



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

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 2, 2024 – 7:00 PM
CITY HALL – SECOND FLOOR**

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

Meeting ID: 599 786 6403
Passcode: 53538

Dial by Location
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If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. 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**
- 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 regular June 18, 2024**

City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)

- b. Review and possible action relating to the **minutes of the June 25, 2024 regular Plan Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- c. Review and possible action on a **Special Event: Fourth of July Glow Run**, July 4, 2024, from 6 pm to 9 pm at the Jones Market and Glacial River Trail (Ebbert, Clerk/Treasurer/Finance Director)
- d. Review and possible action relating to **Citizen Appointments** to Committees, Commissions, and Boards (Houseman, City Manager)

6. Petitions, Requests, and Communications

7. Resolutions and Ordinances

- a. Second and possible third/final reading of an Ordinance relating to a **Zoning Map Amendment** to change the zoning for the property located at 1233 Janesville Avenue (22605140924004) from Light Industrial (LI) to Urban Mixed Use (UMU) (Draeger, Building/Zoning Administrator)

8. Reports of Officers, Boards, and Committees

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

9. Unfinished Business

10. New Business

- a. Review and possible action relating to Change Order #2 for the Public Works and Parks Operations facility (Williamson, Public Works Superintendent)

11. 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, Clerk/Treasurer/Finance Director)
- b. Review and possible action relating to **disallowance of a claim** against the City of Fort Atkinson, Majewski (Ebbert, City Clerk/Treasurer/Finance Director).
- c. Review and possible action relating to **disallowance of a claim** against the City of Fort Atkinson, Heiman (Ebbert, City Clerk/Treasurer/Finance Director).
- d. Review and possible action relating to **disallowance of a claim** against the City of Fort Atkinson, Root (Ebbert, City Clerk/Treasurer/Finance Director).

12. Miscellaneous

- a. The City Council may consider a motion to convene in closed session pursuant to State Stat. §19.85(1)(g) in order to confer with legal counsel who is rendering oral

or written advice concerning strategies to be adopted by the Council with respect to **current litigation**

- b. The City Council may return to open session to take action on an Agreement relating to current litigation (Houseman, City Manager)

13. Adjournment

Date Posted: June 28, 2024

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

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**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JUNE 18, 2024 – 7:00 PM
CITY HALL – SECOND FLOOR**

MINUTES

1. Call meeting to order

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

2. Roll call

Present: Cm. Becker, Cm. Jaeckel, Cm. Johnson, Cm. Schultz and President Lescohier. Also present: City Manager, City Clerk/Treasurer, City Attorney, Wastewater Superintendent, Interim Library Director, Museum Director, Building Inspector and Fire Chief.

3. Public Hearings

None.

4. Public Comment

None.

5. Consent Agenda

Cm. Jaeckel moved, seconded by Cm. Johnson to approve the Consent Agenda as presented.

- a. *Review and possible action relating to the **minutes of the June 3, 2024 Sex Offender Residence Board meeting** (Ebbert, Clerk, Treasurer, Finance Director)*
- b. *Review and possible action relating to the **minutes of the June 4, 2024 Police and Fire Commission meeting** (Ebbert, Clerk, Treasurer, Finance Director)*
- c. *Review and possible action relating to the **minutes of the June 4, 2024 regular City Council meeting** (Ebbert, Clerk, Treasurer, Finance Director)*
- d. *Review and possible action relating to the **minutes of the June 11, 2024 regular Plan Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)*
- e. *Review and possible action relating to the **minutes of the June 12, 2024 Parks and Recreation Advisory Board meeting** (Dayton, Parks and Recreation Director)*
- f. *Review and possible action relating to **building, plumbing, and electrical permit report for May 2024** (Draeger, Building Inspector/Zoning Administrator)*

- g. *Review and possible action relating to the City Clerk-issued **License and Permit Report for May 2024** (Ebbert, Clerk/Treasurer/Finance Director)*
- h. *Review and possible action relating to **City Sewer, Water, and Stormwater Utility Financial Statements** as of May 31, 2024 (Ebbert, Clerk/Treasurer/Finance Director)*
- i. *Review and possible action on a **Special Event: Summer Solstice Music Fest, Saturday, June 22, 2024, from 1 p.m. to 6 p.m. at Barrie Park** (Ebbert, Clerk, Treasurer, Finance Director)*
- j. *Review and possible action on a **Special Event: Jazz in the Park, Friday, June 28, 2024, from 7 p.m. to 9 p.m. at Barrie Park** (Ebbert, Clerk, Treasurer, Finance Director)*
- k. *Review and possible action on a **Special Event: Lions & Fat Boyz Motorcycle Raffle, Saturday June 29, 2024, from 4 p.m. to 9 p.m. at Fat Boyz** (Ebbert, Clerk, Treasurer, Finance Director)*
- l. *Review and possible action on a **Special Event: 47th Annual Ice Cream Social, Thursday, July 4, 2024, from 1 p.m. to 3 p.m. at the Hoard Historical Museum** (Ebbert, Clerk, Treasurer, Finance Director)*
- m. *Review and possible action on a **Special Event: CLCA Knight Nation 5K, August 24, 2024, from 10 a.m. to 1 p.m. at CLCA Campus - 535 Berea Drive** (Ebbert, Clerk, Treasurer, Finance Director)*
- n. *Review and possible action on a **Special Event: Fort Atkinson Club Veteran's Regional Benefit, Saturday, June 29, 2024, from 12 p.m. to 8 p.m. at the Fort Atkinson Club** (Ebbert, Clerk/Treasurer/Finance Director)*

6. Petitions, Requests, and Communications

- a. *Review and possible action relating to proclamation recognizing **July as Parks and Recreation Month** in the City of Fort Atkinson (Houseman, City Manager)*
Cm. Johnson moved, seconded by Cm. Schultz to approve the Proclamation recognizing July as Parks and Recreation month in the City of Fort Atkinson. Motion carried.

7. Resolutions and Ordinances

- a. *First reading of an Ordinance relating to a **Zoning Map Amendment** to change the zoning for the property located at 1233 Janesville Avenue (22605140924004) from Light Industrial (LI) to Urban Mixed Use (UMU) (Draeger, Building/Zoning Administrator)*
Inspector Draeger presented the request from property owner Andrew Logan, who has applied for a Zoning Map Amendment for the property located at 1233 Janesville Avenue. The property is currently Zoned LI- Light Industrial, and the applicant is seeking to rezone to UMU - Urban Mixed Use to provide for greater flexibility in the permitted uses on the site. At the meeting on June 11, 2024, the Plan Commission reviewed this matter and recommended that the City Council adopt an Ordinance changing the zoning of the property with the following conditions: • Site Plan review and approval by the Plan

Commission for New Signage and Exterior Alterations. • Any other recommendations of City staff and the Plan Commission.

Andrew Logan, 1 W Milwaukee Avenue, stated he is trying to create the most use of the property including the allowance of resale shopping.

Cm. Schultz moved, seconded by Cm. Jaeckel to approve the first reading of the Ordinance relating to a Zoning Map Amendment to change the zoning for the property located at 1233 Janesville Avenue and direct the City Manager to prepare the Ordinance for its second reading on July 2, 2024. Motion carried.

- b. *Review and possible action relating to the **Wastewater Utility 2023 Compliance Maintenance Annual Report (CMAR)** to WDNR (Christensen, Wastewater Superintendent)*
Wastewater Superintendent Christensen presented the annual report with an overall grade point average for 2023 as 4.00. This rating indicates the plan is in good condition and is operating at high level. There were 6 points deducted from the 2023 report. We received point deductions for the influent flow exceeding the 90% and 100% of the design flow threshold in March and April 2023. This was due to precipitation and accumulated snow melt, and the water level of the Rock River. Despite the below average precipitation, the City is continuing to address infiltration and inflow issues in the collection system.

Cm. Jaeckel moved, seconded by Cm. Becker to authorize the Resolution for the filing of the 2023 Compliance Maintenance Annual Report as required by Ch. NR208 Wisconsin Administrative Code. Motion carried.

8. Reports of Officers, Boards, and Committees

- a. *City Manager's Report (Houseman, City Manager)*
No action was taken.

9. Unfinished Business

None.

10. New Business

- a. *Review and possible action related to the **Purchase of Two Replacement Heating Boilers for the Wastewater Utility** (Christensen, Wastewater Superintendent)*
Wastewater Superintendent Christensen stated that the Wastewater Utility has two hot water boilers for the purpose of heating the main Operations Building. The two original boilers were installed in 1974 and have required numerous repairs in recent years. The 2024 CIP contains \$165,000 for two replacement hot water boilers. The existing 1,000,000 BTU each, hot water boilers have served for 50 years and are due for replacement. Advancements in boiler construction and control have increased efficiency from the mid

to upper 70% range of the 1974 boilers to the mid to upper 90% range of present technology. The Utility investigated options for replacement and found a high-efficiency condensing type boiler to be the best fit. Typical efficiency for this type of boiler is 96% – 97%, with a turn down of 10:1. The replacement of the boiler was included in the 2024 CIP. A Wisconsin Focus on Energy rebate of \$4,714 per boiler is also available and will be submitted after purchase.

Cm. Jaeckel moved, seconded by Cm. Schultz to approve the purchase of two replacement hot water boilers as proposed from Helm Group at a cost not to exceed \$117,032 as included in the 2024 CIP. Motion carried.

*b. Review and possible action related to **Biosolids Management Facility Plan Amendment** (Christensen, Wastewater Superintendent)*

Wastewater Superintendent Christensen discussed Facility Plans and Amendments that are required by the Wisconsin Dept. of Natural Resources for any reviewable project. Reviewable projects are any construction or modifications to a plant process or any project seeking a Clean Water Fund Loan. The last Facility Plan was conducted in 2018, which led to the recently completed Phase I and Phase II construction projects. That plan minimally addressed biosolids, with modifications made to the aerobic digestion process. The 2018 plan addressed many needs but did not evaluate biosolids management or biosolids end use. This plan amendment will focus on long term goals of: • Evaluating biosolids handling and end-use strategies • Recommending a strategy that improves operation, reduces maintenance, and is compatible with potential future regulations and limitations on biosolids end-use • Defining a capital improvements plan to implement the recommended strategy End-use technology options have improved dramatically since 2018. These options include Class A Aerobic Digestion, biosolids drying to above 90% solids content, thermal treatment, and others. Current biosolids handling in use at the facility will also be evaluated for improvements or changes in technology. A capital improvement plan will be produced and integrated into the City CIP planning process.

