

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

March 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
 - A. Proclamation Recognizing The Dedicated Service Of Thomas Wendt
 - B. Proclamation Recognizing Fond du Lac County Master Gardener Association On Seed Money For Endowment Fund for Fond du Lac City Parks Flower Fund.
4. PUBLIC HEARINGS

CONSENT AGENDA

5. CONSENT AGENDA

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

A. APPROVAL OF MINUTES

February 27, 2013 Regular City Council Meeting

February 27, 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 March 6, 2013
Subject: List Of Claims - Items Paid By The City

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

B. City Clerk, Dated March 7, 2013
Subject: "Class A" Intoxicating Liquor And Class "A" Fermented
Malt Beverage License Application
Limited Liability Co: SRB Mini Market LLC
Agent: Raghu Bista
Home Address: 639 West Scott Street, Apt 105
Fond du Lac, WI 54935
d/b/a: SRB Mini Market
Location of Premises: 976 South Main Street
(Alcohol Licensing Committee Recommendation: **Approve**)

9. REPORTS OF COMMITTEES

10. PETITIONS OR COMMUNICATIONS

11. RESOLUTIONS

A. Introduction City Manager
Resolution No. 8386
Subject: A Resolution Confirming Appointments To Various
Boards And Commissions
(Effect: Confirm Appointments To Various Boards And Commissions
(Initiator: City Manager

B. Introduction City Attorney/Human Resources Director
Resolution No. 8387
Subject: A Resolution Amending The Employee Handbook
(Effect: Amend The Employee Handbook
(Initiator: City Attorney/Human Resources Director)

12. ORDINANCES

13. MISCELLANEOUS

Items In This Category Must Be Noticed On The Agenda.

14. SUCH OTHER MATTERS AS ARE AUTHORIZED BY LAW

Alcohol Licensing Committee

Subject: Review Of ALC Decision Not To Suspend "Class B"
Intoxicating Liquor And Class "B" Fermented Malt Beverage
License For:

Limited Liability Co: North Main Hospitality LLC
d/b/a Retlaw Hotel
Location: One North Main Street

15. PUBLIC COMMENTS

16. 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.

And

Considering Financial, Medical, Social Or Personal Histories
Or Disciplinary Data Of Specific Persons, Preliminary
Consideration Of Specific Personnel Problems Or The
Investigation Of Charges Against Specific Persons If
Discussed In Public, Would Be Likely To Have A Substantial
Adverse Effect Upon The Reputation Of Any Person Referred
To In Such Histories Or Data, Or Involved In Such Problems Or
Investigations.

The Subjects Of The Closed Session Are:

Collective Bargaining Strategy For Negotiations With AFSCME Local 1366

And

Considering The Personal, Medical And Social History
Of A Specific Person Which Could Have An Adverse Effect On Reputation

The Subjects Are Exempt Under Wisconsin Statutes
Section 19.85(1)(e)(f).

The Motion, If Made, Must Be Adopted By A Majority Vote In
Such Manner That The Vote Of Each Member Is Ascertained And
Recorded In The Minutes.

No Business Other Than Stated Above May Be Taken Up At This
Closed Session.



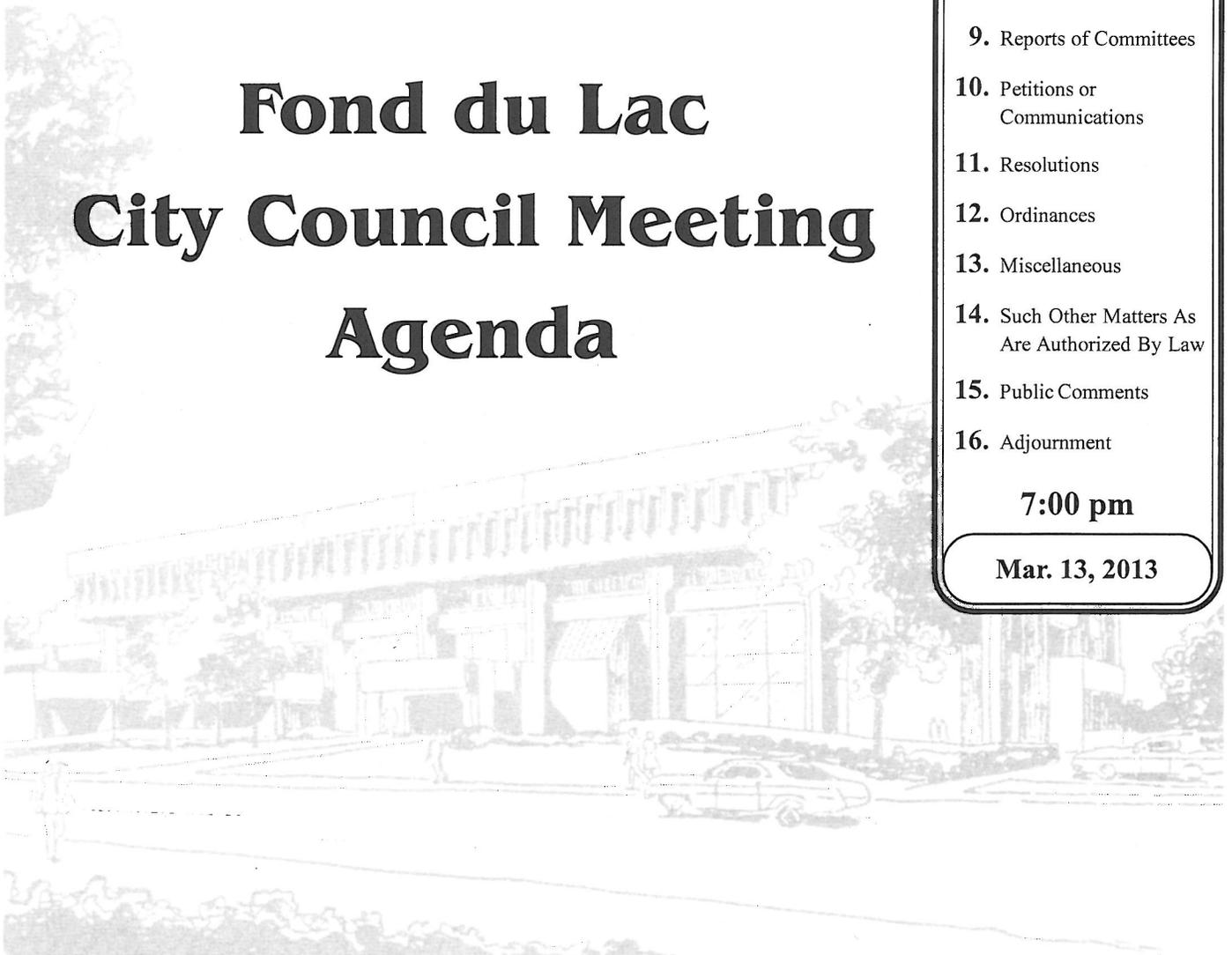
Fond du Lac City Council Meeting Agenda

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

Mar. 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

CITY COUNCIL MINUTES

February 27, 2013

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North Main Street (East Side) From Scott Street to 750' North of Harbor View Drive

Sunset Circle In Its Entirety South of Grace Avenue

Council Vice-President Vande Zande declared the Public Hearing open.

With no appearances being made, Council Vice-President Vande Zande declared the Public Hearing closed.

CONSENT AGENDA

CONSENT AGENDA

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

APPROVAL OF MINUTES

February 13, 2013 Regular City Council Meeting

Motion made by Councilperson Miller to **approve** the Consent Agenda.

Seconded by Councilperson Lunde-Ross.

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

Nay - None

Carried.

REGULAR AGENDA

AUDIENCE COMMENTS

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

Spoke: In Regards to Resolution No. 8381:

Resident:

Mary Wilcox, 554 N Main St., Fond du Lac

REPORT OF OFFICERS

Director Of Administration, Dated February 20, 2013

Subject: List Of Claims - Items Paid By The City

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

CITY COUNCIL MINUTES

February 27, 2013

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RESOLUTIONS

Introduction Director Of Public Works

Resolution No. 8381

Subject: A Final 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' North Of Harbor View
Drive)

Sunset Circle In Its Entirety South of Grace
Avenue)

(Plan Commission Recommendation: Approve)
(File No. 2013-026

Motion made by Councilperson Miller to **approve**
Resolution No. 8381.

Seconded by Councilperson Lorrigan.

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

Nay - None

Carried.

Introduction Director Of Public Works

Resolution No. 8382

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: Kaye Street From East Eleventh Street to East
Thirteenth Street)

(Plan Commission Recommendation: Approve)
(File No. 2013-043

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: March 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 February 16, 2013 through March 1, 2013 for all funds total \$18, 261,520.70. This list of claims includes tax settlement checks totaling \$ 17,706,243.59. 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: March 7, 2013
To: City Council
From: Sue Strands
RE: 2012-2013 License "Class A" Intoxicating Liquor and
Class "A" Fermented Malt Beverage

"CLASS A" INTOXICATING LIQUOR AND CLASS "A" FERMENTED MALT BEVERAGE:

Limited Liability: SRB Mini Market LLC
Agent: Raghu Bista
Home Address: 639 W Scott St #105
Fond du Lac, WI 54935
d/b/a: SRB Mini Market
Location of Premises: 976 S Main St

**ALCOHOL LICENSING COMMITTEE MINUTES
CITY OF FOND DU LAC, WISCONSIN**

February 25, 2013
4:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL: Present: - J. Geoffrey Bares
Kerry Strupp
Ray Lapierre
Sam Meyer

Absent: - David Hopper (excused)
Paul Osterholm (excused)
Jim Sabel (excused)

Administrative Staff: - Wayne Rollin, Dir of Comm Dev
Steve Klein, Asst. Police Chief
of Operations
Deb Hoffmann, City Attorney

Vice-Chairperson J. Geoffrey Bares declared a quorum present.

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

REPORTS OF OFFICERS

**REVIEW DELIBERATE AND MAKE RECOMMENDATIONS ON APPLICATION FOR
NEW "CLASS A" INTOXICATING LIQUOR AND CLASS "A" FERMENTED MALT
BEVERAGE**

Limited Liability Co: SRB Mini Market LLC
Agent: Raghu Bista
Home Address: 639 W Scott Street, Apt 105
Fond du Lac, WI
d/b/a: SRB Mini Market
Location of Premises: 976 South Main Street
City Council Meet Date: March 13, 2013

Motion made by Strupp to recommend to City Council approval of New "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage d/b/a SRB Mini Market, 976 South Main Street.

Fond du Lac Police Department MEMO



To: City Manager Joe Moore
From: Chief Lamb
RE: *SRB Mini Market LLC, 976 S. Main Street*
Date: 2/20/2013

On February 19, 2013, Assistant Chief Klein and Community Development Director Wayne Rollin met with Raghua Bista who is the listed agent for the proposed Class A Fermented Malt Beverage and Intoxicating Liquor License for SRB Mini Market (formerly Pioneer Mobile Mart) located at 976 S. Main Street.

The license that the applicant seeks would continue to allow this retail outlet to sell carryout packages of fermented malt beverages and also a small selection of intoxicating liquors. The applicant has no plans for major changes with the store's operations. This location has been a licensed establishment for a number of years with no concerns noted by law enforcement.

The applicant will be leasing this business location from his uncle who has operated this store location since 2011. The applicant has previous experience managing a convenience store in the Appleton area with no concerns noted.

Assistant Chief Klein discussed department expectations of licensed agents with Mr. Bista. The applicant was advised that this matter will go in front of the Alcohol Licensing Committee on February 25, 2013, at 4 p.m. Mr. Bista was advised that he should be in attendance.

Background checks were conducted on the applicant, both in-house and NCIC/CIB which indicated no prior criminal history. There is nothing in the applicant's background that would preclude him from obtaining the requested license. The Police Department has no objections to the approval of the proposed license.

