CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

January 23, 2013
7:00 P.M.

Legislative Chambers
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

REGULAR AGENDA

1. **CALL TO ORDER**

   A. Roll Call

   B. Declaration A Quorum Is Present

2. **PLEDGE OF ALLEGIANCE AND REFLECTION**

   A. Pledge of Allegiance

   B. A Moment of Silence

3. **COUNCIL PRESIDENT PRESENTATIONS**

4. **PUBLIC HEARINGS**

"The City of Fond du Lac provides equal opportunities and services to all individuals, including those individuals with disabilities"

"Assistive Listening Devices Are Available From The City Clerk For Use During Council Proceedings"

CONSENT AGENDA

5. CONSENT AGENDA

(A Motion Adopting The Consent Agenda Finalizes The Proposed Action Cited For The Matter)

A. APPROVAL OF MINUTES

November 20, 2013 Closed Session

January 9, 2013 Regular City Council Meeting

January 9, 2013 Closed Session

B. REPORTS OF OFFICERS

C. RESOLUTIONS

REGULAR AGENDA

6. AUDIENCE COMMENTS

The presiding officer shall limit comments to items noticed on the agenda.

7. ORAL PRESENTATIONS

Director of Administration, Dated January 15, 2013
Paul Thompson, Senior Vice President, Hutchison, Shockey, Erley & Co.
Subject: A. Refinancing 2004 State Trust Fund Loan
B. Refinance 2004 Bonds
C. Refinance 2010 Tax Incremental District (TID) 13 Notes

8. REPORTS OF OFFICERS

A. Director Of Administration, Dated January 16, 2013
Subject: List Of Claims - Items Paid By The City

(Proposed Action: **Receive And File**)

B. City Attorney, Dated January 17, 2013
Subject: Claim Lois Coomer

(Proposed Action: **Deny**)

9. REPORTS OF COMMITTEES

10. PETITIONS OR COMMUNICATIONS

11. RESOLUTIONS

A. Introduction City Manager
Resolution No. 8368
Subject: A Resolution Declaring Fond du Lac To Be A Fair Trade Town According to The Criteria Of The National Fair Trade Towns USA Campaign

Effect: Declare Fond du Lac To Be A Fair Trade Town
Initiator: Jim Hubbard, Citizen

B. Introduction City Manager
Resolution No. 8369
Subject: A Resolution In Regards To International Migratory Bird Day

(Effect: City Council Proclaims Saturday, May 4, 2013 As International Migratory Bird Day
(Initiator: Director Of Public Works

C. Introduction City Manager
Resolution No. 8370
Subject: A Resolution Confirming Appointment To Advisory Parking And Traffic Board

(Effect: Re-Appoint William C. Carey To The Advisory Parking And Traffic Board
(Initiator: City Manager

D. Introduction Director Of Public Works
Resolution No. 8371
Subject: A Preliminary Resolution Regarding The Construction Of Curb And Gutter

(Effect: To Initiate Administrative Action For The Construction Of And Levying Special Assessments
(Location: **14th Street** -From Marr Street To Park Avenue
Grace Avenue - From Sunset Circle To Woodland Avenue
North Main Street (East Side) - From Scott Street to 750 Feet North Of Harbor View Drive
Sunset Circle - In Its Entirety South Of Grace Avenue
(Initiator: City Engineer
(Plan Commission Recommendation: **Approve**)

E. Introduction Director Of Public Works
Resolution No. 8372
Subject: A Preliminary Resolution Regarding The Construction Of Street Lighting, Storm Sewer, Storm Sewer Laterals, Grade And Gravel, Curb And Gutter, Permanent Type Pavement, Sidewalk And Driveway Approach

(Effect: To Initiate Administrative Action For The Construction Of And Levying Special Assessments
(Location: **Auburn** - From Brooke Street Westerly 420 Feet To Packer Street
(Initiator: City Engineer
(Plan Commission Recommendation: **Approve**)

F. Introduction Director Of Administration
Resolution No. 8373
Subject: Resolution Authorizing The Redemption Of The City's Sewerage System Revenue Bonds, Series 2003

(Effect: Authorize The Redemption Of The City's Sewerage System Revenue Bonds, Series 2003
(Initiator: Director of Administration

12. ORDINANCES

13. MISCELLANEOUS

Items In This Category Must Be Noticed On The Agenda.

14. SUCH OTHER MATTERS AS ARE AUTHORIZED BY LAW

15. PUBLIC COMMENTS

16. ADJOURN

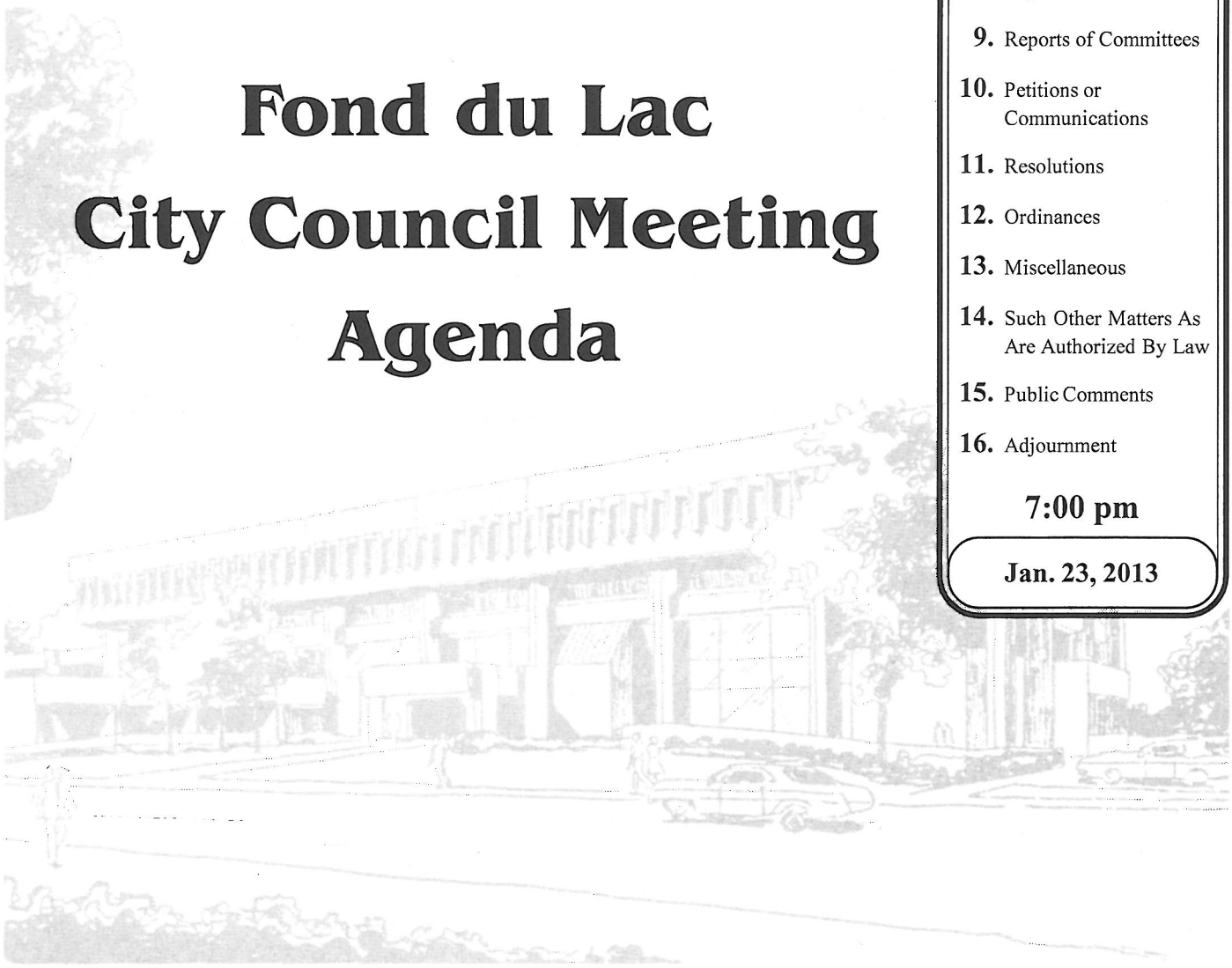
Fond du Lac City Council Meeting Agenda

ORDER OF BUSINESS

1. Call to Order
2. Pledge of Allegiance & Reflection
3. Council President Presentations
4. Public Hearings
5. Consent Agenda
6. Audience Comments
7. Oral Presentations
8. Reports of Officers
9. Reports of Committees
10. Petitions or Communications
11. Resolutions
12. Ordinances
13. Miscellaneous
14. Such Other Matters As Are Authorized By Law
15. Public Comments
16. Adjournment

7:00 pm

Jan. 23, 2013



"The City of Fond du Lac provides equal opportunities and services to all individuals, including those individuals with disabilities."

