



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

**CITY COUNCIL MEETING  
IN PERSON AND VIA ZOOM  
TUESDAY, OCTOBER 5, 2021 – 7:00 PM  
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/83950900371?pwd=a2hTMGgrUG94OXhVTi9nUVhDcXFBUT09>

Meeting ID: 839 5090 0371  
Passcode: 53538

Dial by Location  
+1 312 626 6799

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

---

**AGENDA**

1. **Call meeting to order**
2. **Roll call**
3. **Public Hearings – None**
4. **Public Comment:** *The City Council will receive comments from City residents. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information. No action will be taken on any public comments unless the item is also elsewhere on the agenda.*
5. **Consent Agenda:** *The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President.*
  - a. Review and possible action relating to the **minutes of the September 21, 2021 regular City Council meeting** (Ebbert)
  - b. Review and possible action relating to the **minutes of the September 28, 2021 Plan Commission meeting** (Ebbert)

- c. Review and possible action relating to a Special Event: **Friends of Haumerson's Pond – Haunted Hike (October 22-23, 2021)** (Ebbert)

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

**7. Resolutions and Ordinances – None**

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

- a. City Manager's Report (LeMire)

**9. Unfinished Business:**

- a. Review and possible action relating to a proposal from Vandewalle and Associates to prepare an **Official Map for the City of Fort Atkinson** (Selle)

**10. New Business:**

- a. Review and possible action relating to a one-lot extraterritorial Certified Survey Map in the Town of Koshkonong for the property located at **1917 South Main Street** (CSM-2021-06) (Selle)
- b. Review and discussion of a **draft City of Fort Atkinson Ward Map** relating to redistricted following the 2020 Census (Ebbert)

**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. The City Council may consider a motion to convene in closed session pursuant to State Stat. §19.85(1)(e) to **deliberate or negotiate the purchase of public properties****

**14. The City Council may reconvene in open session and may take action relating to **the purchase of public properties** (LeMire/Christensen)**

**15. Adjournment**

*Date Posted: October 1, 2021*

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

*Visit us online! City news and information can be found at [www.fortatkinsonwi.net](http://www.fortatkinsonwi.net), and be sure to follow us on Facebook @FortAtkinsonWI.*



**CITY COUNCIL MEETING  
IN PERSON AND VIA ZOOM  
TUESDAY, SEPTEMBER 21, 2021 – 7:00 PM  
CITY HALL – SECOND FLOOR**

---

**AGENDA**

**1. CALL MEETING TO ORDER**

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

**2. ROLL CALL**

Present: Cm. Becker, Cm. Hartwick, Cm. Housley and President Scherer. Also present: City Manager, City Attorney (via Zoom), City Clerk/Treasurer, City Engineer and Wastewater Supervisor.

Excused absence: Cm. Johnson.

**3. PUBLIC HEARINGS - NONE**

**4. PUBLIC COMMENT - NONE**

**5. CONSENT AGENDA:**

- a) *Review and possible action relating to the minutes of the September 7, 2021 regular City Council meeting (Ebbert)*
- b) *Review and possible action relating to the minutes of the September 14, 2021 Plan Commission meeting (Ebbert)*
- c) *City Sewer, Water, and Stormwater Utility Financial Statements as of August 31, 2021 (Ebbert)*
- d) *Review and possible action relating to building, plumbing, and electrical permit report for August, 2021 (Juarez)*
- e) *Review and possible action relating to the City Clerk-issued License and Permit Report for August 2021 (Ebbert)*
- f) *Review and possible action relating to a Special Event: Fort Atkinson Area Chamber of Commerce 25<sup>th</sup> Annual Lighted Holiday Parade on November 13, 2021 (Ebbert)*

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

**6. PETITIONS, REQUESTS, AND COMMUNICATIONS – NONE**

**7. RESOLUTIONS AND ORDINANCES:**

- a) Third/Final reading of an Ordinance to amend Sections 2-52(c) and 15.10.13(2) and to create Section 2-3 of the City of Fort Atkinson Municipal Code relating to allowing electronic participation at meetings by members of the City Council, Boards, Commissions, and Committees (LeMire)*

Cm. Housley moved, seconded by Cm. Hartwick to adopt the Ordinance amending Section 2-52(c) and 15.10.13(2) and to create Section 2-3 of the City of Fort Atkinson Municipal Code relating to allowing electronic participation at public meetings. Motion carried.

**8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:**

- a) City Manager's Report (LeMire)*

No action required.

**9. UNFINISHED BUSINESS**

- a) Review and possible action relating to the General Development Plan for the U-Haul Planned Unit Development project located at 1307/1309 High Street (PUD-2021-01) (Selle)*

Engineer Selle shared the PUD for the U-Haul location. The Plan Commission reviewed the request and recommended Council approval. Selle confirmed the existing restaurant will remain at their current site. The two other sites can serve as retail.

Cm. Becker moved, seconded by Cm. Housley to approve the General Development Plan for the U-Haul Planned Unit Development project located at 1307/1309 High Street, subject to the information included in the August 4, 2021 memo from Vandewalle and Associates, with the exceptions of items B.8. through B.10. Motion carried.

**10. NEW BUSINESS:**

- a) Review and possible action relating to an estimate from Century Fence Company for pavement markings for 2021 road construction projects for \$34,780 (Selle)*

Engineer Selle stated only one company responded to the request for bids. This same company performed the work on Rockwell Avenue in 2019.

Cm. Hartwick moved, seconded by Cm. Becker move to approve the contract with Century Fence Company for pavement markings for 2021 road construction projects for an estimated \$34,780. Motion carried.

- b) Review and possible action relating to the 2022 Recycling Grant Application to the Wisconsin Department of Natural Resources (Selle)*

Engineer Selle provided the annual report in regard to the recycling grant.

Cm. Becker moved, seconded by Cm. Hartwick to approve the 2022 Recycling Grant and authorize staff to sign and submit the application to the Wisconsin Department of Natural Resources. Motion carried.



*c) Review and possible action relating to a proposal from Tactical Athlete Health and Performance Institute, LLC for the City's participation in the Rebound program (LeMire)*  
Manager LeMire introduced the Rebound program which is designed to work with public safety employees following workers compensation injuries and returning them to work. The program would be available to employees, spouses and children.

Cm. Hartwick moved, seconded by Cm. Housley to approve the agreement with Tactical Athlete Health and Performance Institute, LLC, for the Rebound Program for a three-year term, subject to continued reimbursement of fees by LWMMI. Motion carried.

**11. MISCELLANEOUS – NONE**

**12. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:**

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

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

**13. THE CITY COUNCIL MAY CONSIDER A MOTION TO CONVENE IN CLOSED SESSION PURSUANT TO STATE STAT. §19.85(1)(E) TO DELIBERATE OR NEGOTIATE THE PURCHASING OF PUBLIC PROPERTIES**

**14. THE CITY COUNCIL MAY CONTINUE IN CLOSED SESSION PURSUANT TO STATE STAT. §19.85(1)(C) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION, OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY [6-MONTH REVIEW OF THE CITY MANAGER]**

Cm. Becker moved, seconded by Cm. Hartwick to adjourn into closed session pursuant to State Stat. §19.85(1)(e) to deliberate or negotiate the purchase of public properties and to remain in closed session pursuant to §19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction relating to the 6-month review of the City Manager. Motion carried unanimously.

**15. ADJOURNMENT**

Cm. Becker moved, seconded by Cm. Hartwick to adjourn. Meeting adjourned at 9:18 pm.

Respectfully submitted  
Michelle Ebbert  
City Clerk/Treasurer/Finance Director



**PLAN COMMISSION MEETING  
IN PERSON AND VIA ZOOM  
TUESDAY, SEPTEMBER 28, 2021 – 4:00 PM**

---

**1. CALL MEETING TO ORDER**

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

**2. ROLL CALL**

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

**3. REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE SEPTEMBER 14, 2021  
REGULAR PLAN COMMISSION MEETING.**

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

**4. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO THE  
PRELIMINARY CERTIFIED SURVEY MAP-EXTRA TERRITORIAL ZONING FOR THE MERRIMAN  
PROPERTY, N1917 S. MAIN STREET (CSM-2021-06)(SELLE)**

Engineer Selle presented the preliminary CSM as the Merriman family would like to separate the existing home from the larger parcel through a CSM. Roads are stubbed to the parcel along the north side and right of way is dedicated on the south side to promote further residential development. The site is a total of 10 acres, the owners have an offer to purchase the house and 2 of the acres.