Cm. Jaeckel moved, seconded by Cm. Johnson to approve the proposal for a Biosolids Management Facility Plan Amendment from Donohue & Associates at a cost not to exceed \$33,000 from the Utility reserves account. Motion carried.

*c. Review and possible action related to rebuilding the existing **Pista Grit System including the Replacement Grit Pump and Control Panel** at the Wastewater Utility (Christensen, Wastewater Utility Superintendent)*

Wastewater Superintendent Christensen discussed the existing grit removal system that was installed in 1992. The grit system removes heavy, mostly non-treatable organic and inorganic fine particles from the influent wastewater with centrifugal force to make downstream treatment more efficient. The 2024 CIP budget includes \$215,000 for the rebuilding of the Pista Grit System. The grit system was evaluated in the 2018 Facility Plan Amendment and tentatively scheduled to be replaced or rebuilt in 2024. In 2022 the manufacturer, Smith & Lovelace (S&L), was brought in to conduct a more thorough evaluation and make recommendations. S&L recommended an upgrade to the Pista

Optiflow 270 system, which is an upgraded version of the existing Pista grit removal equipment. The upgrade includes a new baffle system that improves the particle removal efficiency, as well as a new drive system, gearbox, paddles, grit pump, and control panel.

Cm. Johnson moved, seconded by Cm. Becker recommends the purchase of the Pista Optiflow 270 upgrade equipment from Energenecs/Smith & Lovelace for \$140,865.00, the mechanical installation services from Sabel Mechanical for \$41,950.00, and \$5,500 for electrical and controls, for the total cost not to exceed \$188,315 as noted in the 2024 CIP. 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, Clerk/Treasurer/Finance Director)*

Cm. Jaeckel moved, seconded by Cm. Schultz to approve the list of Verified Claims and authorize payment. Motion carried.

13. Adjournment

Cm. Jaeckel moved, seconded by Cm. Becker to adjourn. Meeting adjourned at 7:41 pm

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



**PLAN COMMISSION MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JUNE 25, 2024 – 4:00 PM
CITY HALL – SECOND FLOOR**

MINUTES

1. Call meeting to order

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

2. Roll call

Present: Chairperson Manager Houseman, Engineer Selle, Council Rep Schultz, Commissioners Highfield, Kessenich, Hough and Schull. Also present: City Attorney, City Clerk/Treasurer/Finance Director, Building Inspector and Museum Director.

3. New Business

*a. Review and possible action relating to the **minutes of the June 11, 2024 Plan Commission meeting (Ebbert)***

Highfield moved, seconded by Kessenich to approve the minutes of the June 11, 2024 Plan Commission. Motion carried.

*b. Review and possible action relating to a **Site Plan Review** for signage at Oak Tree Child and Family Services, 511 Madison Ave. (SPR-2024-04) (Draeger)*

Inspector Draeger presented the submission from Oak Tree Child and Family Services for a new Wall Sign located on the Northern facade of the building facing Madison Ave, as well as a new Dual Post sign adjacent to Madison Ave. The signs will depict the company logo, contact information and the services offered. The wall sign is proposed to be 5'x4' and the Dual Post sign is proposed to be 8' wide and would have a maximum height of 6'. The proposed wall sign meets the requirements of the City's ordinances. The City's Management Team has reviewed the application and all comments have been included within this document.

Hough moved, seconded by Kessenich to approve the Site Plan Review for signage at Oak Tree Child and Family Services, 511 Madison Ave. Motion carried.

*c. Review and possible action relating to a **Special Area Design Review** for JM Carpets, 107 S. Main St. (SADR-2024-04) (Draeger)*

Inspector Draeger reviewed the property located at 107 S Main St., JM Carpets, is a long-

time business in the Downtown Historic District. JM Carpets has been in business for 40 years and is requesting to give the storefront a third face lift since the business has been at this location. The Historic Preservation Commission has reviewed this proposal on two separate occasions and offered color choices to the applicant that the HPC felt best represented the mid-century facade of the building. The owner and applicant has been receptive to the options and has chosen the colors in the proposal from those options. The applicant is proposing to repaint the facade with a new color scheme to enhance the outside appearance of the building. The current brown on the building is proposed to be replaced by the Lehigh Green and will become the most prevalent color of the painted surfaces. The Turquoise Blue is a close match to the new awnings that are already in place. The brown that is being proposed as an accent color to closely match the existing mid-century brick facade. It should be noted that the applicant replaced the building awnings ahead of this meeting and without approval from the Plan Commission; however, it should also be noted that the applicant, after being notified, has been receptive to HPC and Staff reviews.

Schultz moved, seconded by Highfield to approve the Special Area Design Review for JM Carpets, 107 S. Main Street. Motion carried.

4. Adjournment

Schultz moved, seconded by Highfield to adjourn. Meeting adjourned at 4:15 pm.

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



MEMORANDUM

DATE: July 2, 2024

TO: Fort Atkinson City Council

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible action on a Special Event: Fourth of July Glow Run, July 4, 2024, from 6 pm to 9 pm at the Jones Market and Glacial River Trail (Ebbert, Clerk/Treasurer/Finance Director)

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

Chamber of Commerce

Event: Fourth of July Glow Run 5K

Date: Tuesday, July 4, 2024

Location: Jones Market, Glacier River Trail

Contact Person: Logan McHone; projects@fortchamber.com

Hours of Event: 6:00 pm – 9:00 pm

Set up/Tear Down: 5:00 – 6:00 pm and 9:30 – 10:30 pm

Estimated Number of Attendees: 75

Event information was routed to Departments and modified based on their suggestions. The Chamber has worked with Jones Market so that the event can occur without participants

crossing Janesville Avenue. Participants will have access to the Jones Market parking behind the facility and will meet on the bike path/race start.

FINANCIAL ANALYSIS

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

RECOMMENDATION

Staff recommends that City Council approve the Fourth of July Glow Run on Thursday, July 4, 2024 at the Jones Market and Glacier River Trail.

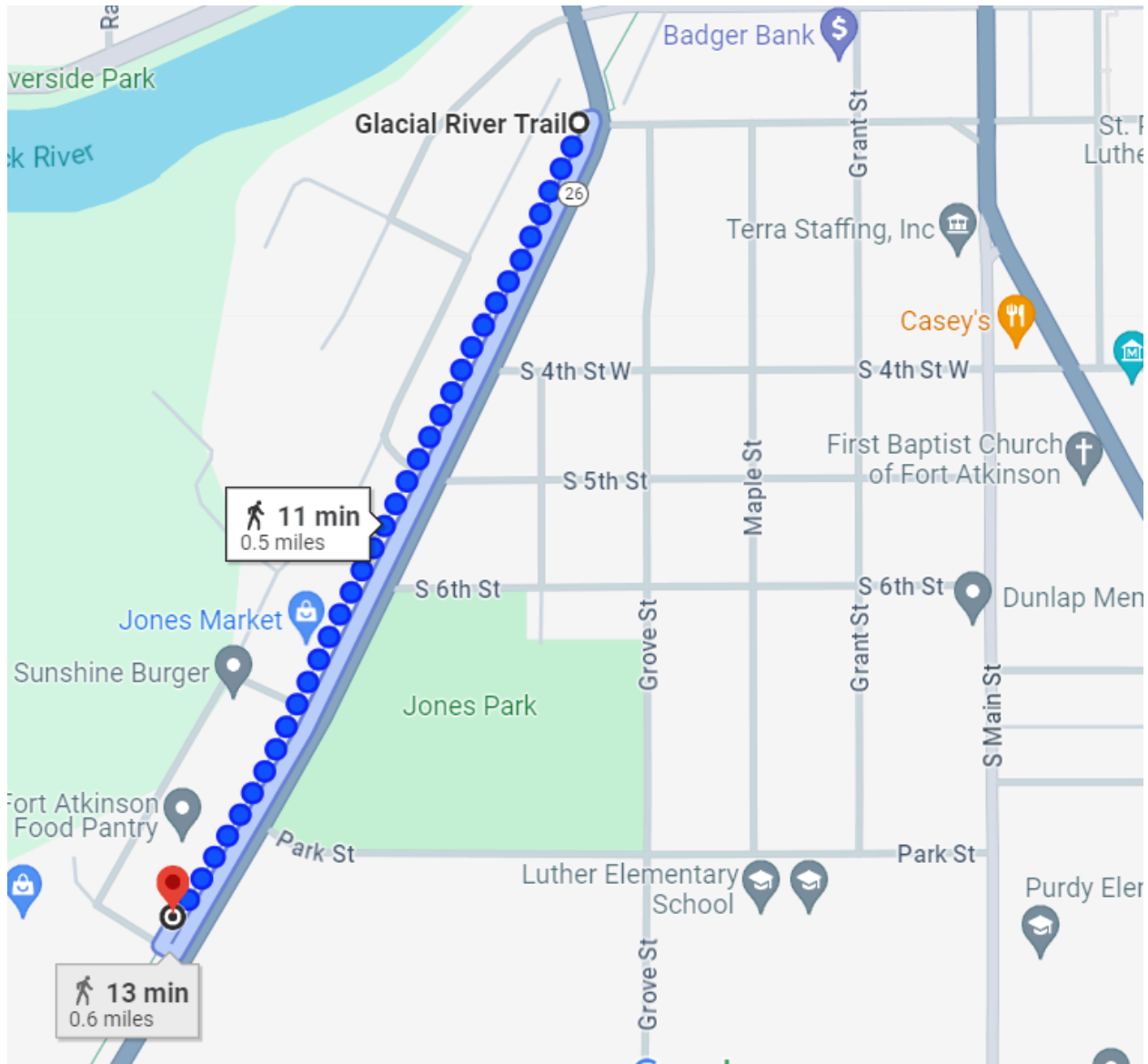
ATTACHMENTS

1. Glow Run, Revised Plan, 2024
2. UPDATED Special Event Application 4th of July Glow Run 5K 2024

Glow Run, Revised Plan, 2024

To limit pedestrians/race participants crossing Janesville Avenue, we have amended the routes of the 2024 Glow Run to as follows:

1 Mile Route: goes north on the Bike Path from near Jones Market and turns around at the stoplight on Janesville Ave to return to Jones Market.



5 Mile Route: Goes south from Jones Market on the bike path until just behind the Spacesaver building and then turns back north on the bike path to Jones Market.



These edits allow participants to park in the Jones Market lot (with permission from Jones Dairy Farm), avoid traffic, and participate in the entire race safely.