The motions or points listed below, 1 through 9, are in order of precedence. In other words:

A. When any one of them is pending, you cannot introduce one that is listed BELOW it.

B. You can introduce one that is listed above it.

YOU WANT TO:	YOU SAY:	May speaker Be Interrupted To Make This Motion?	Is second Required?	Is Motion Debatable?	Can This Motion Be Amended?	Is Vote Required? What % Required?
1 Adjourn	I move we adjourn	No interruption permitted	A second is necessary	Not debatable	Not amendable	Majority vote Required
2 Recess	I move we recess until . . .	No interruption permitted	A second is necessary	Not debatable	Amendable	Majority vote Required
3 Register a complaint	Point of privilege, Mr. Chairman . . .	Yes, you may interrupt	No second necessary	Not debatable (any RESULTING motion IS debatable.)	Not amendable	No vote required (Chair decides)
4 Suspend further consideration of a matter (To Table)	I move we table this matter	No interruption permitted	A second is necessary	Not debatable	Not amendable	Majority vote required
5 End discussion or further debating of matter	I move the previous question	No interruption permitted	A second is necessary	Not debatable	Not amendable	Two-thirds vote required
6 Postpone consideration of a matter	I move we postpone this matter until . . .	No interruption permitted	A second is necessary	Debatable	Amendable	Majority required
7 Have further study on a matter	I move we refer this matter to a committee	No interruption permitted	A second is necessary	Debatable	Amendable	Majority vote required
8 Amend a motion	I move this motion be amended to read . . .	No interruption of speaker permitted	A second is necessary	Debatable	Amendable	Majority vote required
9 Introduce a matter of business (A primary motion)	I move that . . .	Cannot interrupt speaker	A second is necessary	Debatable	Amendable	Majority vote required

THESE ARE GENERAL POINTS, PROPOSALS AND MOTIONS AND HAVE NO ORDER OF PROCEDURE OVER ONE ANOTHER. YOU MAY INTRODUCE ANY ONE OF THEM AT ANY TIME, EXCEPT:

A. When Motion To Adjourn Is Pending **B. When Motion To Recess Is Pending** **C. Point Of Privilege Is Pending**

YOU WANT TO:	YOU SAY:	May speaker Be Interrupted To Make This Motion?	Is second Required?	Is Motion Debatable?	Can This Motion Be Amended?	Is Vote Required? What % Required?
1 Object to error in procedure or to a personal affront	Point of Order	May interrupt speaker	No second	Not debatable	Not amendable	No vote required, Chair decides
2 Request for information	Point of information	If urgent and to the point	No second	Not debatable	Not amendable	No vote required
3 Verify voice vote by taking actual count	I call for a division of the house	No interruption permitted BUT division must be called by Chairman before new motion can be made.	No second	Not debatable	Not amendable	No vote required UNLESS someone objects, THEN majority required
4 Object to consideration of a matter you consider improper or undiplomatic	I object to consideration of this question	May interrupt speaker	No second required	Not debatable	Not amendable	Two-thirds vote required against consideration
5 Take up a matter which has been previously tabled	I move we take from the table	May not interrupt the speaker	Must be seconded	Not debatable	Not amendable	Majority required
6 Reconsider something already disposed of	I move we reconsider our action relative to . . .	May interrupt the speaker for record only (Business at hand takes precedence)	Must be seconded	Debatable IF original motion was debatable	Not amendable	Majority required
7 Consider something out of its scheduled order	I move we suspend the rules and consider . . .	May not interrupt the speaker	Must be seconded	Not debatable	Not amendable	Two-thirds vote required
8 Vote on a ruling of the chair	I appeal the chair's decision	May interrupt speaker	Must be seconded	Debatable IF original motion was debatable	Not amendable	Majority vote required

CITY COUNCIL MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN

January 9, 2013
7:00 P.M.

Legislative Chambers
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

REGULAR AGENDA

CALL TO ORDER

ROLL CALL: Present – Mick Burroughs
Lee Ann Lorrigan
Rebecca Lunde-Ross
Gary Miller
Jim Sabel
Rob Vande Zande

Absent – None

Administrative Staff – Joe Moore, City Manager
Wayne Rollin, Dir of Comm Dev
Dyann Benson, Redevelopment Planner
Hal Wortman, Dir of Administration
Chad Wade, Assistant City Attorney
Jordan Skiff, Dir of Public Works
Jon Mark Bolthouse, Library Dir
Bill Lamb, Chief of Police
Steve Klein, Police Captain
Peter O'Leary, Fire Chief

Council President Sabel declared a quorum present.

PLEDGE OF ALLEGIANCE AND REFLECTION

Pledge of Allegiance was recited.

A moment of silent was observed.

COUNCIL PRESIDENT PRESENTATIONS

President Sabel presented a proclamation to Karen Rajek, Joe Albano, Pedro Arellano, Ron Smet, Eugene Barr, Jace Klimeck and Mary Jean Nicholson for the 2013 Wisconsin Adult School Crossing Guard Recognition Week.

CONSENT AGENDA

CONSENT AGENDA

(A Motion Adopting The Consent Agenda Finalizes The Proposed Action Cited For The Matter)

APPROVAL OF MINUTES

December 12, 2012 Regular City Council Meeting

Motion made by Councilperson Lunde-Ross to approve the Consent Agenda.
Seconded by Councilperson Lorrigan.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs, Vande Zande
Nay - None
Carried.

REGULAR AGENDA

AUDIENCE COMMENTS

The presiding officer shall limit comments to items noticed on the agenda.

Spoke in Support of Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License d/b/a Stealing Second LLC, 11 E 2nd Street.
Non-Resident:
Joseph Beck, N5996 Joseph Dr., Fond du Lac
Dylan Schultz, Eden WI
Resident:
Darran Penn, 356 W Scott St., Fond du Lac

Spoke in Opposition of Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License d/b/a Stealing Second LLC, 11 E 2nd Street.
Resident:
Janet Lloyd, 918 4th St., Fond du Lac
Joyce Gau, N5471 Karen Ct., Fond du Lac

REPORTS OF OFFICERS

Director Of Administration, Dated January 3, 2013
Subject: List Of Claims - Items Paid By The City

(Proposed Action: **Receive And File**)

Motion made by Councilperson Vande Zande to receive and file the List of Claims dated January 3, 2013.
Seconded by Councilperson Lunde-Ross.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs, Vande Zande
Nay - None
Carried.

City Clerk, Dated January 3, 2013
Subject: Class "B" Fermented Malt Beverage And "Class B" Intoxicating Liquor License Application

Limited Liability Co: Stealing Second LLC
Agent: Darran Penn
Home Address: 356 West Scott Street
Fond du Lac, WI 54935
d/b/a: Stealing Second
Location of Premises: 11 East 2nd Street

(Alcohol Licensing Committee Recommendation: **Deny**)

Motion made by Councilperson Miller to approve Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License d/b/a Stealing Second, 11 East 2nd Street.
Seconded by Lunde-Ross.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs
Nay - None
Abstain - Vande Zande
Carried.

City Clerk Dated January 3, 2013
Subject: Change of Agent Class "B" Fermented Malt Beverage And "Class B" Intoxicating Liquor

Name: Sharleen Hahn
Residence Address: 270 Gertrude Avenue
Fond du Lac, WI 54935
d/b/a: Applebee's
Location: 841 West Johnson Street

(Proposed Action: **Approve**)

Motion made by Councilperson Lunde-Ross to approve Change of Agent Class "B" Fermented Malt Beverage and "Class B" Intoxication Liquor d/b/a Applebee's, 841 West Johnson Street.
Seconded by Burroughs.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs, Vande Zande
Nay - None
Carried.