The City has requested a dedication of the right of way along S. Main Street to tidy up the remaining legal description of the property. The City also maintains a sewer line within this right of way. The ideal situation would include the property annexing into the City and adjourning City services with abandonment of the well and septic. The Town of Koshkonong had approved this request without conditions.

Cm. Becker moved, seconded by Cm. Highfield to recommend the City Council approve the Preliminary Certified Survey Map-Extra territorial zoning for N1917 S. Main Street. Motion carried.

**5. ADJOURNMENT**

Cm. Becker moved, seconded by Cm. Kessenich to adjourn. Meeting adjourned at 4:24 pm.

Respectfully submitted  
Michelle Ebbert  
Clerk/Treasurer



## MEMORANDUM

**DATE:** October 5, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and possible action relating to Special Event:  
Friends of Haumerson's Pond – Haunted Hike

---

### 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:** Haunted Hike

**Dates and Hours of Event:**

Setup: Thursday October 21

Event: Friday October 22 from 6:00 pm to 9:00 pm and Saturday October 23 from 6:00 pm to 9:00 pm.

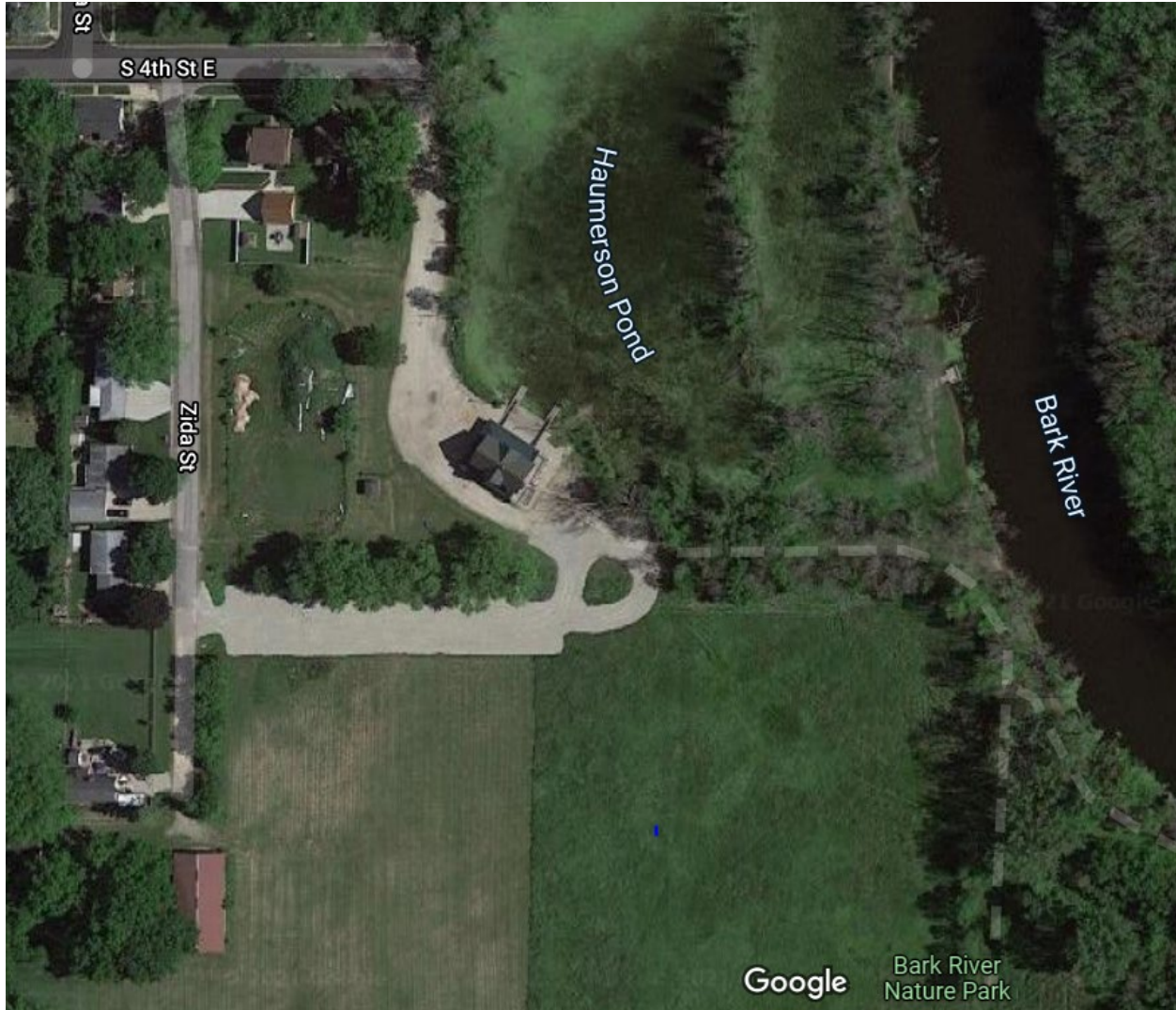
**Locations:** Haumerson's Pond off Zida Street

**Contact Person:** Joel Van Haaften, [jjvanhaaften@sbcglobal.net](mailto:jjvanhaaften@sbcglobal.net)

**Estimated Number of Attendees:** 1500

Event information was routed to Departments with the following comments without concerns.

There will be no alcohol sales or consumption in conjunction with this event.



### **FINANCIAL ANALYSIS**

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

### **RECOMMENDATION**

Staff recommends that City Council approve the Friends of Haumerson's Pond Haunted Hike for Friday October 22<sup>nd</sup> to Saturday October 23<sup>rd</sup>.

### **ATTACHMENTS**


Special Event Application, Event Map





CITY OF FORT ATKINSON  
Special Event Application

\*INFO ON BACK  
OF THIS FORM.

Name of Business/Group Organizing Event: <b>FRIENDS OF HAUMERSON'S POND</b>	
Contact Person for Event: <b>JOEL VAN HAAFTEN</b>	<b>JANENE FIXMER</b>
Phone Number: <b>920-728-5635</b>	Email: <b>jjvanhaaften@sbglobal.net</b>
Is the Business/Group Organizing Event: <input type="checkbox"/> For profit or <input checked="" type="checkbox"/> Non-Profit	
Special Event Details	
Event Name: <b>HAUNTED HIKE</b>	
Event Date: <b>OCT. 21, 22, 23</b>	
Event Location: <b>HAUMERSON'S POND AND BARK RIVER NATURE PARK</b>	
Estimated Number of Attendees: <b>1500</b>	Hours of Event: <b>OCT. 22, 6-9pm OCT. 23 6-9pm</b>
Check all applicable boxes: <input checked="" type="checkbox"/> I am renting a City Park Attach copy of paid park rental from Parks & Recreation (920) 563-7781. <input type="checkbox"/> I will be having music Start and end time of music: <input type="checkbox"/> I will be closing a street(s) Attach site diagram with details. Barricades can be provided by Public Works upon request (920) 563-7771. <input type="checkbox"/> I will be selling beer and/or wine* Attach Temporary License and Bartender/Operator Applications. Contact City Clerk (920) 563-7760 *Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide. <input checked="" type="checkbox"/> I will be erecting a tent, canopy or other temporary structure.	
By signing, I agree to the following statements: I understand I am responsible for a fire safety and medical plan. I understand it is my responsibility to read the Special Events Guide. I understand I may be required to provide Proof of Insurance. I am responsible to contact each Department to arrange for assistance. I understand I am responsible for timely clean up after the event. Responsible Party Signature: 	

