

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

February 13, 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

FY2012 Justice Assistance Grant (JAG) Program

CONSENT AGENDA

5. CONSENT AGENDA

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

A. APPROVAL OF MINUTES

January 23, 2013 Regular City Council Meeting

January 23, 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

8. REPORTS OF OFFICERS

A. Director Of Administration, Dated February 6, 2013
Subject: List Of Claims - Items Paid By The City

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

B. City Clerk Dated February 7, 2013
Subject: Change of Agent "Class B" Intoxicating Liquor And "Class B"
Fermented Malt Beverage

Limited Liability Co: Pour Boys LLC
Agent Name: Julie Schmidt
Residence Address: 203 North Military Road
Fond du Lac, WI
d/b/a: Pour Boys
Location: 507 North Main Street

C. City Attorney, Dated February 6, 2013
Subject: Claim Raymond Hernandez

(Proposed Action: **Deny**)

D. Chief Of Police
Subject: Promotion Announcements

9. REPORTS OF COMMITTEES

10. PETITIONS OR COMMUNICATIONS

11. RESOLUTIONS

A. Introduction Director Of Administration
Resolution No. 8374
Subject: Resolution Authorizing The Issuance And Sale Of
\$3,975,000 Taxable General Obligation Refunding Bonds,
Series 2013B

(Effect: Authorize Refinancing Of 2004 State Trust Fund Loan)
(Initiator: Director Of Administration)

- B. Introduction Director Of Administration
Resolution No. 8375
Subject: Resolution Authorizing The Issuance And Sale Of
\$3,215,000 General Obligation Refunding Bonds

(Effect: Authorize Refinancing Of 2004 Bonds)
(Initiator: Director Of Administration)
- C. Introduction Director Of Administration
Resolution No. 8376
Subject: Resolution Authorizing The Issuance And Sale Of
\$1,800,000 Taxable General Obligation Refunding Bonds,
Series 2013A

(Effect: Authorize Refinancing Of 2010 Tax Incremental District
(TID) 13 Notes)
(Initiator: Director Of Administration)
- D. Introduction Director Of Administration
Resolution No. 8377
Subject: Resolution Authorizing The Issuance And Sale Of
\$3,190,000 General Obligation Promissory Notes

(Effect: Authorize 2013 CIP Debt Issue)
(Initiator: Director Of Administration)
- E. Introduction Assistant Chief Thiry
Resolution No. 8378
Subject: A Resolution Reviewing And Approving Grant Application
From The Edward Byrne Memorial Justice Assistance Grant
(JAG) Program

(Effect: Approve Grant Application From the Edward Byrne Memorial
Justice Assistance Grant (JAG) Program)
(Initiator: Chief Of Police)
- F. Introduction Community Development Director
Resolution No. 8379
Subject: A Resolution Authorizing Sale Of Land In The Fox Ridge
Industrial Park And Amend Covenants

(Effect: Authorize Sale Of Land In Fox Ridge Industrial Park To
Setzer Properties And Amend Covenants)
(Initiator: Community Development Director)
- (Note: Requires 3/4 Vote Of All Members)**

G. Introduction City Manager

Resolution No. 8380

Subject: A Resolution Confirming Appointments To Various Boards
And Commissions

(Effect: Confirm Appointments To Advisory Park Board, Advisory
Parking And Traffic Board, City Plan Commission,
Board Of Appeals, Downtown Architectural Review Board)

(Initiator: City Manager)

12. ORDINANCES

A. Introduction City Engineer

Ordinance No. 3509

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Remove Limited Time Parking - Two Hours, 7 A.M. To 5
P.M., Except Sunday In Accordance With Code Of Ordinances
Section 7.05 (5) And Schedule J)

(Location: Ninth St., W. - South Side, Between Morris Street And A
Point 100' West Of The Bridge Over The Fond du Lac
River)

(Effect: Remove Parking Prohibited At All Times In Accordance
With The Code Of Ordinances Section 7.05 (1) And
Schedule E)

(Location: Ninth St., W. South Side Between Liberty Street And The
Chicago & Northwestern Railroad Tracks)

(Initiator: City Engineer)

(Advisory Parking & Traffic Board Recommendation: **Approve**)

B. Introduction City Engineer

Ordinance No. 3510

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Restrict Parking Prohibited At All Times In Accordance
With Code Of Ordinances Section 7.05(1) And Schedule E)

(Location: Ellis St., - West Side, Between E First Street And E
Ninth Street)

(Initiator: City Engineer)

(Advisory Parking & Traffic Board Recommendation: **Approve**)

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



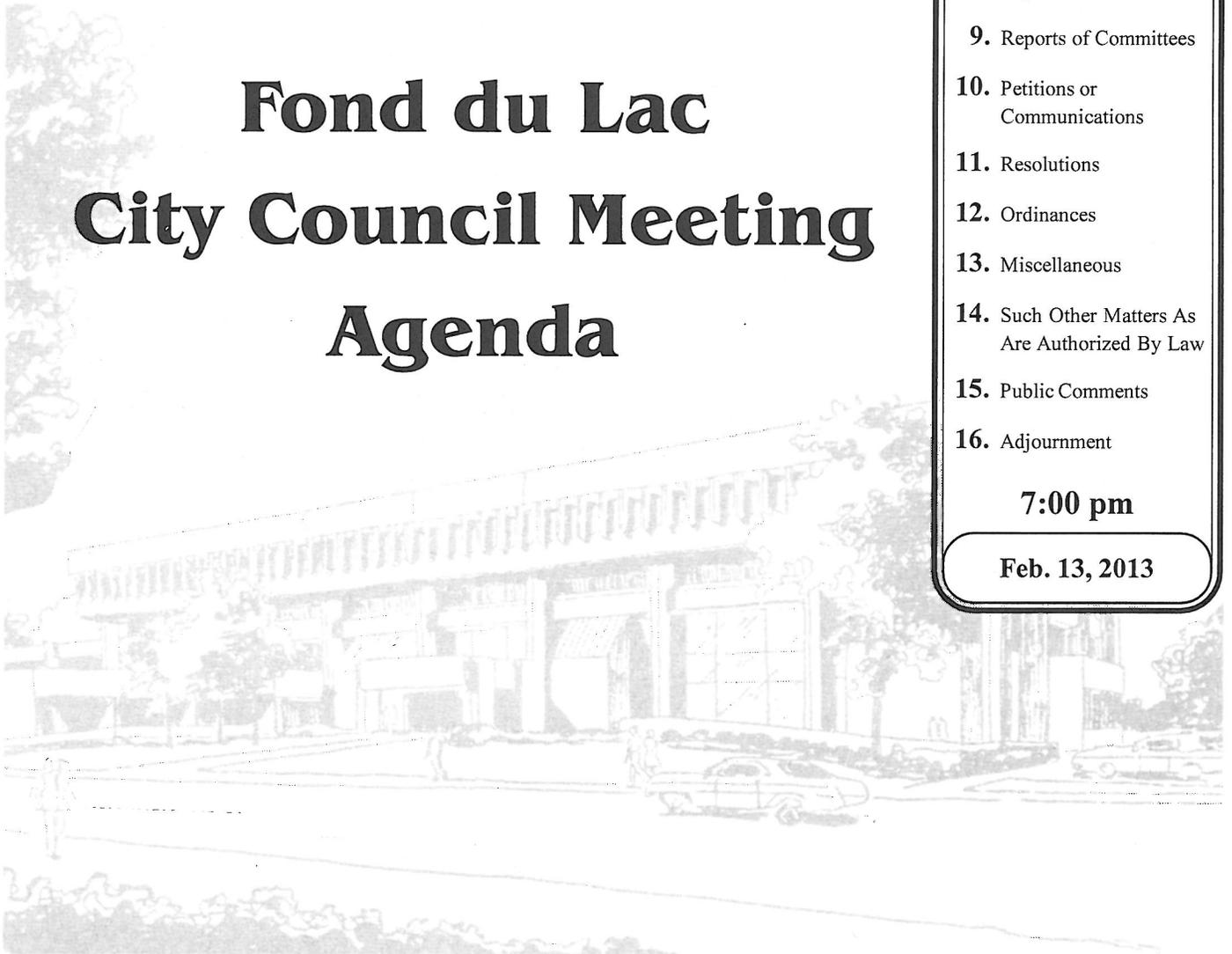
Fond du Lac City Council Meeting Agenda

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

Feb. 13, 2013



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 Re-quired? 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 Re-quired? 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

LEGAL NOTICE

“Public Hearing”

February 13, 2013

FY2012 Justice Assistance Grant (JAG) Program

The Fond du Lac Police Department has been notified by the Bureau of Justice Assistance that it is eligible to receive \$15,922 in funding for use in 2013. The department is requesting to use the funds for the following:

- Mobile Squad Video Camera Upgrades
- Simunition® Rifles & Supplies (Training)
- Protective Training Suits (Training)
- Defensive Tactic Training Dummy

There will be a public hearing on this matter during the City Council meeting on February 13th, 2013 at 7:00pm.