Chief Of Police
Subject: Police Department Command Structure Reorganization

(Proposed Action: **Approve**)

Motion made by Councilperson Miller to approve the Police Department Command Structure Reorganization.
Seconded by Councilperson Lorrigan.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs, Vande Zande
Nay - None
Carried.

City Attorney
Subject: Parliamentary Procedure For Filling Council Officer Positions

Motion made by Councilperson Miller to suspend the rules for parliamentary procedure to fill the Vice-President vacancy and accept nominations.
Seconded by Councilperson Lorrigan.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs, Vande Zande
Nay - None
Carried.

VICE PRESIDENT

Councilperson Vande Zande was nominated for Vice President by Councilperson Miller.

Councilperson Lunde-Ross was nominated for Vice President by Councilperson Miller.

Ballot #1:

Councilperson Vande Zande:	4 votes
Councilperson Lunde-Ross:	2 vote

Councilperson Vande Zande was elected **Vice-President** of the City Council by a vote of 4-2.

RESOLUTIONS

Resolution No. 8368
Subject: A Resolution Confirming Appointments To Business Improvement District (DFP)

(Effect: Appoint Two Members To The Business Improvement District (Downtown Fond du Lac Partnership)
(Initiator: City Manager
(File No. 2013-003

Motion made by Councilperson Miller to approve Resolution No. 8368.
Seconded by Councilperson Lunde-Ross.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs, Vande Zande
Nay - None
Carried.

ADJOURN TO CLOSED SESSION

The Chair Will Entertain A Motion To Convene In Closed Session At The Request Of The City Manager For The Purpose Of:

Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

The subject is:

Economic Development Opportunities

This subject is exempt under Wisconsin Statutes Section 19.85(1)(e).

The motion, if made, must be adopted by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes.

No business other than stated above may be taken up at this closed session.

Motion made by Councilperson Vande Zande to adjourn to Closed Session.
Seconded by Councilperson Burroughs.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Burroughs, Vande Zande
Nay - None
Carried.

Meeting adjourned to Closed Session at 8:22 p.m.

SUE STRANDS
CITY CLERK

SS/maa

CITY OF FOND DU LAC - Memorandum

Department of Administration

To: Joe Moore, City Manager
City Council

From: Hal Wortman, Director of Administration

Date: January 15, 2013

Subject: 2013 Debt Issues

The January 23 and February 13, 2013 City Council meeting agendas will include action items regarding four general obligation (G.O.) debt issues. Three of these actions involve the refinancing of existing debt issues, and the fourth is to obtain funding for the 2013 general capital projects as listed in the recently-approved 2013 City budget. Explanations for each of the debt issues are listed below.

Refinance 2004 State Trust Fund Loan ($3,975,000)
The purpose of the refinancing of the 2004 State Trust Fund Loan is for interest cost savings. Interest savings estimated at $706,250 over the remaining 11 years (2014-2024) of the debt issue will result from this refinancing. The 2004 State Trust Fund Loan, with an interest rate of 5.25%, will be replaced with a new bond issue with a net interest cost (NIC) estimated at 2.7%.

Refinance 2004 Bonds ($3,125,000)
The City had planned on refinancing the outstanding 2004 bonds through an advance refunding, which would have resulted in savings of almost $400,000 over the remaining 10 years of the debt issue. However, it is unlikely the advance refunding can move forward at this time because of the U.S. debt ceiling.

Part of the IRS requirements for advance refunding is that the escrow created from the new bonds, borrowed to pay off the old bonds, must be invested in State and Local Government Series (SLGS) U.S. Treasury debt. However, the U.S. Treasury has suspended all sales of SLGS until Congress and the President can agree on a new national debt ceiling. If that agreement occurs prior to the February 13 sales date for the 2013 debt issues, the City will proceed with the advance refunding. If not, we will have to wait until SLGS once again become available.

Refinance 2010 TID#13 Notes ($1,800,000)
This purpose of this debt refinancing is to obtain long-term financing for the short-term 2010 TID#13 notes. The original debt was for a three-year term with interest only payments, with plans to obtain long-term financing at the end of the three years. The new notes will be for a 20 year term. The new notes will have an estimated net interest cost (NIC) of 3.72%.

2013 CIP Debt Issue ($2,885,000)

This new debt issue of $2,885,000, as approved in the 2013 budget, will be used to fund the 2013 general capital projects. The new debt issue will be for 10 years, with a balloon payment of $1,825,000 due in 2022. The balloon payment will be refinanced for another 10 years at that time. The net interest cost of the new debt issue is estimated to be 2.28%.

Mr. Paul Thompson of Hutchinson, Shockey, Erley & Co. will present information regarding the anticipated interest rates and repayment schedules for the debt issues at the January 23, 2013 City Council meeting. Resolutions to approve the debt issues will be placed on the February 13, 2013 City Council meeting agenda. Mr. Thompson will provide the final interest rates and principal and interest payment schedules at that time. The City will close on the debt and receive the debt proceeds on February 27, 2013.

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: January 16, 2013

To: City Council

From: Hal Wortman, Director of Administration

Re: List of Claims

The list of claims for goods and services for the payment periods January 1, 2013 through January 11, 2013 for all funds total $5,063,092.25. This list of claims includes tax settlement checks totaling $4,152,257.64. Wisconsin statute 66.0609 (2) requires the comptroller to file, at least monthly with the City Council, a list of approved claims paid.

Suggested Motion: Receive and File

City of Fond du Lac

Memorandum

Date: January 17, 2013

To: City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Denial of Claim - Lois Coomer claim

The City received a claim from someone who slipped on a City sidewalk. Our Claims adjuster has investigated this claim and recommends denial. There is no proof that the City had advance notice of the sidewalk defect. Without advance notice, the City has no liability under current law.

The recommendation of the City Attorney is that this claim be denied.

RESOLUTION NO. 8368

A RESOLUTION DECLARING FOND DU LAC TO BE A FAIR TRADE TOWN ACCORDING TO THE CRITERIA OF THE NATIONAL FAIR TRADE TOWNS USA CAMPAIGN

WHEREAS, the City Council of Fond du Lac expresses its support for sustainable and equitable commerce and economic development; and

WHEREAS, "Fair Trade" is an innovative, market strategy that promotes fair labor practices and healthy, safe work environments through the production of food and other goods; and

WHEREAS, Fair Trade provides producers with fair prices that translate into truly livable wages; and

WHEREAS, production of Fair Trade goods is achieved through sustainable and ecologically friendly means, thus supporting the future of a healthy planet for all; and

WHEREAS, as consumers, referring to individuals as well as private and public entities, we all have a responsibility to be aware of the impact that our consumption has on the communities that produce the goods we purchase; and

WHEREAS, consumers have a voluntary choice to make such purchases of Fair Trade goods; and

WHEREAS, we recognize that supporting our local economy by purchasing locally and ethically produced goods and services is in keeping with the values of Fair Trade; and

WHEREAS, the City of Fond du Lac has the opportunity to lead by example and present a model of social responsibility for other towns and cities to follow.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that when purchasing goods the City of Fond du Lac will strongly consider local and Fair Trade products when those products are readily available, meet applicable City standards, are competitively priced, are of comparable quality, and procured in accordance with existing procurement policies, City ordinances and State law.

BE IT FURTHER RESOLVED that the City Council encourages ongoing education, media exposure and commitment to Fair Trade within the community and the use, sale or provision of Fair Trade products whenever possible for the wellbeing of producers, consumers and the planet.

BE IT FURTHER RESOLVED that the City Council will consider taking a more active role on issues of Fair Trade if it proves beneficial for the City.

BE IT FURTHER RESOLVED that the City Council following consideration of information received from the Fond du Lac Fair Trade Town Initiative (FdLFTTI) and a determination that the criteria of the national Fair Trade Towns USA Campaign have been met, hereby declares Fond du Lac to be a Fair Trade Town.

This Resolution shall become effective upon its passage and without further publication.

ADOPTED:

_____
James G. Sabel, President
Fond du Lac City Council

Attest:

_____
Sue L. Strands, City Clerk

City Attorney:

Reviewed DSLH

3.07 **PURCHASING.** (1) PURPOSE. The purpose of this section is to secure for the taxpayers the advantages and economies which will result from centralized control over the expenditures of funds for supplies, materials, equipment and contractual services; from the application of modern, businesslike methods to such expenditures; and from better utilization of the articles procured at public expense.