Office Use Only

Date Submitted to Clerk: **9/27/21** Date Emailed to Departments: **9/30/21**

Department	Comments, Concerns, Action(s) to be taken
<input checked="" type="checkbox"/> Clerk/Treasurer	<b>OK - no concerns</b>
<input checked="" type="checkbox"/> EMS - Ryan Brothers Ambulance	<b>no comment</b>
<input checked="" type="checkbox"/> Engineer and Building Inspection	<b>no concerns</b>
<input checked="" type="checkbox"/> Electrician	<b>no concerns</b>
<input checked="" type="checkbox"/> Fire and Rescue Department	<b>no concerns</b>
<input checked="" type="checkbox"/> Library and Museum	<b>no concerns</b>
<input checked="" type="checkbox"/> Parks & Recreation	<b>no concerns</b>
<input checked="" type="checkbox"/> Police Department	<b>No concerns</b>
<input checked="" type="checkbox"/> Public Works Department	<b>No concerns</b>
<input checked="" type="checkbox"/> Wastewater and Water Utility	<b>no concerns</b>
Date Reported to City Council (if necessary): <b>10/5/2021</b>	
Comments, Contingencies, Findings:	

\* PLEASE SUPPLY 5 ADDITIONAL PICNIC TABLES (DELIVERED BY THURSDAY THE 21<sup>ST</sup>), TEN CONES FOR PARKING, EIGHT BARRICADES TO THE WARMING HOUSE LOCATION. COULD WE ALSO HAVE TWELVE GARBAGE CANS AND TWO RECYCLING CANS.

\* WE WOULD ALSO LIKE JEFF ARMSTRONG TO SEE IF THE LIGHTS TO THE OLD, UPPER HOCKEY RINK ARE AVAILABLE FOR AN OVERFLOW PARKING LOT.

\* COULD WE ALSO HAVE THE JONES PARK SIGN ANNOUNCE THE EVENT THE WEEK PRIOR.



- x Cones
- x Barricades
- + Garbage Cans

Picnic  
Tables





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

## MEMORANDUM

**DATE:** October 5, 2021

**TO:** Fort Atkinson City Council

**FROM:** Andy Selle, PE – Director of Public Works

**RE:** Review and possible action relating to a proposal from Vandewalle & Associates to prepare an Official Map for the City of Fort Atkinson

---

### BACKGROUND

The City is in the process of developing an Official Map. This instrument allows the City to plan areas for possible right of way expansion both within and beyond the borders of Fort Atkinson. Once adopted, the map allows the City to preserve such areas from development or require adjustments to that would preserve the intent of the right of way in a similar location. Without this instrument, the City is required to approve all extra-territorial land divisions that come before the Plan Commission and City Council.

In October 2020, the City Council approved adding this task to the scope of work from our consultant, SEH, who was under contract to develop the Land Division Code. I assumed there would be synergy between the two tasks, and the addition of \$10,000 was made to the contract with SEH.

### DISCUSSION

My assumption of synergy has proven to be incorrect. The Land Development Code is a procedural ordinance whereas the map is an exercise in strategic planning. The code is in DRAFT FINAL form and the team has delivered an excellent product. As we look at the mapping effort, the team has less institutional knowledge of Fort Atkinson's recent past and future growth opportunities. Vandewalle and Associates, who developed our Zoning Ordinance, Comprehensive Plan, and the Banker Road Neighborhood Plan, have this institutional knowledge. I reached out to them for a proposal (attached) to complete the Official Map. Their anticipated cost was \$8,320.

### FINANCIAL ANALYSIS

The existing contract with SEH has about \$5,000 remaining unexpended. We propose to use this unexpended balance toward this project, and the remaining \$3,320 balance will be split four ways: the General Fund (\$830 – Account 01-54-5421-1600); Water Utility (\$830 – Account 03-33-0092-3000), Storm Water Utility (\$830 – Account 10-52-5251-0300); and Sewer Utility (\$830 – Account 02-82-0831-0200), as the final product will impact all four functional areas.



**RECOMMENDATION**

Staff recommends approving the attached Scope of Services with Vandewalle and Associates to prepare an Official Map for an amount not to exceed \$8,320.

**ATTACHMENTS**

Vandewalle & Associates Inc. Official Map Scoop of Services



# VANDEWALLE & ASSOCIATES INC.

## CITY OF FORT ATKINSON OFFICIAL MAP - SCOPE OF SERVICES SEPTEMBER 21, 2021

The City of Fort Atkinson does not currently have an Official Map but has expressed interest in potentially adopting one as a guide to growth:

“State statutes permit cities, villages and towns to prepare official mapping. This mapping is intended to serve as a formal public record to indicate where the government unit is likely to require right-of-way, easements, or land for future roads, drainageways, utilities, recreation facilities, etc. This enables landowners to plan future construction to avoid costly removal of structures later when a public facility identified on the official map is built through or near their properties.

Official mapping is also an excellent way to implement recommendations made in a land use or comprehensive plan. Further, it ensures new developments will be linked to existing and future street extensions and connections in a planned manner. Finally, when paired with careful building code administration, it reduces land acquisition costs to government units by virtually ensuring that critical land segments will remain unimproved by private landowners.

The local government unit may by ordinance or resolution establish an official map of its territory or any part thereof showing with survey accuracy the streets, highways, utility corridors, drainageways, historic districts, parks and playgrounds laid out, adopted and established by law. The location of railroad rights-of-way, waterways, airports, and public transit facilities may also be shown on the map.” (UW-Extension)

Vandewalle & Associates proposes completing the below listed scope of services for a cost not to exceed \$8,320. All work elements are detailed on the following pages.

Works Cited: [https://burnett.uwex.edu/files/2010/09/Official\\_Mapping.pdf](https://burnett.uwex.edu/files/2010/09/Official_Mapping.pdf)

## **Work Elements**

### **Task 1.1 – Data Collection**

City staff will provide Vandewalle & Associates with digital or hard copies of existing infrastructure plans for water, stormwater, sanitary sewer, road improvement/resurfacing, road enhancements/widening, public safety facilities, parks and trails, any other public utilities, and airport facilities, beyond those in which V&A has already obtained or created.

### **Task 1.2 – City Staff Discussions of Goals and Focus Areas**

Vandewalle & Associates will facilitate a two-hour meeting with City staff to discuss the City's desired outcomes for the Official Map – including a detailed review of the five focus areas highlighted by City staff on the periphery of the City. Those being:

- Northwest Highway 12 Corridor
- Banker Road Area
- Airport Corridor
- Southeast County Highway M Area
- Southwest Business Park Expansion Corridor

### **Task 1.3 – Draft #1 Official Map**

From Task 1.1 and 1.2, Vandewalle & Associates will prepare a Draft #1 Official Map, providing one digital copy of a preliminary draft for City staff review, to include:

- Existing and future arterial and collector roads and enhancements based on Maps 9 and 10 of the Comprehensive Plan and other relevant plans, along with current desires of City staff.
- Future right-of-way widths on planned arterial and collector roads, and existing arterials and collectors where widening is planned.
- Existing and future major planned park and trail locations based on Maps 9 and 10 of the Comprehensive Plan and other relevant plans.
- Existing and future major water system facilities including storage, supply, and distribution facility locations.
- Existing and future stormwater facilities.
- Existing and future sanitary sewer system.
- All other public facilities.
- Environmental Corridors.

### **Task 1.4 – Draft #1 Review Meeting**

Vandewalle & Associates will facilitate a one-hour meeting to review the City's comments and edits to the Draft #1 Official Map.

### **Task 1.5 – Prepare Draft #2 Official Map**

Vandewalle & Associates will prepare the Draft #2 Official Map for Transportation Committee, Park and Recreation Committee, Planning Commission, and City Council review, providing a digital copy to the City for distribution.

### **Task 1.6 – Draft #2 Review Meeting**

Vandewalle & Associates will facilitate a one-hour meeting to review the comments and edits gathered in Task 1.5 on the Draft #2 Official Map.

**Task 1.7 – Prepare Final Draft Official Map**

Vandewalle & Associates will prepare the Final Draft version of the Official Map, a brief presentation overview of the process and map, and the adoption ordinance text.

**Task 1.8 – Attend Adoption Meeting**

Vandewalle & Associates will attend and present the Final Draft Official Map at a City Council Meeting to seek formal adoption of the ordinance.