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning MARCH 14 20 13 ;
ending JUNE 30 20 13 ;

TO THE GOVERNING BODY of the: Town of }
 Village of } Fond du Lac
 City of }

County of Fond du Lac Aldermanic Dist. No. _____ (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Bista Raghu;
SRB Mini Market LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Owner</u>	<u>Raghu Bista</u>	<u>639 W. Scott St #105 FDL</u>	<u>50937</u>
Vice President/Member	<u>Owner</u>	<u>Srijana K C</u>	<u>639 W. Scott St #105 FDL</u>	<u>50937</u>
Secretary/Member				
Treasurer/Member				
Agent		<u>Raghu Bista</u>		
Directors/Managers				

3. Trade Name SRB Mini Market Business Phone Number (920)-921-0222

4. Address of Premises 976 South Main Street, Fond du Lac Post Office & Zip Code 54935

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state Wisconsin and date JAN 2013 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Coolers, backroom + display

10. Legal description (omit if street address is given above): MP Marketing

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? MP Marketing

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 1st day of FEB, 20 13

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

My commission expires 9-27-2015

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>2-1-13</u>	Date reported to council/board <u>5-13-13</u>	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Applicant's Wisconsin Seller's Permit Number: <u>456-1027820756-02</u>	
Federal Employer Identification Number (FEIN): <u>46-1671452</u>	
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ <u>82-</u>
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ <u>205</u>
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>55</u>
TOTAL FEE	\$ <u>345-</u>

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 SRB Mini Market LLC
(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 _____
(trade name)

located at 976 South Main Street, Fond du Lac, WI 54935

appoints Raghu Bista
(name of appointed agent)
639 W. Scott Street #105, Fond du Lac, WI 54937
(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? 17 months

Place of residence last year 1009 Lucerne Dr Apt #3D, Menasha, WI 54952

For: SRB Mini Market LLC
(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, Raghu Bista
(print/type agent's name), hereby accept this appointment as agent for the

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.

[Signature] 2-1-13
(signature of agent) (date)

Agent's age [Redacted]

639 W. Scott St #105 Fond du Lac, WI 54937
(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 02/19/13 by [Signature] Title ASST. CHIEF OF POLICE
(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) Bista		(first name) Raghu		(middle name)	
Home Address (street/route) 639 W. Scott Street #105		Post Office	City Fond du Lac	State WI	Zip Code 54937
Home Phone Number (937) 212-9143		Age [REDACTED]	Date of Birth [REDACTED]	Place of Birth [REDACTED]	

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 **SAB Mini Market 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:

1. How long have you continuously resided in Wisconsin prior to this date? **17 months**

2. 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.)

3. 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.

4. 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. (Name, Location and Type of License/Permit)

5. Do you hold and/or are you an officer, director, stockholder, agent or employee 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. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Buddi S. Subedi	415 South Memorial Dr, Appleton WI	07/01/2012	current

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 **1st** day of **Feb**, 20 **2013**

[Signature]
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires **9-27-2015**



Printed on Recycled Paper

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) KC		(first name) Sisjana		(middle name)	
Home Address (street/route) 639 W. Scott Street #65		Post Office	City Fond du Lac	State WI	Zip Code 54937
Home Phone Number (937) 212-9146		Age	Date of Birth	Place of Birth	

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 SRB Mini Market 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? 17 months
- 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. (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. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Buddi S. Subedi	Employer's Address 415 S. Memorial Dr, Appleton, WI	Employed From 07/01/2012	To current
Employer's Name Full time student	Employer's Address	Employed From	To

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 1st day of FEB, 20 13

[Signature]
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 9-27-2015



Printed on Recycled Paper

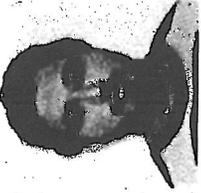
1208-13

Appleton

OPERATOR'S LICENSE

has been issued to:

Raghu Bista
1642 University Drive #6
Menasha, WI 54952



License Expires on
June 30, 2013

CITY OF FOND DU LAC, WISCONSIN

SURRENDER OF ALCOHOL BEVERAGE LICENSE

This is to advise that, as licensee, I (We) hereby surrender a Combination "Class A" And "Class B" Intoxicating Liquor & Class "A" And Class "B" Fermented Malt Beverage license for the premise located at 976 South Main Street, Fond du Lac, WI, on the condition that it be granted to the applicant (future licensee).

Basudev Adhikari, d/b/a MIP Marketing
(Current licensee) (Current business name)

and Raghu Bista, as applicant, make a
(Future licensee)
concurrent application for that license.

Licensee/Applicant Information

CURRENT LICENSEE

Please print the following information:

Name Basudev Adhikari

Home Address 1710 Indiana Avenue

City Sheboygan, WI 53081

Phone (920) 226-1786

Signature [Signature] Date 2-1-13

NEW APPLICANT FUTURE LICENSEE

Please print the following information:

Name Raghu Bista

Home Address 639 W. Scott St. #105

City Fond du Lac, WI 54937

Phone (937) 212-9143

Signature [Signature] Date 2-1-13

SRB Mini Market LLC

976 South Main Street, Fond du Lac, WI 54935

Business Plan

To Whom It May Concern:

As indicated by our Lease agreement, starting from 15 February 2013, three years is our lease term. However, we won't fully take over until we get all required licenses to operate this business. Regular business hour is from 5 AM to 10 PM; we are planning on keeping the same business hours of operation. We will use the business premises "as is;" however, certain improvements will be made, if needed, during our lease period. We will keep the premises clean and environmental friendly at all times. The major changes, when required, will be made by landlord or under his/her authority. All legal terms are understood and will be followed under the City of Fond du Lac and State of Wisconsin provisions.

Owner Name: Raghu Bista
Spouse Name (Owner): Sirjana KC

RESOLUTION NO. 8386

**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>
Shawn Douglas McCrary	05/01/2013	04/30/2016
<u>City Plan Commission</u>		
Paul F. Smedberg (Reappointment)	05/01/2013	04/30/2016
<u>Board of Appeals</u>		
Howard Floeter	05/01/2013	04/30/2016

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 1/28/2013
Name of Board, Commission or Committee Date

SHAWN DOUGLAS MCCRARY [REDACTED]
Full Name Address

MACHINIST MERCURY MARINE
Occupation Employer

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

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

Are you currently a resident of Fond du Lac? Yes No No. of Years: 3 YRS. RAISED HERE

Education: SOME COLLEGE

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
		STATE COMMANDER 2 TERMS	2
		SONS OF THE AMERICAN LEGION, COLORADO	
		COACH, FONDT JR. BASEBALL AS WELL AS ROBERT ELEM. KICKBALL	3
		COMMITTEE CHAIRPERSON CUB SCOUT PACK 3763	2

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

AS STATE COMMANDER AND NATIONAL EXECUTIVE COMMITTEEMAN FOR THE SONS OF THE AMERICAN LEGION I HAVE SAT ON VARIOUS COMMITTEES INCLUDING FINANCE, MOTIONS, CHILD WELFARE AND VETERANS AFFAIRS.

I HAVE A BACKGROUND IN VARIOUS YOUTH ORGANIZATIONS.

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

I BELIEVE I COULD SERVE ON THE ADVISORY PARK BOARD AND OFFER THE PERSPECTIVE OF BOTH YOUTH AND ADULT GROUPS. I HAVE A STRONG COMMITMENT TO THE PARK SYSTEM AND HOW IT HELPS THE DEVELOPMENT OF OUR YOUTH. PROVIDING A SAFE ENVIRONMENT FOR ALL RES.

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**

Plan Commission 2-21-13
Name of Board, Commission or Committee Date

Paul F. Smedberg [REDACTED]
Full Name Address

Project Manager CD Smith
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: 50

Education: Associates Degree

List potential conflicts of interest: From time to time as a member of a general contracting firm I do abstain from projects that we potentially involved in _____

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.
BOA	9	Plan Commission	2

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:
I am currently serving as chairperson of this board _____

If selected, I would like to work towards bettering the community through my service in the following ways:
Continue positive development and growth for Fond du Lac _____

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 APPEALS 2-20-13
Name of Board, Commission or Committee Date

HOWARD FLOETER [REDACTED]
Full Name Address

DESIGNER - CONSTRUCTION CADRE, INC.
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: 37

Education: TRADE SCHOOL

List potential conflicts of interest: MAY HAVE INTERACTION WITH PETITIONERS IF CLIENTS ABSTENTION WOULD BE REQUIRED IN THOSE CASES.

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
B.O.A.	10	ST. MARY'S BLOG & GROUNDS	4
HISTORIC PRESERVATION COMMISSION	3	IZAAK WALTON LEAGUE-VARIOUS	2

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

HAVE EXTENSIVE BACKGROUND IN CONSTRUCTION PLANNING AND DESIGN WHICH SHOULD CONTRIBUTE TO UNDERSTANDING THE RESOLUTION OF CONFLICTS.

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

MAINTAINING A PLANNED VIBRANT COMMUNITY WHILE OFFERING FLEXIBILITY IN THOSE SITUATIONS WHERE COMPROMISE MAY BE IN ORDER.

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 - Memorandum

City Attorney/Human Resources Department

Date: March 6, 2013
To: City Council
From: Chad P. Wade, Assistant City Attorney/HR Manager *CPW*
Re: Amendments to Employee Handbook

As part of its annual review, Human Resources as well as other City Departments have recommended several changes/clarifications to the City's Employee Handbook. We will be submitting two sets of revisions for Council approval in March. The first set of revisions, which are on the March 13, 2013 agenda, are "informational" revisions meant to provide clarification to existing policies or add policies that were previously adopted by the Council.

The second set of revisions, which will be included on the March 27, 2013 agenda, are substantive changes to the Handbook that city staff is recommending to improve City operations. They include revisions and new policies that have not been presented to the Council previously. This memo only addresses the first set of revisions.

The Human Resources Department proposes the following informational revisions to the Employee Handbook:

1. **Introduction**: Added reference to the City Website where the most current version of the Handbook can be found. The Handbook was distributed to all employees in paper form. The City updates those versions as the Handbook is revised. However, there can be a delay in that process. The website version of the Handbook is kept current as new policies are adopted.
2. **Health Insurance**: Clarify policy section to apply to the City's Health Insurance plan rather than all benefits. Add provision on Surviving Spouse and Dependent Children benefit to the policy. This revision conforms with Council Resolution 8305 extending Wisconsin Statutes §66.0137 benefits to all employees that die in the line of duty. A copy of the resolution is attached to the memo.
3. **Expense Reimbursement**: The City has moved to a "per diem" basis for meal reimbursements. This revision explains the meal reimbursement policy
4. **Family Medical Leave**: Set off the definition of "serious health condition" to highlight that requirement for FMLA leave eligibility.
5. **Sick Leave**: Add explicit language regarding unacceptable conduct while on sick leave.

The proposed changes are attached to Resolution 8387 as Exhibit A.

RESOLUTION NO. 8387

A RESOLUTION AMENDING THE EMPLOYEE HANDBOOK

WHEREAS, the City of Fond du Lac believes that employees benefit from having a standard set of policies that apply uniformly; and

WHEREAS, the City of Fond du Lac maintains an Employee Handbook to provide employees information about those policies; and

WHEREAS, City Staff continually reviews the Employee Handbook to identify policies that should be added, removed or modified; and

WHEREAS, the revisions attached to this resolution as Exhibit A are recommended as amendments to the Employee Handbook policies; and

WHEREAS, these revisions are intended to clarify the City's employment policies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the amendments to the employee handbook as shown in Exhibit A are hereby approved.

ADOPTED:

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

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed CPW

A. INTRODUCTORY MESSAGE

The Fond du Lac City Government is committed to providing and promoting a high quality of life, safety, and business success to residents, visitors, and future generations, and thus making Fond du Lac an excellent place to work, play and raise a family.

City departments and employees are vital to the City's ability to carry out these goals. City employees' status in the governmental hierarchy, and the daily exposure to public scrutiny, comment and criticism requires City employees to be mindful of how their conduct and appearance may reflect on the City. Although the amount of public exposure may be limited for your position, you have a vital role in presenting the City in a favorable light. You may be the first point of contact when the City provides services to the public or responds to citizen inquiries/requests. Thus, you have a unique responsibility to make a positive impression with the citizens of our community.