(2) DEFINITIONS. For the purpose of this section the following terms, phrases, words and their derivations shall have the meaning given below. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is mandatory and not merely directory.

City. The City of Fond du Lac, Wisconsin.

City Purchasing Agent or "Agent." The Purchasing Agent of the City of Fond du Lac.

Contractual Services. Services that involve public construction or improvements rendered to the City by others under expressed or implied agreement, but shall not include professional and other contractual services which are in their nature unique and not subject to competition.

Council. The City Council of the City of Fond du Lac.

Supplies. Includes all supplies, materials and equipment furnished to the City.

Using Agency. Any department, agency, commission, bureau or other unit in the City government using supplies or procuring contractual services as provided for in this section. The term is intended to apply to those agencies which are under the administrative jurisdiction of the City Manager.

(3) CITY PURCHASING AGENT. The Director of Administration shall serve as City Purchasing Agent and shall have general supervision of City purchasing. The Agent shall appoint a purchasing coordinator within the Comptroller's division who shall perform the duties prescribed by this section and all other duties assigned by the Agent.

(4) SCOPE OF PURCHASING AUTHORITY. The Agent shall purchase or contract for all equipment, supplies and contractual services needed and requisitioned by any using agency in the City except as otherwise provided in this section, in accordance with

such rules and regulations as the City Manager may prescribe from time to time for the management and operation of the division of purchasing, in keeping with the spirit of this section.

(a) Unauthorized Purchases. Except as herein provided, no City officer or employee shall order the purchase of any equipment or supplies or make any contract within the purview of this section other than through the division of purchasing, and any purchase ordered or contracts made contrary to the provisions hereof shall not be binding on the City and shall make the purchaser personally liable.

(b) Disqualification of Bidders. The Agent shall have the authority to declare

vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the City for a stated period of time.
(c) Committee on Standards and Specifications. The Agent shall prepare and secure with the cooperation of the City departments standard and written specifications for supplies used by the various branches of the City government. To assist the Agent in this work the City Manager may establish a Committee on Standards and Specifications to be composed of the City Purchasing Agent as chairman and such other officials as the City Manager may designate.
(d) Exemptions From Centralized Purchasing. The Purchasing Agent may, and where legally required to do so, shall authorize in writing any agency to purchase or contract for certain specified classes of supplies, materials, equipment or contractual services independently of the Agent's office; but such purchases or contracts shall be made in conformity with the applicable provisions of this section. The Agent may also rescind such authorization to purchase independently by written notice to the agency concerned, unless otherwise prohibited by law.
(e) Assistance. The Purchasing Agent shall have the power and authority to call upon any officer, board, department or commission to furnish information or otherwise assist in the purchasing function if within the scope of such officer, board, department or commission.
(5) REQUISITIONS AND ESTIMATES. All using agencies shall file with the Agent detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such time and for such future period as the Agent shall prescribe.
(6) ENCUMBRANCE OF FUNDS. Except in cases of emergency, the Agent shall not issue any order for delivery on a contract or open market purchase until the Comptroller shall have certified that there is to the credit of the using agencies concerned a sufficient unencumbered appropriation balance, in excess of all unpaid obligations to defray the amount of such order.
(7) GRATUITIES. The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the City from any vendor or contractor or prospective vendor or contractor, except where given for the use and benefit of the City, shall be deemed to be a violation of this section and may be cause for removal or other disciplinary action. The offer of any such gratuity to any official or employee of the City by any vendor or contractor, or prospective vendor or contractor, may be cause for declaring such individual or firm to be an irresponsible bidder and for debarring him from bidding as provided by this section.

(8) COMPETITIVE BIDDING REQUIRED. All purchases of and contracts for supplies and contractual services and all sales of personal property which has become obsolete and unusable shall, except as specifically provided herein, be based wherever practicable on competitive bids. No splitting of orders as an evasion of the procedure described herein shall be permitted.
(9) FORMAL CONTRACT PROCEDURE. All equipment, supplies or public construction, except as otherwise provided herein or by statute, when the estimated cost shall exceed $15,000 shall be purchased by formal, written bids and subsequent

written contract from the lowest responsible bidder after notice inviting proposals.
(a) Notice Inviting Bids. Notice inviting bids shall be published one or more times in the official newspaper of the City and/or in an appropriate trades journal at least 5 days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured and the time and place for opening bids.
(b) Bidders List. The Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names be added to a bidders list which the Agent shall maintain by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which invitations are sent.
(c) Bid Deposits. When deemed necessary by the Agent and/or when required by State law, bid deposits shall be required in an amount within the discretion of the Agent to assure that the successful bidder will execute a contract. Unsuccessful bidders shall be entitled to return of bid deposit where the Agent has required same. A successful bidder shall forfeit any bid deposit required by the Agent upon failure on his part to enter a contract within 10 days after the award, unless such time is extended by the City.
(d) Bid Opening Procedure. Bids shall be submitted to the Agent. They shall be identified as bids on the envelope and opened in public at the time and place stated in the public notices. A tabulation of all the bids received shall be recorded and open to public inspection.
(e) Rejection of Bids. 1. The Agent shall have the authority to reject all bids or parts of all bids for any equipment or supplies included in the proposed contract when the public interest shall be served thereby.

FINANCE AND TAXATION 3.07(9)(f)
2. No bid shall be awarded to a contractor who is in default on the payment of taxes, licenses or other moneys due the City or who has defaulted on a previous contract with the City.
(f) Award of Contract. 1. Committee on Awards. Contracts within the purview of this section shall be awarded by a Committee on Awards composed of the City Manager, who shall serve as chairman, the Director of Public Works and the Purchasing Agent.
2. Lowest Responsible Bidder. Contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder," in addition to price the Committee on awards shall consider the ability, capacity and skill of the bidder to perform the contract or provide the service required; whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality of performance of previous contracts or services; the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; the sufficiency of the financial resources and ability of the bidder to perform

the contract or provide the service; the quality, availability and adaptability of the equipment, supplies or contractual services to the particular use required; the ability of the bidder to provide future maintenance and service and the potential cost of such maintenance and service for the use of the subject of the contract; and the number and scope of conditions attached to the bid.

3. Tie Bids. If 2 or more low bids are received for the same contract total amount, unit price, quality and service being equal, the contract shall be awarded to a resident bidder. If there is no resident bidder, the contract shall be awarded to one of the tie bidders by drawing lots.

4. Preferences for Recycled Materials. Because the Wisconsin Legislature has declared it to be a policy of this State to encourage recycling in an attempt to reduce the amount of materials deposited in landfills, the Committee shall award a contract to a bidder utilizing predominantly recycled materials when that bidder is not the low bidder if its bid is within 5% or $500 of the low bid, whichever is less, unless this action is prohibited by · 62.15, Wis. Stats., or any other State or federal law or regulation.

5. Award to Other than Lowest Bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Agent and filed with other papers relating to the transaction.

6. Non-Profit Organizations. No contract shall be awarded to a non-profit organization that has a policy of restrictive membership that is not permitted by law.

7. Discrimination. No contract shall be awarded to any organization that has been found by a court of competent jurisdiction to have policies or practices that discriminate against employees or other parties because of age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation, or national origin within the preceding three years.

(g) Performance Bonds. The Agent shall have the authority to specify the requirements of a performance bond before requesting bids and entering a contract, in such amount as he shall find reasonably necessary to protect the best interests of the City.

(h) Prohibition Against Subdivision. No contract or purchase shall be subdivided to avoid or circumvent the requirements of this section.

(10) QUOTATION PROCEDURE. All purchases of equipment, supplies and contractual services and all sales of personal property, when the estimated cost is between $5,000 and $15,000 shall be made in accordance with the following procedure, except the procedure may be waived if the Agent determines it to be impossible or impractical.

(a) Minimum Number of Quotations. Quotation purchases, wherever practicable, shall be based on at least 3 competitive quotations and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in par. (f) of sub. (9) above.

(b) Notice Inviting Quotations. The Agent may solicit quotations by direct request in person, by mail or by telephone, without newspaper or other advertisement.

