarette and Tobacco Products Retail License applications for the licensing period of July 1, 2021 to June 30, 2022.

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### BACKGROUND

The State of Wisconsin regulates cigarette and tobacco product licensing for local governments through Chapter 139.

*139.34 Permits required.*

*(1)(a) No person may manufacture cigarettes in this state or sell cigarettes in this state as a distributor, jobber, vending machine operator or multiple retailer and no person may operate a warehouse in this state for the storage of cigarettes for another person without first filing an application for and obtaining the proper permit to perform such operations from the municipality.*

- The local governing body has the authority to issue licenses to those selling cigarette and tobacco related products over the counter.
- Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours.
- No retailer may sell or give away cigarettes or tobacco products to minors; no retailer may sell individual cigarettes.

### DISCUSSION

The Police Department conducts compliance checks at each location allowing a positive interaction while confirming appropriate posting of licenses.

The licensing period of all alcohol licenses is July 1<sup>st</sup> to June 30<sup>th</sup>.

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

**Sec. 6.33. Licenses**

(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.

Table 1: Submitted Cigarette and Tobacco Product applications

<b><u>Legal Name</u></b>	<b><u>Trade Name</u></b>	<b><u>Trade Address 1</u></b>
Casey's Marketing Company	Casey's General Store	342 Whitewater Avenue
Creamery 201, LLC	Creamery 201	201 N Main Street
Green Way Holdings, Inc	FA GAS	1285 Madison Avenue
Skogen's Foodliner, Inc	Festival Foods	328 Washington Street
J&R Petro, LLC	K P Mart	415 Janesville Avenue
Kwik Trip, Inc	Kwik Trip #1506	1680 Janesville Avenue
Kwik Trip, Inc	Kwik Trip #439	1565 Madison Avenue
Lions Quick Marts, Inc	Lions Quick Mart	1220 Janesville Avenue
Loeder Oil Co, Inc	Loeder BP Fort Atkinson	303 S. Main Street
Ultra Mart Foods, LLC	Pick 'N Save #6396	1505 Madison Avenue
NK Gas & Food, LLC	Shell Handy Pantry	1012 Whitewater Avenue
Kwik Trip, Inc	Stop-N-Go #1502	313 Madison Avenue
Abdelraheem & Abdelraheem	Tobacco Land, Inc	211 Washington Street
Walgreen Co.	Walgreen's #01976	300 N. Main Street

## **FINANCIAL ANALYSIS**

Cigarette and Tobacco Products license fee for the licensing period of July 1, 2021 to June 30, 2022 is \$100, a total revenue of \$1,400.00. Publication of the applications is not required.

## **RECOMMENDATION**

The License Committee reviewed the applications at their May 25, 2021 meeting and recommended Council approval.

Staff recommends that the City Council approve the Cigarette and Tobacco Products Retail License Applications for the licensing period of July 1, 2021 to June 30, 2022 contingent upon all monies owed to the City are paid prior to license issuance by the City Clerk.

## **ATTACHMENTS**

None



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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

**FROM:** Brian Juarez, Zoning Administrator

**RE:** Review and possible action relating to the Interactive Online Zoning Map Scope of Services from Vandewalle & Associates for \$6,325.00

---

### BACKGROUND

In November of 2020 the City of Fort Atkinson adopted a new zoning code to regulate and coordinate growth and use of land within the City. As a part of the adoption of the new zoning ordinance every parcel of land within the City was assigned a new zoning designation in accordance with the new code. The new code and zoning designations give us a much more comprehensive ability to shape the future land uses within the City and make for a more orderly pattern of growth.

### DISCUSSION

As one might imagine, the new zoning designations required a new set of maps and explanations to allow the new code to be understood and applied. The City's Zoning Map is currently posted on the City's website. It is a static document that simply shows the zoning classification. There are several ways to make this map more usable for the developers, the real estate industry, and the general public, such as GIS mapping and interactive maps with multiple layers of information. Layers of information which can be turned on and off at the user's discretion and can include more detailed descriptions of zonings and their allowed uses, as well as giving the user the ability to sort based on land use can be made available. The items as described in the attached proposal from VandeWalle and the following items would be included in the proposed interactive map:

- Adding a zoning layer to the Jefferson County GIS mapping if County is amenable.
- A layer including the City's Comprehensive Plan Data, specifically Future Land Uses and anything else relevant.
- Layers including Zoning Overlays for all districts from Floodplain to Wetlands and Historic Districts.
- A sorting tool with descriptions of zoning and overlays to resemble that as on the Lake Geneva map which can be viewed here:

<https://vandewalle.maps.arcgis.com/apps/webappviewer/index.html?id=cbf3af293e6a4a1d9778ce807d1c2ab2>

- Labeling of Zoning on individual parcels as exhibited in City of Fontana Map as seen here: <https://maps.ags.ruekert-mielke.com/Html5Viewer/index.html?viewer=fontana>
- City infrastructure information, water mains, sewer mains, Storm sewer etc. as shown on the Fort Atkinson City GIS map. This would be similar to the information shown on the Janesville map which can be viewed here: <http://gis.ci.janesville.wi.us/Html5Viewer/Index.html?viewer=Janesville>
- All map tools will be clearly labeled for ease of use, maps need to be user friendly and intuitive as much as possible.
- Ownership of map would remain with City GIS account and would be maintained by City Staff.
- Implementation by VandeWalle & Associates to include training of City Staff and a presentation of initial concept and plan to City Council.

The zoning map currently made available to the public is one dimensional and has no interactive capabilities. I believe the creation of an interactive map would offer better utility to citizens and developers alike. This proposed map would help encourage a better understanding of the City's zoning designations and foster growth and redevelopment by helping developers obtain vital information more easily.

#### **FINANCIAL ANALYSIS**

Cost for development of the interactive zoning map would be an amount not to exceed \$6,325.00, including the 15% contingency as recommended in the scope of services. This project was not included in the 2021 budget, but staff proposes that it be funded partially through three different accounts as outlined in table 1 below:

Table 1: Interactive Zoning Map Funding Sources

Account Number	Account Description	Amount	Account Balance
01-54-5421-1600	Engineering - Consulting	\$ 2,000.00	\$ -
01-56-5644-0600	Economic Dev - Expenses	\$ 2,325.00	\$ 2,675.00
01-57-5770-6000	Contingency Fund	\$ 2,000.00	\$ 12,186.00
	<b>PROJECT TOTAL</b>	<b>\$ 6,325.00</b>	

#### **RECOMMENDATION**

Staff recommends that the City Council review and approve the Scope of Services with Vandewalle & Associates Inc. for the creation of the City's Interactive Zoning Map at a cost not to exceed the \$6,325.00 (including the 15% contingency). Staff further recommends that the project be funded using the three accounts outlined in Table 1 above.