CITY OF FOND DU LAC POLICE DEPARTMENT

William Lamb, Chief of Police

Publish: February 3, 2013

**CITY COUNCIL MEETING MINUTES
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

CALL TO ORDER

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

Absent - Mick Burroughs (excused)

Administrative Staff - Joe Moore, City Manager
Wayne Rollin, Dir of Comm Dev
Hal Wortman, Dir of Administration
Deb Hoffmann, City Attorney
Jordan Skiff, Dir of Public Works
Paul De Vries, City Engineer
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.

CONSENT AGENDA

CONSENT AGENDA

(A motion adopting the consent agenda finalizes the proposed action cited for the matter)

CITY COUNCIL MINUTES

January 23, 2013

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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
D. Debt Issue For 2013 Capital Improvement Projects

REPORTS OF OFFICERS

Director Of Administration, Dated January 16, 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 16, 2013.

Seconded by Councilperson Lunde-Ross.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Vande Zande

Nay - None

Carried.

City Attorney, Dated January 17, 2013

Subject: Claim Lois Coomer

(Proposed Action: **Deny**)

Motion made by Councilperson Vande Zande to **Deny** claim by Lois Coomer.

Seconded by Councilperson Lunde-Ross.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Sabel, Vande Zande

Nay - None

Carried.

RESOLUTIONS

Introduction City Manager

Resolution No. 8368A

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

(File No. 2013-024

CITY COUNCIL MINUTES

January 23, 2013

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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**)

(File No. 2013-026

Motion made by Councilperson Lunde-Ross to **Deny**
Resolution No. 8371.
Seconded by Councilperson Lorrigan.

Motion withdrawn by Councilperson Lunde-Ross.
Second withdrawn by Councilperson Lorrigan.

Councilperson Miller noted that once a motion had been moved
and seconded, it belongs to the body and can only be
withdrawn if all members of the body agree. The Council
unanimously agreed that the motion could be withdrawn.

Motion made by Councilperson Lunde-Ross to approve
Resolution No. 8371.
Seconded by Councilperson Vande Zande.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross,
Sabel, Vande Zande
Nay - None

Carried.

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

CITY COUNCIL MINUTES

January 23, 2013

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(Location: Auburn - From Brooke Street Westerly 420 Feet To
Packer Street
(Initiator: City Engineer
(Plan Commission Recommendation: **Approve**)
(File No. 2013-027

Motion made by Councilperson Miller to approve
Resolution No. 8372.
Seconded by Councilperson Lorrigan.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Sabel
Nay - Lunde-Ross, Vande Zande
Carried.

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
(File No. 2013-028

Motion made by Councilperson Miller to approve
Resolution No. 8373.
Seconded by Councilperson Vande Zande.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross,
Sabel, 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 Opportunity

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

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: February 6, 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 12, 2013 through February 1, 2013 for all funds total \$12,433,137.12. This list of claims includes tax settlement checks totaling \$9,086,044.89. 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

City Clerk's Office

Date: February 7, 2013
To: City Council
From: Sue L. Strands, City Clerk
Re: Change of Agent "Class B" Combination License

We have received application for the following change of agent:

<u>NAME</u>	<u>RESIDENCE ADDRESS</u>	<u>LOCATION OF PREMISES</u>
Julie Schmidt	203 N Military Rd Fond du Lac, WI 54935	Pour Boys 507 N Main Street

Memo



To: City Manager Moore
From: Chief Lamb
Date: 01-14-13
Re: Proposed Change of Agent Request
Pour Boys LLC, d/b/a Pour Boys 507 N. Main Street

Pour Boys LLC has notified the City regarding a Change of Agent request for their bar located at 507 N Main Street. Julie M Schmidt is the new perspective agent as Randy Wirkus is no longer the agent for this company. Background checks were conducted on Schmidt both in-house and NCIC/CIB with no prior criminal history noted. The Police Department has no objections to the approval of the change of agent request.

January 9, 2013

Effective immediately, Randy Wirkus is no longer a member of PourBoys LLC. His membership has been dissolved and no longer has any part of PourBoys LLC.

Julie Schmidt is now a new member of PourBoys LLC and will be occupying the membership position.

PourBoys LLC will still operate PourBoys Sports Bar as is with Rod Schwartz continuing as a member.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rod Schwartz', with a large, stylized flourish at the end.

Rod Schwartz

Dated - 1/9/13

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Fond du Lac County of Fond du Lac

The undersigned duly authorized officer(s)/members/managers of Pour Boys
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Pour Boys
(trade name)

located at 507 N Main St Fond du Lac WI 54935

appoints Julie M Schmidt
(name of appointed agent)

203 N Military Rd Fond du Lac WI
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 48 years

Place of residence last year 203 N Military Rd Fond du Lac WI 54935

For: Pour Boys
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager)

And: [Signature]
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Julie M Schmidt, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Julie M Schmidt 12/18/12
(signature of agent) (date)

Agent's age [Redacted]

203 N Military Rd Fond du Lac
(home address of agent)

Date of birth [Redacted]

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 01/15/13 by Steven P Kle Title ADMIN. CAPTAIN
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Schmidt</u>		(first name) <u>Julie</u>	(middle name) <u>Marie</u>	
Home Address (street/route) <u>203 N Military Rd</u>		Post Office	City <u>Fond du Lac</u>	State <u>WI</u> Zip Code <u>54935</u>
Home Phone Number <u>920-921-9242</u>		Age <u>[redacted]</u>	Date of Birth <u>[redacted]</u>	Place of Birth <u>[redacted]</u>

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Member of Pour Boys LLC
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 48 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. Pour Boy's 507 N Main St Fond du Lac Alcohol Beverage License
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. Pour Boys LLC Fond du Lac Fond du Lac
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
<u>Fond du Lac County Health Dept</u>	<u>160 Macy St Fond du Lac WI</u>	<u>7/88</u>	<u>Present</u>
<u>Marion Haven Nursing Home</u>	<u>459 E 1st Fond du Lac WI</u>	<u>B/H</u>	<u>present</u>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 8th day of JANUARY, 2013

[Signature]
(Clerk/Notary Public)

Julie M Schmidt
(Signature of Named Individual)

My commission expires 9-27-2015



Printed on Recycled Paper

Wisconsin Department of Revenue

WISCONSIN

SELLER / SERVER CERTIFICATION

Trainee Name: Julie M Schmidt

Date of Completion: 11/12/2012 16:19 CST

School Name: Learn2Serve
Certification #: WI 1983868



I, _____
certify that the above named person
successfully completed an approved
Learn2Serve Seller/Server course.

COMPLIES WITH WISCONSIN STATUTES 125.04, 125.17, 134.66

Corporate Headquarters
13011 W. Valley, Suite 100
Austin, Texas 78717
P 980-442-1149

CITY OF FOND DU LAC - Memorandum

City Attorney

Date: February 7, 2013

To: City Council

From: Chad P. Wade, ^{CPW}Assistant City Attorney

Re: Denial of Claim – Raymond Hernandez claim

The City received a claim for damage to a vehicle. Our Claims adjuster has investigated this claim and recommends denial. Based on the investigation, the adjuster found that the City is not responsible for the vehicle damage as high winds caused the branch to fall and damage the vehicle. The City also has discretionary immunity to liability.

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

RESOLUTION NO. 8374

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$3,975,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013B

WHEREAS, the City Council of the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refinancing certain outstanding obligations of the City, to wit: its State Trust Fund Loan, dated May 28, 2004 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the City Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis; and

WHEREAS, it is the finding of the City Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell the general obligation refunding bonds to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of THREE MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$3,975,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the City Manager and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, taxable general obligation refunding bonds aggregating the principal amount of THREE MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$3,975,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds, Series 2013B"; shall be issued in the aggregate principal amount of \$3,975,000; shall be dated February 27, 2013; shall be in the denomination of \$5,000 or any

integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption. [If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.]

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2023 for the payments due in the years 2013 through 2024 in the amounts set forth on the Schedule. The amount of tax levied in the year 2013 shall be the total amount of debt service due on the Bonds in the years 2013 and 2014; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2013.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The City hereby appropriates from amounts levied to pay debt service on the Refunded Obligations, taxes levied in anticipation of the issuance of the Bonds, proceeds of the Bonds or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on October 1, 2013 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Refunding Bonds, Series 2013B, dated February 27, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by The Bank of New York Mellon Trust Company, N.A., which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate

for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15. Redemption of the Refunded Obligations. The City hereby calls the Refunded Obligations due on and after March 15, 2014 for redemption on March 15, 2013. The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption to be sent to the Board of Commissioners of Public Lands by registered or certified mail at least 30 days prior to the date of redemption of the Refunded Obligations.

Section 16. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 17. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded February 13, 2013.