Being an employee of the City of Fond du Lac puts you in a unique position of trust. Therefore, it is important that you fully understand the emphasis the City places on maintaining the public's trust in the City and its employees. The City expects that you will conduct yourself, personally and professionally, in a manner that will help maintain that trust.

This Handbook was created to provide guidelines to aid all employees of the City of Fond du Lac in understanding policies, benefits, and procedures that relate to their employment with the City. It contains general statements of City policy and should not be read as including the fine details of each policy, nor as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The City may add to these guidelines or revoke or modify them from time to time. The City will try to keep these guidelines current, but there may be times when a policy will change before this material can be revised, published and communicated. **The most up to date version of this Handbook can always be found on the Human Resources page of the City's Website.**

Notice: This handbook generally applies to all employees. However, in some instances employees who were hired before January 1, 2012 may be entitled to certain benefits that are not contained in this handbook. The Human Resources Department is available to answer any questions regarding all human resources issues including benefit eligibility questions.

A. HEALTH INSURANCE

Policy: The City provides a ~~generous-benefit package comprehensive health insurance plan~~ for employees. Full-time and part-time employees who are regularly scheduled a minimum of 20 hours per week are eligible for benefits with the City of Fond du Lac. Seasonal, Long-term Seasonal, and Temporary employees are not eligible for benefits.

Coverage: The City of Fond du Lac currently has a self-insured PPO health plan. The levels of benefits provided and employee participation are determined by the City and applicable state and federal regulations. Employees who enroll in the plan will receive a summary of the plan to use as a reference.

Eligibility: Each employee shall be eligible to participate in the City's group health insurance program in accordance with the terms of the program as outlined in the insurance contract.

1. All full-time and part-time City employees are eligible for Single or Family Health Insurance Coverage. Married couples, where both individuals are employed by the City of Fond du Lac and are both eligible for health insurance, may each elect single coverage, or one employee may elect family coverage and enroll the spouse and any dependents under that person.
2. Enrollment is offered at time of hire. Employees hired between the first (1st) and fifteenth (15th) of the month are eligible to begin coverage on the first (1st) of the month following their hire date. Employees hired after the fifteenth (15th) of the month are eligible to begin coverage on the first (1st) of their second full month of employment.
3. Open enrollment is not offered for the health plan. The Plan gives Special Enrollment rights if there is a loss of health coverage or a change in family status such as marriage, divorce, birth, adoption. Check with Human Resources as soon as possible to determine whether your change is a qualifying life event. Such changes must be made within 30 days of the qualifying life event.

Employee Contributions: The City of Fond du Lac pays a significant portion of the health plan monthly premiums. Employees pay a portion of the cost of their health insurance as well. Employees who complete the requirements of the Health Risk Assessment program through the City (currently an HRA and online CHRA) pay a reduced rate for their portion of the monthly premium. Employees who choose not to participate in the HRA program pay a higher monthly premium.

1. Part-time Employees: The City will contribute towards the single coverage plan premiums at the full-time active employee rate for part-time employees who regularly work a minimum of 20 hours per week. Regular part-time employees electing family coverage are responsible for paying the difference between the total monthly family premium and the City's contribution to the single coverage plan premium for full-time active employees.
2. Retiree Coverage: Retired employees may continue to participate in the City's health insurance coverage provided they pay the full cost of coverage.

Where not otherwise prohibited by law, the City reserves the right to add to, delete from, or otherwise modify its health insurance plan in its sole discretion including, but not limited to, plan design and premium contributions levels.

Insurance Continuation (COBRA): Under state law and the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) and subsequent amendments to the act, employees covered under the City’s group health insurance plan are eligible for continuation of medical coverage under the group plan upon the employee’s termination (except for gross misconduct) or when there is a reduction in hours to a level that does not qualify the employee for benefits under the City’s insurance plan. Under COBRA regulations an employee’s covered spouse and covered dependents are allowed to elect continuation of coverage upon the employee’s death, divorce or legal separation, an employee’s entitlement to Medicare, or a dependent’s loss of dependent status under family coverage.

All employees, as well as their qualified dependents, will receive notice of mandated insurance continuation benefits at the time of hire or whenever the plan coverage for the employee begins. If a qualifying event occurs which entitles the employee and/or qualified dependents to continuation coverage, the plan administrator will notify the qualified beneficiaries of their right to elect continuation coverage. Continued participation will be solely at the participant’s expense. Details are available in the Human Resources Department.

Surviving Spouse And Dependent Children Health Insurance Continuation: Currently, Wisconsin Statutes §66.0137, requires municipalities that contribute towards the health insurance premiums for fire fighters, to continue to pay those premiums for the spouse and/or dependent children of a fire fighter who dies in the line of duty. The City believes that the benefits conferred under Wisconsin Statutes § 66.0137 should be extended to the surviving spouse and dependent children of all City employees who die in the line of duty. Therefore, the City provides the following benefits to the families of City employees who die in the line of duty:

1. The City will continue to pay the premiums for a surviving spouse until the spouse remarries or reaches age 65.
2. The City will continue to pay the premiums for a dependent child until the child reaches the age of 18 unless:
 - a. The child is a full-time student in secondary school or
 - b. The child is a full-time or part-time student in an accredited college or university and has not reached the end of the calendar year in which he or she turns 27.

The City’s intent is to provide the same benefit provided under Wisconsin Statutes §66.0137 as amended to all City employees.

Disclaimer: This policy is not intended to give a detailed explanation of insurance benefits, but rather to provide general information. Complete details of insurance benefits are available in the Human Resources Department.

D. EXPENSE REIMBURSEMENT POLICY

Policy: The City reimburses employees for reasonable expenses incurred in the performance of City business. These expenses include, but are not limited to, the cost of meals, lodging, travel, and registration fees. All expense reimbursements are processed by the Comptroller's office in accordance with Internal Revenue Service guidelines.

Advance Payment by the City: Generally, it is in employees' best interests to avoid using the expense reimbursement policy by having the City pay expenses directly through the requisition process. This prevents an employee from having to pay expenses up-front and wait for reimbursement from the City. Where expenses are known ahead of time, employees are encouraged to use the requisition process rather than the reimbursement policy.

Proper Documentation Required: The City requires original itemized receipts as substantiation for all expenses **except meals** to be reimbursed. Exceptions to this rule include tolls and parking meters. A credit card receipt that is not itemized is not adequate expense documentation and will not be paid.

The Department Director and/or Division Head review expense reports to ensure that proper substantiation is submitted. Before submitting expense reports to the Comptroller's Office, the employee and the Department Director or Division Head must sign the expense report. By signing the report each person is indicating that to the best of their knowledge the requested reimbursements were actually incurred and in the performance of City business.

Expense and Mileage Reports must be turned in within 30 days of travel except at year end. Any expenses incurred the last week of the year must be turned in the following week.

Meals: The City reimburses employees for the cost of meals based on the Federal Per Diem at the location of a seminar, conference or meeting. The allowed Per Diems can be found on line at <http://www.gsa.gov/portal/content/110007>.

1. The Per Diem is only for those meals not included in seminar or conference fees.
2. The Per Diem rate for individual meals includes the tip.
3. Meals while traveling to/from a meeting, seminar or training will not be reimbursed if the employee is within 50 miles of Fond du Lac.
4. Reimbursements will not be made for meals before or after travel.
5. No reimbursements will be made for alcoholic beverages.

Lodging: The City reimburses employees for the costs of lodging subject to the following conditions and limitations:

1. Lodging reimbursement will be the actual cost of lodging not to exceed the rate of single occupancy.
2. If a deposit or prepayment is required, employees must enter a requisition and process for payment.
3. The City is exempt from certain sales and room taxes. Employees should notify the hotel that they are traveling on City business so that the City is not improperly charged for taxes.

F. FAMILY MEDICAL LEAVE

Policy: The City grants eligible employees leaves in accordance with the Wisconsin Family and Medical Leave Act (WFMLA) and the Federal Family and Medical Leave Act (FMLA). The City currently contracts with FMLASource to administer its FMLA and WFMLA policy.

The City encourages employees who find themselves in situations where they are contemplating use of this Policy to meet with Human Resources to assure a full understanding of how their particular situation may be handled under this policy. All such conversations and inquires will be treated as confidential.

Wisconsin FMLA: Any City Employee who has been employed with the City for more than 52 weeks (for a minimum of 1,000 paid hours) is eligible for unpaid leave under this Act. The employee may, but is not required to, substitute definite and quantifiable paid leave benefits for unpaid leave time (e.g. paid vacation).

The amount of unpaid leave available in a calendar year is:

1. Family Leave

- a. Up to a maximum of six (6) weeks per twelve (12) month period for the birth or adoption of a child. The leave must begin no earlier than 16 weeks before estimated birth or placement and no later than sixteen (16) weeks after birth date or placement of the child.
- b. Up to a maximum of two (2) weeks per twelve (12) month period to care for a child, spouse, parent, parent-in-law, domestic partner or domestic partner's parent who has a serious health condition.

*Total maximum time for a. and b. is eight (8) weeks per twelve (12) month period.

2. Medical Leave

- a. A maximum of two (2) weeks per twelve (12) month period for the employee's serious health condition. ~~(defined as meaning a disabling physical or mental illness, injury, impairment, or condition which requires inpatient care in a hospital, nursing home or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.)~~

Federal FMLA: Any City employee who has worked for more than twelve (12) months (for a minimum of 1,250 hours) is eligible for unpaid leave under this Act. An employee may substitute paid leave benefits for unpaid leave.

The amount of unpaid leave available during a twelve (12) month period for any covered purpose is twelve (12) weeks. The covered purposes are:

1. To care for the employee's child after birth, or placement for adoption or foster care;

2. To care for the employee's spouse, son, daughter, or parent who has a serious health condition;
3. To address certain qualifying exigencies arising from an employee's spouse, son, daughter, or parent on active duty or call to active duty in the National Guard or Reserves in support of a contingency operation;
4. For incapacity due to pregnancy, prenatal medical care, or post-partum recovery;
5. For a serious health condition that makes the employee unable to perform his/her job.

Other particulars under this Policy

1. **Serious Health Condition is generally defined as a disabling physical or mental illness, injury, impairment, or condition which requires inpatient care in a hospital, nursing home or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.**
2. The City, or its agent, may require a certificate from the health care provider indicating the serious health condition, the date this condition started and how long it is expected to last, and the medical facts regarding the condition. The City may also require a second opinion paid for by the City.
3. **Intermittent Leave**. Leave may be scheduled as a partial absence, but not in less than one-(1) hour increments. The City allows employees to take intermittent leave for any covered purpose under the FMLA or WFMLA.
4. While on family leave, employees are entitled to the same health insurance coverage they receive while working and the City will not require them to pay more for their coverage than they did while they were working.
5. Employees must give advance notice to the City and FMLASource of their intention to use Family Leave whenever possible.
6. In instances where an employee qualifies for leave under both the WFMLA and the FMLA, the City will consider the leaves to run concurrently.
7. Upon return from FMLA leave, the employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

Please refer to FMLASource (1-877-462-3652) with any questions or concerns as it relates to the Family Medical Leave Act.

G. SICK LEAVE

The City favors helping protect the income of its employees when they are away from work for reasons not of their own making. The Sick Leave policy is intended to provide a level of income protection for employees when they are unable to report to work due to illness or sickness. The level of income protection is determined by the length of their employment with the City.

Policy: The City provides employees with a level of income protection through paid sick leave to address their own personal health care needs or the health care needs of an immediate family member. Eligible employees will accrue paid sick leave over time, at the rate and up to the stated maximum based on the normal work schedule for their position.