#### **ATTACHMENTS**

City of Fort Atkinson Interactive Online Map Scope of Services dated March 18, 2021



# VANDEWALLE & ASSOCIATES INC.

## CITY OF FORT ATKINSON INTERACTIVE ONLINE MAP SCOPE OF SERVICES

MARCH 18, 2021

### **Introduction**

At Vandewalle & Associates, we have the capability to quickly create, and host public-facing online interactive GIS web-maps customized to a community and supplemented with rich publicly available map layers such as Jefferson County's parcel assessment records or the DNR's Wetland Inventory.

The final product enables the City of Fort Atkinson to have its own interactive online map which provides community members or other interested users with the ability to easily identify the Zoning of any given parcel - while simultaneously accessing the County's vast trove of other geographic information, including tax parcel records, satellite imagery, environmental features, and more.

Such a map could subsequently be further built out with other customized community layers such as vacant planned development areas, key redevelopment sites, bicycle trails, local destinations, or community facilities, in addition to other pre-existing layers that could easily be updated as needed.

An example of this product (still in draft form) can be found here: [Lake Geneva](#)

### **Work Elements**

Vandewalle & Associates can complete the following Scope of Work within 3 months of an executed contract on a time and materials basis not to exceed \$5,000\*\*.

#### **Task 1 – Mapping Options Presentation to City Council (1-hour meeting)**

Vandewalle & Associates will present (virtually via Zoom) to the City Council the interactive online mapping options, example maps from other communities, mapping functionality, and map uses.

#### **Task 2 – Data Collection**

Vandewalle & Associates will obtain, verify, and format (for online usage) the latest GIS data layers of:

- City of Fort Atkinson's
  - Zoning map
  - Overlay Districts
  - Municipal boundary
  - Comprehensive Plan Maps (2019)

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax  
247 Freshwater Way, Suite 530 • Milwaukee, Wisconsin 53204 • 414.988.8631  
[www.vandewalle.com](http://www.vandewalle.com)

Shaping places, shaping change

- Historic Districts
- City infrastructure (water, sewer, and storm sewer)
- DNR Wetlands data
- Jefferson County parcel data and imagery

### **Task 3 – Initial Layout Customization**

V&A will build the interactive online map on the City of Fort Atkinson's ArcGIS Online account and the City will own the map and site long-term. For this task to be a feasible option, the City must have an ArcGIS Online account and enough data storage on its annual subscription to support the map. V&A will need to be provided access to the City's account or a new user profile will need to be created on the City's account in order to build the map on the City's account.

Vandewalle & Associates will load all necessary or desired data layers from Task 2 into an online GIS map template and symbolize them with appropriate color coding, labels, and more. Individual parcels will be shown with zoning labels and a parcel filtering tool will be provided (as limited by ArcGIS Online). A disclaimer splash screen can also be added when the page is first accessed. A link to this version will be provided to City staff for review and comment.

### **Task 4 – Live Demonstration with Staff**

Vandewalle & Associates will run a live demonstration (virtually via Zoom) with City staff to walk through the operation and functions of the online map.

### **Task 5 – Final Layout Customizations**

Vandewalle & Associates will amend the online map design and features based on City staff comments of the draft version provided in Task 4.

### **Task 6\* – Add City of Fort Atkinson Zoning Map Data to Jefferson County GIS Web-Map**

In addition to the creation of the City's own custom interactive online map, V&A will coordinate with Jefferson County to add the City's Zoning layer onto the County's GIS web-map.

*\*Pending agreement of Jefferson County. If Jefferson County does not agree to host the City's layers, the total cost will be reduced by \$500.*

### **Task 7 – Final Online Map**

Vandewalle & Associates will provide the final version of the online map to the City for posting on the website and future use. City staff will maintain the map and its layers long-term.

**\*\*A 15% contingency may be added in the event of unforeseen technical obstacles or issues occurring during Tasks 1-7, and will only be charged upon request and confirmation of the client.**



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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to accepting Midwest Sealcoat, LLC's proposal to crackfill, level, resurface, and paint lines at tennis courts #5-8.

---

### BACKGROUND

The Parks and Recreation Department is currently working with Midwest Sealcoat, LLC to crackfill, level, resurface, and paint tennis lines at tennis courts #1-4 located at Rock River Park. This project was approved by the City Council on February 2, 2021 as part of the Department's Capital Improvements Plan (CIP).

The Department recently became aware of the receipt of another very generous donation from Donna Fox to complete similar work on courts #5-8. In addition to crackfilling, leveling, resurfacing, and repainting courts #5-8, pickleball lines will also be painted on courts #6-8. Courts #5-8 were planned to be completed in 2022 through the CIP, but Ms. Fox expressed interest in completing all the courts in 2021. She was an avid tennis player and has donated funds to improve all the courts for tennis and pickleball players.

### DISCUSSION

Contractors who were asked to submit quotes include Midwest Sealcoat, Poblocki Paving Corp., Frank Armstrong Enterprises, and Holbrook Tennis Court Services. Midwest Sealcoat and Poblocki successfully submitted quotes, but Frank Armstrong refrained due to only offering to replace the entire tennis courts at \$30,000 per court and Holbrook already has their summer projects lined up.

Midwest Sealcoat has won the competitive bids every year and has performed work on our bike trail, tennis courts, parking lots, and basketball courts in the past years. It is suggested to maintain a 5-year re-coating procedure to minimize additional maintenance costs.

Midwest Sealcoat has provided free touch up work on previous projects and have added new lines to a court when asked. They also give us preference of work dates so we can work around tennis conflicts, school use, and tennis lessons. We are currently planning on starting courts #1-4 after May 31<sup>st</sup> due to the High School tennis season and would like to complete courts #5-8 shortly after. With this schedule, there will always be at least four courts available until all courts are complete.

**FINANCIAL ANALYSIS**

The Fort Atkinson Community Foundation has opened a non-endowed designated fund, called the Fort Atkinson Parks and Rec. Fund, to accept the gift of securities from Donna Fox. The gift is valued at \$24,086.

Midwest Sealcoat, LLC (Dodgeville): \$24,995

Poblocki Paving Corp. (Wauwatosa): \$48,965

After the donation of \$24,086, the remaining \$909 will be covered by the parks supply account if Midwest Sealcoat is selected.