Rob Vande Zande, Vice President
Fond du Lac City Council

Assistant City Attorney:

Reviewed: Chad P. Wade
Chad P. Wade

ATTEST:

Sue L. Strands
City Clerk

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on April 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
FOND DU LAC COUNTY
NO. R-____ CITY OF FOND DU LAC \$_____
TAXABLE GENERAL OBLIGATION REFUNDING BOND, SERIES 2013B

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ February 27, 2013 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2013 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by The Bank of New York Mellon Trust Company, N.A. (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$3,975,000, all of which are of like tenor, except as to denomination, interest rate and maturity date, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the purpose of paying the cost of refunding certain outstanding obligations of the City, all as authorized by a resolution of the City Council duly adopted by said governing body at a meeting held on February 13, 2013. Said resolution is recorded in the official minutes of the City Council for said date.

This Bond is not subject to optional redemption.

[The Bonds maturing in the years _____, _____ and _____ are subject to mandatory redemption by lot as provided in the resolution authorizing the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.

As long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.]

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal

amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds [(i)] after the Record Date, [(ii)] during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or [(iii)] with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Fond du Lac, Fond du Lac County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF FOND DU LAC,
FOND DU LAC COUNTY, WISCONSIN

By: _____
Joseph P. Moore
City Manager

(SEAL)

By: _____
Sue L. Strands
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolution of the City of Fond du Lac, Wisconsin.

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

By _____
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

RESOLUTION NO. 8375

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$3,215,000* GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the City Council of the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refinancing certain outstanding obligations of the City, to wit: the callable portion of the General Obligation Refunding Bonds, dated March 15, 2004 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the City Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, it is the finding of the City Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell the general obligation refunding bonds to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of THREE MILLION TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$3,215,000*) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the City Manager and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation refunding bonds aggregating the principal amount of THREE MILLION TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$3,215,000*) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$3,215,000*; shall be dated February 27, 2013; shall be in the denomination of \$5,000 or any integral multiple thereof;

* Estimated, subject to change.

shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption. [If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.]

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2022 for the payments due in the years 2013 through 2023 in the amounts set forth on the Schedule. The amount of tax levied in the year 2013 shall be the total amount of debt service due on the Bonds in the years 2013 and 2014; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2013.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The City hereby appropriates from amounts levied to pay debt service on the Refunded Obligations or other funds of the City on hand a sum sufficient to

be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on September 1, 2013 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Refunding Bonds, dated February 27, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 17 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of

the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by The Bank of New York Mellon Trust Company, N.A., which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the

Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 15. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 17. Escrow Agent; Escrow Agreement; Escrow Account. The Bank of New York Mellon Trust Company, N.A., is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

The City Manager and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit E (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the City Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the Refunded Obligations, other than any premium not used for the Refunding and accrued interest which shall be deposited in the Debt Service Fund Account created above, shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the Refunded Obligations to the Escrow Account, the taxes heretofore levied to pay debt service on the Refunded Obligations shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the Refunded Obligations, but such abatement shall not affect the City's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the Refunded Obligations. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 18. SLGS Subscriptions. The Escrow Agent and the Purchaser are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the Refunding.

Section 19. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on March 1, 2014 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the form attached to the Escrow Agreement (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 20. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 21. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Rob Vande Zande, Vice President
Fond du Lac City Council

Assistant City Attorney:

Reviewed: Chad P. Wade
Chad P. Wade

ATTEST:

Sue L. Strands
City Clerk

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on March 1, ____, ____, ____ and ____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on March 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)]

EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
FOND DU LAC COUNTY
NO. R-____ CITY OF FOND DU LAC \$_____
GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
March 1, _____ February 27, 2013 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2013 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by The Bank of New York Mellon Trust Company, N.A. (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$3,215,000, all of which are of like tenor, except as to denomination, interest rate and maturity date, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the purpose of paying the cost of refunding certain outstanding obligations of the City, all as authorized by a resolution of the City Council duly adopted by said governing body at a meeting held on February 13, 2013. Said resolution is recorded in the official minutes of the City Council for said date.

This Bond is not subject to optional redemption.

[The Bonds maturing in the years _____, _____ and _____ are subject to mandatory redemption by lot as provided in the resolution authorizing the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.

As long as the Bonds are in book-entry-only form, official notice of the redemption of the Bonds will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.]

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal

amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds [(i)] after the Record Date, [(ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption.] The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Fond du Lac, Fond du Lac County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF FOND DU LAC,
FOND DU LAC COUNTY, WISCONSIN

By: _____
Joseph P. Moore
City Manager

(SEAL)

By: _____
Sue L. Strands
City Clerk

DRAFT

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolution of the City of Fond du Lac, Wisconsin.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.

By _____
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

RESOLUTION NO. 8376

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$1,800,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

WHEREAS, the City Council of the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refinancing certain outstanding obligations of the City, to wit: its Taxable Note Anticipation Notes (TID No. 13), dated May 12, 2010 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the City Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of providing permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis; and

WHEREAS, it is the finding of the City Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell the general obligation refunding bonds to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the City Manager and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, taxable general obligation refunding bonds aggregating the principal amount of ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds, Series 2013A"; shall be issued in the aggregate principal amount of \$1,800,000; shall be dated February 27, 2013; shall be in the denomination of \$5,000 or any

integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2024 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2023 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.]

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2031 for the payments due in the years 2013 through 2032 in the amounts set forth on the Schedule. The amount of tax levied in the year 2013 shall be the total amount of debt service due on the Bonds in the years 2013 and 2014; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2013.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due,

the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The City hereby appropriates from amounts levied to pay debt service on the Refunded Obligations, taxes levied in anticipation of the issuance of the Bonds, proceeds of the Bonds or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on October 1, 2013 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Refunding Bonds, Series 2013A, dated February 27, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service

Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by The Bank of New York Mellon Trust Company, N.A., which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made

only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15 . Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on March 18, 2013 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit E and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 16. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 17. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded February 13, 2013.

Rob Vande Zande, Vice President
Fond du Lac City Council

Assistant City Attorney:

Reviewed: Chad P. Wade
Chad P. Wade

ATTEST:

Sue L. Strands
City Clerk

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on April 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
FOND DU LAC COUNTY
NO. R-____ CITY OF FOND DU LAC \$ _____
TAXABLE GENERAL OBLIGATION REFUNDING BOND, SERIES 2013A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ February 27, 2013 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2013 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by The Bank of New York Mellon Trust Company, N.A. (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$1,800,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the purpose of paying the cost of refunding certain outstanding obligations of the

City, all as authorized by a resolution of the City Council duly adopted by said governing body at a meeting held on February 13, 2013. Said resolution is recorded in the official minutes of the City Council for said date.

The Bonds maturing on April 1, 2024 and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 2023 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____, _____ and _____ are also subject to mandatory redemption by lot as provided in the resolution authorizing the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal

amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Fond du Lac, Fond du Lac County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF FOND DU LAC,
FOND DU LAC COUNTY, WISCONSIN

By: _____
Joseph P. Moore
City Manager

(SEAL)

By: _____
Sue L. Strands
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolution of the City of Fond du Lac, Wisconsin.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.

By _____
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

EXHIBIT D

FISCAL AGENCY AGREEMENT

DRAFT

EXHIBIT E

NOTICE OF FULL CALL*

CITY OF FOND DU LAC
FOND DU LAC COUNTY, WISCONSIN
\$1,800,000 TAXABLE NOTE ANTICIPATION NOTES (TID NO. 13)
DATED MAY 12, 2010

NOTICE IS HEREBY GIVEN that the Notes 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 March 18, 2013 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
May 1, 2013	\$1,800,000	3.60%	3444608D5

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

Said Notes will cease to bear interest on March 18, 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. at least thirty-five (35) days prior to March 18, 2013. The registrar and fiscal agent shall be directed to give notice of such prepayment by electronic transmission, 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 March 18, 2013 and to the MSRB.

In addition, if the Notes 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.

RESOLUTION NO. 8377

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$3,190,000 GENERAL OBLIGATION PROMISSORY NOTES

WHEREAS, the City Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City") to raise funds for public purposes, including paying the cost of various public projects and acquisitions listed in the City's 2013 Capital Improvement Plan (the "Project"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the City Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes; and

WHEREAS, it is the finding of the City Council that it is necessary, desirable and in the best interest of the City to sell the general obligation promissory notes to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of THREE MILLION ONE HUNDRED NINETY THOUSAND DOLLARS (\$3,190,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the City Manager and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation promissory notes aggregating the principal amount of THREE MILLION ONE HUNDRED NINETY THOUSAND DOLLARS (\$3,190,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of \$3,190,000; shall be dated February 27, 2013; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal

and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as ExhibitB-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on April 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2020 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.]

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2021 for the payments due in the years 2013 through 2022 in the amounts set forth on the Schedule. The amount of tax levied in the year 2013 shall be the total amount of debt service due on the Notes in the years 2013 and 2014; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Notes in the year 2013.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The City hereby appropriates from taxes levied in anticipation of the issuance of the Notes, proceeds of the Notes or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Notes coming due on October 1, 2013 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$3,190,000 General Obligation Promissory Notes, dated February 27, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be

paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the

City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 11. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by The Bank of New York Mellon Trust Company, N.A., which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 12. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company,

New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 15. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 18. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 19. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded February 13, 2013.