 CITY OF FORT ATKINSON Special Event Application Fee: \$25.00													
Name of Business/Group Organizing Event: Fort Atkinson Chamber of Commerce													
Contact Person for Event: Logan McHone													
Phone Number:	Email: projects@fortchamber.com												
Day of Event Contact Person (if different from above):	Phone: 608-289-8515 Email:												
Special Event Details													
Event Name: Fourth of July Glow Run 5K													
Event Date (mm/dd/yyyy): 07/04/2024													
Event Location: Jones Park / Jones Market													
Estimated Number of Attendees: 75	Hours of Event: 6PM-9:30PM												
Event Setup Time: 5PM	Event Tear Down Time: 9:30PM												
Event Description: Registration will begin at 6PM in Jones Park. The Kids' 1 Mile Fun Run will occur on the portion of the bike path in front of Jones Market at 7PM, travelling half a mile northbound on the bike path that is adjacent to Janesville Ave, turning around and finishing at Jones Market. There will then be music, a food truck, and vendors in Jones Park and the 5K will kick off at 8:30PM. (Route will take runners, joggers, and walkers southbound on the bike path where they will turn around and then meet back at Jones Market for an Awards Ceremony!) The route will NOT cross Janesville Ave, and will instead start on the Jones Market side of Janesville Ave, travelling 1.5 miles southbound on the bike path, before returning to Jones Market. Jones Market has approved the race start/stop being on their property. The event will have two crossing guards to allow individuals to cross Janesville Ave between Jones Market and Jones Park as they need. Traffic volume will likely be reduced as it is 4th of July.													
Goal/Purpose of Event: Act as a tourism draw to bring in runners from Fort Atkinson and the surrounding areas, as well as promote health through running.													
Attach a map of the event including:	Designated parking areas and available number of spaces*, directional signage for events (i.e. parking guidance), pedestrian street crossing locations, location of any traffic control barricades or personnel to ensure safe coordination of vehicles and pedestrians <i>* If limited parking available, provide proof of permission from neighboring businesses/property to utilize their parking</i>												
Check all applicable boxes:													
☒ I am renting a city park	Attach copy of paid park rental from Parks & Recreation Department. Equipment rentals are reservable through the Parks & Recreation office 920-397-9910. You are responsible for picking up, setting up, tearing down, and return of equipment. Each park is equipped with picnic tables and garbage/recycling receptacles, and additional are available upon request. If additional cans are requested, the event coordinator will need to pick up additional can liners from Park & Recreation office. The event coordinator is responsible for trash and recycling disposal. If there is no dumpster on site, a dumpster may be required and is the responsibility of the event coordinator.												
☐ I am renting city equipment	Please secure and submit payment for requested equipment prior to submitting Special Event Application. *Attach a map with a location for drop off of equipment with this application. <table><tr><td>8' white plastic table (43 available; \$4.50/each)</td><td>Qty ____</td></tr><tr><td>Metal folding chair (190 available; \$0.75/each)</td><td>Qty ____</td></tr><tr><td>Additional Picnic Table (\$15/each; includes delivery & pick up)*</td><td>Qty ____</td></tr><tr><td>Additional Garbage/Recycling Can*</td><td>Qty ____</td></tr><tr><td>Barricades*</td><td>Qty ____</td></tr><tr><td>Traffic Cones*</td><td>Qty ____</td></tr></table>	8' white plastic table (43 available; \$4.50/each)	Qty ____	Metal folding chair (190 available; \$0.75/each)	Qty ____	Additional Picnic Table (\$15/each; includes delivery & pick up)*	Qty ____	Additional Garbage/Recycling Can*	Qty ____	Barricades*	Qty ____	Traffic Cones*	Qty ____
8' white plastic table (43 available; \$4.50/each)	Qty ____												
Metal folding chair (190 available; \$0.75/each)	Qty ____												
Additional Picnic Table (\$15/each; includes delivery & pick up)*	Qty ____												
Additional Garbage/Recycling Can*	Qty ____												
Barricades*	Qty ____												
Traffic Cones*	Qty ____												
☐ Electrical Access	The City Electrician may reach out to you to address any needs/concerns. Please specify if you have any requests or requirements beyond current access:												

☒	I will be having music	(Per City Ordinance 17.03) no person shall cause or allow loud, excessive or unusual noise that will disturb the comfort and quiet repose of persons in the vicinity. All music shall terminate as of 10:00 p.m. City noise ordinance must be followed
		Start Time of Music: <u>6PM</u> End Time of Music: <u>8PM</u>
☐	I will be closing a street(s)*	Barricades can be provided by Public Works upon request <i>* Provide proof of permission from neighboring businesses/properties if street closure impacts daily activity</i>
☐	I will be selling beer and/or wine*	Alcohol license and licensed bartender(s) required. Contact City Clerk (920) 397-9901 prior to submitting this application. <i>*Restroom Plan also required with sales of beer and/or wine. Refer to the Special Event Guide.</i>
☒	I will be erecting a tent, canopy or other temporary structure.*	 <i>*Event coordinator is responsible for ensuring that the temporary structure is safely installed. Event Coordinator is required to contact Diggers Hotline at least 4 business days prior to the event. Diggershotline.com, 1-800-242-8511</i>
☒	I am having a walk/race*	<i>*See map instructions above. In addition to the previously listed map requirements, clearly mark your walk/race route on the map.</i>
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 understand that I may need to contact multiple Departments to arrange for assistance. I understand I am responsible for timely clean up after the event. I understand that additional charges may apply and that I can be billed after my event. Responsible Party Signature: <u>Logan McHone</u> Submission Date: <u>6/14/24</u> For Office Use Only: Date Received: _____ Date Paid: _____ Council Approval / Denial Date: _____ Date applicant notified of Council action and any event stipulations: _____ Event Stipulations:		



MEMORANDUM

DATE: July 2, 2024

TO: Fort Atkinson City Council

FROM: Rebecca Houseman, City Manager

RE: Review and possible action relating to Citizen Appointments to Committees, Commissions, and Boards (Houseman, City Manager)

BACKGROUND

The City has a wide variety of Committees, Commissions, and Boards made up of citizens, staff, and elected officials. Some of these groups are outlined in the City's Ordinances. Most often, the City Manager is responsible for appointing citizen members, subject to approval by the City Council. Similarly, in most cases, the Council President is responsible for appointing Council members to these groups.

DISCUSSION

The following citizen members are eligible for appointment or reappointment to the Committees, Commissions, and Boards below for the terms indicated:

- **Parks and Recreation Advisory Board:**
 - Simon Dorfman for a three-year term ending in 2027

Note the following vacancies for citizens on City Commissions, Committees, and Boards:

- Airport Committee (one seat)
- Board of Zoning Appeals (two seats)
- Cable Television Committee (one seat)
- Economic Development Commission (one seat)
- Sex Offender Residence Board (one seat)

Staff continues to work on filing these vacancies and encourages members of the public to submit an [application](#) to serve if interested.

FINANCIAL ANALYSIS

The appointments of citizens to these Committees, Commissions, and Boards is not expected to

impact the City financially.

RECOMMENDATION

Staff recommends that the City Council confirm the appointments listed in this memo through the Consent Agenda.

ATTACHMENTS

None



MEMORANDUM

DATE: July 2, 2024

TO: Fort Atkinson City Council

FROM: Jedidiah Draeger, Building/Zoning Administrator

RE: Second and possible third/final reading of an Ordinance relating to a Zoning Map Amendment to change the zoning for the property located at 1233 Janesville Avenue (226-0514-0924-004) from Light Industrial (LI) to Urban Mixed Use (UMU) (Draeger, Building/Zoning Administrator)

BACKGROUND

Property owner Andrew Logan has applied for a Zoning Map Amendment for the property located at 1233 Janesville Avenue. The property is currently Zoned LI- Light Industrial, and the applicant is seeking to rezone to UMU - Urban Mixed Use to provide for greater flexibility in the permitted uses on the site.

DISCUSSION

At the meeting on June 11, 2024, the Plan Commission reviewed this matter and recommended that the City Council adopt an Ordinance changing the zoning of the property with the following conditions:

- Site Plan review and approval by the Plan Commission for New Signage and Exterior Alterations.
- Any other recommendations of City staff and the Plan Commission.

The council had the first reading of the ordinance at the meeting on June 18, 2024. There have been no comments received by staff since this last meeting.

FINANCIAL ANALYSIS

Approval of this zoning change is not expected to financially impact the City.

RECOMMENDATION

Staff recommends that the City Council perform the second reading of this Ordinance and suspend the rules to perform the third reading. Staff further recommends that the City Council adopt the ordinance for the Zoning Map Amendment to change the zoning from LI- Light

Industrial to UMU - Urban Mixed Use.

ATTACHMENTS

1. Plan Commission Memo
2. Application
3. Public Notice letter 1233 Janesville Ave with map
4. Site and Building Use Plan
5. Building Size Table
6. ZMA 1233 Janesville Ave Ordinance



Zoning Map Amendment REPORT TO THE PLAN COMMISSION

DATE: June 11, 2024

PROPERTY ADDRESS: 1233 Janesville Ave

PARCEL NUMBER: 226-0514-0924-004

OWNER: Black Hawk Phase III LLC

APPLICANT: Andrew Logan

FILE NUMBER: ZMA-2024-01

EXISTING ZONING: LI - Light Industrial

PROPOSED ZONING: UMU - Urban Mixed Use

EXISTING LAND USE: Vacant Office Space -
Physical Activity Studio

REQUESTED USES: Mixed-Use Building

BACKGROUND

Section 15.10.31 of the City of Fort Atkinson Zoning Ordinance outlines the requirements for a Zoning Map Amendment process. This requires a public hearing, review, and approval by the Plan Commission and the City Council on the consistency of the proposal with adopted plans.

REQUEST OVERVIEW

The proposed rezoning is requested for the existing parcel located at 1233 Janesville Ave. The property is currently Zoned LI- Light Industrial, and the applicant is seeking to rezone to UMU - Urban Mixed Use to provide for greater flexibility in the permitted uses on the site. Today, the building is primarily vacant and is struggling to find tenants that are appropriate for the current zoning.