**Task 1.9 – Produce Adopted Official Map**

Vandewalle & Associates will produce the adopted Official Map and provide it to City staff digitally in both PDF and ArcGIS format.



## CERTIFIED SURVEY MAP REPORT TO THE CITY COUNCIL

**DATE:** October 5, 2021

**FILE NUMBER:** CSM-2021-06

**PROPERTY ADDRESS:** 1917 S Main St

**EXISTING ZONING:** N/A

**PARCEL NUMBER:** 016-0514-0914-068

**PROPOSED ZONING:** N/A

**OWNER:** Merriman Family

**EXISTING LAND USE:** Residential

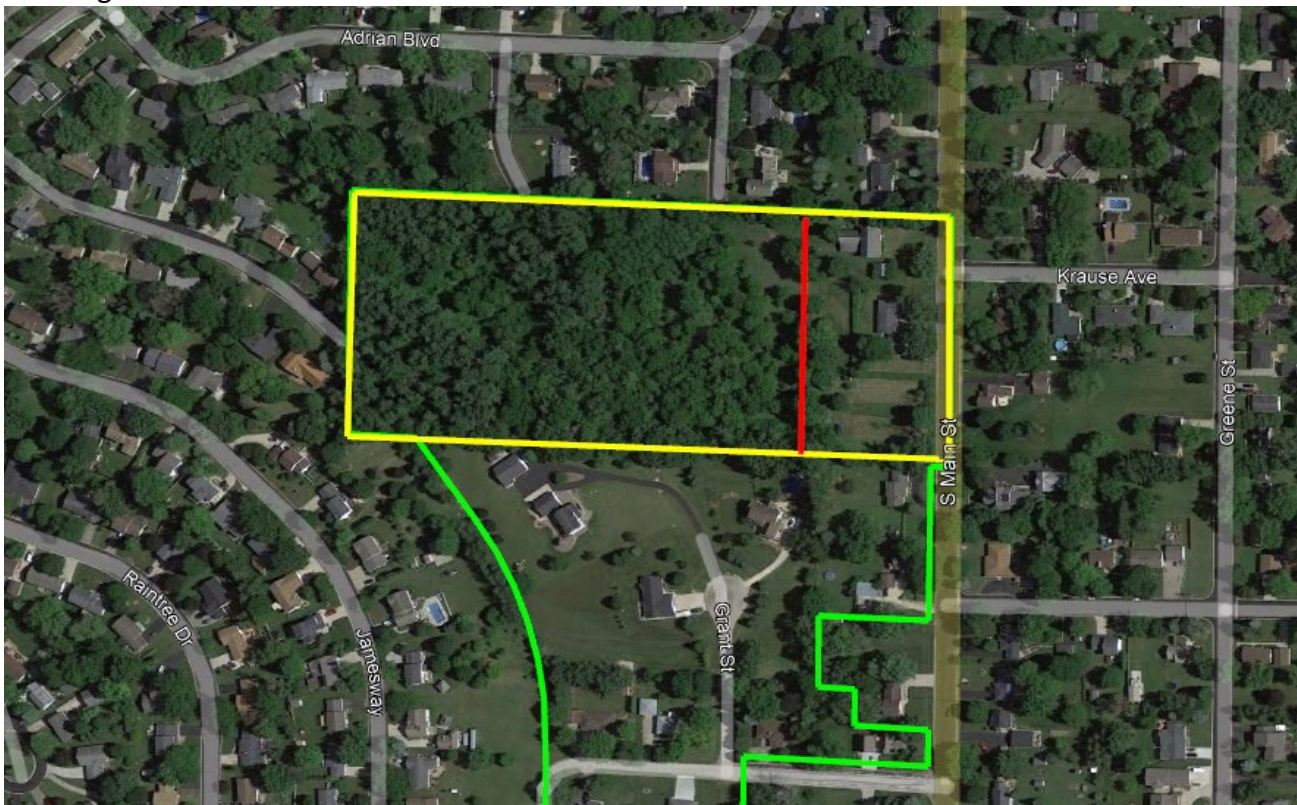
**APPLICANT:** Merriman Family

**REQUESTED USES:** Residential

---

### REQUEST OVERVIEW:

The Merriman Family would like to separate the existing home from the larger parcel through a CSM. The Family approached the City regarding purchase of the entire parcel for dedication as a nature preserve. Our planning in the area does show a park, but on a much smaller scale. The roads are stubbed to the parcel along the north side and right of way is dedicated on the south side to promote further residential development. The Planning Commission approved the CMS at the their 9/28/21 meeting.





---

**PUBLIC NOTICE:**

Public Notice is not required for this Certified Survey Map

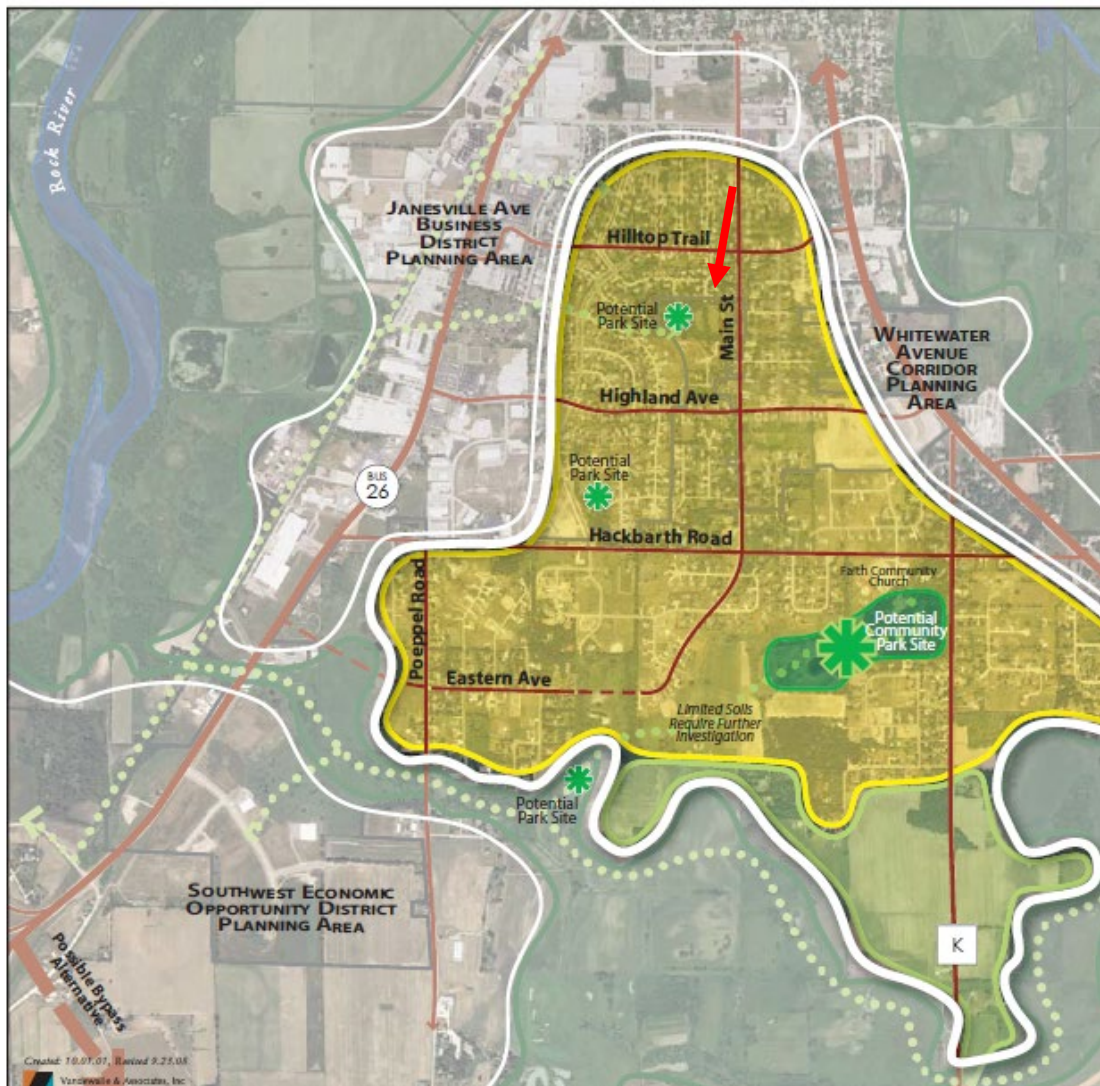
---

**COMPREHENSIVE LAND USE PLAN (2019):**

The subject parcel lies within the South Neighborhood Planning Area. A possible park site is noted on the larger parent parcel, otherwise the corridor is noted to be residential. A multi-use path is planned for the S Main St corridor. In summary, this split is in keeping with the comprehensive plan.