Rob Vande Zande, Vice President
Fond du Lac City Council

Assistant City Attorney:

Reviewed: Chad P. Wade
Chad P. Wade

ATTEST:

Sue L. Strands
City Clerk

(SEAL)

EXHIBIT A

Note Purchase Proposal

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Notes due on April 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT C

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
FOND DU LAC COUNTY
NO. R-____ CITY OF FOND DU LAC \$_____
GENERAL OBLIGATION PROMISSORY NOTE

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ February 27, 2013 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Fond du Lac, Fond du Lac County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2013 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by The Bank of New York Mellon Trust Company, N.A. (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$3,190,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption

provision, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including paying the cost of various public projects and acquisitions listed in the City's 2013 Capital Improvement Plan, all as authorized by a resolution of the City Council duly adopted by said governing body at a meeting held on February 13, 2013. Said resolution is recorded in the official minutes of the City Council for said date.

The Notes maturing on April 1, 2021 and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 2020 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

【The Notes maturing in the years _____, _____ and _____ are also subject to mandatory redemption by lot as provided in the resolution authorizing the Notes at the redemption price of par plus accrued interest to the date of redemption and without premium.】

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Notes shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable.

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon

surrender of this Note together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

This Note shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

IN WITNESS WHEREOF, the City of Fond du Lac, Fond du Lac County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF FOND DU LAC,
FOND DU LAC COUNTY, WISCONSIN

By: _____
Joseph P. Moore
City Manager

(SEAL)

By: _____
Sue L. Strands
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes of the issue authorized by the within-mentioned resolution of the City of Fond du Lac, Wisconsin.

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

By _____
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

RESOLUTION NO. 8378

A RESOLUTION REVIEWING AND APPROVING GRANT APPLICATION
FROM THE EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

WHEREAS, the City of Fond du Lac has been notified it is eligible for \$15,922 in funding from the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The amount of funding available to local units of government is determined by the size of the population served and the level of Part 1 violent crime statistics reported. The purpose of the grant funding is to support a broad range of activities to prevent and control crime based on local needs and conditions; and

WHEREAS, the City of Fond du Lac Police Department would like to apply for this grant to improve the operations of the Department. Some possible purchases include upgrades to the existing mobile video recording equipment in patrol cars, protective suits for defensive tactics training, and non-lethal conversion kits and ammunition for force-on-force firearms training.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fond du Lac that the City Council has held a public hearing on the proposed grant, has reviewed the proposed grant and approves the same.

BE IT FURTHER RESOLVED that City officials and/or City staff are authorized and directed to take any actions appropriate in furtherance of the grant.

ADOPTED:

Rob Vande Zande, Vice-President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed CPW

Memo



To: Joe Moore, City Manager
From: Bill Lamb, Chief of Police
RE: *FY2012 Edward Byrne Memorial JAG Program*
Date: 2/5/2013

The City of Fond du Lac Police Department has been notified by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance that it is eligible for \$15,922 in grant funding for use in 2013.

This funding is distributed to local units of government through the FY2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This is a "formula" grant; therefore the amount of funding available to local units of government is determined by the size of the population served and the level of Part 1 violent crime statistics reported via the National Incident-Based Reporting System (NIBRS). The purpose of the grant funding is to support a broad range of activities to prevent and control crime based on local needs and conditions. As this grant is a "formula" grant, there is no match required for the City of Fond du Lac.

The City of Fond du Lac Police Department would like to apply for this grant and use the funding to support a number of projects aimed at improving the operations of the department. The projects proposed for this grant funding are listed below:

Mobile Video Recording Equipment Upgrades:

The Fond du Lac Police Department currently has mobile video recording equipment in all of its marked patrol vehicles. The purpose of this equipment is to capture video evidence of violations as seen by officers during their normal duties. Video equipment can also be used to review officer conduct when complaints are received by the public and can provide live feed to the Emergency Operations Center during critical incident response. Since the original installation of the video equipment, technological advances in lens hardware have greatly increased the overall clarity and resolution of images that can be captured. Installing these new lenses will allow for the capture of better quality evidence and provide more detailed images to aid in identification. Upgrades to the hardware in the seventeen squad cars currently equipped with mobile video recording equipment were quoted at approximately \$10,300.

Training Equipment:

DEFENSIVE TACTICS – INSTRUCTOR PROTECTION SUITS:

In order for the department to provide quality defense and arrest tactics training, instructors often "role play" with students to add realism and to perfect classroom technique. Some defensive tactics require officers to strike targets with hands, feet or impact weapons in order to stop a subject's violent behavior. To realistically simulate this in training, an instructor acting as an aggressor needs to protect him/herself with equipment specific to this type of simulation. There are vendors that provide protect equipment of this type to help facilitate realistic training. The cost of purchasing two sets of protective training suits was quoted at \$2,850. As always, good training prepares officers for situations they are likely to encounter and helps the officer to

succeed through prior familiarization. This is good not only for the safety of the officers, but also for the citizens they serve.

SIMUNITION® LONG-GUN CONVERSION KITS:

SIMUNITION® is a name brand product associated with firearms training that allows law enforcement to train using the most realistic force-on-force scenarios. With this tool, firearms can be converted to fire non-lethal “marking” rounds instead of live ammunition. The result is the ability to conduct simulated “live-fire” exercise against “live” adversaries instead of targets. Students participating in this training experience the realistic noises associated with firearms being fired, actual recoil of the firearm as it cycles and the impact of rounds hitting them when they don’t appropriately use cover. In addition, the firearms continue to function just like they would if firing live ammunition which helps the officers experience actual reloading and clearing of malfunctions just like in real situations. The Fond du Lac Police Department currently uses SIMUNITIONS® for training with handguns and it has been extremely beneficial. The department would like to expand this training to include its long-guns, specifically the M16 rifle. In order to convert existing M16 rifles to fire SIMUNITION® round and to provide this type of training with long-guns, the department would have to purchase 4 conversion kits. The costs associated with this purchase would be \$2,435.

SIMUNITION® 5.56MM MARKING CARTRIDGES:

In conjunction with the SIMUNITION® conversion kits listed above, the department would need to purchase an initial supply of the marking cartridges which make the firearm non-lethal. The cost associated with purchasing one case of these marking cartridges is \$337.

FY2012 Edward Byrne Memorial JAG Program – Proposed Budget	
Mobile Video Recording Equipment – Lens Upgrade	\$10,300.00
Defensive Tactics – Instructor Protection Suits (2)	\$2,850.00
SIMUNITION® Long-gun Training Conversion Kits	\$2,435.00
SIMUNITION® Long-gun Marking Cartridges	\$337.00
Total	\$15,922

RESOLUTION NO. 8379

**A RESOLUTION AUTHORIZING SALE OF LAND IN THE
FOX RIDGE INDUSTRIAL PARK AND AMEND COVENANTS**

WHEREAS, Setzer Properties has offered to purchase Lots 10, 11, 12, 15, 16, and 17, plus the intervening lands designated for a future street, in the Fox Ridge Industrial Park at a total price of \$550,000, and

WHEREAS, this purchase price represents the fair market value for the property and is reasonable, and

WHEREAS, the City of Fond du Lac wishes to permit the construction of a trucking terminal on this industrial park property, and in order to do so must amend the Protective Covenants that apply to these lots, and

WHEREAS, the Fox Ridge Industrial Park Protective Covenants provides that the covenants may be amended by a vote of the City Council with at least a two-thirds favorable vote of all the members of the City Council.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fond du Lac that the proper City officials are hereby authorized and directed to convey Lots 10, 11, 12, 15, 16, and 17, plus the intervening lands designated as future street, in the Fox Ridge Industrial Park, with the understanding that said street will not be constructed by the City, to Setzer Properties or appropriate designee at a price of \$550,000, and

BE IT FURTHER RESOLVED that Paragraph 7.B. of the Protective Covenants for the Fox Ridge Industrial Park is hereby amended to read in part: "The parking of company vehicles, trucks and equipment shall be sited behind the extended line of the front building wall, except in the case of Lots 10, 11, 12, 15, 16 and 17."

ADOPTED:

Rob Vande Zande, Vice-President
Fond du Lac City Council

Attest:

City Attorney:

Reviewed CPW

Sue L. Strands, City Clerk

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 5, 2013

To: Joe Moore, City Manager

From: Wayne Rollin, Community Development Director

Re: Sale of Land

Setzer Properties of Lexington, Kentucky has offered to purchase six lots totaling 21.6 acres in our Fox Ridge Business / Industrial Park for the purpose of constructing a trucking terminal. Setzer Properties will develop the trucking terminal and lease it to a trucking company which will employ approximately 120 people at this location, expected to increase to approximately 150 within three years.

The proposed land sale is outlined on the attached map. Because the company is purchasing all six lots, there is no need for the City to install the road which had been planned to serve the area. The entire parcel will be served by the existing street. The proposed sale price is \$550,000.