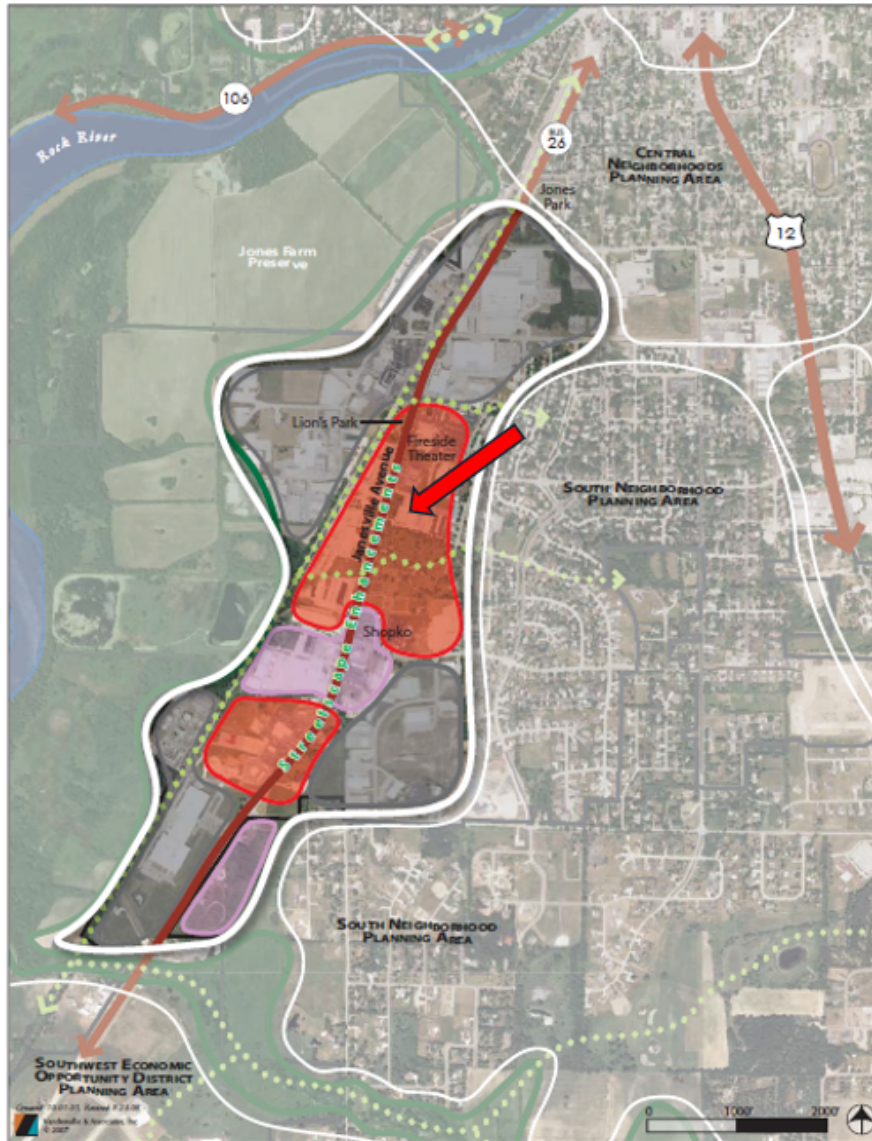
The applicant has expressed that over the last several years all interested parties and their uses would not be permitted given the property's current zoning. The rezoning to UMU would allow for a wider range of permitted uses, such as Indoor Sales, Commercial Kitchen, Apartments, Restaurants, and a Mixed-Use building while retaining the ability to have Offices and a Physical Activity Studio, which are the most recent uses. According to the applicant, these uses will increase the likelihood of utilizing the building's large space.

The Urban Mixed Use Zoning District is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

JANESVILLE AVE BUSINESS DISTRICT PLANNING AREA

FIGURE: 2.18

CITY OF FORT ATKINSON
FUTURES OPEN HOUSE



The City's Comprehensive Plan has an inconsistency in two of its maps. The Future Land Use Map identifies the property as Light Industrial/Business Park. However, the Janesville Ave Business District Planning Area, figure 2.18, shows this property as a Community Commercial, for which the city's UMU Zoning would be appropriate.

The opportunities listed in the Janesville Ave Business District are

- Regional Entertainment Center

- Community Serving retail & dining redevelopment
- Some industrial relocation to modern business parks
- Fireside Theater helps support other uses (e.g. gifts, high-end hospitality)
- Development design standards & access control
- Landscaping, street & utility enhancements

It should also be noted that one of the associated Zoning districts for the Light Industrial/Business Park Future Land Use is the Business Park Zoning District. The Business Park District would permit by right or by conditional use a large portion of the permitted uses in the proposed UMU Zoning District for this parcel.

The proposed project's lot requirements must meet the minimum standards of the UMU zoning district to be rezoned.

Bulk Regulation	UMU Standard	Proposed New Parcel
Minimum Lot Area	10,000 Square Feet	246,000 Square Feet
Minimum Lot Width	60 feet	375 feet
Minimum Lot Depth	120 feet	665 feet
Minimum Lot Frontage at ROW	30 feet	740 feet
Minimum Setbacks; front, side, rear	10 feet	All Met

A public hearing is required for Rezoning review and action. All required public hearing notices have been properly posted in compliance with state law. The notice was published in the Daily Union on May 28 and June 4, 2024. The notice was also sent to adjacent property owners within 100 feet.

DISCUSSION

A Zoning Map Amendment must be reviewed per the requirements of Section 15.10.31(4)(b) of the Zoning Ordinance. City Staff is required to provide a written report regarding this review to assist the Plan Commission and City Council in reviewing the proposed amendment.

1. Does the proposed Zoning Map Amendment advance the purposes of the Zoning Ordinance as outlined in Section 15.01.03? Yes. The proposed zoning map amendment protects the health, safety, morals, comfort, convenience, and general welfare of the public. This will be accomplished through consistency with neighboring land use patterns and advancement of community goals within adopted plans.
2. Is the proposed Zoning Map Amendment in harmony with the Comprehensive Plan? Yes. The proposed zoning map amendment helps accomplish many of the community's goals as identified in the Comprehensive Plan and is consistent with the Community Commercial designation on the Janesville Ave Business District Planning Area Map.
3. Does the proposed Zoning Map Amendment maintain the desired consistency of land uses, land use intensities, and land use impacts within the pertinent Zoning District? Yes. The proposed zoning map amendment is consistent with the Comprehensive Plan and the intended

mix of uses.

4. Does the proposed Zoning Map Amendment address any factors that are not accomplished on the current Zoning Map? Yes. The proposed zoning map amendment addresses factors that have changed in the market, making the subject property more appropriate for a different zoning district.

The applicant has discussed multiple options with City staff over the last year and has come up with the proposed rezoning as the best path forward for marketability of the properties. The City's Management Team has reviewed the application and all comments have been included within this document.

The proposed rezoning aims to provide additional land use opportunities and marketability. This location is inherently a transitional area that includes a variety of land uses, but still maintains the character and appropriate scale of the surrounding neighborhood.

Overall, the proposed rezoning meets the requirements of the City's ordinances, is in alignment with adopted City plans, and could potentially provide increased employment in the city as well as a potential for increased visits from non-residents.

RECOMMENDATION

City staff recommends the Plan Commission recommend the Rezoning from LI to UMU to the City Council; subject to the following conditions:

- Site Plan review and approval by the Plan Commission for New Signage and Exterior Alterations.
- Any other recommendations of the Plan Commission

ATTACHMENTS

1. Application
2. Public Notice letter 1233 Janesville Ave with map
3. Site and Building Use Plan
4. Building Size Table



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

CITY OF FORT ATKINSON
COST RECOVERY AGREEMENT

The City of Fort Atkinson may retain the services of **professional consultants** (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and/or other experts) to assist in the City's review of a development proposal that may be scheduled for review and action by the Plan Commission and/or City Council. The submittal of a development proposal or land use application by an Applicant shall be construed as an **agreement to pay for such professional services** applicable to the proposal or application. The City may apply reasonable charges for these services to the Applicant through invoices. The City may delay acceptance of the proposal or application as complete, or may delay final approval of the proposal, until the Applicant pays such fees. In the event invoices become delinquent, finance charges will accrue at 1% per month, 30 days after the due date. Review fees invoiced to the Applicant, which are not paid in a timely manner, may be assigned by the City as a special assessment to the subject property. The Applicant hereby waives any notice and hearing requirements provided in Wis. Stats. § 66.0701 or any additions or amendments to this section. The City will provide notice to the applicant of the need to hire a professional consultant.

The Applicant is required to provide the City with an executed copy of this Cost Recovery Agreement as part of the land use application process. Applications are not considered complete and will not be considered by the Plan Commission without this executed Agreement.

Applicant Name: Andrew Logan

Project Name: Johnson Hill Press Bldg.

Project Address: 1233 Janesville Ave

Parcel Number: 22605140924004

Dated this 1st day of April, 2024.

Agreement signed and entered into by:

The City of Fort Atkinson

City Manager

Property Owner Information:

Owner Name: Andrew Logan / Black Hawk
Phase III, LLC

Owner Signature: [Signature]

Address: 1 Milwaukee Ave, W

Phone Number: 920 723 8081

Email Address: PALOGAN@gmail.com

Applicant Information (if different):

Applicant Name: _____

Applicant Signature: _____

Address: _____

Phone Number: _____

Email Address: _____

City of Fort Atkinson

Amendment to the Comprehensive Plan

APPLICATION FORM

PETITION: I, Andrew Logan, Owner of Black Hawk Phase III, LLC, hereby petition the City of Fort Atkinson to consider the following request for amendment to the Fort Atkinson Comprehensive Plan:

Please check those that apply:

- ☒ Future Land Use Map (Map 7 and 8)
- ☐ Other Maps (Transportation, Community Facilities, etc.)
- ☐ Text Amendment (policies, programs, etc.)
- ☐ Other

Name of Applicant: Person(s) or Firm	Black Hawk Phase III, LLC
Address:	1 Milwaukee Ave, West / Fort Atkinson, WI 53538
Daytime Telephone:	920-723-8081
Email or Fax:	palogan@gmail.com
Property Owner Name and Address: If different from applicant	Same
Description of Property, Parcel Number, or Street Address: If request is related to a particular property	1233 Janesville Avenue Fort Atkinson, WI 53538
Summary of the Proposed Amendment Request: Please describe here (or on a separate sheet) your specific request for a Comprehensive Plan amendment. Provide any necessary maps or supporting data as needed, including conceptual development plans, if applicable. Applicant MUST attach a redline/strikeout of the proposed text amendment and/or a clearly labeled and marked-up version of the proposed Map Amendment.	See attached
Present Zoning: If applicable	Light Industrial