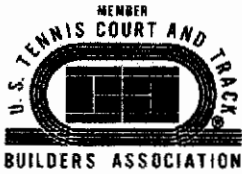
**RECOMMENDATION**

Staff recommends that the City Council approve the proposal from Midwest Sealcoat, LLC to crackfill, level, resurface, and paint new lines at tennis courts #5-8 for \$24,995. Note that the Community Foundation will be providing \$24,086 toward the cost of this project through a private donation.

**ATTACHMENTS**

Midwest Final Quote 5.26.21; Poblocki Tennis Court Quote 5-8; May 18, 2021 Letter from the Community Foundation approving grant of \$24,086.





# PROPOSAL

## MIDWEST SEALCOAT, LLC

P.O. Box 193 • Dodgeville, WI 53533  
Local 608-935-2081 • Fax 608-935-1441  
1-800-504-7735  
midwestseal@aol.com



QUALITY BLACK-TOP SEALER  
AND SEALING EQUIPMENT

PROPOSAL SUBMITTED TO:	DESCRIPTION OF JOB:
<u>Ft Atkinson Parks &amp; Rec</u>	JOB <u>Counts 5 - 8</u>
<u>30 North Water ST</u>	ADDRESS _____
<u>Fort Atkinson, WI 53538</u>	CITY <u>Dodgeville</u> STATE <u>WI</u>
<u>BROOKE FRANKEN</u>	DATE <u>MAY 15 2021</u>

WE HEREBY PROPOSE TO DO THE FOLLOWING:

- ① Powerwash Total Area to Remove All Dirt & Debris \$2000
  - ② Filling of All Cracks with Acrylic Patch Borden \$500
  - ③ Application of Two Coats Acrylic Resurfacer with SAND to Level & Smooth Count \$8000
  - ④ Application of two coats Sportmaster Poloncoat with SAND two color. \$11000
  - ⑤ Layout AND stripe counts to USGA specs. \$995.00
- \$24,995.00

WE HEREBY PROPOSE TO FURNISH LABOR AND MATERIALS  
COMPLETE IN ACCORDANCE WITH THE ABOVE SPECIFICATIONS,  
FOR THE SUM OF \$ 24,995.00

WITH PAYMENT TO BE MADE AS FOLLOWS:

50% DOWN WITH SIGNED  
Contract Bal on Completion

NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY US  
IF NOT ACCEPTED WITHIN \_\_\_\_\_ DAYS.

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL  
WORK IS TO BE COMPLETED IN A WORKMANLIKE MANNER  
ACCORDING TO STANDARD PRACTICES. ANY ALTERATION OR  
DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA  
COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS,  
AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE  
ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES,  
ACCIDENTS OR DELAYS BEYOND OUR CONTROL.

AUTHORIZED SIGNATURE \_\_\_\_\_

### ACCEPTANCE OF PROPOSAL

THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED.  
YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

DATE ACCEPTED \_\_\_\_\_

SIGNATURE \_\_\_\_\_

SIGNATURE \_\_\_\_\_





P.O. Box 13456  
Wauwatosa, WI 53213-0456

MADISON  
(608) 221-8680  
Fax: (414) 476-9132

MILWAUKEE  
(414) 476-9130  
Fax: (414) 476-9132

RACINE  
(262) 633-1105  
Fax: (414) 476-9132

WI Building Contractor Registration #: 1105248

Name: Brooke Franseen  
Company: City of Fort Atkinson

Address: 30 N. Water Street West  
City: Fort Atkinson, WI 53538

Phone: (920) 563-7781  
Fax Number:  
E-mail: bfranseen@fortatkinsonwi.net  
Job Name: Aquatic Center  
Job Location: 1300 Lillian Street, Fort Atkinson  
Job Phone:  
Date: May 21, 2021  
Cell:

**We hereby submit specifications and estimates for:**

**Procedure to Resurface Existing Tennis Courts Numbers 5-8.**

Remove and replace tennis post, center tie downs, and nets.

Furnish and install four complete sets of Douglas Premier-SQ tennis nets posts including center anchors. Posts set in concrete footings per Mfg. recommendation. Includes hauling spoils and protecting court surface as best possible. Furnish and install four (4) sets Douglas TN-30 tournament nets with center tie downs.

Power wash and flood existing tennis court to identify low areas.

Fill cracks over ½" wide and ½" deep using Portland Cement.

Repair all cracks using acrylic binder patch.

Apply acrylic resurfacer containing high grade rounded silica sand, 40-70 mesh at a rate of 12 pounds per gallon.

Apply SportMaster textured acrylic color coating, containing high grade rounded silica sand, 100 mesh at a rate of 7 pounds per gallon.

Mask off and hand paint one (1) tennis court.

**Price: \$48,965.00**

**Note: Due to the severe amount of cracking after one freeze thaw cycle many cracks will reappear.**

**Procedure to Replace Tennis Courts 5-8.**

Sawcut and excavate existing asphalt and haul material off site.

Remove existing posts, center tie downs, and net.

Remove fence fabric and reinstall after paving is complete.

Furnish and install up to 1" of crushed aggregate base course.

Fine grade, water, and compact.

Machine pave a 2-course 3 ½" compacted thickness hot mix asphalt pavement.

Sawcut relief joints.

Furnish and install four complete sets of Douglas Premier-SQ tennis nets posts including center anchors. Posts set in concrete footings per Mfg. recommendation. Includes hauling spoils and protecting court surface as best possible. Furnish and install four (4) sets Douglas TN-30 tournament nets with center tie downs.

Power wash and flood existing tennis court to identify low areas.

Fill cracks over ½" wide and ½" deep using Portland Cement.

Fill sawcut relief joint using acrylic binder patch.

Apply acrylic resurfacer containing high grade rounded silica sand, 40-70 mesh at a rate of 12 pounds per gallon.

Apply SportMaster textured acrylic color coating, containing high grade rounded silica sand, 100 mesh at a rate of 7 pounds per gallon.

Mask off and hand paint one (1) tennis court.

**Price: \$127,563.00**

We propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of: (Payment to be made as follows:)

**Terms: Total Due Upon Completion**

**Dollars ( )**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. Any increase in cost of materials will result in an increase in the contract price. These price increases will be charged as extras over and above the estimate. Poblocki Paving Corp. will notify owner of such increased costs when they occur, and will provide to owner copies of the invoices or other documentation evidencing such increased costs upon request. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

**AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, CONTRACTOR HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED CONTRACTOR, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. CONTRACTOR AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.**

A \$25.00 service fee, plus 1-1/2% of the outstanding balance will be charged on all accounts past 30 days, and will continue to be added each consecutive month until entire balance and accumulated service fees, plus interest are paid in full (unless otherwise noted). In the event it becomes necessary for Poblocki Paving Corp. to institute collection proceedings, all costs incurred by Poblocki Paving Corp., including reasonable and actual attorney's fees, shall be paid by the property owner or owner's agency and shall be added to the amount as described above.