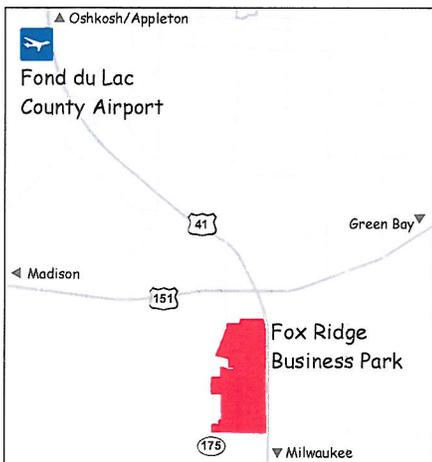
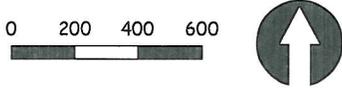
Because the trucking company will need to park some of their vehicles and trailers between the proposed building and the street, it is necessary to amend the Protective Covenants that apply to the industrial park. This is also included in the resolution, and will have the effect of allowing vehicles to park in front of the building line, but only on these lots.

Should you or members of Council have any questions about the proposed land sale, please contact me. Thank you.

Fox Ridge Business Park

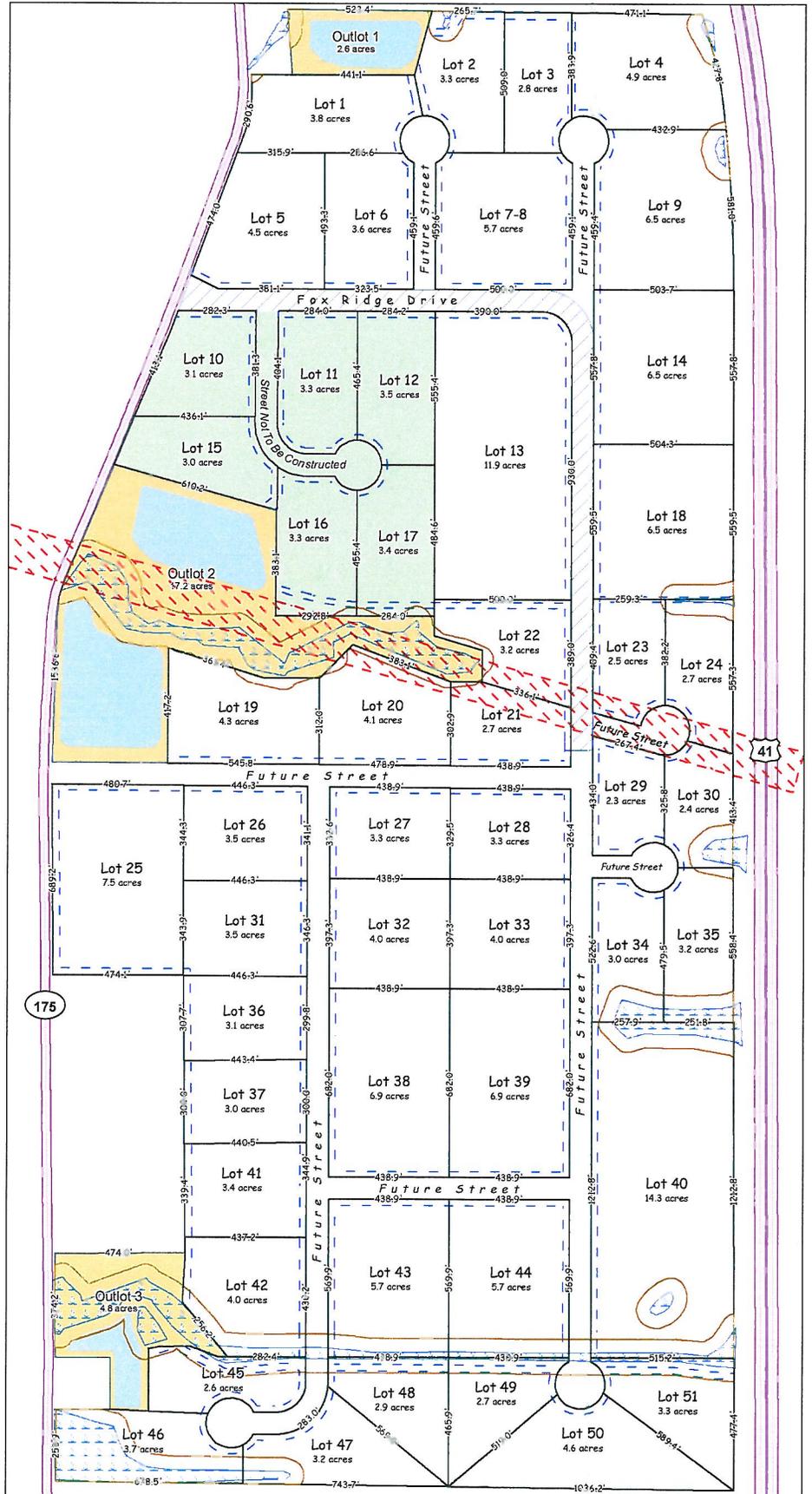
- Proposed Land Sale¹
- Purchased Lot¹
- Available Lot¹
- City Outlot¹
- City Easement
- Dedicated Right of Way
- Highline Easement²
- Protection Area²
- Pond²
- Wetland²

¹ All lot dimensions are approximate
² Areas with building restrictions



Business Park Statistics	
Total Area:	276 acres
Lot Sizes:	2 acres and up
Pricing:	\$32,000/acre \$50,000/acre for parcels fronting Highway 41
Highway Access:	Immediate access to Highways 41 and 151 (1/4 mile north)
Airport Access:	Fond du Lac County Airport (3 miles northwest)

For more information contact:
 Wayne Rollin
 Community Development Director
 (920) 322-3440
 wrollin@fdl.wi.gov



City of Fond du Lac

First on the Lake

The City of Fond du Lac creates and maintains GIS and other geospatial maps and data for its own use. They may show the approximate relative location of property, boundaries and other features but have not been prepared by a professional land surveyor. These maps/datasets are provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes. It is provided "AS-IS" without warranties of any kind and the City of Fond du Lac assumes no liability for use or misuse.

160 South Macy Street, Fond du Lac, WI 54935

RESOLUTION NO. 8380

A RESOLUTION CONFIRMING APPOINTMENTS
TO VARIOUS BOARDS AND COMMISSIONS

BE IT RESOLVED by the City Council of the City of
Fond du Lac that the following appointments and reappointments by
the City Manager to various boards and commissions are hereby
confirmed:

<u>Advisory Park Board</u>	<u>Beginning</u>	<u>Ending</u>
Theodore J. Eischeid	05/01/2013	04/30/2016
<u>Advisory Parking and Traffic Board</u>		
John Williams (Reappointment)	05/01/2013	04/30/2016
<u>City Plan Commission</u>		
Marilyn Jean Zangl	05/01/2013	04/30/2016
<u>Board of Appeals</u>		
Jerry Lauby (Alternate)	05/01/2013	04/30/2016
<u>Downtown Architectural Review Board</u>		
Scott A. Draves (Reappointment)	09/01/2013	08/31/2016

ADOPTED:

Rob Vande Zande, Vice-President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed CPW

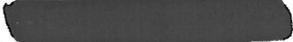
**CITY OF FOND DU LAC
APPLICATION FOR APPOINTMENT TO
CITY BOARDS, COMMISSIONS, AND COMMITTEES**

ADVISORY PARK BOARD 1/21/2013
Name of Board, Commission or Committee Date

THEODORE J. EISCHEID 
Full Name Address

SCIENCE TEACHER FOND DU LAC SCHOOL DISTRICT
Occupation Employer

18 Years of Age or Older? Yes No Home Phone  Business Phone 

E-Mail Address:  Cellular Phone 

Are you currently a resident of Fond du Lac? Yes No No. of Years: 17

Education: BS - Wildlife Biology; MS - GeoScience

List potential conflicts of interest: None I am aware of.

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

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

As a science teacher I am well-versed in working with many constituencies - students, teachers and parents. Among my strengths are an ability to listen, and a data-driven rational thought process. I am a creative thinker who can offer ideas as well as critique them. I love parks and feel they add immensely to our local quality of life here! My current service as a County Board Supervisor has made me seek out & be sensitive to public needs & comment.
If selected, I would like to work towards bettering the community through my service in the following ways:
I offer expertise, energy, ideas, and thoughtful analysis. I am able to develop both a short- and long-term perspective that can be helpful in decision-making. It would be an honor to be involved in strengthening our parks system.

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.