Income Protection: The City views paid sick leave as a sort of insurance providing income protection to employees while they are away from work due to illness or injury. Even if an employee never uses a day of sick leave, the City believes this income protection provides peace of mind to all employees that they are protected in case of unforeseen circumstances. Paid sick leave may not be used for any other purpose and may not to be used as additional paid time off. **The City considers it an abuse of this policy to use sick leave in order to pursue personal interests including, but not limited to, recreational activities or outside employment.**

Accruing Income Protection: Eligible employees will accrue paid sick leave over time, up to the stated maximum based on their normal work schedule. The objective is to allow employees to accrue enough paid sick leave so that if they encounter any type of serious illness or injury, they will not have their regular income severely impacted.

1. Full-time employees will accrue Sick Leave at the rate of one (1) day per month up to a maximum of 135 days.
2. Sick leave balances and maximum accruals will be tracked in hours with employees receiving their regularly scheduled number of hours for each day. For example, employees who regularly work eight (8) hours per day will have a maximum accrual of 1080 hours (135 days x 8 hours/day) while employees who regularly work six (6) hours per day will have a maximum accrual of 810 hours (135 days x 6 hours/day).

Use of Sick Leave: Sick leave is provided for employees to address their own personal health care needs or the health care needs of an immediate family member. For purposes of the sick leave policy, "Immediate Family" is limited to a family member who shares a common residency with the employee or is otherwise classified as a tax dependent of the employee. State and Federal Family and Medical Leave laws may provide broader coverage for use of leave to care for a family member suffering from a serious health condition. Please consult the Family Medical Leave policy in this Handbook or the City Human Resources Department for more guidance on the use of sick leave under FMLA laws.

RESOLUTION NO. 8305**A RESOLUTION AUTHORIZING THE PAYMENT OF
HEALTH INSURANCE PREMIUMS FOR THE SURVIVING FAMILY MEMBERS OF
CITY EMPLOYEES WHO DIE IN THE LINE OF DUTY**

WHEREAS, Wisconsin law provides the unique benefit of paid health insurance coverage to the surviving spouse and dependent children of fire fighters who die in the line of duty; and

WHEREAS, Wisconsin law does not currently extend the same benefit to other City employees who are exposed to dangerous situations; and

WHEREAS, the Wisconsin Legislature considered extending these benefits to law enforcement employees in 2011 Senate Bill 18; and

WHEREAS, 2011 Senate Bill 18 or any similar proposal has not been adopted by the State Legislature; and

WHEREAS, the City of Fond du Lac City Council believes that this is an issue of State-wide concern that should be addressed by the State Legislature; and

WHEREAS, the City of Fond du Lac City Council believes that the same benefits should be extended to the surviving spouse and dependent children of all City employees who die in the line of duty.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the same benefits provided to the surviving spouse and dependent children of a fire fighter who dies in the line of duty under Wisconsin Statutes § 66.0137, or as later amended, be extended to the surviving spouse and dependent children of any City employee who dies in the line of duty. This resolution shall be effective as of March 19, 2011;

BE IT FURTHER RESOLVED that City staff is directed to incorporate this resolution into the City's Employee Handbook in due course.

ADOPTED:

MAR 14 2012



Richard D. Gudex, President
Fond du Lac City Council

Attest:



Sue L. Strands, City Clerk

City Attorney:

Reviewed 

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: March 6, 2013

To: Joseph Moore, City Manager

From: ^{DSRH} Deborah Hoffmann, City Attorney/Director – Human Resources

Re: Report from the Alcohol Licensing Committee (ALC) - Procedures

Procedural Background

The Council is being asked to review a recommendation from the Fond du Lac Alcohol Licensing Committee (ALC) regarding the Retlaw hotel's liquor license. This matter was heard on January 28, 2013. The ALC's report is included in the agenda packet. An Objection to the report has been filed and is also included in the agenda packet. The pertinent City Code sections and State law that cover this issue are attached to this memo.

The Council must determine whether there are adequate grounds to suspend/revoke the liquor license currently held by North Main Hospitality, LLC (North Main) under State and City law. The ALC did not find that there was a violation of the City ordinance and did not recommend suspension of North Main's liquor license. The City Council may choose to accept the ALC recommendation not to suspend in whole or in part, or the Council may choose to impose a suspension or revocation.

Council Decisions

The Council must first consider whether the ALC's findings of fact that North Main is delinquent in taxes and assessments to the City are supported by the evidence. This can be determined by a review of the papers submitted with this agenda. Further, the Council may ask questions of staff and any representative of North Main that may appear at the meeting to determine this question of fact.

If the Council determines that North Main is delinquent, it would then need to decide if those facts are legal grounds for suspension/revocation of North Main's liquor licenses.

If Council decides they are legal grounds to suspend/revoke North Main's liquor license, the final step in Council's review would be to determine what, if any, period of suspension or revocation of the license should be imposed.

If the Council accepts the ALC recommendation, or determines that North Main's liquor license should not be suspended/revoked, the matter is closed, the objection would be overruled, and North Main would continue to have a liquor license, subject to the normal annual renewal process this summer.

Possible Motions

If the Council decides the Retlaw does not possess the qualifications to hold a liquor license, a possible motion would be:

1. I move that we find the Retlaw is delinquent in its payments to the City of Fond du Lac and that we:
 - a. revoke their liquor license,or
 - b. suspend their license for ____ days.

If the Council decides to accept the ALC recommendation, a possible motion would be:

2. I move that we accept the ALC recommendation of no suspension of the Retlaw's liquor license.

Governing Law

City of Fond du Lac Code Sections

12.03(5) DELINQUENT TAXES, ASSESSMENTS AND CLAIMS. No license shall be granted to any person who, or premises for which, taxes, assessments or other claims of the City are delinquent and unpaid

12.03(6.3) DISCIPLINARY PROCEDURES

(a) Hearings and Recommendations. The Alcohol Licensing Committee is hereby designated as the duly authorized committee that shall hold hearings as prescribed in Wisconsin Statutes, Section 125.12. As provided by law, after the hearing the Alcohol Licensing Committee shall submit a report to the City Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the City Council should take with respect to the license.

12.03(6.3)(c) Scope

Nothing in this ordinance shall be construed to conflict with, abridge or modify, the rights or procedures established for revocation or suspension of licenses in Wisconsin Statutes Section §125.12

Wisconsin State Code Sections

(2) Revocation or suspension of licenses by local authorities.

(ag) *Complaint.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

4. The person does not possess the qualifications required under this chapter to hold the license.

Wis. Stat. Ann. § 125.12 (West)

(b) *Procedure on hearing.* 1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel....

3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to

what action, if any, the city council should take with respect to the license... Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council... If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.

4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked....

(c) *Effect of revocation.* When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

Wis. Stat. Ann. § 125.12 (West)

**ALCOHOL LICENSING COMMITTEE MINUTES
CITY OF FOND DU LAC, WISCONSIN**

January 28, 2013
4:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL:

Present: - J. Geoffrey Bares
David Hopper
Paul Osterholm
Ray Lapierre
Sam Meyer

Absent: - Jim Sabel (excused)
Kerry Strupp (excused)

Administrative Staff: - Wayne Rollin, Dir of Comm Dev
Steve Klein, Police Captain (late arrival)
Chad Wade, Assistant. City Attorney

City Clerk Sue Strands declared a quorum present.

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

HEARING

HEARING FOR NOTICE OF INTENT TO SUSPEND "CLASS B" INTOXICATING LIQUOR AND A "CLASS B" FERMENTED MALT BEVERAGE LICENSE FOR:

Corporation: North Main Hospitality LLC
d/b/a: Retlaw Hotel
Location of Premises: One North Main Street

Findings of Fact

Motion made by Meyer that the findings of facts as presented are true and the numbers are accurate.
Seconded by Osterholm.

ROLL CALL VOTE: Aye - Bares, Hopper, Lapierre,
Meyer, Osterholm
Nay - None

Carried.

ALCOHOL LICENSING COMMITTEE MINUTES

January 28, 2013

Page 3

Recommendation

Motion made by Bares to recommend to the City Council that the "Class B" Intoxicating Liquor and a "Class B" Fermented Malt Beverage License d/b/a Retlaw Hotel, 1 North Main Street be maintained.

Seconded by Lapierre.

Motion made by Meyer to **amend** recommendation to the City Council that the "Class B" Intoxicating Liquor and a "Class B" Fermented Malt Beverage License d/b/a Retlaw Hotel, 1 North Main Street not be renewed July 1, 2013 if all outstanding monies are not paid and current.

Seconded by Osterholm.

ROLL CALL VOTE: Aye - Meyer, Osterholm,
 Nay - Bares, Hopper, Lapierre

Failed.

Vote of Main Motion

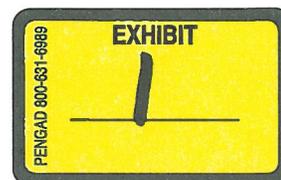
ROLL CALL VOTE: Aye - Bares, Hopper, Lapierre,
 Meyer, Osterholm

Nay - None

Carried.

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

CITY OF FOND DU LAC



CITY OF FOND DU LAC,
A Wisconsin Municipal Corporation,

Petitioner,

vs.

STIPULATION

NORTH MAIN HOSPITALITY LLC
dba RAMADA PLAZA HOTEL
JAY PATEL, GENERAL MANAGER, AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935

Respondents.

On this 30 day of June, 2011, the Petitioner, the City of Fond du Lac, by City Attorney, Deborah Hoffmann, and the Respondents, North Main Hospitality, LLC, dba Ramada Hotel, Jay Patel, Agent, hereby agree and stipulate as follows:

1. That, North Main Hospitality, LLC, dba Ramada Hotel, Jay Patel, as agent therefore, are the license holders of a "Class B" license issued pursuant to Chapter 125, Wisconsin Statutes, and City of Fond du Lac Municipal Code in conformity therewith, for the Ramada Hotel, located at 1 North Main Street, in the City of Fond du Lac, Fond du Lac County, Wisconsin.

2. That the following violations of the City of Fond du Lac Municipal Code have been found at the Ramada Hotel:

a. Failure to pay the following fees or taxes to the City of Fond du Lac, calculated as of June 2011:

1. Real Estate Taxes	\$32,394.84
2. Personal Property Taxes	\$ 8,597.23
3. Water and Sewer fees	\$66,147.18 (\$30,000 of this amount is disputed by Ramada Plaza)
4. Parking Fees	\$16,320.00
TOTAL	\$123,459.25

3. That the foregoing are all violations of Fond du Lac Municipal Code, and therefore form the basis for suspension/revocation of the "Class B" license issued to Respondents.
4. That this Stipulation is based upon the foregoing violations, in lieu of a Suspension/revocation hearing before the Alcohol Licensing Committee of the City of Fond du Lac.
5. That the Ramada agrees it owes the City \$93,459.35, Ramada agrees it shall make a payment of \$10,000 on or before ~~July 28, 2010~~ ^{August 1, 2011} and make up to 12 additional monthly payments of \$10,000 or more until the entire debt has been paid. These additional payments shall be paid on or before the 25th day of the month, beginning August 25, 2011.
6. That the Ramada will take all necessary steps to bring its claim of not owing \$30,000- of its water bill to the City Water Operations Manager, Kathy Scharf, and resolving this billing dispute in the next 60 days.
7. That the Ramada will keep all of its current obligations with the City current and in good standing.
8. That unless the Ramada is in compliance with the three requirements spelled out above in paragraphs 5, 6 and 7 on or before July 1, 2011; the "Class B" license issued to the Respondents will be suspended for a period of thirty (30) days, which will be extended in 30 day increments, until the requirements listed in paragraphs 5, 6 and 7 are remedied.
9. That if the Ramada has not complied with the three requirements set out in paragraphs 5, 6 and 7, then on or before 9:00 am on ~~July 28, 2011~~ ^{August 1, 2011} or the date the suspension is effective, the Respondents shall deposit the aforementioned license with the Fond du Lac City Clerk. The license will remain in possession of the City Clerk until the suspension has terminated or the Ramada has complied with paragraphs 5, 6 and 7.

Deb Hoffmann
 Deborah Hoffmann, City Attorney
 Attorney for Petitioner, City of Fond du Lac

Date: 6-30-11

Jay Patel
 Jay Patel, Agent for North Main Hospitality
 Manager, Ramada Inn of Fond du Lac

Date: 6/30/11

CITY OF FOND DU LAC



**CITY OF FOND DU LAC,
A Wisconsin Municipal Corporation,**

Petitioner,

vs.