## **SOUTH NEIGHBORHOOD PLANNING AREA**

---



**DISCUSSION:**

The City has requested the dedication of the right-of-way along S Main Street to tidy up the remaining legal descriptions of this property. The City maintains a sewer line within this right of way, currently shown on the CSM as part of the proposed parcel. However, the City cannot require that the land be dedicated to the public per state statutes. The Town of Koshkonong could have required this, but has already approved the CSM without such dedication.

Ideally this parcel would come into the City and the existing well and septic would be abandoned. However, the City cannot require annexation through the CSM process.

---

**RECOMMENDATION:**

The Plan Commission met and reviewed this CSM and the items outlined in the discussion section above on September 28<sup>th</sup>. The Plan Commission recommended that the City Council approved this one-lot Certified Survey Map as submitted.

---

**ATTACHMENTS:**

Preliminary CSM Application, Location Maps, Letter to City Manager LeMire



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

## City of Fort Atkinson Certified Survey Map Application

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

APPLICANT Name, company, and client (if applicable): ROBERT AND DOROTHY  
MERRIMAN REVOCABLE TRUST, JAMES C. MERRIMAN, TRF  
Phone number: 920 728-5998 Email: jmsmerriman@gmail.com

OWNER Name, company, and client (if applicable): Same as above

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

Postal address for proposed CSM: 11917 South Main Rd, Fort Atkinson,  
WI 53538

Parcel Identification Numbers Involved: 01605140914068

Brief description of proposed division or combination and purpose: MOTHER PASSED  
AWAY, NEED TO SETTLE ESTATE, ACCEPTED OFFER

### I Application Packet Requirements

The Applicant shall submit one electronic copy of the application.

- ☒ A map of the subject property to scale depicting:
  - ☒ All lands and boundaries for the parcel(s)
  - ☒ Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Town of Koschkonong R-2
  - ☒ All lot dimensions of the subject property.
  - ☒ A graphic scale and a north arrow.
- ☒ Legal Description
- ☒ All easements, setbacks or land restrictions on the parcel(s)





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

## II Process Checklist

- ☒ Application fee of \$10.00/Lot received by City Treasurer
- ☒ Receipt of complete application packet by Zoning Administrator
- ☐ City Staff Review
- ☐ Plan Commission Public Hearing, review and recommendation
- ☐ City Council review and action

Date: 8-30-21  
Date: 8-30-21  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

Dated this 30 day of AUGUST, 20 21

Respectfully submitted,

*James C. Martin* TTEE  
(Signature of Applicant)

RECEIVED

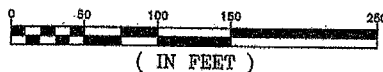
AUG 26 2021

**CERTIFIED SURVEY MAP No.**

BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 9, T5N, R14E, TOWN OF KOSHKONONG, JEFFERSON COUNTY, WISCONSIN.

**COPY**

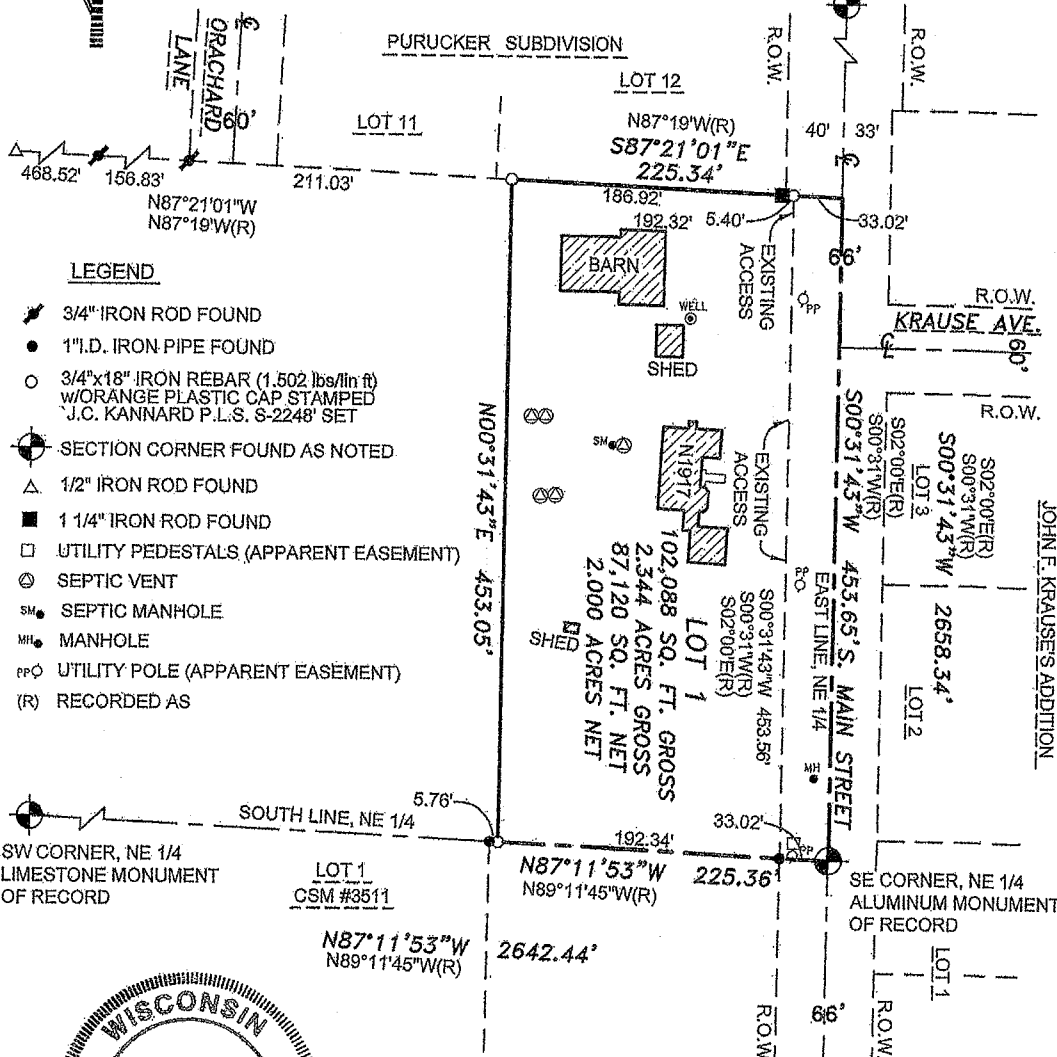
**GRAPHIC SCALE**



**BEARING BASIS:**

ALL BEARINGS REFER TO THE SOUTH LINE, NE 1/4 WHICH HAS AN ASSUMED BEARING OF N87°11'53"W

NE CORNER, NE 1/4  
NO MONUMENT  
LOCATION ESTABLISHED FROM TIES



**LEGEND**

- 3/4" IRON ROD FOUND
- 1" I.D. IRON PIPE FOUND
- 3/4"x18" IRON REBAR (1,502 lbs/lin ft) w/ORANGE PLASTIC CAP STAMPED "J.C. KANNARD P.L.S. S-2248" SET
- SECTION CORNER FOUND AS NOTED
- 1/2" IRON ROD FOUND
- 1 1/4" IRON ROD FOUND
- UTILITY PEDESTALS (APPARENT EASEMENT)
- SEPTIC VENT
- SEPTIC MANHOLE
- MANHOLE
- UTILITY POLE (APPARENT EASEMENT)
- (R) RECORDED AS