**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 15, 2013
Date

John Williams
Full Name

[Redacted]
Address

Coordinator of Facility Services
Occupation

Fond du Lac School District
Employer

18 Years of Age or Older? Yes No Home Phone [Redacted] Business Phone [Redacted]

E-Mail Address: [Redacted] Cellular Phone [Redacted]

Are you currently a resident of Fond du Lac? Yes No No. of Years: 50

Education: College Graduate

List potential conflicts of interest: _____

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
<u>Advisory Parking & Traffic Board</u>	<u>6</u>	<u>AC Leadership Alumni Board</u>	<u>3</u>
		<u>AC Safety Council Board</u>	<u>9</u>
		<u>ARC Housing - Past Board Member</u>	<u>15</u>

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 been serving on APTB for the last 6 years and enjoy serving

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

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. Don't Publish Cell Phone Number

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

Plan Commission 02.01.13
Name of Board, Commission or Committee Date

Marilyn Jean Zangl [Redacted]
Full Name Address

Procurement Project Mgr Mercury Marine
Occupation Employer

18 Years of Age or Older? Yes No Home Phone [Redacted] Business Phone [Redacted]

E-Mail Address: [Redacted] Cellular Phone [Redacted]

Are you currently a resident of Fond du Lac? Yes No No. of Years: 6

Education: BS Management

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
<u>Board of Appeals</u>		<u>Brooke Industries</u>	<u>11</u>
		<u>UW FDL Foundation</u>	<u>5</u>
		<u>Lake Side Investors</u>	<u>5</u>

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

Continue to learn about community and be a contributing member of community to move forward in ways that are beneficial

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

Participating in meetings by being active participant.

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.

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

BOARD OF APPEAL
Name of Board, Commission or Committee

JANUARY 31 2013
Date

JERRY LAUBY
Full Name
RETIRED AS SR PROJECT MGR CONSTRUCTION

[REDACTED]
Address

CURRENTLY OWNERS REP. PROJ. MGR
Occupation

WELL MANUFACTURING
Employer

18 Years of Age or Older? Yes No Home Phone [REDACTED] Business Phone [REDACTED]

E-Mail Address: [REDACTED] Cellular Phone [REDACTED]

Are you currently a resident of Fond du Lac? Yes No No. of Years: 47

Education: 12

List potential conflicts of interest: NONE I CAN THINK OF

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
		BOARD OF DIRECTORS ST FRANCIS HOME KNIGHTS OF COLUMBUS	5.5
		BOARD OF DIRECTORS COLUMBIAN CLUB	5
		STATE OF WI ELK'S AMERICANISM Council Commander AMERICAN LEGION Post 454 of	4

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

STARTING IN THE CONSTRUCTION BUSINESS AS A BRICKLAYER, FIELD SUPERVISOR - SUPERINTENDENT AND MY LAST 24 YEARS IN PROJECT MANAGEMENT ESTIMATOR RETIRING AS SR PROJ. MGR. MY PROJECT EXPERIENCE WAS TOTAL, FULFILLING AND INTERESTING. EACH PROJECT UNIQUE \$100,000 - \$45,000,000 ONE STORY - 6 STORY.

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

MY EXPERIENCE AS NOTED ABOVE GAVE ME ROUNDED EXPERIENCE IN ALL ASPECTS FROM EXCAVATION - FOUNDATION CONCRETE WORK, MASONRY, CARPENTRY, ROOFING, PLUMBING - HEATING - FIRE PROTECTION ELECTRICAL. I WOULD BE A GOOD LISTENER - VISIT THE ISSUE & LOCATION - BE FAIR & REASONABLE YET CONSISTANT WITH NO FAVORITISM.

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.

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

Downtown Architectural Review Board 01/15/2013
Name of Board, Commission or Committee *Date*

Scott A Draves [REDACTED]
Full Name *Address*

Business Owner Blueprint Solutions Ltd, 78 N Main St, FdL WI
Occupation *Employer*

18 Years of Age or Older? Yes No Home Phone NA Business Phone [REDACTED]
 E-Mail Address: [REDACTED] Cellular Phone [REDACTED]

Are you currently a resident of Fond du Lac? Yes No No. of Years: NA

Education: UW-Milwaukee School of Architecture

List potential conflicts of interest: None that I'm aware of

<i>List City boards, commissions or committees on which you have served:</i>	<i>Yrs</i>	<i>List other civic, church or club committees on which you have served:</i>	<i>Yrs</i>
Downtown Architectural Review Board	2012	NA	

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:
I've been active in the Architectural and Construction Industries for over 20 years, including being a licensed Architect since 1998. Both of my businesses have been located in downtown Fond du Lac since 2000 and I own the property located at 78 N Main St.

If selected, I would like to work towards bettering the community through my service in the following ways:
Since I have a vested interest in a property in the downtown area, I'd utilize my experience and background in not only maintaining but improving the overall aesthetic appearance of the Downtown District.

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.

ORDINANCE NO. 3509

**AN ORDINANCE AMENDING CHAPTER 7,
TRAFFIC CODE**

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That Chapter 7, TRAFFIC CODE, Section 7.05, **PARKING, STOPPING AND STANDING REGULATED.**, at Subsection (5) LIMITED TIME PARKING., Schedule J., (d) Two Hours., 3. 7 a.m. to 5 p.m., except Sundays, is hereby amended as follows:

Delete Therefrom:

Ninth St., W. South side, between Morris St. and a point 100' west of the bridge over the Fond du Lac River.

Section 2. That Chapter 7, TRAFFIC CODE, Section 7.05, **PARKING, STOPPING AND STANDING REGULATED.**, at Subsection (1) PARKING PROHIBITED AT ALL TIMES, Schedule E., is hereby amended as follows:

Delete Therefrom:

Ninth St., W. South side, between Liberty St. and the Chicago & Northwestern Railroad tracks.

Section 3. Any person violating the provisions of this Ordinance shall be subject to the penalty provided by the penalty section of the Traffic Code.

Section 4. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 5. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Rob Vande Zande, Vice-President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed CPW

ADVISORY PARKING & TRAFFIC BOARD MINUTES

January 17, 2013
1:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present - Gerard Bonlander
William Carey
Jerald Fricken
Andrew Klemp
Gary Miller
Renee Wagner
John Williams

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

* * * * * **OTHER BUSINESS** * * * * *

REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated December 6, 2012
Subject: Remove Parking "Limited Time Parking - 2 Hours, 7 a.m. to 5 p.m., except Sunday" in accordance with Code of Ordinances Section 7.05(5) and Schedule "J".
Effect: Remove "Limited Time Parking - 2 Hours, 7 a.m. to 5 p.m., except Sunday"
Location: Ninth St., W., south side, between Morris St. and a point 100' west of the bridge over the Fond du Lac River.
Initiator: Paul De Vries, P.E., City Engineer

Motion made by Williams to recommend to City Council request to remove "Limited Time Parking - 2 Hours, 7 a.m. to 5 p.m., except Sunday" on Ninth St., W., south side, between Morris St. and a point 100' west of the bridge over the Fond du Lac River.
Seconded by Fricken.

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: December 11, 2012

To: Advisory Parking and Traffic Board

From: Paul De Vries, P.E., City Engineer *PDU*

Re: Request to remove “Limited Time Parking – 2 Hours, 7 a.m. to 5 p.m., except Sunday” on West Ninth Street, South side, between Morris St. and a point 100’ west of the bridge over the Fond du Lac River.

This request is to remove parking designated as “Limited Time Parking – 2 Hours, 7 a.m. to 5 p.m., except Sunday” in accordance with Code of Ordinances Section 7.05(5) and Schedule “J” at the subject location and as shown on Exhibit A.

This request was initiated by the City Engineer following the reconstruction of W. Ninth St. The area of this restriction was likely a remnant of when the high school was in the area. It does not appear to be needed any longer, as the street is wide enough to support parking on both sides. We recommend removal of this restriction.

ADVISORY PARKING & TRAFFIC BOARD MINUTES

January 17, 2013
1:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present - Gerard Bonlander
William Carey
Jerald Fricken
Andrew Klemp
Gary Miller
Renee Wagner
John Williams

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

* * * * * OTHER BUSINESS * * * * *

REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated December 6, 2012
Subject: Remove Parking "Parking Prohibited at All Times" in
accordance with Code of Ordinances Section 7.05(1) and
Schedule "E".
Effect: Remove Parking "Parking Prohibited at All Times"
Location: Ninth St., W., south side, between Liberty
St. and the Chicago & Northwestern Railroad
tracks.
Initiator: Paul De Vries, P.E., City Engineer

Motion made by Fricken to Remove Parking "Parking
Prohibited at All Times" on Ninth St., W., south side,
between Liberty St. and the Chicago & Northwestern
Railroad tracks.

Seconded by Klemp.

ROLL CALL VOTE: Aye - Bonlander, Carey, Fricken,
Klemp, Miller, Wagner,
Williams

Nay - None

Carried.

* * * * * OTHER BUSINESS * * * * *

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: December 11, 2012

To: Advisory Parking and Traffic Board

From: Paul De Vries, P.E., City Engineer PDV

Re: Request to remove “Parking Prohibited at All Times” on West Ninth Street, South side, between Liberty St. and the Chicago & Northwestern Railroad tracks.

This request is to remove parking designated as “Parking Prohibited at All Times” in accordance with Code of Ordinances Section 7.05(1) and Schedule “E” at the subject location and as shown on Exhibit A.

This request was initiated by the City Engineer following the reconstruction of W. Ninth St. The restriction did not have posted signs nor was it being enforced. The area of this restriction was likely a remnant of when the railroad was operating the area. We recommend removal of this restriction.