STIPULATION

**NORTH MAIN HOSPITALITY LLC
dba RAMADA PLAZA HOTEL
KIRIT PANSURIA, AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

Respondent.

On this 17th day of February, 2012, the Petitioner, the City of Fond du Lac, by City Attorney, Deborah Hoffmann, and the Respondents, North Main Hospitality, LLC, dba Ramada Hotel, and Fine Hospitality Group, LLC, Kirit Pansuria, Agent, hereby agree and stipulate as follows:

1. That, North Main Hospitality, LLC, dba Ramada Hotel, is the license holder of a "Class B" license issued pursuant to Chapter 125, Wisconsin Statutes, and City of Fond du Lac Municipal Code in conformity therewith, for the Ramada Hotel, located at 1 North Main Street, in the City of Fond du Lac, Fond du Lac County, Wisconsin.
2. That the following violations of the City of Fond du Lac Municipal Code have been found at the Ramada Hotel:
 - a. Failure to pay the following fees or taxes to the City of Fond du Lac, calculated as of January 16, 2012:

1. 2010 Real Estate Taxes	\$ 35,558.89
2. 2011 Real Estate Taxes	\$ 114,405.32
3. 2011 Personal Property Taxes	\$ 1,392.93
4. Water and Sewer fees	\$ 32,514.74
5. Room Tax Due	\$ 58,037.39
6. Parking Fees	\$ 34,520.00
TOTAL	\$ 276,429.27

3. That the foregoing are all violations of Fond du Lac Municipal Code, and therefore form the basis for suspension/revocation of the "Class B" license issued to Respondents.
4. That this Stipulation is based upon the foregoing violations, in lieu of a Suspension/revocation hearing before the Alcohol Licensing Committee of the City of Fond du Lac.
5. That the Ramada agrees it owes the City \$271,971.69. Ramada agrees it shall make the following payments: \$60,000 on or before February 17, 2012; \$42,000 on or before May 15, 2012; \$60,000 on or before July 15, 2012; and the remaining balance on or before August 15, 2012.
6. That the Ramada will keep all of its obligations with the City current and in good standing through 2012.
7. That if the Ramada meets the obligations set forth in paragraphs 5 and 6 the City agrees to take the following actions:
 - a. Hold the \$34,520.00 in unpaid parking fees in abeyance;
 - b. Reduce the current outstanding balance for Water and Sewer fees by \$15,050.69;
 - c. Hold the parking fees for 2012 in abeyance; and
 - d. Meet with representatives for the Ramada in December 2012 to discuss waiver of parking fees for 2013.
8. That if the Ramada fails to meet the obligations set forth in paragraphs 5 and 6 the City shall reinstate any and all fees held in abeyance or otherwise adjusted by paragraph 7 above.
9. That unless the Ramada is in compliance with the requirements listed above in paragraphs 5 and 6; the "Class B" license issued to the Ramada will be suspended for a period of thirty (30) days, which will be extended in 30 day increments, until the requirements listed in paragraphs 5 and 6 are remedied.
10. That if the Ramada has not complied with the requirements set out in paragraphs 5 and 6, the Respondents shall deposit the aforementioned license with the Fond du Lac City Clerk on the call of the City. The license will remain in possession of the City Clerk until the suspension has terminated or the Ramada has complied with paragraphs 5 and 6.

Appendix A

Schedule of Payments

February 17, 2012.....	\$60,000
May 15, 2012.....	\$42,000
July 15, 2012.....	\$60,000
<u>August 15, 2012.....</u>	<u>approximately \$60,401</u>
Total.....	approximately \$222,401



LICENSES AND PERMITS 12.02(12)

(12) POSTING LICENSE. Every person conducting a licensed business in the City shall keep his license posted in a prominent place on the premises used for such business so that it may be seen at all times.

12.03 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES. (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., defining, describing and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. Violation of any such provisions shall constitute a violation of this section. Penalties for violations by or relating to sale, procurement, dispensing or transfer to underage persons shall strictly conform to the penalties imposed for violations of identical offenses defined and described in Ch. 125, Wis. Stats.

(2) THIS SECTION CONTROLLING. This section is in addition to State law and a prosecution under State law shall not preclude City prosecution hereunder.

(3) CONSENT TO AMENDMENT. By filing his application for a Class "A" or "B" license, the applicant consents that the Council may make any rule or regulation, or alteration or amendment, to this section at any time during the period for which such license is granted.

(4) QUOTAS FOR THE ISSUANCE OF LICENSES. (a) One Class A fermented malt beverage license shall be granted for each 1,000 residents of the City.

(b) One Class A retail intoxicating liquor license shall be granted for each 2,000 residents of the City.

(c) One Class "B" intoxicating liquor license or Class "B" fermented malt beverage license shall be granted for each 500 residents of the City. No person shall hold more than one Class "B" intoxicating liquor and/or fermented malt beverage license in the City.

(d) One Wholesaler's License shall be granted for each 7,000 residents of the City.

(5) DELINQUENT TAXES, ASSESSMENTS AND CLAIMS. No license shall be granted to any person who, or premises for which, taxes, assessments or other claims of the City are delinquent and unpaid.

(6) INSPECTION. (a) The City Clerk shall notify the Chief of Police, Health Officer, Fire Chief and Building Inspector of each application; and those officials shall inspect or cause to be inspected each application and the premises, together with any other investigations, accompanied by a recommendation as to whether a license should be granted or refused.



North Main Hospitality - Ramada
 Status of Stipulated Agreement January 21, 2013

	Utility Bill	2011 PPTY Tax	2011 RE Tax	2010 RE Tax	Room Taxes*	Parking Fees	Total
due 1/16/12 per agreement	32,514.74	1,392.93	114,405.32	35,558.89	58,037.39	34,520.00	276,429.27
Amounts held in Abeyance	(15,050.69)					(34,520.00)	(49,570.69)
*includes forgiveness of interest							-
	<u>17,464.05</u>	<u>1,392.93</u>	<u>114,405.32</u>	<u>35,558.89</u>	<u>58,037.39</u>	<u>-</u>	<u>226,858.58</u>
Late fees went on 1/19/2012	315.07						315.07
Tax roll transfer penalty	2,520.13						2,520.13
Interest/Penalty Feb payment			333.93	452.12			786.05
Interest/Penalty May payment			2,377.36				2,377.36
Interest/Penalty Oct 2 payment			3,568.29				3,568.29
Interest/Penalty if paid by 10/31/12			3,522.00				3,522.00
Fire protection adjustment	(1,489.27)						(1,489.27)
Payments							
2/20/2012		(1,392.93)	(22,596.06)	(36,011.01)			(60,000.00)
5/25/2012			(42,000.00)				(42,000.00)
9/19/2012			(30,000.00)				(30,000.00)
10/2/2012-Returned NSF	(389.16)		(29,610.84)				(30,000.00)
10/15/2012 Returned NSF	389.16		29,610.84				30,000.00
10/22/2012 Wire payment	(389.16)		(29,610.84)				(30,000.00)
	<u>18,420.82</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>58,037.39</u>	<u>-</u>	<u>76,458.21</u>
Penalty & Interest on Room Tax thru January, 2013					9,309.00		9,309.00
Water/Sewer Adj	15,050.69						15,050.69
Ramp fees						27,520.00	27,520.00
2012 Ramp Fees-Through December						19,200.00	19,200.00
Utility Bill Due 10/18/12	32,738.47						32,738.47
Utility Bill Due 1/18/13	9,796.01						9,796.01
	<u>76,005.99</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>67,346.39</u>	<u>46,720.00</u>	<u>190,072.38</u>
Reconciliation to #9 on Complaint							
Utility Bill to 2012 Tax Roll	33,471.51						33,471.51
Portion of tax bill due 1/31/13							
	<u>42,534.48</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>67,346.39</u>	<u>46,720.00</u>	<u>156,600.87</u>

Note: Above does not include real estate and personal property tax bills with installments due 1/31/2013



DAILY SALES REPORT

RAMADA PLAZA FOND DU LAC

MONTH: November DAY: 30 YEAR: 2012
 ACTUAL DAY: _____ TODAY

REVENUE		TODAY	MTD	HOTEL RESTAURANT/BAR MTD		
ROOM			29,228.48	CASH RECEIPTS		
ROOM NO TAX			1,376.00	CASH		18,779.53
NO-SHOW CHG			0.00	MC-VI		32,375.93
TOTAL RM REV	0.00		30,604.48	AX		4,279.75
				DS		259.18
RS BREAKFAST		0.00		DC		108.19
RS BRUNCH		88.30		TOTAL CC	0.00	0.00
RS LUNCH		0.00		Security Deposits		0.00
RS DINNER		402.06		Credit Transfer		0.00
Starbucks BFST		0.00		OVER/SHORT		0.00
Starbucks LUNCH		0.00		TOTAL ACCOUNTABLE	0.00	0.00
Starbucks DINNER		0.00				55,802.58
BAR FOOD SALES		0.00		Taxes		
TOT REST FOOD	0.00		490.36	RS		
BQ BREAK		0.00		SC		
BQ LUNCH		0.00		RV		
BQ DINNER		47.00		LE		
BQ RECEPTION		0.00		BQ		
TOT BQ FOOD	0.00		47.00	SW		
TOTAL FOOD REV	0.00		537.36	State Tax		
RS BEV		0.00		ROOM STATISTICS:		
CIBO BEV		40.76		TODAY	MTD	
MIDTOWN BEV		0.00		ROOMS AVAILABLE	132	3960
BQT BEV		0.00		OFF MARKET		435
TOT BEV REV	0.00		40.76	NET ROOMS AVAILABLE	132	3525
LD-L DISTANCE		0.00		ROOMS SOLD		413
LC-LOCAL		0.00		COMPLIMENTARY ROOMS	0	62
Dry Cleaning		0.00		TOTAL OCCUPIED	0	475
POSTAGE		6.77		OCCUPANCY %	0.00%	11.99%
Fruit & Gift BASKET		0.00		AVERAGE RATE	#DIV/0!	64.43
(Banquet) A/V		0.00		MARKET		
BQ MISC		0.00		TODAY	MONTH TO DATE	
BQ ROOM		0.00		SEGMENT	OCC ROOMS	REVENUE
Retlaw Coffee Shop		0.00		CORP	84	\$ 6,052.00
ROLLAWAY		0.00		CD, GL, MM	56	\$ 3,052.50
HEALTH SPA		4,209.44		CS	0	\$ -
MISCELLANEOUS		1,525.08		LG	61	\$ 5,639.00
Lime Charge		0.00		GV, GS	25	\$ 1,755.00
Safe Deposit Box		0.00		LT, RACK, PKG	177	\$ 14,383.98
Room Safe		204.00		COMP, OTHR	62	\$ -
VENDING		0.00		TOTAL	0	\$ -
WIFI Deposit		0.00		STATISTICS	COVERS	AVG CHECK
Postcards		0.00		RS BREAK	#DIV/0!	0
Pet Fee		40.00		RS BRUNCH	#DIV/0!	0
COPY/FAK		1.80		RS LUNCH	#DIV/0!	0
TOTAL MISC	0.00		5,986.79	RS DINNER	#DIV/0!	0
TOTAL HOTEL REV	0.00		37,169.39	RS SVC BFST	#DIV/0!	0
				RS SVC L/BRUNCH	#DIV/0!	0
				RS SVC DINNER	#DIV/0!	0
				TOTAL REST	0	#DIV/0!
				BQ BREAK	#DIV/0!	0
				BQ LUNCH	#DIV/0!	0
				BQ DINNER	#DIV/0!	0
				BQ RECEPTION	#DIV/0!	0
				TOTAL BQT	0	#DIV/0!
				TOTAL FOOD	0	#DIV/0!
				SALES TAX EXEMPTION		
SERVICE CHARGE		22.50		ROOMS		0.00
CITY TAX		2,343.01		FOOD		0.00
SALES TAX	0.00		1,861.16	BQT BEVERAGE		0.00
				OTHER BQT REVENUE		0.00
				TOTAL EXEMPT TODAY		0.00
WRITE OFFS		0.00		MONTH TO DATE		
						1,376.00
TRAY NET CHG	0.00		14,406.52	AMOUNT		
TOTAL ACCT	0.00		55,802.58	FREE BFST:		
				S & P:		
				TRAY BALANCE SUMMARY		
				BEG BAL	CHARGES	PAYMENTS
				ADJUST.	END BAL	NET CHANGE
MC/VISA					0.00	0.00
AMEX					0.00	0.00
DISCOVER					0.00	0.00
DINERS					0.00	0.00
ACH PAYMENTS					0.00	0.00
INACTIVES LGR	0.00				0.00	0.00
DIRECT BILL	789.92				789.92	0.00
HOUSE ACCT	0.00				0.00	0.00
CURRENT GUEST	(5,734.82)				(5,734.82)	0.00
ADV DEPOSIT	(28,429.12)				(28,429.12)	0.00