Upon contract acceptance, if cancellation notice is not received in writing prior to 3 days after date of acceptance, Poblocki Paving Corp. assumes that the owner or owner's agent accepts the work herein described and the terms and conditions of sale contained. Any withdrawal of this contract could result in a partial billing to reimburse Poblocki Paving Corp. and/or its sub-contractors for planning, preparation, and materials already ordered or installed on the job site.

One mobilization is included to each job site. "One trip to site by the paving crew" unless 2 or more trips are noted.

All permits are property owner's responsibility (unless Poblocki Paving Corp. has specified they will be responsible).

Poblocki Paving Corp. is not responsible for damage to or injuries caused by any privately (not installed by a Public Utility) placed underground wires, pipes, sewers, conduits, obstructions or restrictions. The owner or owner's agent agrees to indemnify and hold harmless Poblocki Paving Corp. from any and all claims, liabilities, costs and expenses whatsoever arising from the above.

This contract does not contemplate the encountering of underlying concrete, wood, paving fabric or other unsuitable materials or unusual conditions during excavation, unless noted on proposal. Should these conditions be encountered, the property owner may be charged for the extra work incurred.

Poblocki Paving Corp. is not responsible for damage to landscaping as a result of project preparation, execution or completion. Poblocki Paving Corp. is also not responsible for changes needed in landscaping to insure the proper continuation of drainage flow from project area. It is the property owner's responsibility to back fill edges of paved areas.

Poblocki Paving Corp. is not responsible for low spots in asphalt of less than 1/2 inch.

Poblocki Paving Corp. is not responsible for concrete breakage due to normal construction equipment traffic.

Soil conditions such as the presence of clay and sand, as well as, temperature and moisture content may result in cracking, therefore it is impossible to guarantee against cracking. The property owner understands this risk is inherent in this kind of work.

Grading: The grading we perform may not prevent unwanted water from accumulating on your property. We do not warrant (expresses or implied) that our grading work will prevent, eliminate or reduce unwanted on site water accumulation or flowage on your property. However, we do warrant that our grading will meet applicable industry standards as to percentage grade requirements.

Non-payment of total invoiced amount in full upon completion, or terms as noted, voids any and all guarantees/warranties.

Should a dispute arise between the parties concerning this contract or the rights and duties of either party, Poblocki Paving Corp. may elect, at its sole discretion, to have the dispute settled by arbitration held in accordance with the Construction Industry Rules of the American Arbitration Association in effect at the time Poblocki makes the election for arbitration. Poblocki must make the election to arbitrate no later than 60 days after the proper service of a summons.

#### Acceptance of Proposal

**Note:** This proposal is void if not accepted within **15** days.

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

**Authorized  
Signature:**



Cliff Koutnik

**Signature:**

**Date of Acceptance:**



Where Gifts Today Build Better Tomorrows

May 18, 2021

Ms. Brooke Franseen, Director  
Fort Atkinson Parks & Rec. Department  
30 North Water Street West  
Fort Atkinson, WI 53538

Dear Brooke,

At its May 11<sup>th</sup> special board meeting, the Board of Directors of the Fort Atkinson Community Foundation reviewed and discussed the Parks & Rec Department's request for a grant of \$23,965 to help with the cost of improvements to the tennis courts at Rock River Park.

We are pleased to inform you that the Board voted to approve a grant of 24,086 to assist with the project. This represents the full amount donated to our new FA Parks & Rec Fund by Donna Fox for the expressed purpose of maintaining and improving the tennis courts. We can pass along the full amount since we are waiving all fees on the gift in order that Donna's generosity be fully realized.

The grant will be payable to the City of Fort Atkinson upon the presentation of paid invoices. Deadline for use of the grant is September 30, 2021.

To initiate reimbursement, please submit the required documentation to the Community Foundation's office at 244 N. Main St., Fort Atkinson or via email at [facf@fortfoundation.org](mailto:facf@fortfoundation.org).

The Community Foundation would appreciate any public recognition of this grant and would be pleased to be included in a press release or photograph for publicity purposes. If you have any questions, please contact our executive director, Sue Hartwick, at (920) 563-3210 or via the email address listed above.

To accept this grant, we ask that you sign and date the letter below and return it to me in the enclosed envelope. Please make a copy for your records.

Sincerely yours,

Michael Bender, Chairman  
Fort Atkinson Community Foundation

cc: Rebecca LeMire, City Manager, City of Fort Atkinson

Accepted on this \_\_\_\_\_ day of \_\_\_\_\_, 2021

By: \_\_\_\_\_  
Brooke Franseen, Director, Fort Atkinson Parks & Rec. Department



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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

**FROM:** Andy Selle PE, City Engineer / Director of Public Works

**RE:** 2021 Street Work Bids

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### BACKGROUND

The 2021 street work will consist of removing surface asphalt and placing new surface asphalt in the following areas of the City. Spot repairs for curb and gutter and driveway approaches will also be made. The Industrial Drive portion of the work includes moving the road and improving sanitary and water utilities around the Jones Dairy Farm campus. The remainder of the work is consistent with removing existing asphalt and replacing with new.

The following roadways are included in the 2021 street program:

1. River-North Locations:
  - a. McMillen Street – From N High St to Florence St.
  - b. North 4<sup>th</sup> Street – From N Main St to High St.
  - c. Van Buren Street – From Wilson Ave to Robert St.
  - d. Council Street – From Van Buren St to W Sherman Ave.
  - e. North Fourth Street – From N. Main St to North High St.
  - f. Monroe Street – From Van Buren St. to Riverside Dr.
2. River-South Locations:
  - a. Milwaukee Avenue West – From Terminus to S. Main St.
  - b. South Water Street East – From Purdy St to Roland Ave.
  - c. Zida Street – From S 4<sup>th</sup> St to Terminus
  - d. Bluff Street – From Milwaukee Ave. to S. 4<sup>th</sup> St.
  - e. Craig Street – From S High St to East St.
  - f. Elm Street – From Whitewater Ave to S High St.
  - g. Walton Court – From Terminus to Walton St.
  - h. \*Industrial Drive – From Rockwell Ave to Klement St
  - i. \*Klement Street – From Industrial Drive to Terminus
  - j. \*Butler Drive – From Industrial Drive to Terminus
  - k. \*Summit Drive – From Highland Avenue to Hackbarth Rd

\*Denotes MLS Grant work areas

## DISCUSSION

Two bids were received for this work, one from Wolf Paving and second from Payne and Dolan. Both have worked in the City previously. Wolf performed the work in 2020. An alternate item to pave the parking lot at Jones Park was included as an option. Table 1 below shows the bids from Wolf Paving and Payne and Dolan. Note that Wolf Paving's bid is significantly less than Payne and Dolan.