Exhibit A

Dec. 20, 2012

Advisory Parking & Traffic Board

City of Fond du Lac
Municipal Boundary

Waterbody

Waterway

Building

Building (Proposed
Approx Location)

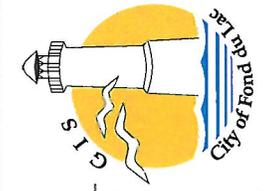
Road Right of Way

Vacated Rd ROW

Parcel

Parks

1 in = 0.04 miles
1 inch = 209 feet



Printing Date: 12/10/2012

Prepared by:

City of Fond du Lac
Engineering Division

Map created by: A. Dorn

The City of Fond du Lac creates and maintains GIS and other geospatial maps and data for its own use. They may show the approximate relative location of property, boundaries and other features but have not been prepared by a professional land surveyor. These map(s)/data sets are provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes. It is provided "AS IS" without warranties of any kind and the City of Fond du Lac assumes no liability for use or misuse.



Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-24-793-00	114 S MAIN ST #116		FOND DU LAC	WI	54935	150 CENTRAL AVE
FDL-15-17-15-31-002-00	292 15TH ST		FOND DU LAC	WI	54935	342 MORRIS ST
FDL-15-17-15-24-868-00	808 S PARK AVE	APT 1F	FOND DU LAC	WI	54935	213 W 9TH ST
FDL-15-17-15-31-001-00	N5842 AIDAN CT		ROSENDALE	WI	54974	143 W 9TH ST
FDL-15-17-15-24-792-00	N8557 TOWN HALL RD		ELDORADOLAC	WI	54932	142 CENTRAL AVE
FDL-15-17-15-31-042-00	210 W 9TH ST		FOND DU LAC	WI	54935	210 W 9TH ST
FDL-15-17-15-24-860-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	10 S MILITARY RD
FDL-15-17-15-31-061-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	10 S MILITARY RD
FDL-15-17-15-24-866-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	229 W 9TH ST
FDL-15-17-22-21-042-01	490 LEDGEWOOD DR		FOND DU LAC	WI	54935	243 MORRIS CT
FDL-15-17-15-24-869-00	209 W 9TH ST		FOND DU LAC	WI	54935	209 W 9TH ST
FDL-15-17-15-31-079-00	352 MORRIS ST		FOND DU LAC	WI	54935	352 MORRIS ST
FDL-15-17-15-31-006-00	PO BOX 855		FOND DU LAC	WI	54936	250 W 9TH ST
FDL-15-17-15-13-623-00	114 CENTRAL AVE		FOND DU LAC	WI	54935	114 CENTRAL AVE
FDL-15-17-15-42-263-00	72 W 9TH ST		FOND DU LAC	WI	54935	396 LINDEN ST
FDL-15-17-15-24-790-00	75 N LINCOLN AVE		FOND DU LAC	WI	54935	132 CENTRAL AVE
FDL-15-17-15-31-082-00	PO BOX 436		EDEN	WI	53019	140 W 9TH ST
FDL-15-17-15-24-789-00	124 CENTRAL AVE		FOND DU LAC	WI	54935	124 CENTRAL AVE
FDL-15-17-15-32-382-00	P O BOX 306		RIPON	WI	54971	288 W 9TH ST
FDL-15-17-15-31-081-00	PO BOX 111		ELDORADO	WI	54932	144 W 9TH ST

ORDINANCE NO. 3510

AN ORDINANCE AMENDING CHAPTER 7,
TRAFFIC CODE

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That Chapter 7, TRAFFIC CODE, Section 7.05, **PARKING, STOPPING AND STANDING REGULATED.**, at Subsection (1) PARKING PROHIBITED AT ALL TIMES, Schedule E, NO PARKING ZONES., is hereby amended as follows:

Add Thereto:

Ellis St., West side, between E. First St. and E. Ninth St.

Section 2. Any person violating the provisions of this Ordinance shall be subject to the penalty provided by the penalty section of the Traffic Code.

Section 3. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 4. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Rob Vande Zande, Vice-President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed CPW

ADVISORY PARKING & TRAFFIC BOARD MINUTES

January 17, 2013
1:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present - Gerard Bonlander
William Carey
Jerald Fricken
Andrew Klemp
Gary Miller
Renee Wagner
John Williams

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

* * * * * OTHER BUSINESS * * * * *

REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated December 6, 2012
Subject: Restrict Parking "Parking Prohibited at All Times" in
accordance with Code of Ordinances Section 7.05(1) and
Schedule "E".
Effect: Create "Parking Prohibited at All Times"
Location: Ellis St., west side, between E. First St. and E.
Ninth St.
Initiator: Paul De Vries, P.E., City Engineer

Motion made by Miller to Create "Parking Prohibited at
All Times" on Ellis St., west side, between E. First
St. and E. Ninth St.

Seconded by Klemp.

ROLL CALL VOTE: Aye - Bonlander, Carey, Fricken,
Klemp, Miller, Wagner,
Williams

Nay - None

Carried.

* * * * * OTHER BUSINESS * * * * *

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: December 11, 2012

To: Advisory Parking and Traffic Board

From: Paul De Vries, P.E., City Engineer *PDV*

Re: **Request to designate “Parking Prohibited at All Times” on Ellis Street, West side, between E. First St and E. Ninth St.**

This request is to restrict parking designated as “Parking Prohibited at All Times” in accordance with Code of Ordinances Section 7.05(1) and Schedule “E” at the subject location and as shown on Exhibit B.

This request was initiated by the City Engineer following the reconstruction of Ellis St., just south of Ninth St. There are currently signs posted with this restriction from E. First Street south to E. Fifteenth Street. Ellis St. has been reconstructed over the years and is wide enough from E. Ninth St. to E. Fifteenth St. to support parking on both sides. However, Ellis St. from E. First St. to E. Ninth St. is too narrow yet and requires restrictions. This restriction did exist in an earlier version of the Code but was apparently lost in a translation into the current Code.

We recommend putting the restriction back into the Code from E. First St. to E. Ninth St.