0.00



Miscellaneous = Airadigm Comm. Rent + GC Trade outs						
DAILY SALES REPORT						
RAMADA PLAZA FOND DU LAC						
MONTH:	December		DAY:	31	YEAR:	2012
ACTUAL DAY:	Monday		TODAY			
	TODAY	MTD	HOTEL	RESTAURANT/BAR	MTD	
REVENUE			CASH RECEIPTS			
ROOM	2,969.10	38,314.59				
ROOM NO TAX		1,449.00	CASH	1,408.87		4,526.51
NO-SHOW CHG		0.00	MC-VI	624.78		35,037.55
TOTAL RM REV	2,969.10	39,763.59	AX			7,599.03
			DS			2,767.69
RS BREAKFAST		0.00	DC			0.00
RS BRUNCH		0.00	TOTAL CC	624.78	0.00	45,404.27
RS LUNCH		0.00	Security Deposits			0.00
RS DINNER	1,050.00	1,874.63	Credit Transfer			0.00
Starbucks BFST		0.00	OVER/SHORT			0.00
Starbucks LUNCH		0.00	TOTAL ACCOUNTABLE	2,033.65	0.00	49,930.78
Starbucks DINNER		0.00				
BAR FOOD SALES		0.00				
TOT REST FOOD	1,050.00	1,874.63	ROOM STATISTICS:		TODAY	MTD
BQ BREAK		0.00	ROOMS AVAILABLE		132	4092
BQ LUNCH		0.00	OFF MARKET		11	297
BQ DINNER		0.00	NET ROOMS AVAILABLE		121	3795
BQ RECEPTION		0.00	ROOMS SOLD		43	560
TOT BQ FOOD	0.00	0.00	COMPLIMENTARY ROOMS		2	51
TOTAL FOOD REV	1,050.00	1,874.63	TOTAL OCCUPIED		45	611
RS BEV		0.00	OCCUPANCY %		34.09%	14.93%
CTBO BEV		0.00	AVERAGE RATE		65.98	65.08
MIDTOWN BEV	360.00	472.00				
BQT BEV		0.00				
TOT BEV REV	360.00	472.00				
LD-L DISTANCE		0.00	MARKET	TODAY	MONTH TO DATE	
LC-LOCAL		0.00	SEGMENT	OCC ROOMS	REVENUE	OCC ROOMS
Dry Cleaning		40.16	CORP		1 \$	7,055.00
POSTAGE		4.99	CD, GL, MM	1 \$	55.00	76 \$
Fruit & Gift BASKET		0.00	CG			0 \$
(Banquet) A/V		0.00	LG	6 \$	634.00	122 \$
BQ MISC		0.00	GV, GS			9 \$
BQ ROOM		0.00	LT, TRUCK, PKS	36 \$	2,280.10	254 \$
Retlaw Coffee Shop		0.00	COMP, OTHR	2 \$	-	51 \$
ROLLAWAY		45.00	TOTAL	45 \$	2,969.10	513 \$
HEALTH SPA	79.62	2,433.15	STATISTICS	COVERS	AVG CHECK	MTD COVERS
MISCELLANEOUS	(7,838.18)	1,654.87	RS BREAK		#DIV/0!	0 #DIV/0!
Limo Charge		0.00	RS BRUNCH		#DIV/0!	0 #DIV/0!
Safe Deposit Box		0.00	RS LUNCH		#DIV/0!	0 #DIV/0!
Room Safe	6.00	273.00	RS DINNER		#DIV/0!	0 #DIV/0!
VENDING		5.25	RM SVC BFST		#DIV/0!	0 #DIV/0!
WIFI Deposit		0.00	RM SVC L/BRUNCH		#DIV/0!	0 #DIV/0!
Postcards		0.00	RM SVC DINNER		#DIV/0!	0 #DIV/0!
Pet Fee	20.00	60.00	TOTAL REST	0	#DIV/0!	0 #DIV/0!
		0.00	BQ BREAK		#DIV/0!	0 #DIV/0!
COPY/FAIX		0.00	BQ LUNCH		#DIV/0!	0 #DIV/0!
TOTAL MISC	(7,732.56)	4,516.42	BQ DINNER		#DIV/0!	0 #DIV/0!
TOTAL HOTEL REV	(3,353.46)	46,626.64	BQ RECEPT		#DIV/0!	0 #DIV/0!
			TOTAL BQT	0	#DIV/0!	0 #DIV/0!
			TOTAL FOOD	0	#DIV/0!	0 #DIV/0!
SERVICE CHARGE		0.00	SALES TAX EXEMPTION			
CITY TAX	237.53	3,059.71	EXEMPT REVENUE			
SALES TAX	167.78	2,242.06	ROOMS			0.00
			FOOD			0.00
			BQT BEVERAGE			0.00
			OTHER BQT REVENUE			0.00
WRITE OFFS	(2,741.25)	(2,741.25)	TOTAL EXEMPT TODAY			0.00
			MONTH TO DATE			
			1,449.00			
TRAY NET CHG	7,723.05	743.62	AMOUNT			
TOTAL ACCT	2,033.65	49,930.78	Sales GC			-4015.18
			Shop Daily Deals			-143.47
			Radio Plus GC			-3805.91
			Radio Shopping GC			-1309.82
TRAY BALANCE SUMMARY						
	BEG BAL	CHARGES	PAYMENTS	ADJUST.	END BAL	NET CHANGE
MC/VISA					0.00	0.00
AMEX					0.00	0.00
DISCOVER					0.00	0.00
DINERS					0.00	0.00
ACH PAYMENTS					0.00	0.00
INACTIVES LGR	0.00	(2,482.00)	2,482.00		0.00	0.00
DIRECT BILL	844.57	0.00	(69.00)		775.57	(69.00)
HOUSE ACCT	0.00				0.00	0.00
CURRENT GUEST	4,195.65	(5,689.40)	(1,656.91)	0.00	(3,150.66)	(7,346.31)
ADV DEPOSIT	(30,704.26)	0.00	(307.74)	0	(31,012.00)	(307.74)
						2,033.65

Taxes
RS
SC 4.38
RV
LE
BQ
SW

State Tax
163.4



DAILY SALES REPORT					
RAMADA PLAZA FOND DU LAC					
MONTH:	January		DAY:	27	
ACTUAL DAY:	Sunday		TODAY	YEAR: 2013	
	TODAY	MTD	HOTEL	RESTAURANT/BAR	MTD
REVENUE			CASH RECEIPTS		
ROOM	879.60	57,599.27	CASH	502.51	18,492.96
ROOM NO TAX		3,236.60	MC-VI	6,988.75	54,750.90
NO-SHOW CHG		0.00	AX	259.16	5,873.49
TOTAL RM REV	879.60	60,835.87	DS	362.81	3,258.82
RS BREAKFAST		0.00	DC		0.00
RS BRUNCH		0.00	TOTAL CC	7,610.72	63,883.21
RS LUNCH		0.00	Security Deposits		0.00
RS DINNER		835.25	Credit Transfer		0.00
Starbucks BFST		0.00	OVER/SHORT		0.00
Starbucks LUNCH		0.00	TOTAL ACCOUNTABLE	8,113.23	82,376.17
Starbucks DINNER		0.00			
BAR FOOD SALES		0.00			
TOTAL REST FOOD	0.00	835.25	ROOM STATISTICS:		
BQ BREAK		0.00		TODAY	MTD
BQ LUNCH		0.00	ROOMS AVAILABLE	132	3564
BQ DINNER		0.00	OFF MARKET	16	355
BQ RECEPTION		0.00	NET ROOMS AVAILABLE	116	3209
TOTAL BQ FOOD	0.00	0.00	ROOMS SOLD	11	710
TOTAL BQ REV	0.00	835.25	COMPLIMENTARY ROOMS	2	44
RS BEV		29.00	TOTAL OCCUPIED	13	754
CIBO BEV		0.00	OCCUPANCY %	9.85%	21.16%
MIDTOWN BEV		32.00	AVERAGE RATE	67.66	80.68
BQT BEV		84.00			
TOTAL BEV REV	0.00	145.00			
LD-L DISTANCE		0.00	MARKET		
LC-LOCAL		0.00	SEGMENT	TODAY	MONTH TO DATE
Dry Cleaning		0.00	CORP	4 \$ 243.00	275 \$ 7,352.00
POSTAGE		13.56	CD, GL, MM	1 \$ 55.00	75 \$ 4,273.00
Fruit & Gift BASKET		0.00	CG		25 \$ 2,095.00
(Banquet) A/V		0.00	LG		314 \$ 31,477.20
BQ MISC		0.00	GV, GS	1 \$ 69.00	21 \$ 1,569.00
BQ ROOM		25.00	LT, RACK, PKG	5 \$ 467.60	170 \$ 14,631.57
Retlaw Coffee Shop		0.00	COMP, OTHR	2	44 \$
ROLLAWAY		0.00	TOTAL	13 \$ 834.60	924 \$ 61,397.77
HEALTH SPA	4.74	3,968.72	STATISTICS		
MISCELLANEOUS		8,650.68	COVERS	AVG CHECK	MTD COVERS
Limo Charge		0.00	RS BREAK	#DIV/0!	0 #DIV/0!
Safe Deposit Box		0.00	RS BRUNCH	#DIV/0!	0 #DIV/0!
Room Safe	15.00	436.50	RS LUNCH	#DIV/0!	0 #DIV/0!
VENDING		6.00	RS DINNER	#DIV/0!	0 #DIV/0!
WiFi Deposit		0.00	RM SVC BFST	#DIV/0!	0 #DIV/0!
Postcards		0.00	RM SVC L/BRUNCH	#DIV/0!	0 #DIV/0!
Pet Fee		0.00	RM SVC DINNER	#DIV/0!	0 #DIV/0!
		150.00	TOTAL REST	0 #DIV/0!	0 #DIV/0!
COPY/FAX		0.00	BQ BREAK	#DIV/0!	0 #DIV/0!
TOTAL MISC	19.74	13,244.46	BQ LUNCH	#DIV/0!	0 #DIV/0!
TOTAL HOTEL REV	899.34	75,060.58	BQ DINNER	#DIV/0!	0 #DIV/0!
			BQ RECEPT	#DIV/0!	0 #DIV/0!
			TOTAL BQT	0 #DIV/0!	0 #DIV/0!
			TOTAL FOOD	0 #DIV/0!	0 #DIV/0!
SERVICE CHARGE		15.11	SALES TAX EXEMPTION		
CITY TAX	70.37	4,595.82	EXEMPT REVENUE		
SALES TAX	48.68	3,385.49	ROOMS		0.00
			FOOD		0.00
			BQT BEVERAGE		0.00
			OTHER BQT REVENUE		0.00
WRITE OFFS		0.00	TOTAL EXEMPT TODAY		0.00
			MONTH TO DATE		
TRAY NET CHG	7,094.84	(680.83)			3,236.60
TOTAL ACCT	8,113.23	82,376.17	AMOUNT		
			FREE BFST:		
			S & P:		
TRAY BALANCE SUMMARY					
BEG BAL	CHARGES	PAYMENTS	ADJUST.	END BAL	NET CHANGE
MC/VISA				0.00	0.00
AMEX				0.00	0.00
DISCOVER				0.00	0.00
DINERS				0.00	0.00
ACH PAYMENTS				0.00	0.00
INACTIVES LGR	0.00			0.00	0.00
DIRECT BILL	2,827.49			2,827.49	0.00
HOUSE ACCT	0.00			0.00	0.00
CURRENT GUEST	9,361.39	1,018.39	(8,113.23)	2,266.55	(7,094.84)
ADV DEPOSIT	(37,800.30)			(37,800.30)	0.00

Taxes
RS
SC 0.26
RV
LG
BQ
SW

State Tax 48.42

8,113.23

**CITY OF FOND DU LAC
ALCOHOL LICENSING COMMITTEE**

**CITY OF FOND DU LAC,
a Wisconsin Municipal Corporation,**

v

Amended Complaint

**NORTH MAIN HOSPITALITY LLC
dba RETLAW HOTEL
KIRIT PANSURIA, REGISTERED AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

The City of Fond du Lac, by Assistant City Attorney, Chad P. Wade, states as follows:

1. That, North Main Hospitality, LLC, dba Retlaw Hotel, Kirit Pansuria, as agent therefore, is the license holder of a "Class B" Intoxicating Liquor license and a Class "B" Fermented Malt Beverage license issued pursuant to Chapter 125, Wisconsin Statutes, and City of Fond du Lac Municipal Code in conformity therewith, for the Retlaw Hotel (formerly known as the Ramada Plaza Hotel), located at 1 North Main Street, in the City of Fond du Lac, Fond du Lac County, Wisconsin.