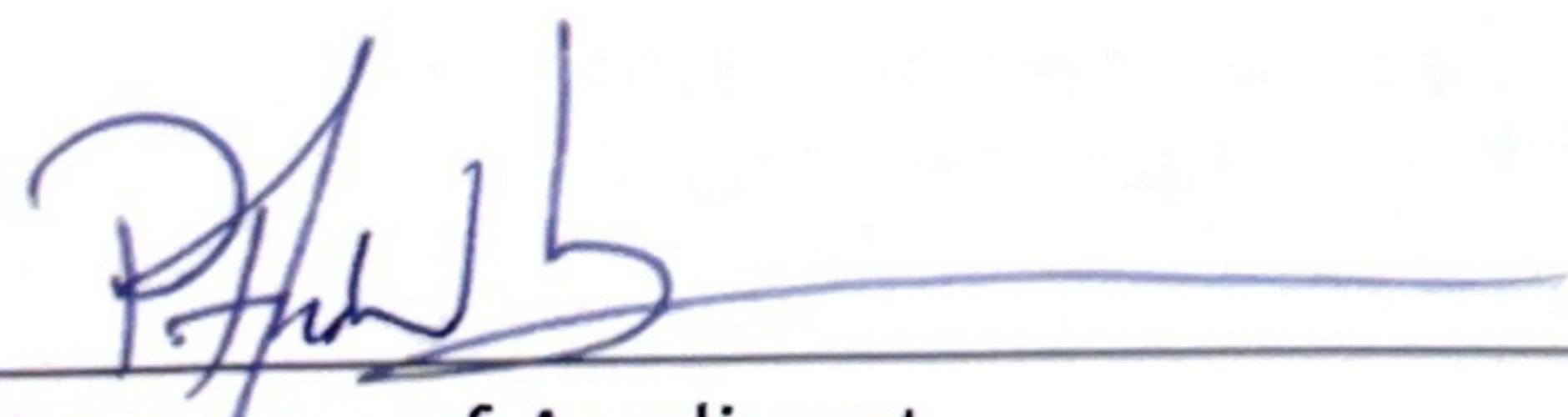
Future Proposed Use: Attach additional pages and/or concept plan as appropriate.	See documentation submitted by Craig Ellsworth.
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The Fort Atkinson Plan Commission will consider the following criteria when making recommendations regarding amendments to the Comprehensive Plan. Please respond to the following questions:

If additional space is needed for your response, please attach additional sheets to this form.

1. How will the proposed amendment to the Comprehensive Plan benefit the public, City, and/or surrounding neighbors or neighborhoods?	Building is currently Light Industrial / office. The current uses are extremely limited. By opening up the uses, the building is more likely to attract investment in the business corridor.
2. How does the request advance the goals, objectives, and policies of the Comprehensive Plan?	The building is currently vacant. The best way to update the antiquated use challenge is to provide an all-of-the-above approach to occupancy categories. Doing so expands the market of potential users and uses. The owner is willing to make a substantial investment into the building in order to update it to serve present day market needs.
3. As it affects the amendment request, what circumstances have changed or what new information is now available since the adoption of the City's Comprehensive Plan, or in the case of a previously requested amendment, what circumstances have changed since the last amendment request?	The Covid 19 pandemic changed the landscape for office buildings for the foreseeable future, this building was effectively vacated in 2020 but remained under a 5-year lease until February of 2024. The likelihood of a migration back to offices is not likely.
4. Is there any additional information that the City should consider in its evaluation of this request?	See documentation submitted by Craig Ellsworth.

Requests shall be submitted to City Hall or via email to aselle@fortatkinsonwi.gov.



4/1/2024

Signature of Applicant

Date



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

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

Name, company, and client (if applicable): Andrew Logan, Black Hawk Phase III, LLC

Phone number: 920-723-8081 Email: palogan@gmail.com

Property address of requested zoning change: 1233 Janesville Avenue
Fort Atkinson, WI 53538

Zoning change request from LI/Light Industrial to Multi-uses designation

I Application Packet Requirements

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

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

II Criteria Used to Evaluate the Proposed Zoning Map Amendment

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

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



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

III Process Checklist

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



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

May 15, 2024

NOTICE TO THE PUBLIC

OFFICIAL NOTICE IS HEREBY GIVEN the Fort Atkinson Plan Commission will hold a public hearing to review and make a recommendation to the City Council on a request for a Zoning Map Amendment for the property located at 1233 Janesville Avenue (parcel number 22605140924004), from Light Industrial (LI) to Urban Mixed Use (UMU). This zoning change has been requested to accommodate future business use.

Said public hearing will be held in person at the Fort Atkinson Municipal Building, 101 N. Main St. and via Zoom on Tuesday, June 11, 2024 at 4:00 p.m. at the City of Fort Atkinson Plan Commission meeting. Those interested in attending this meeting should follow the below link, or dial in for audio access.

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

Meeting ID: 822 1486 0406

Passcode: 53538

Dial by your location

+1 312 626 6799

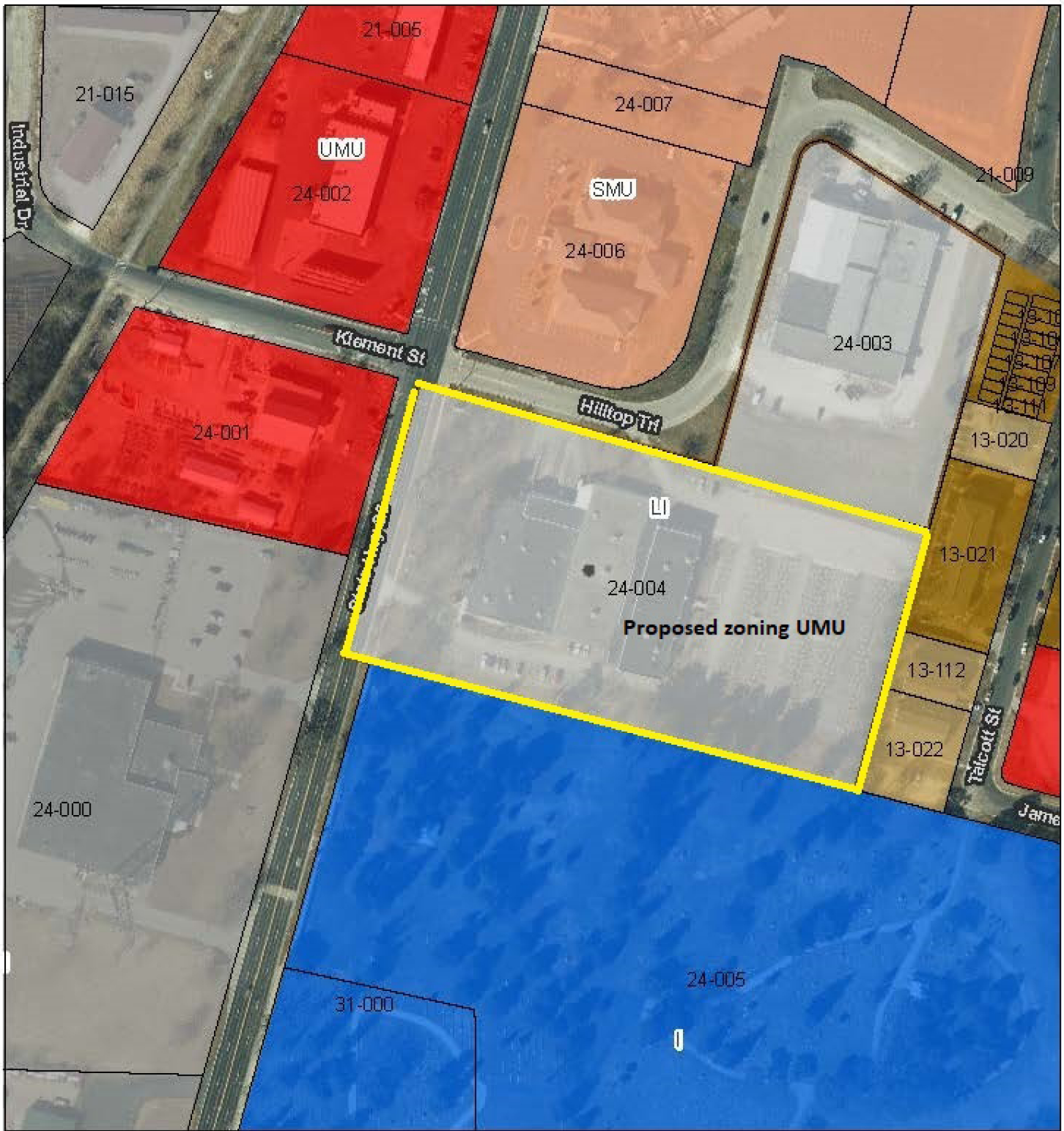
Any interested party will be given the opportunity to be heard at that time. The City Council will likely review the rezoning request at the meeting on Tuesday, June 18, 2024 and again on Tuesday, July 2, 2024.

The Plan Commission is seeking input from the public. For more information, please contact Building/Zoning Administrator Jedidiah Draeger at jdraeger@fortatkinsonwi.gov or (920)-397-9901. You may attend the public hearing via Zoom or submit a letter or email expressing your thoughts to Jedidiah Draeger.

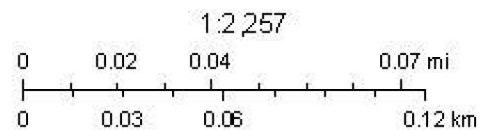
If you have special needs or circumstances which make communication or accessibility difficult at the meeting, please call (920)-397-9901 prior to the meeting date. Accommodations will, to the fullest extent possible, be made available on request to a person with a disability.