(c) Recording. The Agent shall keep a record of all orders and the quotations submitted in competition thereon and such records shall also be open to public inspection.
(11) EXCEPTIONS. All purchases of equipment, supplies and contractual services when the estimated cost is between $500 and $5,000 may be made without the benefit of formal bids or quotations. In cases where the Agent determines that the purchase involves a new product or there is a lack of vendor information for a particular item, the procedures outlined in sub. (10) shall be followed.
(12) EXCEPTIONS TO BIDDING OR QUOTATION PROCEDURES. (a) Petty Expenditures. Purchases of supplies or services in amounts less than $500 may be made without the necessity for competitive bidding. Purchases may be made from properly established petty cash accounts by the heads of using agencies for incidentals and shall be reviewed by the Comptrollers Division and approved for reimbursement. The City Manager shall promulgate rules and regulations for the use of petty cash accounts.

(b) Personal Services. Contracts for personal services of a professional nature may be entered into by the City Manager without compliance with competitive bidding provisions of this section.
(c) Real Estate Transactions. All real estate transactions shall be made subject to the approval of the City Council provided that the City Manager or other City officials may perform all delegable functions in connection therewith as the City Council may direct.
(d) Emergency Purchases. An emergency shall be deemed to exist when a breakdown in machinery or in an essential service occurs; or when unforeseen circumstances arise, including delays by contractors, delays in transportation and unanticipated volume of work. If an emergency occurs during regular business hours, the head or other employee of the using agency shall immediately notify the Agent who shall either purchase the required commodity or service or authorize the using agency to do so. If the Agent is unavailable, the head of the using agency shall notify the City Manager before making the purchase. If an emergency occurs at times other than regular business hours, the using agency may purchase directly the commodity or commodities required. If the estimated cost of the emergency purchase exceeds $500, the head of the agency shall, wherever possible, secure competitive telephone bids and order delivery to be made by the lowest responsible bidder. On every emergency purchase made the agency head shall not later than one week thereafter submit to the Agent a requisition, a tabulation of bids received, if any, a delivery receipt and a written explanation of the circumstances of the emergency. The records of such emergency transaction shall be open to public inspection during regular business hours.
(e) Proprietary Purchases. Proprietary, patented equipment or supplies available from only one source shall be exempted from these provisions.
(f) Purchases of Used Equipment. Purchases of used equipment, materials or supplies may be authorized by the Committee on Awards without the use of the formal bid or quotation procedure outlined in this section.
(g) Donations. Purchases of equipment, materials, supplies, and services

made in conjunction with projects for which any materials have been donated or any labor for the project has been provided by volunteers.

(13) INSPECTION AND TESTING. The Agent shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

(a) Inspection by Using Agency. The Agent shall have the authority to direct using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies.

(b) Testing. The Agent may authorize chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and compliance with the specifications.

(14) SURPLUS STOCK. The Agent shall have the authority to sell all surplus stock which has become unsuitable for public use or to exchange the same for or trade in on new purchases.

(15) COOPERATIVE PURCHASING. The Agent shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served.

FOND DU LAC, WISCONSIN ..... WE WANT TO BE A FAIR TRADE TOWN

Fond du Lac is a progressive community. We embrace important initiatives that demonstrate the value we see in being a community that cares.

In 1989 Fond du Lac became and remains a Bird City.

In 2004 Fond du Lac became and remains a Tree City.

In 2012 Fond du Lac began its journey to become a Well City.

In 2013 we are working so that Fond du Lac becomes a Fair Trade Town.

To be a Fair Trade Town USA, the following requirements must be met.

1. **Form a steering committee that meets regularly and runs the campaign (DONE!)**
2. **Increase fair trade product availability through outreach to area retailers (DONE!)**
3. **Demonstrate support from local organizations, schools and places of worship (DONE!)**
4. **Attract local media attention for the campaign to increase awareness (UNDER WAY)**
5. **Achieve passage of a resolution supporting fair trade by the town council (OUR REQUEST)**

<u>Included in this packet</u>:

Fair Trade Principles...what Fair Trade is all about

Frequently Asked Questions about the Fair Trade Town initiative

Fair Trade Towns USA Brochure...including list of Fond du Lac retailers selling fair trade items

List of Fair Trade Towns in the U. S.

Fair Trade chocolate sample & tea sample

Sample Resolution with the final version being worked on with City Staff

Resolution No. 8369

A Resolution in Regards to International Migratory Bird Day

Whereas, migratory birds are some of the most beautiful and easily observed wildlife that share our communities, *and*

Whereas, many citizens recognize and welcome migratory songbirds as symbolic harbingers of spring, *and*

Whereas, these migrant species also play an important economic role in our community, controlling insect pests and generating millions in recreational dollars statewide, *and*

Whereas, migratory birds and their habitats are declining throughout the Americas, facing a growing number of threats on their migration routes and in both their summer and winter homes, *and*

Whereas, public awareness and concern are crucial components of migratory bird conservation, *and*

Whereas, citizens enthusiastic about birds, informed about the threats they face, and empowered to help address those threats can directly contribute to maintaining healthy bird populations, *and*

Whereas, since 1993 International Migratory Bird Day (IMBD) has become a primary vehicle for focusing public attention on the nearly 350 species that travel between nesting habitats in our communities throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean and the southern U.S., *and*

Whereas, hundreds of thousands of people will observe IMBD, gathering in town squares, community centers, schools, parks, nature centers, and wildlife refuges to learn about birds, take action to conserve them, and simply to have fun, *and*

Whereas, IMBD officially is held each year on the second Saturday in May, and this year will be held in Fond du Lac on Saturday, May 4th to coincide with the Fond du Lac County Audubon Society's survey day, *and*

Whereas, IMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also a call to action.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the City proclaims Saturday, May 4th, 2013 as **International Migratory Bird Day** in the City of Fond du Lac, and all citizens are urged to celebrate this observance and to support the efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

ADOPTED:

_____

James G. Sabel, President
Fond du Lac City Council

Attest:

_____

Sue L. Strands, City Clerk

City Attorney:

Reviewed

CITY OF FOND DU LAC – Memorandum

Director of Public Works

Date: January 17, 2013

To: Joe Moore, City Manager

From: Jordan Skiff, Director of Public Works

Re: Bird City Wisconsin Renewal

The January 23rd City Council agenda includes a resolution concerning Bird City Wisconsin. This is simply a renewal of a designation that Fond du Lac earned a year ago, recognizing our efforts to maintain park land, plan future land use, and enforce city policies in ways that are friendly to birds. This year's renewal highlights the planned dredging project (which should benefit waterfowl) and two park development plans that are being prepared by our Regional Planning Commission which will improve opportunities for our citizens to observe birds in a natural habitat.

For the third year, International Migratory Bird Day (IMBD) tours will be held in four Fond du Lac parks on May 3rd and 4th. We encourage all of you to attend!

Other than a $100 maintenance fee, participating in this program won't cost the City anything. The program now has over 60 cities, towns and counties participating statewide.

As always, the Park Watch group has been an instrumental partner in preparing information for this application, and in scheduling and running the IMBD tours.

Please contact me at 322-3472 if you would like more information.

RESOLUTION NO. 8370

A RESOLUTION CONFIRMING APPOINTMENT TO ADVISORY PARKING AND TRAFFIC BOARD

BE IT RESOLVED by the City Council of the City of Fond du Lac that the following appointment by the City Manager to the Advisory Parking and Traffic Board is hereby confirmed:

Advisory Parking and Traffic Board	Beginning	Ending
William C. Carey (reappointment)	04/30/2013	04/30/2016

ADOPTED:

_____
James G. Sabel, President
Fond du Lac City Council

Attest:

_____
Sue L. Strands, City Clerk

City Attorney:

Reviewed DSRM

CITY OF FOND DU LAC
APPLICATION FOR APPOINTMENT TO
CITY BOARDS, COMMISSIONS, AND COMMITTEES

Advisory parking & Traffic Board — Name of Board, Commission or Committee

January 7, 2013 — Date

William C. Carey — Full Name

[redacted] — Address

Pension-Investment Trustee — Occupation

City of Milwaukee — Employer

18 Years of Age or Older? Yes ☒ No ☐ Home Phone [redacted] Business Phone [redacted]

E-Mail Address: ---- Cellular Phone --

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 8

Education: Graduate FDL High School, two years college courses

List potential conflicts of interest: None

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
Senior Center Board	6	Milwaukee Investment Board	16
		Alliance of Cities	21
FDL Advisory & Traffic Board	1		

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

I have had more than 40 years of experience working for and serving on State and local Boards and Commission that have dealt with assisting cities, large and small.