**TABLE 1: 2021 Street Work Bids**

	<b>2021 Street Work</b>	<b>2021 MLS Work</b>	<b>Jones Park Lot (Optional)</b>	<b>TOTAL</b>
<b>Wolf Paving</b>	\$690,112.25	\$1,063,798.75	\$30,400.00	\$1,784,311.00
<b>Payne and Dolan</b>	\$771,254.25	\$1,544,240.00	\$44,000.00	\$2,359,494.25

## FINANCIAL ANALYSIS

There are four sources of funding for the 2021 street work, noted below. The most variable funding is in the form of a loan, already secured from Premier Bank, to be used on the additional work associated with the MLS Grant from the State of Wisconsin for improvements in our industrial parks. The loan allows us to make up the difference from fixed sources of funding already dedicated to the overall project. It should be noted that there are additional expenses beyond the 2021 Street work that will utilize the Annual City Budget and the Vehicle Registration Fee funding sources. A good example is the annual County match that will be considered this evening. Additional examples include the bridge inspections, the City's portion of design fees paid to the state for the Robert Street Bridge project, and the Main Street/Whitewater Ave. project. Note that the latter two projects are both scheduled for 2023. Table 2 below shows the funding sources for the 2021 Street Program.

**TABLE 2: 2021 Street Work Funding Sources**

<b>FUNDING SOURCE</b>	<b>AMOUNT</b>
Annual City Budget for Street Work	\$598,000.00
Annual Vehicle Registration Fee (Wheel Tax)	\$209,000.00
County LRIP Funds	\$64,441.00
MLS Grant Award	\$387,776.00
Jones Dairy Farm Contribution	\$150,000.00
<b>SUBTOTAL</b>	<b>\$1,409,217.00</b>
Premier Bank Loan (estimated required draw)	\$375,094.00
<b>TOTAL FUNDING</b>	<b>\$1,784,311.00</b>

## RECOMMENDATION

Staff recommends that Council approve a contract with Wolf Paving in an amount not to exceed \$1,784,311.00, inclusive of the optional Jones Park parking lot paving.

## ATTACHMENTS

Bid Form – Wolf Paving; Bid Form – Payne and Dolan

**BID FORM**

The bidder shall provide a bid for all items. If Bid Amount exceeds the City budget for this Contract, the City reserves the right to delete any portion of, or all of, certain streets to reduce the total cost of this project. Fixed costs included may be adjusted by lowest qualified contractor.

**2021 Street Program - BASE BID**

Item	Units	Quantity	Description	Unit Price	Bid Amount
1	SY	31,150	1.5" - ASPHALT MILLING	2.30	71,645.00
2	SY	35,950	1.75" - HMA (COMPACTED)	7.45	267,827.50
3	SY	4,800	2.5" - ASPHALT MILLING	2.45	11,760.00
4	TN	300	1.0" - HMA LEVEL LAYER	70.20	21,060.00
5	SY	5,960	8" - ASPHALT PULVERIZING	6.85	40,826.00
6	TN	1,550	4" - HMA PAVEMENT	72.80	112,840.00
7	LF	3,495	30" - CONCRETE CURB AND GUTTER RESTORATION	40.10	140,149.50
8	SF	4,325	CONCRETE RESTORATION 6" DEPTH	8.65	37,411.25
9	SY	1,540	1' EBS	27.00	41,580.00
10	SY	4,800	PAVING FABRIC	5.10	24,480.00
11	LF	100	ASPHALT CURB	16.75	1,675.00

**Total:** \$771,254.25

**2021 Industrial Dr. Park Roadway and Public Utility Improvements- BASE BID**

Rockwell Ave, Industrial Dr., Butler Dr., Klement St. - MLS Grant Funded

Item	Units	Quantity	Description	Unit Price	Bid Amount
1	LS	1	TRAFFIC CONTROL	1,000.00	1,000.00
2	EA	15	INLET PROTECTION (TYPE D)	125.00	1,875.00
3	LF	1,000	SAWCUT - ASPHALT PAVING	2.00	2,000.00
4	SY	20,500	PULVERIZE EXISTING ASPHALT (8" DEPTH)	0.55	11,275.00
5	SY	20,500	FINISH GRADE BASE STONE	0.95	19,475.00
6	SY	450	1' EBS	21.00	9,450.00



Bid Sheet

7	TN	5,500	5 - INCH THICK ASPHALT PAVING (3" 19MM, 2" 12.5MM)	56.85	312,675.00
8	LF	5,500	24-INCH STONE SHOULDER (3/4-INCH DENSE GRADED BASE STONE)	2.85	15,675.00
9	SY	5,000	COMMON EXCAVATION (15-INCH DEPTH)	11.25	56,250.00
10	TN	3,800	1-1/4-INCH DENSE GRADED BASE STONE	19.25	73,150.00
11	LF	2,150	30-INCH CONCRETE CURB	15.20	32,680.00
12	LS	1	RESTORATION W/ TOPSOIL, FERTILIZER, SEED, AND MATTING	46,325.00	46,325.00
13	LF	56	6-INCH WATER MAIN (D.I. OR C900)	350.00	19,600.00
14	LF	590	12-INCH WATER MAIN (D.I. OR C900)	250.00	147,500.00
15	EA	2	12-INCH GATE VALVES, COMPLETE WITH BOX	4,250.00	8,500.00
16	EA	1	REMOVE HYDRANT AND SALVAGE FOR OWNER	6,500.00	6,500.00
17	EA	3	HYDRANT WITH VALVE AND BOX	7,500.00	22,500.00
18	EA	2	CONNECT TO EXISTING WATER MAIN	5,000.00	10,000.00
19	EA	2	STORM MANHOLE WITH CASTING AND SOLID LID (48-INCH)	4,000.00	8,000.00
20	EA	4	STORM INLET BOX AND CASTING, 30-INCH X 36-INCH PRECAST	3,000.00	12,000.00
21	LF	39	12-INCH DIA. RCP STORM SEWER	215.00	8,382.00
22	LF	133	15-INCH DIA. RCP STORM SEWER	245.00	32,585.00
23	LF	260	18-INCH DIA. RCP STORM SEWER	270.00	70,200.00
24	EA	2	CONCRETE END SECTION	2,000.00	4,000.00
25	LS	1	GENERAL EXCAVATION (REESTABLISH DRAINAGE)	46,350.00	46,350.00
26	EA	2	48" SANITARY MANHOLE WITH CASTING	5,000.00	10,000.00
27	EA	14	ADJUST SANITARY MANHOLE	2,500.00	35,000.00
28	LF	760	10" PVC SANITARY SEWER PIPE	300.00	228,000.00
29	EA	3	4-INCH TO 6-INCH SANITARY LATERAL SERVICE CONNECTION	3,500.00	10,500.00
30	EA	4	SANITARY MANHOLE WITH CASTING AND SOLID LID NR (48")	12,500.00	50,000.00
31	EA	3	REPLACE STORM CASTING AND LID WITH BEE HIVE GRATE	2,000.00	6,000.00