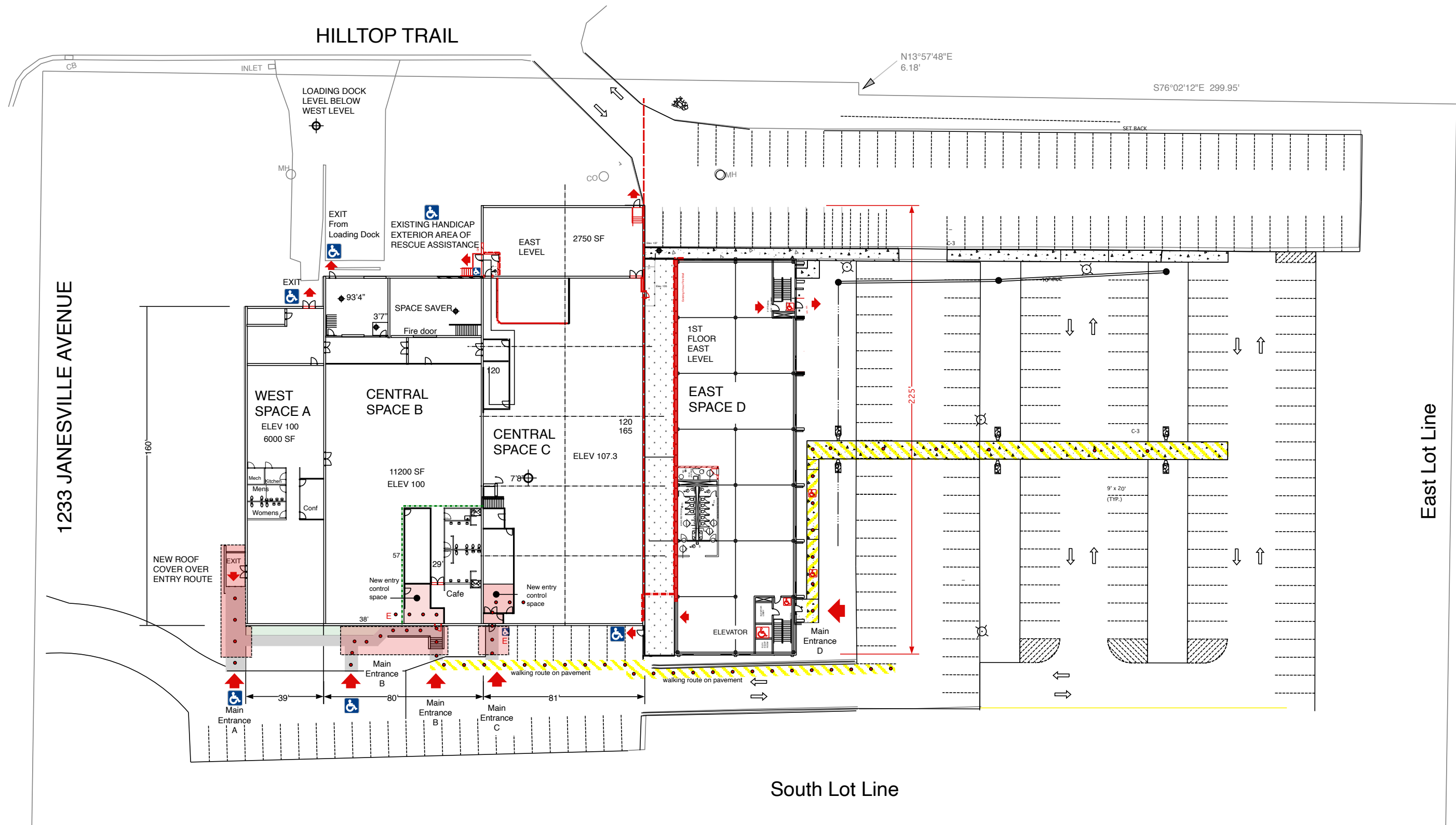
Andy Selle, P.E.
City Engineer/Dir. of Public Works

1233 Janesville Avenue



- | | |
|---|---|
| CITY OF FORT ATKINSON | MRM-12 - Multi-Family Residential |
| Jefferson County Tax Parcels | NMU - Neighborhood Mixed Use |
| City of Fort Atkinson Municipal Boundary 2022 | SMU - Suburban Mixed Use |
| City of Fort Atkinson Base Zoning | |
| SR-3 - Single Family Residential - 10,000sf | I - Institutional |
| SR-5 - Single Family Residential - 8,000sf | LI - Light Industrial |
| TF-10 - Two Flat Residential - 7,200sf | MI - Medium Industrial |
| DR-8 - Duplex Residential - 10,000sf | HI - Heavy Industrial |
| MRL-8 - Multi-Family Residential | City of Fort Atkinson 1.5 Mile Extra-Territorial Jurisdiction |





SITE AND BUILDING USE 1233 JANESVILLE AVE 3/27/24

Formerly Endeavor Building
1233 Janesville Road
Zoning: LI Light Industrial.

3/27/24

CHAPTER 5 BUILDING SIZE AND HEIGHT

AREA OF BUILDING	Net SF	Person/ SF	Total Occupant	1/2 total	Male WC	Female WC	Inch of exit door on net
West Space A, Fire Area 1, S1							
Retail areas: West building retail area	3995	60	67	33	1	1	13
Business areas: West building Bathrooms	1000	100	10	5	0	0	2
North loading dock and storage	1025	300	3	2	0	0	0.7
Total Exiting required	6020		80		1	1	16
							Exits Provided: 72
							ADA exits provided: 2
West Space B, south, Fire Area 1,S1							
Retail areas	9000	60	150	75	2	2	30
Business areas	2200	100	22	11	0	0	4.4
Total Exiting required	11200		172		2	2	34
							Exits Provided: 72
							ADA exits provided: 2
West Space C, north, Fire Area 1,S1							
North loading dock and storage	2923	300	10	5	0	0	1.9
Note: loading docks are lower and have direct access out							Exits Provided: 72.0
							ADA exits provided: 2
CENTER SPACE D, Fire Area 1, S1							
North loading dock and storage	2750	300	9	5	0	0	1.833333333
Center Area mercantile fire area	16800	60	280	140	3	3	56
							Exits Provided: 108.0
							ADA exits provided: 2
Total all fire area 1 Net occupancy area	39693						
Allowable area per floor with frontage increase	43289						
East Building, Fire Area 2, SM							
First Floor Space	12639	50	253	126	1:125 occ	1:65 occ	51
Second Floor Space	12139	50	243	121	1	2	48.556
Fire Area 3 Allowable SF per floor per frontage increase							Exits Provided: 108.0
Total Fire Area 2	24778						ADA exits provided: 3
Allowable area per floor with frontage increase	43289						
					Total required toilets:		7
							9
					Total toilets provided:		13
							12

COMBINED WEST BUILDINGS FIRE AREA 1 WITH EXTENDED SPRINKLER

NEW A3 OCCUPANCY AREA					
TYPE IIIB WITH 0 RATING ON STRUCTURAL					
Floor Area 1 Increase Calculations	P	F	w	If	
Three full sides open and 1 side partially	856	658	30	51.8692	
Frontage Increase Calculation	Aa	At	Is	Actual	
MOST RESTRICTIVE OCCUPANCY IS A3 S1	43289	28500	1	42,643	

COMBINED EAST BUILDINGS FIRE AREA 2 WITH SPRINKLER

NEW A3 OCCUPANCY AREA					
TYPE IIIB WITH 0 RATING ON STRUCTURAL					
Floor Area 1 Increase Calculations	P	F	w	If	
Three full sides open and 1 side partially	856	658	30	51.8692	
Frontage Increase Calculation	Aa	At	Is	Actual	
MOST RESTRICTIVE OCCUPANCY IS A3 SM	43289	28500	1	0	

	Total SF	
Total all buildings	Fire A1	Fire A2
West and Central Fire Area 1 Building		
West and Central building	39693	39693
West area East Addition Building	2950	2950
Fire Area 2 first floor only	12500	12500
Total all first floor SF for entire building	55143	
Second floor east building	12139	12139
Totals	42643	24639

ORDINANCE NO. ____

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

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

Section 1. Section 15.02.03 of the City of Fort Atkinson Zoning Ordinance, adopting the Map of Standard Zoning Districts, is hereby amended to change the zoning classification of the following described properties from **LI, Light Industrial**, to **UMU, Urban Mixed Use**.

LOT 10, BLK 9, 3RD ADD TO FAIR OAKS ADD & VAC JAMESWAY ST ADJ. ALSO BEG C/L JANESVILLE AV 577FT N OF C/L SEC 9, N13 DG 30'E 377.5FT, S76 DG 30' E 350FT, S13 DG 30'W TO N/L CEM W ALG SD N/L 350FT TO POB, CONTAINING 6.052 ACRES (PARCEL NUMBER 226-0415-0924-004, ADDRESSED 1233 JANESVILLE AVE)

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

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

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2024.

Davin Lescohier, City Council President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



MEMORANDUM

DATE: July 2, 2024

TO: Fort Atkinson City Council

FROM: Tom Williamson, Public Works Superintendent

RE: Review and possible action relating to Change Order #2 for the Public Works and Parks Operations facility (Williamson, Public Works Superintendent)

BACKGROUND

At the January 4, 2024, regular meeting of the City Council, Gilbank Construction was awarded the contract for construction services to build the new Public Works and Parks Operations Facility. Prior to the January 4, 2024, meeting, the City Council approved funding for the construction of the proposed facility through the 2024 capital borrowing process.

DISCUSSION

The contract approved by the City Council included 5% (\$577,200) of the construction contract cost as contingency to address unknown items outside the original scope of the construction contract.

Change Order #2, included with this memorandum, documents two items added, changed, or altered to improve the original intended design.

The first additional item is the result of requested changes by City staff. There are five steel doors on the existing West (parks) Shed. The replacement of these doors were not included in the original construction project, but the condition of such have deteriorated to the point that replacement with this project is economical and efficient. The replacement fiberglass doors, which match the new facility, will improve the aesthetic and long term maintenance of the West (Parks) Shed. The cost of the five doors is \$25,372.

The second item included with Change Order #2 is the additional costs associated with the poor soil conditions found during excavation of the building footings. As a result of this poor structural material in areas intended to support the walls and roof structure of the new facility, the contractor has been required to remove the poor soils and replace them with a more structurally sound crushed aggregate material. This cost has been documented at \$94,000, with a small section of interior footings remaining. Staff has reviewed the previous data with the design architect, soils engineer, and contractor, and have requested the \$105,000.00 contained in the attached change order, anticipating this last section of footing.

FINANCIAL ANALYSIS

The total request associated with this Change Order #2 is \$130,372. The project contingency balance is as follows, assuming the approval of Change Order #2:

ITEM	DESCRIPTION	CREDIT/DEBIT
INITIAL CONTINGENCY	5% of initial contract	\$577,200.00
APPROVED CHANGE ORDER #1 (5.7.24)	7 items – truck wash add, salt shed adds, bridge crane deduct, CO sensors add	-\$224,304.87
PROPOSED CHANGE ORDER #2	2 items - Removal of unsuitable soils and replacement with compacted granular fill, Replace (5) man doors, frames, and hardware at West Parks Garage.	-\$130,372.00
	CONTINGENCY BALANCE:	\$212,523.13

At this point in the construction process, the unknowns associated with the conditions below the ground are nearly finished. The project is "out of the ground" and staff anticipates fewer risks of significant change orders. In any project of this size, there will likely be additional change orders in the future, but they are expected to be relatively minor in nature and may associated with improvements that come to light as the physical building takes shape during construction.