SW CORNER, NE 1/4  
LIMESTONE MONUMENT  
OF RECORD

SE CORNER, NE 1/4  
ALUMINUM MONUMENT  
OF RECORD



**OWNER:**  
Robert & Dorothy Merriman Trust  
c/o Jim Merriman  
12 Elm Street  
Fort Atkinson, 53538

Petition # N/A Zoning R-2  
Check for subsequent zoning changes with Jefferson County Zoning

**SOUTHWEST**  
SURVEYING & ASSOCIATES, Inc.

P.O. BOX K, PALMYRA, WI. 53156  
262-495-4910  
920-674-4884

JOB No.: M-221127  
DATE: AUGUST 24, 2021  
SHEET 1 OF 2

**CERTIFIED SURVEY MAP No. \_\_\_\_\_**

BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 9, T5N, R14E, TOWN OF  
KOSHKONONG, JEFFERSON COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE**

I, John C. Kannard, Professional Land Surveyor No. 2248, hereby certify:

That I have surveyed, divided, mapped this Certified Survey Map being a part of the SE 1/4 of the NE 1/4 of Section 9, T5N, R14E, Town of Koshkonong, Jefferson County, Wisconsin, bounded and described as follows:

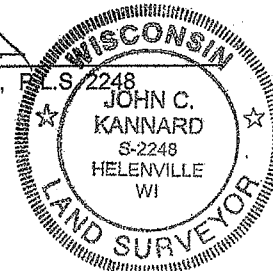
BEGINNING at the Aluminum Monument that marks the Southeast corner of the NE 1/4 of said Section 9; Thence N87°11'53"W, along the South line of said NE 1/4, a distance of 225.36 feet, to a Set 3/4"x18" Iron Rebar (1.502 lbs/ lin ft) with an orange plastic cap stamped "J.C. Kannard P.L.S. S-2248" (Set 3/4" Rebar); Thence N00°31'43"E, a distance of 453.05 feet, to the South line of Lot 12 of Purucker Subdivision and to a Set 3/4" Rebar; Thence S87°21'01"E, along said South line and said South line extended, a distance of 225.34 feet, to the East line of said NE 1/4; Thence S00°31'43"W, along said East line, a distance of 453.65 feet, to the POINT OF BEGINNING, containing 102,088 square feet or 2.344 acres of land, more or less.

Subject to all rights, reservations, restrictive covenants and easements of record.

I further certify that I have made this survey and map under the direction of Robert & Dorothy Merriman Trust, owners of said lands, and that this Certified Survey Map is a correct representation of the boundary surveyed and described and that I have complied fully with the provisions of Chapter 236.34 of the State of Wisconsin Statutes, and the Subdivision Ordinance of Jefferson County, Wisconsin in surveying and mapping same.

Certified this 24th day of August, 2021

John C. Kannard, P.L.S. 2248



**TOWN OF KOSHKONONG APPROVAL:**

This Certified Survey Map is hereby approved by the Town of Koshkonong Town Board.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Bridget Woods, Town Clerk

**CITY OF FORT ATKINSON EXTRATERRITORIAL APPROVAL:**

This Certified Survey Map is hereby approved by the City of Fort Atkinson.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Rebecca Houseman Lemire, City Manager

**PLANNING AND ZONING COMMITTEE APPROVAL:**

This Certified Survey Map is hereby approved by the Planning and Zoning Committee of Jefferson County.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Matt Zangl, Department Head

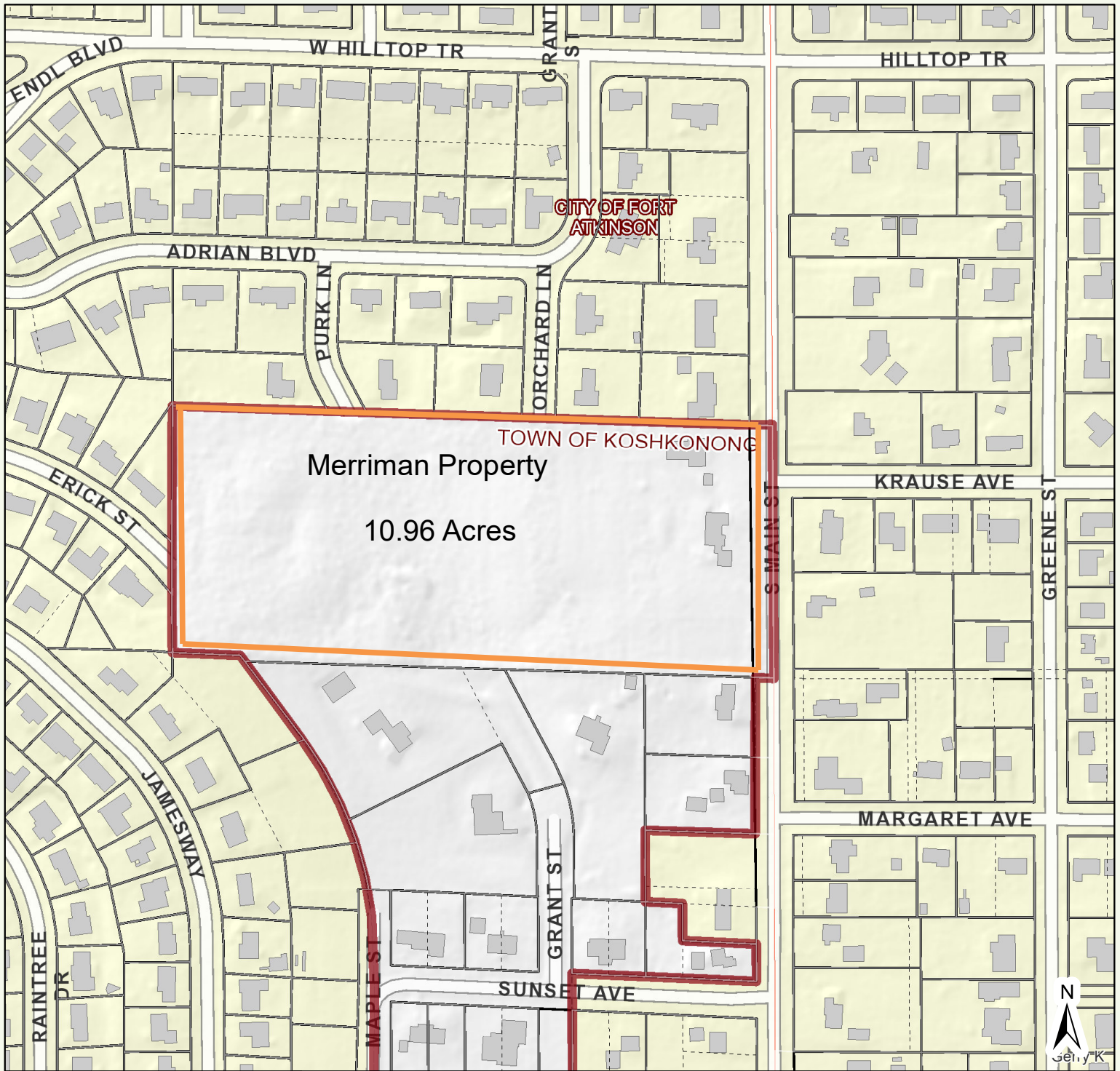








# Jefferson County Land Information



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



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.