**Total:** 1,317,450.00

**2021 MLS Funding Grant Summit Dr./Ridge Dr. - BASE BID**

Item	Units	Quantity	Description	Unit Price	Bid Amount
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Bid Sheet

1	LS	1	TRAFFIC CONTROL	1,000.00	1,000.00
2	EA	8	INLET PROTECTION (TYPE D)	125.00	1,000.00
3	LF	625	SAWCUT - ASPHALT PAVING	3.00	1,875.00
4	SY	8,000	PULVERIZE EXISTING ASPHALT (8" DEPTH)	0.59	4,720.00
5	SY	8,000	FINISH GRADE BASE STONE	1.20	9,600.00
6	SY	200	1' EBS	27.00	5,400.00
7	TN	2,300	5 - INCH THICK ASPHALT PAVING (3" 19MM, 2" 12.5MM)	57.50	132,250.00
8	LS	1	RESTORATION WITH TOPSOIL, FERTILIZER, SEED, AND MATTING	35,445.00	35,445.00
9	EA	1	ADJUST STORM MANHOLE	2,000.00	2,000.00
10	LS	1	GENERAL EXCAVATION (RE-ESTABLISH DRAINAGE)	23,500.00	23,500.00
11	EA	4	ADJUST SANITARY MANHOLE	2,500.00	10,000.00

**Total:** \$226,790.00

**2021 Street Program - Jones Parking Lot - ALT. BID A**

Item	Units	Quantity	Description	Unit Price	Bid Amount
1	TN	400	4" HMA - FINISH GRADING INCIDENTAL TO PAVING	110.00	44,000.00

**Total:** \$44,000.00

WRITTEN TOTAL BASE BIDS: Two million, three hundred fifty nine thousand, four hundred ninety four dollars and twenty five cents

WRITTEN TOTAL ALT. BID "A": Forty four thousand dollars & no cents

ACKNOWLEDGEMENT OF ADDENDUM (INITIALIZE): #1 5/11/2021 JC

Contractor Signature: 

Date: 5/13/2021

Company Name: Payne and Dolan Inc

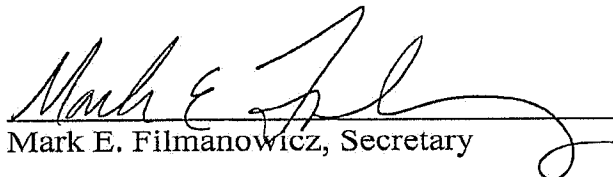
Address: N3W23650 Badinger Road  
Waukesha, WI 53187

**CERTIFICATE OF CORPORATE RESOLUTION  
PART OF THE MINUTES OF MEETING OF DIRECTORS**

**RESOLVED**, that Kurt Bechthold, Mark E. Filmanowicz, Todd B. Hughes, Steven D. Higgins, Charles E. Bechthold, Brian Endres, John C. Bartoszek, Diane Gadzalinski, Kelly Hetherington, Andrew Schmidt, David L. Bechthold, Raymond A. Postotnik, Brian Enders, Christopher Urech, Doug W. Buth, Tyler Winter, Christopher J. Winiecki, Carrie Van Vonderen, Sam Bilhorn, Jake Brucker, Jeffrey Batchelor, Cecilia McCormack, Bridget Kraus and Emily Ayling shall have the authority to sign all contracts for and within the State of Wisconsin and on behalf of Payne and Dolan, Inc.

I, Mark E. Filmanowicz, do hereby certify that I am the duly elected and qualified Secretary and the custodian of the records of Payne and Dolan, Inc., a corporation organized and existing under and by virtue of the laws of the State of Wisconsin; that the foregoing is a true and correct copy of a certain resolution duly adopted at a meeting of the Board of Directors of said corporation convened and held in accordance with the law and the bylaws of said corporation on the 10<sup>th</sup> day of September 2020, and that such resolution is now in full force and effect.

**IN WITNESS WHEREOF**, I have signed my name this 13th day of May, 2021.

  
Mark E. Filmanowicz, Secretary

**BID FORM**

The bidder shall provide a bid for all items. If Bid Amount exceeds the City budget for this Contract, the City reserves the right to delete any portion of, or all of, certain streets to reduce the total cost of this project. Fixed costs included may be adjusted by lowest qualified contractor.

**2021 Street Program - BASE BID**

Item	Units	Quantity	Description	Unit Price	Bid Amount
1	SY	31,150	1.5" - ASPHALT MILLING		
2	SY	35,950	1.75" - HMA (COMPACTED)		
3	SY	4,800	2.5" - ASPHALT MILLING		
4	TN	300	1.0" - HMA LEVEL LAYER		
5	SY	5,960	8" - ASPHALT PULVERIZING		
6	TN	1,550	4" - HMA PAVEMENT		
7	LF	3,495	30" - CONCRETE CURB AND GUTTER RESTORATION		
8	SF	4,325	CONCRETE RESTORATION 6" DEPTH		
9	SY	1,540	1' EBS		
10	SY	4,800	PAVING FABRIC		
11	LF	100	ASPHALT CURB		