2. That on January 16, 2012, North Main Hospitality was delinquent on \$276,429.27 in local taxes and fees including penalties and interest. More specifically, North Main Hospitality owed the following amounts:

1. 2010 Real Estate Taxes	\$ 35,558.89
2. 2011 Real Estate Taxes	\$ 114,405.32
3. 2011 Personal Property Taxes	\$ 1,392.93
4. Water and Sewer fees	\$ 32,514.74
5. Room Tax Due	\$ 58,037.39
6. Parking Fees	\$ 34,520.00
TOTAL	\$ 276,429.27

3. That on February 17, 2012 North Main Hospitality by and through its registered agent, Kirit Pansuria, agreed to a Stipulation agreement (Agreement) in lieu of a Suspension/revocation hearing before the Alcohol Licensing Committee of the City of Fond du Lac to pay the past due amounts according to a mutually agreed payment schedule and to remain current on all other obligations to the City through 2012. A copy of the Agreement is attached as Exhibit A.

4. That North Main Hospitality further agreed that if it did not fulfill its obligations under the Agreement, its liquor license would be suspended, and North Main Hospitality would deposit the aforementioned license with the Fond du Lac City Clerk until the suspension is terminated or North Main Hospitality complies with the Agreement.

5. That in exchange for this Agreement, the City agreed not to proceed with revocation of North Main Hospitality's "Class B" or Class "B" license and to hold certain fees in abeyance conditioned upon North Main Hospitality fulfilling its obligations under the Agreement.

6. That North Main Hospitality complied with portions of the Agreement sufficient to convince the City to grant several extensions to the payment schedule created within the Agreement. A complete accounting of the debts and payments is attached to this complaint as Exhibit B.

7. The final extension was granted on December 13, 2012. North Main Hospitality was to make all final payments under the Agreement and pay all current obligations. This final payment was due on December 31, 2012. This payment has not been received.

8. That North Main Hospitality has failed to fulfill its obligations under the Agreement by failing to pay off all outstanding balances in accordance with the mutually agreed to schedule and by failing to remain current on all obligations to the City for 2012.

9. That North Main Hospitality, due to its failure to fulfill its obligation under the Agreement, currently owes the City \$156,600.87. More specifically North Main Hospitality owes the following amounts:

1. Unpaid Room Tax	\$ 58,037.39
2. Penalty and Interest on Room Tax	\$ 9,309.00
3. Unpaid Parking Ramp Fees	\$ 46,720.00
4. Past due 2012 Utility Fees	\$ 42,534.48
<u>TOTAL</u>	<u>\$ 156,600.87</u>

10. That in addition to the above amounts, the City has rolled \$33,471.51 in unpaid Water/Sewer Utility Fees on to North Main Hospitality's 2012 property tax bill. Under the Agreement, North Main Hospitality was obligated to pay this amount prior to having it rolled on the tax bill.

11. That the above facts represent violations of the City of Fond du Lac Municipal Code by North Main Hospitality.

12. That the foregoing are violations of Fond du Lac Municipal Code adopted pursuant to § 125.10, Wisconsin Statutes, and forms the basis for suspension/revocation of the "Class B" and Class "B" licenses issued to North Main Hospitality under § 125.12, Wisconsin Statutes.

WHEREFORE, the City of Fond du Lac asks that the Fond du Lac Alcohol Licensing Commission suspend North Main Hospitality's "Class B" and Class "B" licenses for 90 days or until all payments due under the Agreement are paid and for such other and further relief as is just and equitable in the premises.



Chad P. Wade, Assistant City Attorney
City of Fond du Lac

Date: 1/24/13

CITY OF FOND DU LAC

**CITY OF FOND DU LAC,
A Wisconsin Municipal Corporation,**

Petitioner,

vs.

STIPULATION

**NORTH MAIN HOSPITALITY LLC
dba RAMADA PLAZA HOTEL
KIRIT PANSURIA, AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

Respondent.

On this 17th day of February, 2012, the Petitioner, the City of Fond du Lac, by City Attorney, Deborah Hoffmann, and the Respondents, North Main Hospitality, LLC, dba Ramada Hotel, and Fine Hospitality Group, LLC, Kirit Pansuria, Agent, hereby agree and stipulate as follows:

1. That, North Main Hospitality, LLC, dba Ramada Hotel, is the license holder of a "Class B" license issued pursuant to Chapter 125, Wisconsin Statutes, and City of Fond du Lac Municipal Code in conformity therewith, for the Ramada Hotel, located at 1 North Main Street, in the City of Fond du Lac, Fond du Lac County, Wisconsin.
2. That the following violations of the City of Fond du Lac Municipal Code have been found at the Ramada Hotel:
 - a. Failure to pay the following fees or taxes to the City of Fond du Lac, calculated as of January 16, 2012:

1. 2010 Real Estate Taxes	\$ 35,558.89
2. 2011 Real Estate Taxes	\$ 114,405.32
3. 2011 Personal Property Taxes	\$ 1,392.93
4. Water and Sewer fees	\$ 32,514.74
5. Room Tax Due	\$ 58,037.39
6. Parking Fees	\$ 34,520.00
<u>TOTAL</u>	<u>\$ 276,429.27</u>

EXHIBIT A

3. That the foregoing are all violations of Fond du Lac Municipal Code, and therefore form the basis for suspension/revocation of the "Class B" license issued to Respondents.
4. That this Stipulation is based upon the foregoing violations, in lieu of a Suspension/revocation hearing before the Alcohol Licensing Committee of the City of Fond du Lac.
5. That the Ramada agrees it owes the City \$271,971.69. Ramada agrees it shall make the following payments: \$60,000 on or before February 17, 2012; \$42,000 on or before May 15, 2012; \$60,000 on or before July 15, 2012; and the remaining balance on or before August 15, 2012.
6. That the Ramada will keep all of its obligations with the City current and in good standing through 2012.
7. That if the Ramada meets the obligations set forth in paragraphs 5 and 6 the City agrees to take the following actions:
 - a. Hold the \$34,520.00 in unpaid parking fees in abeyance;
 - b. Reduce the current outstanding balance for Water and Sewer fees by \$15,050.69;
 - c. Hold the parking fees for 2012 in abeyance; and
 - d. Meet with representatives for the Ramada in December 2012 to discuss waiver of parking fees for 2013.
8. That if the Ramada fails to meet the obligations set forth in paragraphs 5 and 6 the City shall reinstate any and all fees held in abeyance or otherwise adjusted by paragraph 7 above.
9. That unless the Ramada is in compliance with the requirements listed above in paragraphs 5 and 6; the "Class B" license issued to the Ramada will be suspended for a period of thirty (30) days, which will be extended in 30 day increments, until the requirements listed in paragraphs 5 and 6 are remedied.
10. That if the Ramada has not complied with the requirements set out in paragraphs 5 and 6, the Respondents shall deposit the aforementioned license with the Fond du Lac City Clerk on the call of the City. The license will remain in possession of the City Clerk until the suspension has terminated or the Ramada has complied with paragraphs 5 and 6.

Appendix A

Schedule of Payments

February 17, 2012.....	\$60,000
May 15, 2012.....	\$42,000
July 15, 2012.....	\$60,000
<u>August 15, 2012.....</u>	<u>approximately \$60,401</u>
Total.....	approximately \$222,401

North Main Hospitality - Ramada
 Status of Stipulated Agreement January 21, 2013

	Utility Bill	2011 PPTY Tax	2011 RE Tax	2010 RE Tax	Room Taxes*	Parking Fees	Total
due 1/16/12 per agreement	32,514.74	1,392.93	114,405.32	35,558.89	58,037.39	34,520.00	276,429.27
Amounts held in Abeyance	(15,050.69)					(34,520.00)	(49,570.69)
*includes forgiveness of interest							-
	<u>17,464.05</u>	<u>1,392.93</u>	<u>114,405.32</u>	<u>35,558.89</u>	<u>58,037.39</u>	<u>-</u>	<u>226,858.58</u>
Late fees went on 1/19/2012	315.07						315.07
Tax roll transfer penalty	2,520.13						2,520.13
Interest/Penalty Feb payment			333.93	452.12			786.05
Interest/Penalty May payment			2,377.36				2,377.36
Interest/Penalty Oct 2 payment			3,568.29				3,568.29
Interest/Penalty if paid by 10/31/12			3,522.00				3,522.00
Fire protection adjustment	(1,489.27)						(1,489.27)
Payments							
2/20/2012		1,392.93	22,596.06	36,011.01			60,000.00
5/25/2012			42,000.00				42,000.00
9/19/2012			30,000.00				30,000.00
10/2/2012-Returned NSF	389.16		29,610.84				30,000.00
10/15/2012 Returned NSF	(389.16)		(29,610.84)				(30,000.00)
10/22/2012 Wire payment	389.16		29,610.84				30,000.00
	<u>18,420.82</u>	<u>-</u>	<u>0.00</u>	<u>(0.00)</u>	<u>58,037.39</u>	<u>-</u>	<u>76,458.21</u>
Penalty & Interest on Room Tax thru January, 2013					9,309.00		9,309.00
Water/Sewer Adj	15,050.69						15,050.69
Ramp fees						27,520.00	27,520.00
2012 Ramp Fees-Through December						19,200.00	19,200.00
Utility Bill Due 10/18/12	32,738.47						32,738.47
Utility Bill Due 1/18/13	9,796.01						9,796.01
	<u>76,005.99</u>	<u>-</u>	<u>0.00</u>	<u>(0.00)</u>	<u>67,346.39</u>	<u>46,720.00</u>	<u>190,072.38</u>
Reconciliation to #9 on Complaint							
Utility Bill to 2012 Tax Roll	33,471.51						33,471.51
Portion of tax bill due 1/31/13							
	<u>42,534.48</u>	<u>-</u>	<u>0.00</u>	<u>(0.00)</u>	<u>67,346.39</u>	<u>46,720.00</u>	<u>156,600.87</u>

Note: Above does not include real estate and personal property tax bills with installments due 1/31/2013

EXHIBIT B

**CITY OF FOND DU LAC
ALCOHOL LICENSING COMMITTEE**

**CITY OF FOND DU LAC,
a Wisconsin Municipal Corporation,**

v

SUMMONS

**NORTH MAIN HOSPITALITY LLC
dba RETLAW HOTEL
KIRIT PANSURIA, REGISTERED AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

SUMMONS

THE STATE OF WISCONSIN:

To each person named above as a Defendant:

YOU ARE HEREBY NOTIFIED AND COMMANDED to appear before the Alcohol Licensing Committee on Monday, January 28, 2012, at 4:00 p.m. at the Council Chambers, 160 S. Macy Street, Fond du Lac, Wisconsin, to show cause why your "Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License no. 12-003283 should not be suspended.