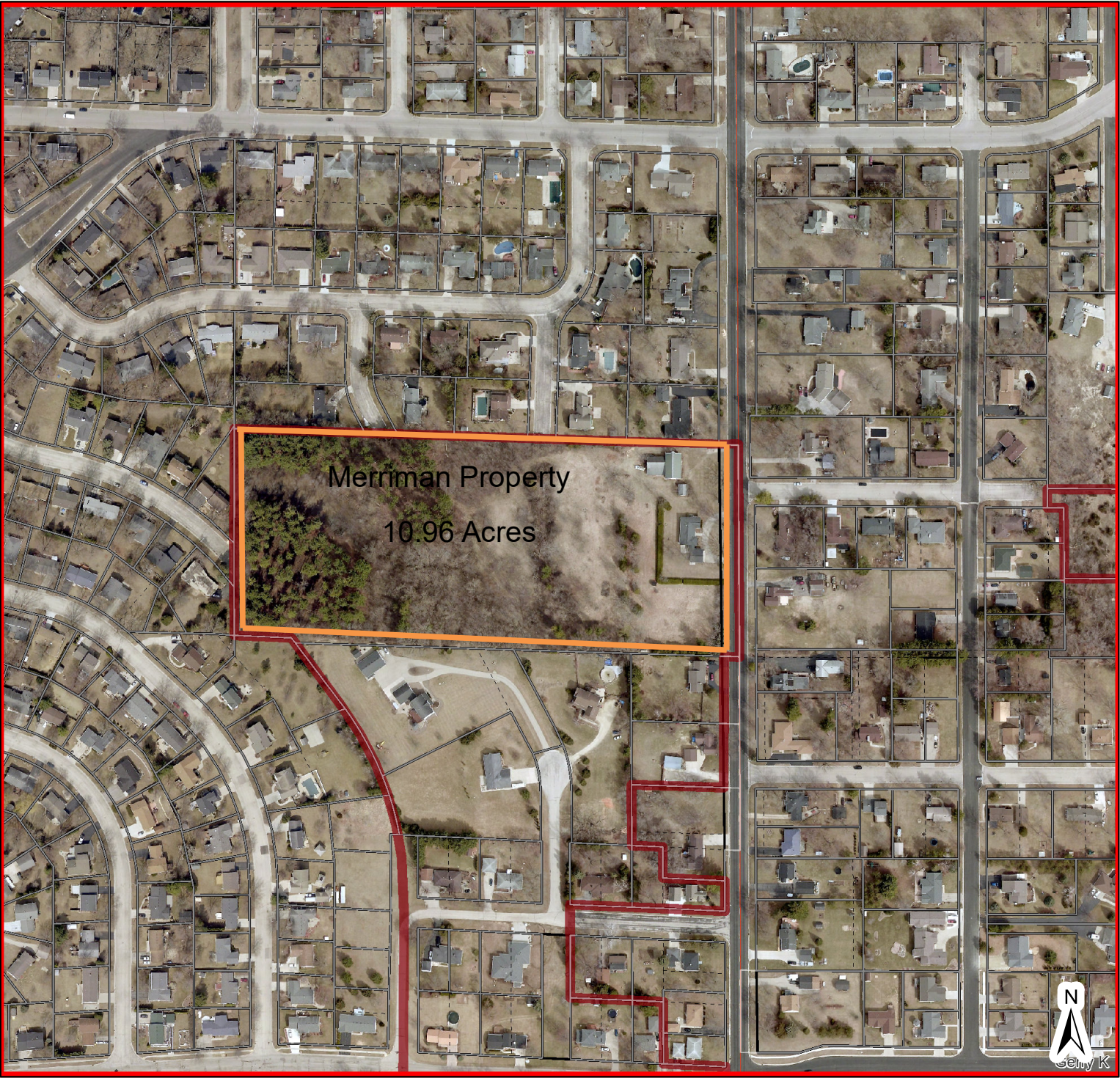
250 125 0 250 Feet  
1 inch = 250 feet













Printed on: August 27, 2021

Author: Public User



# Merriman Property Location Map



	Description		Rail Right of Ways	Tax Parcels
	Municipal Boundaries		Road Right of Ways	<b>raster.SDE.ORTHOS_2018</b>
<b>Parcel Lines</b>			Section Lines	 Red: Band_1
	Property Boundary		Surface Water	 Green: Band_2
	Old Lot/Meander Lines		Map Hooks	 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: August 27, 2021

Author: Public User



33 East Main Street  
Suite 500  
Madison, WI 53703-3095

Mailing Address:  
P.O. Box 2038  
Madison, WI 53701-2038

Phone:  
608.257.7181

Fax:  
608.257.2508

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

Lawrence E. Bechler  
Direct Line 608.268.5601  
Facsimile 608.257.2508  
[lbechler@murphydesmond.com](mailto:lbechler@murphydesmond.com)



26 August 2021

VIA EMAIL AND VIA FIRST CLASS MAIL  
[rlemire@fortatkinsonwi.net](mailto:rlemire@fortatkinsonwi.net)

Ms. Rebecca LeMire  
City Manager  
101 N. Main Street  
Fort Atkinson WI 53538

Re: Property of the Robert C. Merriman and Dorothy Merriman Trust dated  
November 13, 1990 (the "Trust")

Dear Ms. LeMire:

I have been engaged by the above-referenced Trust to assist with the possible development and sale of its property located at N1917 South Main Street in the Town of Koshkonong, parcel number 016-0514-0914-068 (the "Property").

I have learned that several City Staff Members have informed the Trust, as well as potential buyers of the Property, that the City will refuse to approve any land division of the Property without annexation of the Property to the City, connection to City water and sewer utilities and payment of sizable deferred special assessments.

These positions have been taken by City Engineer, Andy Selle, City Building Inspector Brian Juarez, and potentially others.

These positions are clearly and unequivocally unlawful pursuant to Wisconsin law.

The Wisconsin Supreme Court categorically invalidated insistence upon annexation as a condition of land division approval in *Hoepker v. City of Madison Plan Commission*,



Ms. Rebecca LeMire  
26 August 2021  
Page 2

209 Wis. 2d 633, 645-649, 563 N.W.2d 145 (1997), holding that Wis. Stats. §236.45 does not authorize a City to condition approval of land division upon a property's annexation.

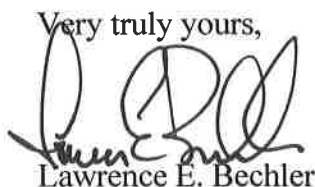
Moreover, Wis. Stats. §236.45(3)(b) prohibits cities from imposing land use restrictions on lands outside of their borders. This statutory restriction on City powers was upheld by the courts in *Lake Delavan Property Co. LLC v. City of Delavan*, 2014 WI App 35 ¶ 12, 353 Wis. 2d 173, 844 N.W.2d 652. Thus, lot size regulation is prohibited to the City.

Finally, the City has long been barred from imposing public improvement requirements on lands located outside of its borders. See Wis. Stats. §236.13(2)(am) and *Rice v. City of Oshkosh*, 148 Wis. 2d 78, 84-85, 435, N.W.2d 252 (1989).

The Trust has submitted a certified survey map dividing the Property. If the City in any way tries to insist upon the Property's annexation, or dictates the Property's land use and lot size, or imposes public improvement requirements upon the Property, you now know that any such positions are prohibited by law. Accordingly, if the City takes any such step, the City will be exposed to damages for maintaining a frivolous position.

Rest assured that the Trust will take all appropriate steps to enforce its rights should that become necessary.

I am copying City Attorney Westrick so he is aware of this communication.

Very truly yours,  
  
Lawrence E. Bechler

LEB:daz  
214053

Cc: The Robert C. Merriman and Dorothy Merriman Trust  
Attorney David R. Westrick, via email, [drw@rogerswestricklawoffice.com](mailto:drw@rogerswestricklawoffice.com)



## MEMORANDUM

**DATE:** October 5, 2021

**TO:** Fort Atkinson City Council

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

**RE:** Review and discussion of a draft City of Fort Atkinson Ward Map relating to redistricting following the 2020 Census

---

### BACKGROUND

As mandated by the U.S. Constitution Article I, Section 2, the U.S. census gets just one chance, every 10 years, to count every resident in the United States. The 2020 Census marked the 24<sup>th</sup> count of the U.S. population and the first time that households were invited to respond to the census online.

Although the U.S. Census Bureau carries out hundreds of surveys every year, its most well-known duty is still to conduct the decennial census. Census results have high profile applications; they are used to reapportion seats in the House of Representatives, to realign congressional districts, and as a factor in the formulas that distribute hundreds of billions of dollars in federal funds each year. Because of the importance of this population count, procedural changes in the decennial census often reflect larger organization shifts at the Census Bureau.

On Tuesday, September 7<sup>th</sup>, the Executive Committee of Jefferson County met to review and discuss the draft Tentative Supervisory District Plan. A draft plan was developed based on the 2020 census data, local municipalities current wards, and municipal boundaries. The County tried to maintain the current wards and limit the division of wards by County Supervisory Districts, however there are some cases where Supervisory Districts intersect current ward boundaries.