**Total:** \$690,112.25

**2021 Industrial Dr. Park Roadway and Public Utility Improvements- BASE BID**

Rockwell Ave, Industrial Dr., Butler Dr., Klement St. - MLS Grant Funded

Item	Units	Quantity	Description	Unit Price	Bid Amount
1	LS	1	TRAFFIC CONTROL		
2	EA	15	INLET PROTECTION (TYPE D)		
3	LF	1,000	SAWCUT - ASPHALT PAVING		
4	SY	20,500	PULVERIZE EXISTING ASPHALT (8" DEPTH)		
5	SY	20,500	FINISH GRADE BASE STONE		
6	SY	450	1' EBS		

7	TN	5,500	5 - INCH THICK ASPHALT PAVING (3" 19MM, 2" 12.5MM)		
8	LF	5,500	24-INCH STONE SHOULDER (3/4-INCH DENSE GRADED BASE STONE)		
9	SY	5,000	COMMON EXCAVATION (15-INCH DEPTH)		
10	TN	3,800	1-1/4-INCH DENSE GRADED BASE STONE		
11	LF	2,150	30-INCH CONCRETE CURB		
12	LS	1	RESTORATION W/ TOPSOIL, FERTILIZER, SEED, AND MATTING		
13	LF	56	6-INCH WATER MAIN (D.I. OR C900)		
14	LF	590	12-INCH WATER MAIN (D.I. OR C900)		
15	EA	2	12-INCH GATE VALVES, COMPLETE WITH BOX		
16	EA	1	REMOVE HYDRANT AND SALVAGE FOR OWNER		
17	EA	3	HYDRANT WITH VALVE AND BOX		
18	EA	2	CONNECT TO EXISTING WATER MAIN		
19	EA	2	STORM MANHOLE WITH CASTING AND SOLID LID (48-INCH)		
20	EA	4	STORM INLET BOX AND CASTING, 30-INCH X 36-INCH PRECAST		
21	LF	39	12-INCH DIA. RCP STORM SEWER		
22	LF	133	15-INCH DIA. RCP STORM SEWER		
23	LF	260	18-INCH DIA. RCP STORM SEWER		
24	EA	2	CONCRETE END SECTION		
25	LS	1	GENERAL EXCAVATION (REESTABLISH DRAINAGE)		
26	EA	2	48" SANITARY MANHOLE WITH CASTING		
27	EA	14	ADJUST SANITARY MANHOLE		
28	LF	760	10" PVC SANITARY SEWER PIPE		
29	EA	3	4-INCH TO 6-INCH SANITARY LATERAL SERVICE CONNECTION		
30	EA	4	SANITARY MANHOLE WITH CASTING AND SOLID LID NR (48")		
31	EA	3	REPLACE STORM CASTING AND LID WITH BEE HIVE GRATE		

**Total: \$860,860.00**

**2021 MLS Funding Grant Summit Dr./Ridge Dr. - BASE BID**

Item	Units	Quantity	Description	Unit Price	Bid Amount
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Bid Sheet

1	LS	1	TRAFFIC CONTROL		
2	EA	8	INLET PROTECTION (TYPE D)		
3	LF	625	SAWCUT - ASPHALT PAVING		
4	SY	8,000	PULVERIZE EXISTING ASPHALT (8" DEPTH)		
5	SY	8,000	FINISH GRADE BASE STONE		
6	SY	200	1' EBS		
7	TN	2,300	5 - INCH THICK ASPHALT PAVING (3" 19MM, 2" 12.5MM)		
8	LS	1	RESTORATION WITH TOPSOIL, FERTILIZER, SEED, AND MATTING		
9	EA	1	ADJUST STORM MANHOLE		
10	LS	1	GENERAL EXCAVATION (RE-ESTABLISH DRAINAGE)		
11	EA	4	ADJUST SANITARY MANHOLE		

**Total:** \$202,938.75

**2021 Street Program - Jones Parking Lot - ALT. BID A**

Item	Units	Quantity	Description	Unit Price	Bid Amount
1	TN	400	4" HMA - FINISH GRADING INCIDENTAL TO PAVING		

**Total:** \$30,400.00

WRITTEN TOTAL BASE BIDS: One Million Seven Hundred Fifty Three Thousand Nine Hundred Eleven Dollars and 00/100

WRITTEN TOTAL ALT. BID "A": Thirty Thousand Four Hundred Dollars and 00/100

ACKNOWLEDGEMENT OF ADDENDUM (INITIALIZE): #1 - 5/11/2021 

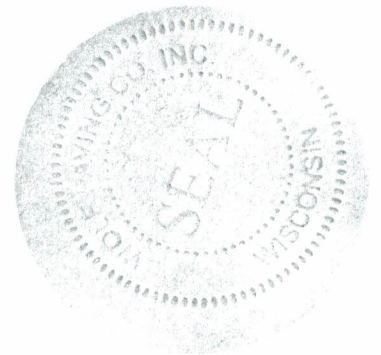
Contractor Signature:  Jacob Mrugacz, President

Date: May 13, 2021

Company Name: Wolf Paving Co., Inc.

Address: 612 N Sawyer Rd.

Oconomowoc, WI 53066



## WOLF PAVING CO., INC.

### UNANIMOUS CONSENT OF DIRECTORS

The undersigned, being all of the duly-elected and acting Directors of Wolf Paving Co., Inc. (the "Corporation"), a Wisconsin corporation, hereby waive notice of a special meeting of the Board of Directors and hereby consent to, adopt and ratify the following Resolutions in accordance with the Section 3.13 of the By-Laws of the Corporation and §180.0821 of the Wisconsin Statutes:

**BE IT RESOLVED:** That Jacob Mrugacz in his capacity as President, Secretary and Treasurer of the Corporation shall be, and hereby is, authorized to act on behalf of the Corporation in connection the execution and delivery of bids, bidding documents, contracts for bids, bonds and/or other contracts and related documentation for the performance of work on projects to be completed by the Corporation and lien waivers and lien satisfactions pertaining to any such projects (collectively "Project Documents");

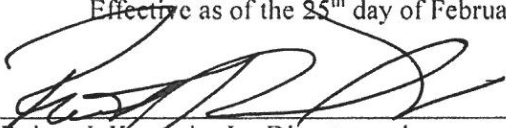
**BE IT FURTHER RESOLVED:** That , if a second signature on behalf of the Corporation is required on any such Project Document, Sherry Bartolone in her capacity as Assistant Secretary of the Corporation shall be, and hereby is, authorized to sign and deliver any such Project Document(s) on behalf of the Corporation;

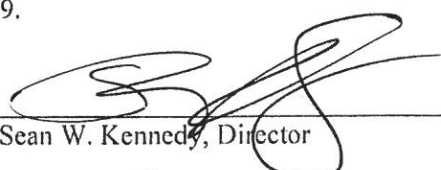
**BE IT FURTHER RESOLVED:** That, if neither Jacob Mrugacz nor Sherry Bartolone is available for any reason to act on behalf of the Corporation, Robert J. Kennedy, Jr. in his capacity as Chairman of the Board of Directors and/or any one (1) or more persons he may designate shall be, and hereby is, authorized to execute and deliver any such Project Document(s) on behalf of the Corporation; and

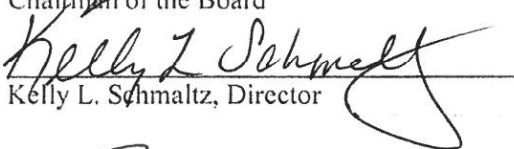
**BE IT FURTHER RESOLVED:** That the Officers and Directors of the Corporation shall be, and hereby are, authorized and directed to take such actions as may be necessary to implement and carry out the terms of the foregoing Resolutions.