If selected, I would like to work towards bettering the community through my service in the following ways:

Making decisions for the best interests of the City and its residents and taxpayers regarding traffic and parking decisions.

Please note: By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

RESOLUTION NO. 8371

A PRELIMINARY RESOLUTION REGARDING THE CONSTRUCTION OF CURB AND GUTTER

WHEREAS, a petition has been filed requesting the construction of curb and gutter on Fourteenth Street, Grace Avenue, North Main Street (East side) and Sunset Circle, as set out below; and

WHEREAS, Chapter 66 of the Wisconsin Statutes authorizes such improvements to be specially assessed; and

WHEREAS, such determination both as to construction and assessment should be made by the City Council after it reviews a report provided by the Director of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that:

1. The City Council hereby declares its intention to exercise its police power under Section 66.0703 of the Wisconsin Statutes to levy special assessments upon property within the following described areas for benefits conferred upon such property by improving the following named street, said public improvements to include the following:

Curb and Gutter

On 14th Street -From Marr Street To Park Avenue
On Grace Avenue - From Sunset Circle To Woodland Avenue
On North Main Street (East Side) - From Scott St to 750' North Of Harbor View Drive
On Sunset Circle - In Its Entirety South Of Grace Avenue

2. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall be reasonable.

3. The Director of Public Works shall prepare a report pertaining to the construction of the public improvements identified above. Said report shall consist of:

a. A schedule of the proposed assessments.

b. A statement that the property against which the assessments are proposed is benefitted.

4. Upon receiving the report of the Director of Public Works, the City Clerk is directed to give notice of a public hearing on the matters contained in this preliminary resolution and on such report as specified in Section 66.0703(7)(a) of the Wisconsin Statutes. The hearing shall be held by the City Council in the Legislative Chambers in the Fond du Lac City County Government Center at a time(s) set by the City Clerk in accordance with Section 66.0703(7)(a) of the Wisconsin Statutes.

5. Any assessments levied may be paid for in cash or in annual installments as provided in Section 3.04 of the Code of Ordinances of the City of Fond du Lac, Wisconsin.

ADOPTED:

James G. Sabel, President
Fond du Lac City Council

Attest:

Sue L. Strands, City Clerk

City Attorney:

Reviewed

PLAN COMMISSION MINUTES

January 14, 2013
5:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL: Present – Dave Erickson
Jordan Skiff
Brent Schumacher
Paul Smedberg
David Washkoviak
Lee Ann Lorrigan

Absent – Jeffrey Quast (excused)
Lynn Farr (excused)
Hertha Longo (excused)

Administrative Staff – Joellyn Dahlin, Principal Planner
Tony Lang, Civil Engineer III

Chairman Smedberg declared a quorum present.

*** * * * * * * * * * * * Other Business * * * * * * * * * * ***

PETITIONS AND COMMUNICATIONS

CONSTRUCTION OF CURB AND GUTTER

Effect: To initiate administrative action for the construction of and levying special assessments

Location: **14th Street** –from Marr Street to Park Avenue
Grace Avenue – from Sunset Circle to Woodland Avenue
North Main Street (East Side) – from Scott Street to 750 feet North of Harbor View Drive
Sunset Circle – in its entirety south of Grace Avenue

Initiator: Paul De Vries, City Engineer

Motion made by Commissioner Schumacher to recommend to the City Council approval of a preliminary resolution. Seconded by Commissioner Lorrigan.

ROLL CALL VOTE: Aye – Erickson, Skiff, Schumacher, Smedberg, Washkoviak, Lorrigan
Nay – None

Carried.

*** * * * * * * * * * * * Other Business * * * * * * * * * * ***

PETITION

CITY COUNCIL
FOND DU LAC, WISCONSIN

December 26, 2012

The undersigned petitioners, being owners of property herein described, respectfully request your honorable body to take such action as will cause the construction of:

- ☐ Sanitary Sewer Main
- ☐ Sewer Laterals
- ☐ Water Main
- ☐ Water Lateral
- ☐ Street Lighting
- ☐ Storm Sewer
- ☐ Grade and Gravel
- ☒ Curb and Gutter
- ☐ Permanent Type Pavement
- ☐ Sidewalk

On 14th Street from Marr Street to Park Avenue.
On Grace Avenue from Sunset Circle to Woodland Avenue.
On N. Main Street (East Side) from Scott Street to 750 feet north of Harbor View Drive.
On Sunset Circle, in its entirety, south of Grace Avenue.

SIGNATURE OF OWNER(S) (Please sign in ink)	ADDRESS OF PROPERTY (If different than address of residence please state both – please print)	ADDRESS OF RESIDENCE (Please print)
Paul DeVries, City Engineer Agent for City of Fond du Lac		160 South Macy Street Fond du Lac WI 54936-0150

plan commission memorandum

Date: January 4, 2013
To: Plan Commission
From: Paul De Vries, City Engineer
RE: 2013 Construction of Public Improvements

This petition was initiated by Paul De Vries, City Engineer. The proposed public improvements include construction of new curb and gutter as a part of the Clearwater Elimination Program, street reconstruction work. The location for special assessment of curb and gutter are:

On 14th Street from Marr Street to Park Avenue
On Grace Avenue from Sunset Circle to Woodland Avenue
On Sunset Circle, in its entirety, south of Grace Avenue
On North Main Street (East Side) from Scott Street to 750 north of Harbor View Drive

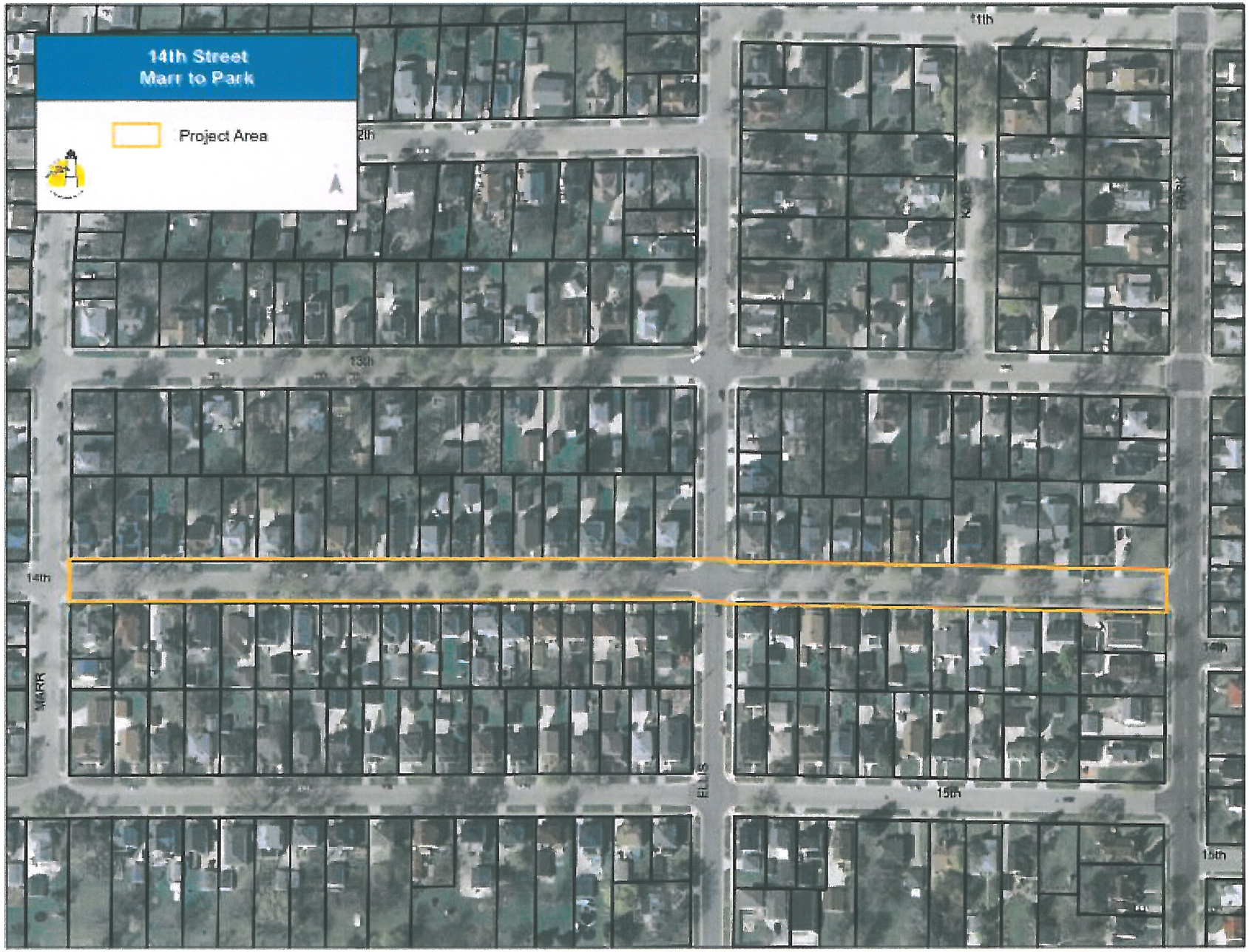
The streets will be reconstructed to restore the considerable amount of trench excavation required as a result of the underground work that will take place. Affected property owners would be assessed pursuant to the normal assessment practices for this type of work. The assessment will be ¼ of the actual cost of curb and gutter construction per assessable front foot. Approval of a preliminary resolution is requested for work anticipated during the 2013 construction season.