RECOMMENDATION

Staff recommends approval of Change Order #2, in the amount of \$130,372.00.

ATTACHMENTS

1. 76130_Change Order 02_062624

CHANGE ORDER

Distribution To:
OWNER
ARCHITECT
CONTRACTOR

Project:	Fort Atkinson Public Works & Parks Operations Facility 600 Talcott Avenue Fort Atkinson, WI 53538	Change Order No.:	Two
		Initiation Date:	26-Jun-24
To:	Mr. Gary Gilbank Gilbank Construction, Inc. 301 Scot Drive Clinton, WI 53525	Architect's Project No.:	76130
		Contract For:	General Construction
		Contract Date:	05-Jan-24

You are directed to make the following changes in this Contract:

1 Removal of unsuitable soils and replacement with compacted granular fill.	\$105,000.00
2 RFP #08 - Replace (5) man doors, frames, and hardware at West Parks Garage.	\$25,372.00

Total Increase/(Decrease) costs to project	\$130,372.00
--	--------------

Not valid until signed by both the Owner and Architect. Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract time.

The original contract Sum was	\$11,544,000.00
Net Change by previously authorized Change Orders	\$224,304.87
The Contract Sum Prior to this Change Order	\$11,768,304.87
The Contract Sum will be Increase by this Change Order	\$130,372.00
The New Contract Sum including this Change Order will be	\$11,898,676.87
The Contract Time will be Changed by this Change Order	0 days
The Date of Substantial Completion as of the date of this Change Order Therefore is:	May 26, 2025

ANGUS-YOUNG ASSOCIATES

Architect
Angus Young
Mr. Bradley Werginz

Contractor
Gilbanks Construction, Inc.
Mr. Gary Gilbank

Owner
City of Fort Atkinson
Mr. Andy Selle
Ms. Rebecca Houseman

By: _____

By: _____

By: _____

Date: _____

Date: _____

By: _____

GILBANK CONSTRUCTION, INC.

GENERAL CONTRACTORS

Commercial • Industrial • Residential

P.O. BOX 718 • 301 SCOT DRIVE • CLINTON, WISCONSIN 53525-0718

Established 1965

June 20, 2024

Unsuitable Soils Cost Tracking

April:

- Undercut 352.4 CY @ \$20 = \$ 7,048.00
- Backfill 764.38 T @ \$20 = \$15,287.60
- Lean Concrete 32 CY @ \$135.30 = \$4,329.60

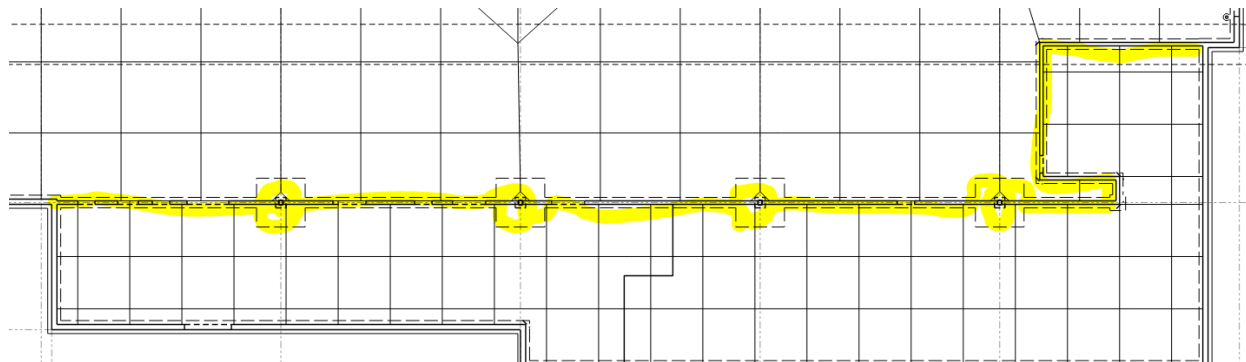
May (to 5/15/24):

- Undercut 603.9 CY @ \$20 = \$12,078.00
- Backfill 1,692.5 T @ \$20 = \$33,850.00

5/16/24 – 6/17/24:

- Undercut 352.2 CY @ \$20 = \$ 7,044
- Backfill 739.6 T @ \$20 = \$14,792

Remaining is the approx. 286' of interior foundation wall that supports the mezzanine with 4 integral column pier footings.



Let me know if you have any questions:
Sincerely

Gary Gilbank

GILBANK CONSTRUCTION, INC.

GENERAL CONTRACTORS

Commercial • Industrial • Residential

P.O. BOX 718 • 301 SCOT DRIVE • CLINTON, WISCONSIN 53525-0718

Established 1965

May 22, 2024

Request for Proposal #08

Replace 5 Doors @ Recreation Garage

Project: Fort Atkinson – Public Works & Parks Operations
Project #: 76130

Brad,

The following is the change request to replace 5 doors at the Recreation Garage.

We included the same FRP doors and hardware to match the door that is scheduled to be replaced.

I have included 10-man hours per door @ \$75 per hour
See attached plan & material proposal.

Material	\$19,316
Labor	<u>\$ 3,750</u>
	\$23,066
10% P&O	<u>\$ 2,306</u>
	\$25,372
 Total Cost	 \$25,372

Let me know if you have any questions:

Sincerely

Gary Gilbank

Contemplated Change Order #2

5 FRP Openings at Parks Garage

1 Single Door #301		Parks Garage from Exterior	90° RHR	
1	3870 FRPD URE 1 3/4" FRP F SMOOTH RHR (Closer; CYL; HG)			
1	3870 SGL FRP 534 2" LH			
3	Hinge	BB1199 4 1/2 X 4 1/2 NRP	US32D	HA
1	Lockset	ND80P6 RHO 10-025 13-247 (STD KEYING)	626	SC
1	Closer	4040XP RWPA	AL	LC
1	Protection Plate	8400 10" X 34" B-CS	US32D	IV
1	Latch Protector	BLP-110	630	DJ
1	Weatherstrip	DS75A 1 x 36" 2 x 84"		RS
1	Overhead Raindrip	R201A 40"		RS
1	Door Sweep	323A 36"		RS
1	Threshold	S204A 36"		RS
1 Single Door #302		Parks Garage from Exterior	90° LHR	
1	3870 FRPD URE 1 3/4" FRP F SMOOTH LHR (Closer; CYL; HG)			
1	3870 SGL FRP 534 2" RH			
3	Hinge	BB1199 4 1/2 X 4 1/2 NRP	US32D	HA
1	Lockset	ND80P6 RHO 10-025 13-247 (STD KEYING)	626	SC
1	Closer	4040XP RWPA	AL	LC
1	Protection Plate	8400 10" X 34" B-CS	US32D	IV
1	Latch Protector	BLP-110	630	DJ
1	Weatherstrip	DS75A 1 x 36" 2 x 84"		RS
1	Overhead Raindrip	R201A 40"		RS
1	Door Sweep	323A 36"		RS
1	Threshold	S204A 36"		RS
1 Single Door #303		Parks Garage from Exterior	90° LHR	
1	3870 FRPD URE 1 3/4" FRP F SMOOTH LHR (Closer; CYL; HG)			
1	3870 SGL FRP 534 2" RH			
3	Hinge	BB1199 4 1/2 X 4 1/2 NRP	US32D	HA
1	Lockset	ND80P6 RHO 10-025 13-247 (STD KEYING)	626	SC
1	Closer	4040XP RWPA	AL	LC
1	Protection Plate	8400 10" X 34" B-CS	US32D	IV
1	Latch Protector	BLP-110	630	DJ
1	Weatherstrip	DS75A 1 x 36" 2 x 84"		RS
1	Overhead Raindrip	R201A 40"		RS
1	Door Sweep	323A 36"		RS
1	Threshold	S204A 36"		RS

Contemplated Change Order #2
5 FRP Openings at Parks Garage

1	Single Door #304	Parks Garage from Exterior	90° LHR	
1	3870 FRPD URE 1 3/4" FRP F SMOOTH LHR (Closer; CYL; HG)			
1	3870 SGL FRP 534 2" RH			
3	Hinge	BB1199 4 1/2 X 4 1/2 NRP	US32D	HA
1	Lockset	ND80P6 RHO 10-025 13-247 (STD KEYING)	626	SC
1	Closer	4040XP RWPA	AL	LC
1	Protection Plate	8400 10" X 34" B-CS	US32D	IV
1	Latch Protector	BLP-110	630	DJ
1	Weatherstrip	DS75A 1 x 36" 2 x 84"		RS
1	Overhead Raindrip	R201A 40"		RS
1	Door Sweep	323A 36"		RS
1	Threshold	S204A 36"		RS
1	Single Door #305	Parks Garage from Exterior	90° RHR	
1	3870 FRPD URE 1 3/4" FRP F SMOOTH RHR (Closer; CYL; HG)			
1	3870 SGL FRP 534 2" LH			
3	Hinge	BB1199 4 1/2 X 4 1/2 NRP	US32D	HA
1	Lockset	ND80P6 RHO 10-025 13-247 (STD KEYING)	626	SC
1	Closer	4040XP RWPA	AL	LC
1	Protection Plate	8400 10" X 34" B-CS	US32D	IV
1	Latch Protector	BLP-110	630	DJ
1	Weatherstrip	DS75A 1 x 36" 2 x 84"		RS
1	Overhead Raindrip	R201A 40"		RS
1	Door Sweep	323A 36"		RS
1	Threshold	S204A 36"		RS

Pre-Tax Total: 19,316.00

Grand Total: 19,316.00



MEMORANDUM

DATE: July 2, 2024

TO: Fort Atkinson City Council

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible action relating to disallowance of a claim against the City of Fort Atkinson, Majewski (Ebbert, City Clerk/Treasurer/Finance Director).

BACKGROUND

In July 2021, the League of Wisconsin Municipalities Mutual Insurance (LWMMI) became our insurance carrier for property, liability and worker's compensation. Statewide Services, Inc administers the claims for the LWMMI and performs an investigation and obtain facts regarding the claim, which can include interviewing employees and on-site investigation. A final determination is then made and provided to Staff.

DISCUSSION

On March 22, 2024 the claimant experienced damage to their property which involved his water softener allegedly breaking and spraying out water as a result of City staff repairing a broken water main. Statewide spoke with Water Superintendent, Jeff Armstrong, to learn that the water main near the claimant's home broke, and City Public Works staff needed to shut down the water main to make repairs. The claimant states the damage occurred as a result of a build-up of pressure inside of his water pipes as a consequence of City staff having to turn off the water to make repairs on the water main.