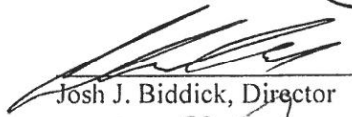
By his/her signature of this Consent, each Director individually and all of the Directors collectively (a) consent to the adoption of the foregoing Resolutions and the taking of the foregoing actions without a formal meeting, (b) acknowledge and agree that said Resolutions and actions shall have the same force and effect as if adopted or taken at a formal meeting of the Directors, and (c) waive any and all notice with respect thereto.

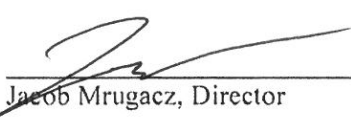
Effective as of the 25<sup>th</sup> day of February, 2019.

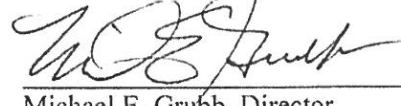
  
Robert J. Kennedy, Jr., Director and  
Chairman of the Board

  
Sean W. Kennedy, Director

  
Kelly L. Schmaltz, Director

  
Josh J. Biddick, Director

  
Jacob Mrugacz, Director

  
Michael E. Grubb, Director





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

## MEMORANDUM

**DATE:** June 1, 2021

**TO:** Fort Atkinson City Council

**FROM:** Daryl Rausch, Fire Chief

**RE:** Review and possible action relating to Fire Station Change Order #7 in the amount of \$10,090.50

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### BACKGROUND

Keller has submitted the attached Change Order #7 for the Fire Station project. As noted, a number of these changes are related to construction issues encountered during completion of Phase 2 and Phase 3.

### DISCUSSION

The primary issue is related to the need for primer before applying the epoxy floor coating. This change (\$8,946) is not unexpected since we also had to use primer during the phase 1 and phase 2 floor covering portions of the project.

The other changes include adding an outlet (\$302.50) and the relocation of two air compressors (\$1,875). The units were planned for placement on a mezzanine, which is only accessible via a ladder, but were later relocated to a mezzanine accessible by a stairway to enable access for proper service of the units. There is a small return of funds (-\$1,033) from Keller also listed on the change order due to the hose hoist not costing the full \$20,000 budgeted for the equipment. The net cost of Change Order #7 is \$10,090.50.

These changes are somewhat expected and will make the building more functional and efficient. We have critically reviewed all requests with an eye towards controlling and minimizing costs but we feel that Change Order #7, which includes the epoxy floor coating, an additional outlet, and the relocation of two air compressors, is needed and reasonable.

### FINANCIAL ANALYSIS

Change Order #7 will be funded through our remaining contingency fund and by using sales tax rebates currently being held by Keller. This approval does not increase the overall final budget of \$5.5 million as approved by the council and still leaves a small contingency balance of \$5,255.72. Please see the attached memo from Keller for more detailed information relating to the changes and the funding.

### RECOMMENDATION

Staff recommends approval of the attached Keller Contract Change Order #7 in the amount of \$10,090.50.

### ATTACHMENT

Keller Fire Station Change Order 7 – Memo 1



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

**Date:** June 1, 2020

**TO:** City Council

**FROM:** Devin Flanigan, Construction Manager

**SUBJECT:** Fire Station Change Order 7 – Memo 1

### **Background**

The intent of this change order was to encompass all the unforeseen in the process finishing Phase 2 and Phase 3 of the Fire Station project. Issues which the project has run into are high moisture in epoxy, outlet locations, relocating air compressors, and hose hoist budget.

The construction and issues occurred in April - May, but due to obtaining costs and documentation we are now formally presenting to City Council.

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

During the construction & installation of the epoxy floors, the concrete floors moisture content was measured as being too high per the manufacture recommendation. If the epoxy was installed with a moisture content at that level the warranty would be voided. The decision was made to utilize a primer which would allow the warrant to stay in place per the manufacture recommendations.

- Cost to add primer to Phase 3 epoxy not to exceed \$8,946.00 to Floor Care USA

### **Add an outlet inside of Phase 3 for additional equipment**

After construction of Phase 3 the Fire Department requested that a receptacle be located for additional equipment.

- Cost to change wiring for this additional outlet not to exceed \$275 to United Electric

### **Relocating Air Compressors**

After construction of Phase 2 the Fire Department requested both general use air compressor and high pressure air compressor be relocated from the mezzanine to service platform.

- Cost to relocate two air compressors not to exceed \$1,875 to Keller





### Hose Hoist

During project approval through City Council, the team assigned a budget to the hose hoist. After completion of the Hose Hoist the remaining \$1,033 will be credited back to the City.

- Deduct for Hose Hoist Lift Budget (\$1,033)

### **Discussion**

Throughout the project, the Fire Department had a few changes which is often seen in projects of this magnitude.

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

The additional cost of this unforeseen cost will be partially accounted for in the built in contingency of the project. Another project funding sources would be the left over furniture budget.



### **Conclusion**

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

<u>Additional</u>		<u>Keller 10%</u>
Floor Care USA – Epoxy Primer (Phase 3)	\$8,946.00	
United Electric – Additional Outlet	\$275.00	\$27.50
Keller – Relocating Air Compressors	\$1,875.00	
Hose Hoist Budget	(\$1,033)	
Keller Coordination / Supervision / Administration 10%		\$27.50

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<b>Change Order Costs Total</b>	<b>\$10,090.50</b>
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**Original Project Budget: \$5,499,911.70**

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

**Change Order #7 Cost \$10,090.50**

	<u>Change Order 6 Funding</u>
Previous Remaining Contingency	\$15,346.22

Remaining Keller Contingency after Change Order: \$5,255.72

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

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