On Tuesday, September 14<sup>th</sup>, the County approved a Tentative Supervisory District plan which in turn allowed local municipalities to enter the WISE LR software system to adjust and reconfigure ward boundaries. The County was then in contact with municipalities who desire assistance adjusting ward boundaries and utilizing the WISE LR software system.

Jefferson County proposed timeline:

- **September 7<sup>th</sup>** – Executive Committee met to discuss the tentative supervisory district plan and provide feedback to County Staff and a recommendation to the County Board.

- **September 14<sup>th</sup>** – County Board of Supervisors held a public hearing and reviewed the tentative supervisory district plan. Following the public hearing, the County Board approved the tentative plan.
- **September 15<sup>th</sup>** – Following County Board approval, the tentative supervisory district plan will be released to local municipalities for their review and approval. This step includes the review of municipal ward districts and town supervisor areas.
- **September 15<sup>th</sup>** – November 1<sup>st</sup> – Stage 2 – Local municipalities review and approve municipal ward/Town supervisor areas.
- **November 3<sup>rd</sup>** – tentative – County Board of Supervisors holds a Public Hearing on the final supervisory district plan which includes municipal wards and town supervisor areas.
- **November 9<sup>th</sup>** – tentative – County Board of Supervisors reviews and approves the final supervisory district plan.

## DISCUSSION

The City of Fort Atkinson has a Council – Manager form of government. The City Council serves as the community’s legislative and policymaking board. The five City Council members are elected at large and serve the community collectively, representing all 10 current voting wards.

The City has had nine wards in recent history with a 10<sup>th</sup> ward added in 2020 due to the annexation of a single house. The elector(s) in ward 10 have been included in an adjacent ward on this draft map, returning the City to 9 wards. In the future, with the Banker Road parcel annexation, a new ward will be added.

Note that there are only minor changes between the City’s current ward map and the draft ward map. Some minor changes more evenly distributed the number of electors per ward, while remaining within the boundaries of the proposed County Supervisory Districts.

All electors in the City of Fort Atkinson vote at one polling place (City Hall), so any changes to ward numbers will not impact voting location. Further, the City utilizes Badger Books (electronic poll books) on Election Day, which eliminates the need for voters to stand in specific lines to vote in specific wards. All wards within the City are within the same School District, State Assembly District (33), State Senate District (11), and US Congressional District (5).

The link below is an interactive version of the draft ward map attached to this memo. Through this map, population and other statistical data can be viewed for each ward. The County Supervisory Districts are also shown on this map.

<https://wisedecade.legis.wisconsin.gov/WISLR Viewer.aspx?shareID=14ELZ90Q9PO7U7X0>

City of Fort Atkinson proposed timeline for redistricting:

- **September 30<sup>th</sup>** – City Manager LeMire, Clerk/Treasurer Ebbert and newly hired Deputy Clerk Thom met with Nicholl Ostopowicz and Matt Zangl of Jefferson County to review a draft map.

- **October 5<sup>th</sup>** - A preliminary draft ward map provided to the City Council for review.
- **October 19<sup>th</sup>** – the City Council may take action to approve the final ward map for the City of Fort Atkinson and designate ward boundaries.

#### **FINANCIAL ANALYSIS**

There is no expectation of a financial impact to the City.

#### **RECOMMENDATION**

Staff recommends that the City Council review the draft Ward Map and provide feedback to staff in preparation for possible final approval on October 19, 2021.

#### **ATTACHMENTS**

Current City of Fort Atkinson Ward Map; Draft City of Fort Atkinson Ward Map based in 2020 Census data



# CITY OF FORT ATKINSON WARD MAP

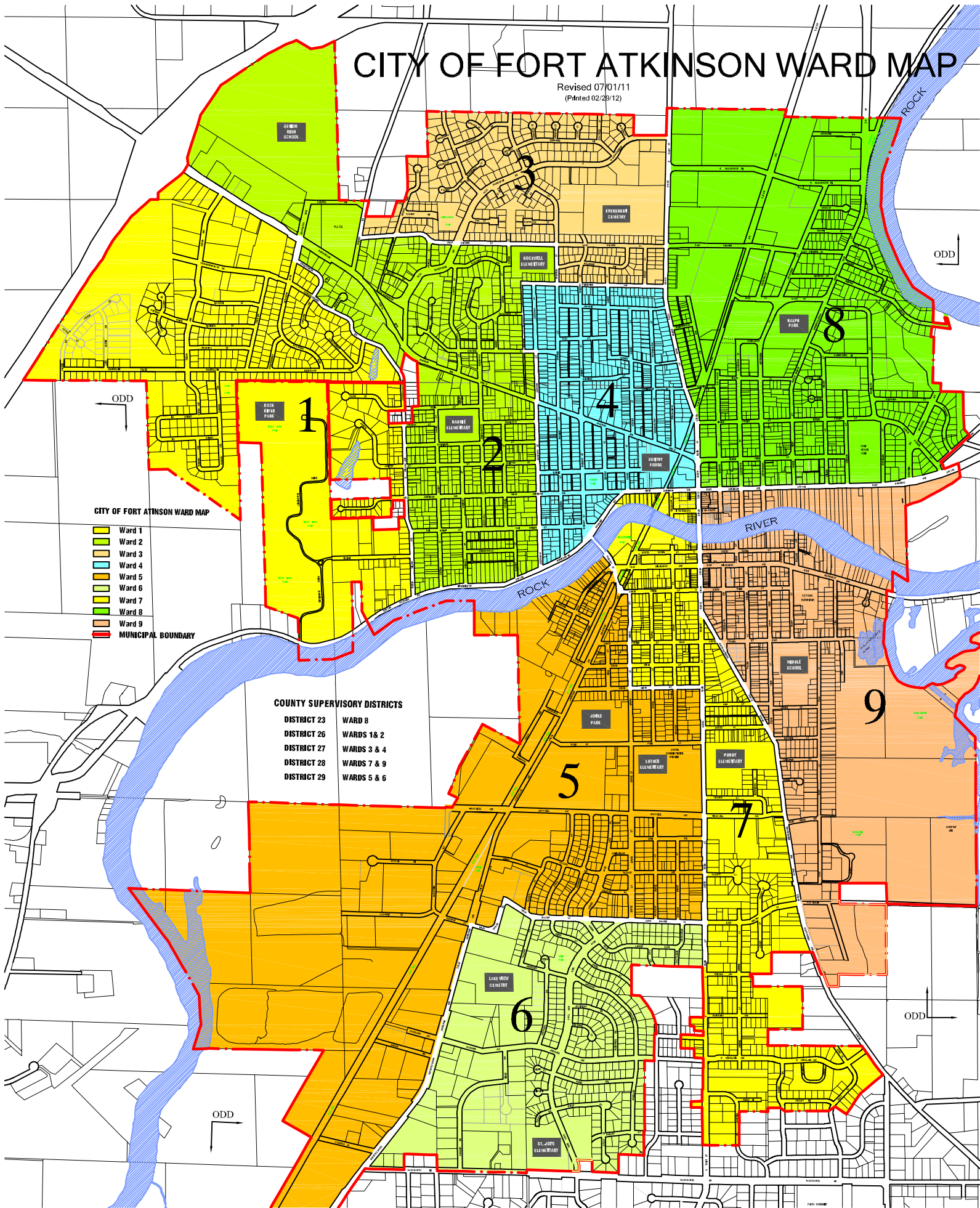
Revised 07/01/11  
(Printed 02/29/12)

## CITY OF FORT ATKINSON WARD MAP

- Ward 1
- Ward 2
- Ward 3
- Ward 4
- Ward 5
- Ward 6
- Ward 7
- Ward 8
- Ward 9
- MUNICIPAL BOUNDARY

## COUNTY SUPERVISORY DISTRICTS

- |             |             |
|-------------|-------------|
| DISTRICT 23 | WARD 8      |
| DISTRICT 26 | WARDS 1 & 2 |
| DISTRICT 27 | WARDS 3 & 4 |
| DISTRICT 28 | WARDS 7 & 9 |
| DISTRICT 29 | WARDS 5 & 6 |



# Ward Plan: 9/30/2021