The City is not liable for causing the water main to break; and there is no evidence that City staff failed to adhere to any ministerial duties or mandates regarding the maintenance of and/or repair of the broken water main. Absent a ministerial duty, WI Statute 893.80 affords the City discretionary immunity. Statewide's investigation has revealed that the City was not negligent nor responsible for this incident and therefore, recommends that the City disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim shortens the statute of limitations period to six months for any future lawsuit relating to this matter.

FINANCIAL ANALYSIS

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

RECOMMENDATION

Staff recommends the City Council disallow the claim against the City of Fort Atkinson from the Claimant pursuant to Wisconsin Statutes 893.80(1)(g).

ATTACHMENTS

1. Notice to Disallow - Majewski 07022024

Statewide Services, Inc.

Claim Division

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

VIA E-MAIL ONLY

June 10, 2024

City of Fort Atkinson
Attn: Ms. Michelle Ebbert, Clerk/Treasurer/Finance Director
101 N. Main St.
Fort Atkinson, WI 53538

RE: Our Claim #: WM000282260024
 Date of Loss: 03/22/2024
 Claimant: Mr. Tom Majewski
 408 Clover Ln
 Fort Atkinson, WI 53538

Loss location: 408 Clover Ln.
 Fort Atkinson, WI 53538

Dear Ms. Ebbert:

As you know, Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Fort Atkinson. We are in receipt of the above-captioned claim involving damage to the claimant's property; and such occurred as his water softener allegedly broke and spayed out water as a result of City staff repairing a broken water main.

Our investigation has revealed that the City was not negligent for this incident. Therefore, we recommend that the City disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will shorten the statute of limitations period to six months.

I spoke with the City Water Manager, Jeff Armstrong, to learn that the water main near the claimant's home broke, and City Public Works staff needed to shut down the water main to make repairs. It appears the claimant damage noted above occurred as a result of a build-up of pressure inside of his water pipes as a consequence of City staff having to turn off the water to make repairs on the water main, and pressure build in the pipes is often called a "water hammer". The City is not liable for causing the water main to break; and there is no evidence that City staff failed to adhere to any ministerial duties—or mandates--regarding the maintenance of and/or repair of the broken water main; and absent a ministerial duty, WI statute 893.80 affords the City discretionary immunity. Therefore, we recommend that the claim be disallowed.

I have enclosed a sample Notice of Disallowance for your use, should you choose to use it, or you may use your own. Please send your disallowance, on your letterhead, directly to the claimant) at her address noted above. The letter should be sent

certified or registered (restricted) mail, and it must be received by the claimant within 120 days after you received their claim. Please send me a copy of your letter for our file.

Thank you, Michelle, for your attention to the above, and please do not hesitate to contact me with any questions.

Best regards,

Doug Detlie

Douglass A. Detlie
Casualty Claims Specialist
Office: 608-828-5503
Fax: 800-720-3512
E-mail: ddetlie@statewidesvcs.com

[Cc: Paul Lessila, Agent](#)



MEMORANDUM

DATE: July 2, 2024

TO: Fort Atkinson City Council

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible action relating to disallowance of a claim against the City of Fort Atkinson, Heiman (Ebbert, City Clerk/Treasurer/Finance Director).

BACKGROUND

In July 2021, the League of Wisconsin Municipalities Mutual Insurance (LWMMI) became our insurance carrier for property, liability and worker's compensation. Statewide Services, Inc administers the claims for the LWMMI and performs an investigation and obtain facts regarding the claim, which can include interviewing employees and on-site investigation. A final determination is then made and provided to Staff.

DISCUSSION

On December 18, 2023, the claimant sustained a back-up of sewer water into their basement. Statewide spoke with the City Public Works Superintendent, Mr. Tom Williamson, to learn the cause of loss was an unnoticed clog within the City's sewer main, and that the City did not cause the clog by their operations. Statewide reported there is no evidence that the City failed to adhere to any ministerial duties or mandates regarding the maintenance of the sewer main, and absent a ministerial duty, WI statute 893.80 affords the City discretionary immunity. Statewide recommended that the City disallow the claim. The disallowance of the claim shortens the statute of limitations period to six months for any future lawsuit relating to this matter.

FINANCIAL ANALYSIS

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

RECOMMENDATION

Staff recommends the City Council disallow the claim against the City of Fort Atkinson from the Claimant pursuant to Wisconsin Statutes 893.80(1)(g).

ATTACHMENTS

1. Notice to Disallow - Heiman 07022024

Statewide Services, Inc.

Claim Division

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

VIA E-MAIL ONLY

June 10, 2024

City of Fort Atkinson
Attn: Ms. Michelle Ebbert, Clerk/Treasurer/Finance Director
101 N. Main St.
Fort Atkinson, WI 53538

RE: Our Claim #: WM000282260023
 Date of Loss: 12/18/2023
 Claimant: Ms. Jean Heiman
 709 Van Buren St,
 Fort Atkinson, WI 53538

Loss location: 709 Van Buren St.
 Fort Atkinson, WI 53538

Dear Ms. Ebbert:

As you know, Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Fort Atkinson. We are in receipt of the above-captioned claim involving claimant damage from a back-up of sewer water.

Our investigation has revealed that the City was not negligent for this incident. Therefore, we recommend that the City disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will shorten the statute of limitations period to six months.

The claimant sustained a back-up of sewer water into her basement; and I spoke with the City Public Works Director, Mr. Tom Williamson, to learn the cause of loss was an unnoticed clog within the City's sewer main, and that the City did not cause the clog by their operations. Once more, there is no evidence that the City failed to adhere to any ministerial duties—or mandates--regarding the maintenance of the sewer main, and absent a ministerial duty, WI statute 893.80 affords the City discretionary immunity. Therefore, we recommend that the claim be disallowed.

NOTE: The claimant asserts that the City Water Manager, Mr. Jeff Armstrong, suggested to her that the City was at fault for the loss, AND that the City would address her damages. I spoke with Mr. Armstrong, and he advised he did not make any commitments to the claimant regarding claim handling, nor liability. Please know that even if a Public Works employee and/or a municipality representative speaks out of turn and/or without authority to suggest that a claim would be addressed for a claimant, neither the municipality nor Statewide Services would be bound to address damages if the facts of a loss—to include applicable immunities afforded to a municipality—support that a claim disallowance is warranted.

I have enclosed a sample Notice of Disallowance for your use, should you choose to use it, or you may use your own. Please send your disallowance, on your letterhead, directly to the claimant) at her address noted above. The letter should be sent certified or registered (restricted) mail, and it must be received by the claimant within 120 days after you received their claim. Please send me a copy of your letter for our file.

Thank you, Michelle, for your attention to the above, and please do not hesitate to contact me with any questions.

Best regards,

Doug Detlie

Douglass A. Detlie

Casualty Claims Specialist

Office: 608-828-5503

Fax: 800-720-3512

E-mail: ddetlie@statewidesvcs.com

[Cc: Paul Lessila, Agent](#)



MEMORANDUM

DATE: July 2, 2024

TO: Fort Atkinson City Council

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible action relating to disallowance of a claim against the City of Fort Atkinson, Root (Ebbert, City Clerk/Treasurer/Finance Director).

BACKGROUND

In July 2021, the League of Wisconsin Municipalities Mutual Insurance (LWMMI) became our insurance carrier for property, liability and worker's compensation. Statewide Services, Inc administers the claims for the LWMMI and performs an investigation and obtain facts regarding the claim, which can include interviewing employees and on-site investigation. A final determination is then made and provided to Staff.

DISCUSSION

On January 15, 2024, the claimant sustained a back-up of sewer water into their basement. A notice of incident was filed on January 31st and submitted to the City's insurance company for review. Statewide Services spoke with the City Public Works Superintendent, Mr. Tom Williamson, to learn the cause of loss was an unnoticed clog within the City's sewer main, and that the City did not cause the clog by their operations. It was confirmed there is no evidence that the City failed to adhere to any ministerial duties or mandates regarding the maintenance of the sewer main, and absent a ministerial duty, WI statute 893.80 affords the City discretionary immunity. Statewide's investigation has revealed that the City was not negligent for this incident and therefore, recommends that the City disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim shortens the statute of limitations period to six months for any future lawsuit relating to this matter.

FINANCIAL ANALYSIS

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

RECOMMENDATION

Staff recommends the City Council disallow the claim against the City of Fort Atkinson from the Claimant pursuant to Wisconsin Statutes 893.80(1)(g).

ATTACHMENTS

1. Notice to Disallow - Root 07022024

Statewide Services, Inc.

Claim Division

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

VIA E-MAIL ONLY

June 10, 2024

City of Fort Atkinson
Attn: Ms. Michelle Ebbert, Clerk/Treasurer/Finance Director
101 N. Main St.
Fort Atkinson, WI 53538

RE: Our Claim #: WM000282260020
Date of Loss: 01/15/20124
Claimant: Mr. Adam Root
411 Washington St.
Fort Atkinson, WI 53538

Loss location: 411 Washington St.
Fort Atkinson, WI 53538

Dear Ms. Ebbert:

As you know, Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Fort Atkinson. We are in receipt of the above-captioned claim involving claimant damage from a back-up of sewer water.

Our investigation has revealed that the City was not negligent for this incident. Therefore, we recommend that the City disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will shorten the statute of limitations period to six months.

The claimant sustained a back-up of sewer water into her basement; and I spoke with the City Public Works Director, Mr. Tom Williamson, to learn the cause of loss was an unnoticed clog within the City's sewer main, and that the City did not cause the clog by their operations. Once more, there is no evidence that the City failed to adhere to any ministerial duties—or mandates--regarding the maintenance of the sewer main, and absent a ministerial duty, WI statute 893.80 affords the City discretionary immunity. Therefore, we recommend that the claim be disallowed.

I have enclosed a sample Notice of Disallowance for your use, should you choose to use it, or you may use your own. Please send your disallowance, on your letterhead, directly to the claimant) at her address noted above. The letter should be sent certified or registered (restricted) mail, and it must be received by the claimant within 120 days after you received their claim. Please send me a copy of your letter for our file.

Thank you, Michelle, for your attention to the above, and please do not hesitate to contact me with any questions.

Best regards,

Doug Detlie

Douglass A. Detlie

Casualty Claims Specialist

Office: 608-828-5503

Fax: 800-720-3512

E-mail: ddetlie@statewidesvcs.com

[Cc: Paul Lessila, Agent](#)