Recommendation

Engineering and Community Development Department staff suggests a motion to recommend to the City Council approval of a preliminary resolution.

CONSTRUCTION OF CURB & GUTTER

14TH STREET – from Marr Street to Park Avenue



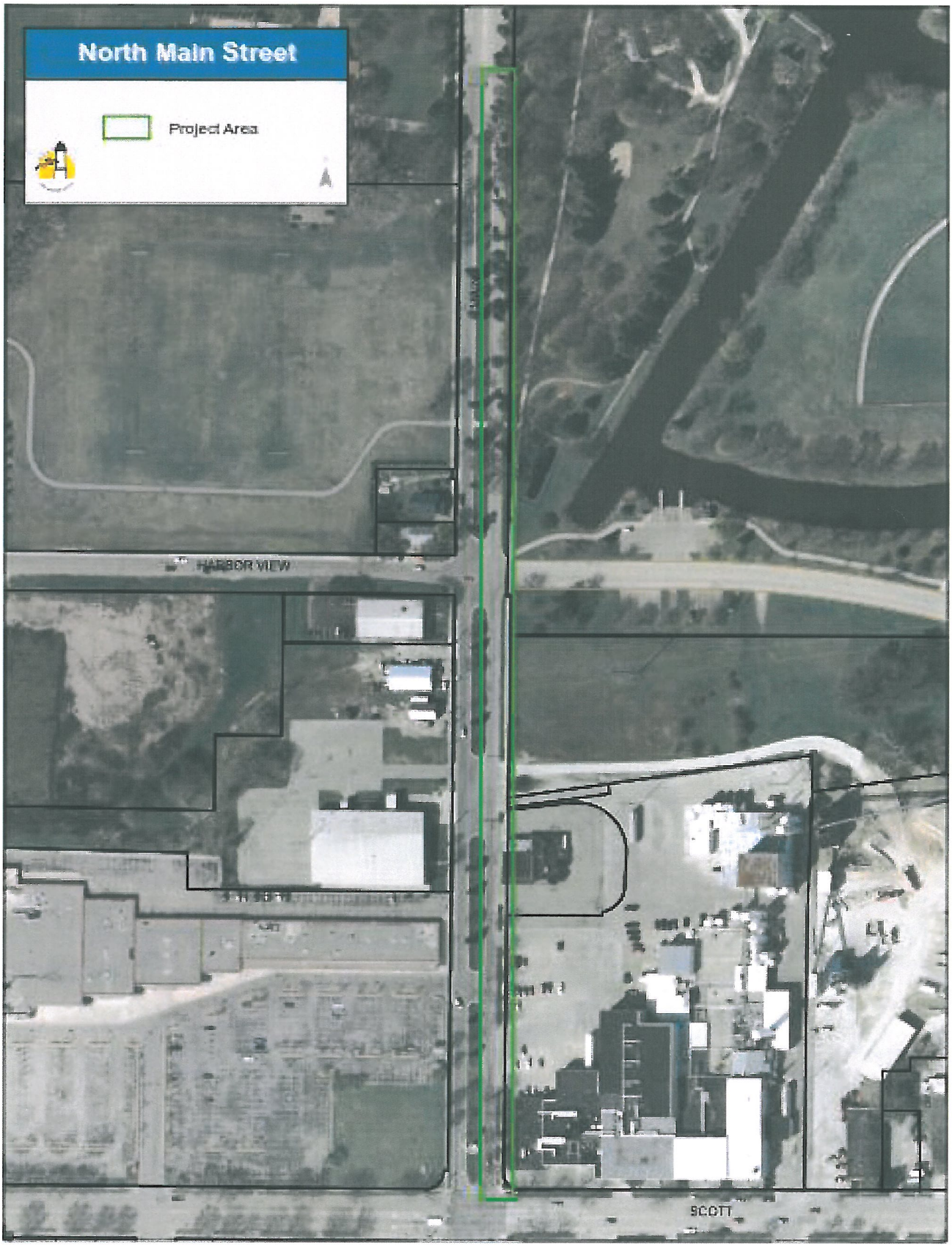
CONSTRUCTION OF CURB & GUTTER

GRACE AVENUE – from Sunset Circle to Woodland Ave
SUNSET CIRCLE – in its entirety south of Grace Avenue

CONSTRUCTION OF CURB & GUTTER

NORTH MAIN STREET (East Side)

from Scott Street to 750' north of Harbor View Drive



RESOLUTION NO. 8372

A PRELIMINARY RESOLUTION REGARDING THE CONSTRUCTION OF STREET LIGHTING, STORM SEWER, STORM SEWER LATERALS, GRADE AND GRAVEL, CURB AND GUTTER, PERMANENT TYPE PAVEMENT, SIDEWALK AND DRIVEWAY APPROACH

WHEREAS, a petition has been filed requesting the construction of street lighting, storm sewer, storm sewer laterals, grade and gravel, curb and gutter, permanent-type pavement, sidewalk and driveway approach on Auburn Street; and

WHEREAS, Chapter 66 of the Wisconsin Statutes authorizes such improvements to be specially assessed; and

WHEREAS, such determination both as to construction and assessment should be made by the City Council after it reviews a report provided by the Director of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that:

1. The City Council hereby declares its intention to exercise its police power under Section 66.0703 of the Wisconsin Statutes to levy special assessments upon property within the following described areas for benefits conferred upon such property by improving the following named street, said public improvements to include the following:

Street Lighting, Storm Sewer, Storm Sewer Laterals, Grade and Gravel, Curb and Gutter, Permanent-Type Pavement, Sidewalk and Driveway Approach

On **Auburn** - From Brooke Street Westerly 420 Feet To Packer Street

2. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall be reasonable.

3. The Director of Public Works shall prepare a report pertaining to the construction of the public improvements identified above. Said report shall consist of:

a. A schedule of the proposed assessments.

b. A statement that the property against which the assessments are proposed is benefitted.

4. Upon receiving the report of the Director of Public Works, the City Clerk is directed to give notice of a public hearing on the matters contained in this preliminary resolution and on such report as specified in Section 66.0703(7)(a) of the Wisconsin Statutes. The hearing shall be held by the City Council in the Legislative Chambers in the Fond du Lac City County Government Center at a time(s) set by the City Clerk in accordance with Section 66.0703(7)(a) of the Wisconsin Statutes.

5. Any assessments levied may be paid for in cash or in annual installments as provided in Section 3.04 of the Code of Ordinances of the City of Fond du Lac, Wisconsin.

ADOPTED:

James G. Sabel, President
Fond du Lac City Council

Attest:

Sue L. Strands, City Clerk

City Attorney:

Reviewed DGD

PLAN COMMISSION MINUTES

January 14, 2013
5:30 P.M.

Meeting Rooms D&E — 160 South Macy Street
City-County Government Center — Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL: Present – Dave Erickson
Jordan Skiff
Brent Schumacher
Paul Smedberg
David Washkoviak
Lee Ann Lorrigan

Absent – Jeffrey Quast (excused)
Lynn Farr (excused)
Hertha Longo (excused)

Administrative Staff – Joellyn Dahlin, Principal Planner
Tony Lang, Civil Engineer III

Chairman Smedberg declared a quorum present.