Exhibit B Dec. 20, 2012

Advisory Parking & Traffic Board

City of Fond du Lac
Municipal Boundary

Waterbody

Waterway

Building

Building (Proposed)
Approx Location

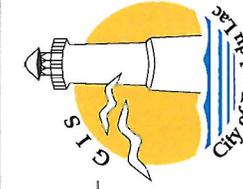
Road Right of Way

VacatedRdROW

Parcel

Parks

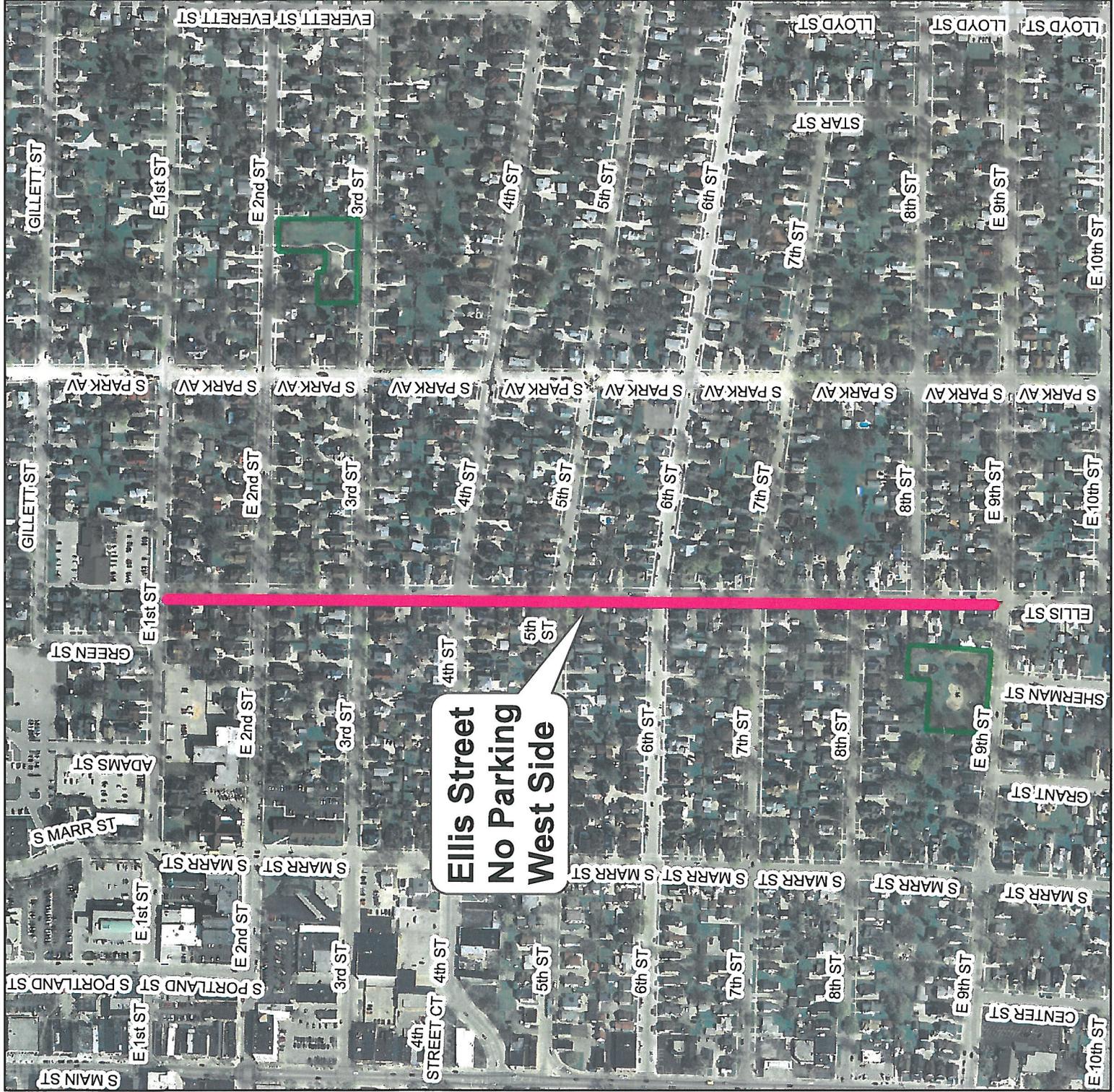
1 in = 0.08 miles
1 inch = 418 feet



Printing Date: 12/10/2012

Prepared by:
City of Fond du Lac
Engineering Division
Mapped Template By: A. Doni

The City of Fond du Lac creates and maintains GIS and other geospatial maps and data for its own use. They may show the approximate relative location of property, boundaries and other features; but have not been prepared by a professional land surveyor. These map(s)/dataset(s) are provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes. It is provided "AS-IS" without warranties of any kind and the City of Fond du Lac assumes no liability for use or misuse.



**Ellis Street
No Parking
West Side**

Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-14-22-409-00	151 4TH ST		FOND DU LAC	WI	54935	151 4TH ST
FDL-15-17-14-23-620-00	150 6TH ST		FOND DU LAC	WI	54935	150 6TH ST
FDL-15-17-14-23-523-00	203 ELLIS ST		FOND DU LAC	WI	54935	205 ELLIS ST
FDL-15-17-14-23-571-00	% ANGELA LYNN BINGEN	PO BOX 114	SILVER	WI	53086	150 5TH ST
FDL-15-17-14-23-573-00	%LYNDA BACON LAWLIS	779 MEADOWBROOK LN	FOND DU LAC	WI	54935	149 6TH ST
FDL-15-17-15-11-066-00	140 E 2ND ST		FOND DU LAC	WI	54935	140 E 2ND ST
FDL-15-17-15-41-001-00	328 ELLIS ST		FOND DU LAC	WI	54935	328 ELLIS ST
FDL-15-17-14-22-407-00	W5401 WILD LIFE LN		FOND DU LAC	WI	54935	171 ELLIS ST
FDL-15-17-15-11-100-00	W5401 WILD LIFE LN		FOND DU LAC	WI	54935	136 3RD ST
FDL-15-17-15-11-137-00	% BLEUEL REVOCABLE TRST	487 WINNEBAGO DR	FOND DU LAC	WI	54935	137 4TH ST
FDL-15-17-14-23-673-00	285 ELLIS ST		FOND DU LAC	WI	54935	285 ELLIS ST
FDL-15-17-14-22-275-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	151 E 1ST ST
FDL-15-17-14-32-272-00	341 ELLIS ST		FOND DU LAC	WI	54935	341 ELLIS ST
FDL-15-17-15-14-854-00	% SHARON L WAGNER	254 ELLIS ST	FOND DU LAC	WI	54935	254 ELLIS ST
FDL-15-17-14-23-679-00	311 ELLIS ST		FOND DU LAC	WI	54935	311 ELLIS ST
FDL-15-17-15-14-903-00	134 7TH ST		FOND DU LAC	WI	54935	134 7TH ST
FDL-15-17-14-22-365-00	157 3RD ST		FOND DU LAC	WI	54935	150 E 2ND ST
FDL-15-17-15-41-004-00	346 ELLIS ST		FOND DU LAC	WI	54935	346 ELLIS ST
FDL-15-17-15-41-002-00	334 ELLIS ST		FOND DU LAC	WI	54935	334 ELLIS ST
FDL-15-17-15-11-099-00	135 3RD ST		FOND DU LAC	WI	54935	135 3RD ST
FDL-15-17-15-14-801-00	140 5TH ST		FOND DU LAC	WI	54935	140 5TH ST
FDL-15-17-14-23-621-00	61 LEDGEBROOK DRIVE		FOND DU LAC	WI	54935	149 7TH ST
FDL-15-17-15-14-904-00	136 7TH ST		FOND DU LAC	WI	54935	136 7TH ST
FDL-15-17-15-14-802-00	137 6TH ST		FOND DU LAC	WI	54935	137 6TH ST
FDL-15-17-14-22-321-00	150 E 1ST ST		FOND DU LAC	WI	54935	150 E 1ST ST
FDL-15-17-15-14-751-00	597 KINGSWOOD AVE APT 10		FOND DU LAC	WI	54935	137 5TH ST
FDL-15-17-15-14-750-00	7752 CLINTON RD		DEFORREST	WI	53532	202 ELLIS ST
FDL-15-17-14-23-522-00	152 4TH ST		FOND DU LAC	WI	54935	152 4TH ST
FDL-15-17-15-11-065-00	PO BOX 2221		FOND DU LAC	WI	54936	137 E 2ND ST
FDL-15-17-14-22-322-00	148 E MAIN ST		CAMPBELLSPORT	WI	53010	149 E 2ND ST
FDL-15-17-15-14-949-00	148 E MAIN STREET		CAMPBELLSPORT	WI	53010	138 8TH ST
FDL-15-17-15-11-037-00	148 E MAIN ST		CAMPBELLSPORT	WI	53010	140 E 1ST ST
FDL-15-17-14-32-270-00	329 ELLIS ST		FOND DU LAC	WI	54935	329 ELLIS ST
FDL-15-17-14-23-675-00	N4764 CHURCH RD		ST CLOUD	WI	53079	297 ELLIS ST
FDL-15-17-15-11-138-00	345 E 9TH ST		FOND DU LAC	WI	54935	140 4TH ST

FDL-15-17-15-14-905-00	%LORI AMEND	583 MORRIS ST	FOND DU LAC	WI	54935	137 8TH ST
FDL-15-17-14-22-408-00	177 ELLIS ST		FOND DU LAC	WI	54935	175 ELLIS ST
FDL-15-17-15-11-036-00	PO BOX 2362		FOND DU LAC	WI	54936	137 E 1ST ST
FDL-15-17-15-11-136-00	6844 MCCOY DR.		WAUTAGA	TX	76148	178 ELLIS ST
FDL-15-17-14-23-524-00	149 5TH ST		FOND DU LAC	WI	54935	149 5TH ST
FDL-15-17-15-14-856-00	106 8TH ST		FOND DU LAC	WI	54935	274 ELLIS ST
FDL-15-17-14-22-367-00	157 3RD ST		FOND DU LAC	WI	54935	153 3RD ST
FDL-15-17-14-22-366-00	157 3RD ST		FOND DU LAC	WI	54935	143 ELLIS ST
FDL-15-17-14-22-406-00	150 3RD ST		FOND DU LAC	WI	54935	150 3RD ST
FDL-15-17-14-23-680-00	315 ELLIS ST		FOND DU LAC	WI	54935	315 ELLIS ST
FDL-15-17-14-23-681-00	315 ELLIS ST		FOND DU LAC	WI	54935	159 8TH ST

COUNCIL

BURROUGHS,MICK

816 S. PIONEER PKWY. ~ mburroughs@fdl.wi.gov

LORRIGAN,LEEANN

766 STERLING DR. ~ llorrigan@fdl.wi.gov

LUNDE-ROSS,REBECCA

276 S. MAIN ST. ~ rlunde-ross@fdl.wi.gov

MILLER,GARY

1042 HOLLY TREE LN. ~ gmiller@fdl.wi.gov

SABEL,JIM

44 E. 12TH ST. ~ jsabel@fdl.wi.gov

VANDEZANDE,ROB

418 FOREST AVE. ~ rvandezande@fdl.wi.gov

*Not for release to the Public

WORK

HOME



DEPT. HEAD

MOORE, MGR

SKIFF, DPW

WORTMAN, DADM

HOFFMANN, ATTY

ROLLIN, DCD

LAMB, POLICE

OLEARY, FIRE

ZITLOW, ITS

STRANDS, CLERK

BOLTHOUSE, LIBRARY

KIEFER, PARKS

AGNEW, ASSIST

FAX NUMBER

WORK

322-3405

322-3472

322-3452

322-3423

322-3440

322-3702

322-3802

322-3605

322-3432

322-3959

322-3590

322-3407

322-3402

CELL

HOME