*** * * * * * * * * * * * Other Business * * * * * * * * * * ***

PETITIONS AND COMMUNICATIONS

CONSTRUCTION OF STREET LIGHTING, STORM SEWER, STORM SEWER LATERALS, GRADE AND GRAVEL, CURB AND GUTTER, PERMANENT TYPE PAVEMENT, SIDEWALK AND DRIVEWAY APPROACH

Effect: To initiate administrative action for the construction of and levying special assessments
Location: **Auburn** – from Brooke Street westerly 420 feet to Packer Street
Initiator: Paul De Vries, City Engineer

Motion made by Commissioner Erickson to recommend to the City Council approval of a preliminary resolution. Seconded by Commissioner Washkoviak.
ROLL CALL VOTE: Aye – Erickson, Skiff, Schumacher, Smedberg, Washkoviak, Lorrigan
Nay – None
Carried.

*** * * * * * * * * * * * Other Business * * * * * * * * * * ***

PETITION

CITY COUNCIL
FOND DU LAC, WISCONSIN

December 26, 2012

The undersigned petitioners, being owners of property herein described, respectfully request your honorable body to take such action as will cause the construction of:

- ☐ Sanitary Sewer Main
- ☐ Sewer Laterals
- ☐ Water Main
- ☐ Water Lateral
- ☒ Street Lighting
- ☒ Storm Sewer
- ☒ Storm Sewer Laterals
- ☒ Grade and Gravel
- ☒ Curb and Gutter
- ☒ Permanent Type Pavement
- ☒ Sidewalk and Driveway Approach

On Auburn Street – from Brooke Street westerly 420 feet to Packer Street.

SIGNATURE OF OWNER(S) (Please sign in ink)	ADDRESS OF PROPERTY (If different than address of residence please state both – please print)	ADDRESS OF RESIDENCE (Please print)
Paul DeVries, City Engineer Agent for City of Fond du Lac		160 South Macy Street Fond du Lac WI 54936-0150

plan commission memorandum

Date: January 4, 2013
To: Plan Commission
From: Paul De Vries, City Engineer
RE: 2013 Construction of Public Improvements

This petition was initiated by Paul De Vries, City Engineer. The proposed public improvements will upgrade Auburn Street to a standard urban street section. Construction improvements include: storm sewer, storm sewer laterals, grade & gravel, curb & gutter, permanent type pavement, sidewalk and driveway approaches, and street lighting. The location for this special assessment is:

On Auburn Street from Brooke westerly 420 feet to Packer Street

Auburn Street is on the City's list of Unimproved Streets. As such, in accordance with the City policies, residential properties adjacent to the project will be assessed an amount equal to 4% of their assessed property value. Non-residential properties would be assessed at a cost split of 50/50 between the City and the abutting non-residential properties.

The assessment will be the actual costs from the contractor's bid, distributed per assessable front foot of each property. Approval of a preliminary resolution is requested for work anticipated during the 2013 construction season.

Recommendation

Engineering and Community Development Department staffs suggest a motion to recommend to the City Council approval of a preliminary resolution.

CONSTRUCTION OF STREET LIGHTING, STORM SEWER, STORM SEWER LATERALS, GRADE & GRAVEL, CURB & GUTTER, PERMANENT TYPE PAVEMENT, SIDEWALK & DRIVEWAY APPROACH

Resolution No. 8373

RESOLUTION AUTHORIZING THE REDEMPTION OF
THE CITY'S SEWERAGE SYSTEM REVENUE BONDS, SERIES 2003

WHEREAS, the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City") has issued its Sewerage System Revenue Bonds, Series 2003, dated May 1, 2003 (the "2003 Bonds");

WHEREAS, the 2003 Bonds maturing on November 1, 2013 are currently callable; and

WHEREAS, the City Council hereby finds and determines that it is necessary, desirable and in the best interest of the City to call the outstanding 2013 maturity of the 2003 Bonds for redemption on February 27, 2013, with funds of the Sewerage System on hand.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac, Fond du Lac County, Wisconsin, that:

Section 1. Call of the 2003 Bonds. The outstanding balance of the 2003 Bonds which mature on November 1, 2013, shall be called for redemption on February 27, 2013, at the price of par plus accrued interest to the date of redemption. The City shall provide sufficient funds for such redemption to The Bank of New York Mellon Trust Company, N.A. (formerly known as Bank One Trust Company, National Association) (the "Fiscal Agent") which will provide notice to The Depository Trust Company, New York, New York (the "Depository").

Section 2. Call Notice to Depository. The City Clerk, in conjunction with Hutchinson, Shockey, Erley & Co. ("HSE"), shall cause timely notice of the call of the 2003 Bonds to be redeemed to be given by providing a notice thereof, in substantially the form attached hereto as Exhibit A, to the Fiscal Agent, which will provide notice to the Depository not less than 30 days nor more than 60 days prior to February 27, 2013.

Section 3. Additional Call Notices. In addition to the official notice of redemption provided for in Section 2, the City Clerk, in conjunction with HSE, shall cause further notice of the redemption of the 2003 Bonds to be provided to the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access System and to the bond insurer for the 2003 Bonds. Further notices of redemption shall contain the information set forth in the Notice of Call provided on Exhibit A.

Adopted and recorded this 23rd day of January, 2013.

_____
James Sabel, President
Fond du Lac City Council

City Attorney
Reviewed: DSRM

(SEAL)

ATTEST:

_____
Sue L. Strands
City Clerk

EXHIBIT A

NOTICE OF FULL CALL*

CITY OF FOND DU LAC
FOND DU LAC COUNTY, WISCONSIN
$1,195,000 SEWERAGE SYSTEM REVENUE BONDS, SERIES 2003
DATED MAY 1, 2003

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the date and in the amount; bear interest at the rate; and have a CUSIP No. as set forth below have been called for prior payment on February 27, 2013 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

Maturity Date	Principal Amount	Interest Rate	CUSIP No.
11/01/2013	$425,000	4.00%	344498FT2

Upon presentation and surrender of said Bonds to The Bank of New York Mellon Trust Company, N.A, as successor to Bank One Trust Company, National Association, the registrar and fiscal agent for said Bonds, the registered owners thereof will be paid the principal amount of the Bonds plus accrued interest to the date of prepayment.

Said Bonds will cease to bear interest on February 27, 2013.

By Order of the
City Council
City of Fond du Lac
City Clerk

Dated _____

* To be provided to The Bank of New York Mellon Trust Company, N.A. (as successor to Bank One Trust Company, National Association) at least thirty-five (35) days prior to February 27, 2013. The registrar and fiscal agent shall be directed to give notice of such prepayment by facsimile transmission, registered or certified mail, or overnight express delivery to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 55 Water Street, 50th Floor, New York, NY 10041-0099, not less than thirty (30) days nor more than sixty (60) days prior to February 27, 2013 and to the MSRB. Notice shall also be provided to Assured Guaranty Municipal Corp., or any successor, the successor bond insurer of the Bonds.

In addition, if the Bonds are subject to the continuing disclosure requirements of SEC Rule 15c2-12 effective July 3, 1995, this Notice should be filed electronically with the MSRB through the Electronic Municipal Market Access (EMMA) System website at www.emma.msrb.org.

CITY OF FOND DU LAC - Memorandum

Department of Administration

To: Joe Moore, City Manager
City Council

From: Hal Wortman, Director of Administration

Date: January 17, 2013

Subject: Resolution Authorizing Redemption of 2003 Sewer System Revenue Bonds

The January 23, 2013 City Council meeting agenda will include a resolution resulting in the early repayment of the 2003 Sewer System Revenue Bonds.

The final principal payment of $425,000 for the 2003 Sewer System Revenue Bonds is scheduled for November 1, 2013. The resolution will move that principal payment date up to March 1, 2013. By doing so, the City's Wastewater Utility will save $11,334 in interest costs in 2013.

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HOFFMANN, ATTY	322-3423		
ROLLIN, DCD	322-3440		
LAMB, POLICE	322-3702		
O'LEARY, FIRE	322-3802		
ZITTLOW, ITS	322-3605		
STRANDS, CLERK	322-3432		
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