If you fail to appear before the Alcohol Licensing Committee on the above date and place, the allegations above shall be taken as true and your license may be not be renewed.

In addition to any other procedural due process rights that may attach, you are hereby afforded the following:

1. Notice of the hearing as stated above: Monday, January 28, 2012 at 4:00 p.m., at the Council Chambers, 160 S. Macy Street, Fond du Lac, Wisconsin.
2. Opportunity to examine, at and prior to the hearing, all documents and records to be used by the City Council; such documents will be open to examination upon reasonable notice to the Fond du Lac Police Department at 126 N. Main Street, Fond du Lac, Wisconsin.
3. Opportunity to present and argue your own case or have an attorney of your choice present and argue your case; legal counsel, if desired, must be provided at your own expense.
4. Opportunity to bring witnesses to testify on your behalf (if subpoenas are necessary, you may obtain subpoenas from the Fond du Lac Clerk of Courts office.)
5. Opportunity to establish all pertinent facts and circumstances.

6. Opportunity to question or refute any testimony or evidence, including the right to cross-examine adverse witnesses.

7. Opportunity to request a written transcript of the hearing at your expense.

The quasi-judicial hearing will be recorded.

ISSUED at Fond du Lac, Wisconsin, this 21st day of January 2013.

FOND DU LAC CITY ATTORNEY'S OFFICE

By: Chad Wade
Chad Wade
Assistant City Attorney
State Bar No. 1070906

City of Fond du Lac
City Attorney's Office
160 S. Macy Street
P O Box 150
Fond du Lac, WI 54936-0150
(920) 322-3424

**CITY OF FOND DU LAC
ALCOHOL LICENSING COMMITTEE**

**CITY OF FOND DU LAC,
a Wisconsin Municipal Corporation,**

v
**NORTH MAIN HOSPITALITY LLC
dba RETLAW HOTEL
KIRIT PANSURIA, REGISTERED AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

COMMITTEE REPORT

The hearing in the matter was heard on January 28, 2013. Witnesses were called by both parties. The undersigned members, being a quorum of the ALC, attended the hearing and deliberations. What follows are the Committee's Findings of Fact, Conclusions of Law and Action Recommendation.

FINDINGS OF FACT

The City's allegations about the unpaid and outstanding amounts owing are true and correct. (The city's complaint is attached hereto as exhibit A.) North Main did not dispute that the City's complaint was true. Meyer made a motion which was seconded by Osterholm that the facts as presented were true and the numbers were accurate. The motion passed by a vote of 5 – 0.

CONCLUSIONS OF LAW

The failure by North Main to pay the amounts owing is not a violation of the law. The ALC believed that the language from the ordinance that stated "No license shall be granted to any person who or premises for which taxes, assessments or other claims of the city are delinquent and unpaid" referred only to the grant of the license and that it did not apply to an action to suspend a license because the ordinance was not specific that it also applied to a suspension. Motion made by Osterholm and second by Hopper that North Main violated the ordinance based upon exhibit 1, number 7 and exhibit 2, number 7. During deliberations sections of the Wisconsin Statutes and the city ordinances relating to this proceeding were read to the ALC. After a roll call vote, the motion failed by a vote of 1 – 4.

ACTION RECOMMENDATION

The ALC recommends that no action be taken due to the fact that it does not believe that North Main was in violation of the law which would allow the city to seek suspension of North Main's alcohol beverage licenses. The motion was made by Bares and seconded by Lapierre. A motion to amend the motion to add language to it regarding license renewal in July failed. The motion not to recommend suspension passed by a vote of 5 – 0.

Dated this 6th day of March, 2013.

Paul Osterholm /s/
Paul Osterholm, Chair – Alcohol License Committee

**CITY OF FOND DU LAC
ALCOHOL LICENSING COMMITTEE**

**CITY OF FOND DU LAC,
a Wisconsin Municipal Corporation,**

v

**OBJECTION TO
COMMITTEE REPORT**

**NORTH MAIN HOSPITALITY LLC
dba RETLAW HOTEL
KIRIT PANSURIA, REGISTERED AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

The City of Fond du Lac, by Assistant City Attorney, Chad P. Wade, hereby objects to the Committee Report filed by the City Alcohol Licensing Committee (hereinafter the "Committee") with the Fond du Lac City Clerk on March 6, 2013. The City states the following basis for objection to the Committee Report:

FINDINGS OF FACT

1. The Committee received testimony at hearing that North Main Hospitality was prepared to make the property tax payment that was due January 31, 2013 by the deadline.
2. The amount due on January 31, 2013 for Real Estate Taxes including special assessments and charges was \$49,492.58.
3. A check was received in the amount of \$14,121.07 which was equal to half of the full Real Estate Tax portion of the tax bill. This payment was inadequate and caused the remaining amount to begin accruing penalties and interest.
4. The \$14,121.07 check was returned for insufficient funds on or around February 14, 2013.
5. Subsequently, North Main Hospitality made good on the \$14,121.07 payment on February 19, 2013.
6. The remaining \$49,492.58 plus penalties and interest continues to be due and owing as of March 4, 2013.

CONCLUSIONS OF LAW

7. The Committee determined that North Main Hospitality's outstanding debts were not a violation of the City's Alcohol Licensing Ordinance and, therefore, were not grounds for suspension of the License.

8. The Stipulation between the City and North Main Hospitality stated “the foregoing are all violations of Fond du Lac Municipal Code, and therefore form the basis for suspension/revocation”
9. Based on North Main Hospitality’s admission, the Committee’s conclusion that there was no violation of the ordinance was in error.
10. Under §125.12(4)(ag)(6) Wis. Stats. a license may be revoked or suspended if the licensee “does not possess the qualifications required under this chapter to hold a license.”
11. Further, §125.10 authorizes the City to adopt regulations regarding the sale of alcoholic beverages including minimum qualifications for holding a license.
12. The City has adopted many regulations under this provision including Chapter 12.03(5), which establishes payment of all taxes, assessments, or other claims of the City as a minimum qualification for a license.
13. North Main Hospitality does not meet the minimum qualifications to hold a license because of its outstanding debts to the City.
14. The Committee erred by not considering whether North Main Hospitality was in violation of §125.12(4)(ag)(6).

ACTION RECOMMENDATION

15. Based on the above objections the City requests that North Main Hospitality’s Class “B” and “Class B” alcohol licenses be revoked.



Chad P. Wade, Assistant City Attorney
City of Fond du Lac

Date: 3/6/13

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: March 6, 2013
To: City Council
From: Chad P. Wade, Assistant City Attorney/HR Manager *CPW*
Re: City Objection to Alcohol Licensing Committee Report on North Main Hospitality

The Council agenda includes the City's objection to an Alcohol Licensing Committee (ALC) report regarding the alcohol licenses held by North Main Hospitality d/b/a Retlaw Hotel (North Main). For the reasons set out in this memo, the City is asking that the Council revoke North Main's alcohol licenses.

Background

A complaint was filed with the ALC against North Main seeking suspension of its Class "B" and "Class B" alcohol licenses. The basis for the complaint was North Main's failure to meet the terms of an agreement with the City for payment of overdue taxes, fees, and other charges.

A hearing was held on January 28, 2013 before the ALC. The ALC concluded that the facts as set forth in the City's Complaint were true and accurate, but that the facts did not constitute a violation of the City's alcohol licensing ordinance because the ordinance only limits the "granting" of a license when past due taxes, assessments, and fees are owed. It does not authorize the suspension of a license for failure to pay these amounts.

Based on this conclusion the ALC recommended no suspension of North Main's liquor licenses and issued a Committee Report in conformance with that decision. The City has filed an objection to that report claiming that the ALC incorrectly applied the law in determining that there was no legal basis to suspend the license. The City has also objected on the basis that certain statements made during testimony at the hearing were inaccurate.

Legal Basis for Objection

The City raises two objections to the ALC's Conclusions of Law. First, the City believes it was an error for the ALC to conclude that the facts alleged in the complaint were not a violation of the ordinance. The question of whether North Main had violated the City ordinance was not truly at issue. The agreement North Main entered into with the City explicitly states, "the foregoing are all violations of Fond du Lac Municipal Code, and therefore form the basis for suspension/revocation."

In other words, North Main admitted prior to the hearing that the amounts owed to the City were a violation of the ordinance and could form the basis for suspension or revocation of the license. During the hearing, North Main never challenged that admission or claimed that it was not in violation of the ordinance. The ALC's conclusion that there was no legal basis to suspend or revoke the licenses ignored this fact and is inconsistent with the evidence that was produced at the hearing.

Second, the City objects to the ALC's failure to consider Wisconsin Statutes §125.12(4)(ag)(6) when determining that there was not a legal basis for suspension/revocation. Wisconsin Statutes §125.12(4)(ag)(6) states that a license may be revoked if the license holder no longer possesses the qualifications to hold a license. Under City Ordinance 12.03(5), a minimum qualification to have a license issued is no delinquent taxes or debts to the City. This ordinance was adopted under the authority granted to municipalities in the State alcohol licensing statutes. Wis. Stats., § 125.10.

The City believes that North Main no longer meets the minimum qualifications to hold a license under the City ordinance adopted pursuant to Wisconsin Statutes § 125.10. Further, because North Main no longer meets the minimum qualifications to be issued a license, suspension/revocation is allowed under Wisconsin Statutes §125.12(4)(ag)(6). The ALC did not consider this statutory section when it determined that there was no legal basis for suspension/revocation.

Based on the above analysis, the City contends that there is adequate legal basis for the suspension or revocation of North Main's alcohol licenses.

Inaccurate Statements Made at Hearing

At the hearing the ALC heard testimony regarding North Main's 2012 property tax bill. A representative of North Main indicated that the first installment of 2012 real estate tax bill would be paid on time. That payment included a large amount of unpaid utility bills that had been rolled on to the tax bill pursuant to state statute and other charges. A check was received from North Main, but it did not include the amount due for utility bills.

On February 14, 2013 it was returned for insufficient funds. North Main corrected the bad check on February 19, 2013. Under state law, the payment received had to be applied to the outstanding utility fees before it could be applied to the real estate taxes. As a result, North Main is now in default on its 2012 real estate taxes and currently owes \$212,154.08. An updated version of Exhibit 4 from the ALC hearing is attached to this memo.

Recommendation

Based on these additional facts the City's recommendation has changed. North Main has made little effort to address these deficiencies and has allowed the amount owed to the City to increase. Therefore, the City is requesting that North Main's licenses be revoked.

North Main Hospitality - Ramada

Status of Stipulated Agreement March 6, 2013

	Utility Bill	2011 PPTY Tax	2011 RE Tax	2010 RE Tax	Room Taxes*	Parking Fees	Total
due 1/16/12 per agreement	32,514.74	1,392.93	114,405.32	35,558.89	58,037.39	34,520.00	276,429.27
Amounts held in Abeyance	(15,050.69)					(34,520.00)	(49,570.69)
*includes forgiveness of interest							-
	17,464.05	1,392.93	114,405.32	35,558.89	58,037.39	-	226,858.58
Late fees went on 1/19/2012	315.07						315.07
Tax roll transfer penalty	2,520.13						2,520.13
Interest/Penalty Feb payment			333.93	452.12			786.05
Interest/Penalty May payment			2,377.36				2,377.36
Interest/Penalty Oct 2 payment			3,568.29				3,568.29
Interest/Penalty if paid by 10/31/12			3,522.00				3,522.00
Fire protection adjustment	(1,489.27)						(1,489.27)
<u>Payments</u>							
2/20/2012		(1,392.93)	(22,596.06)	(36,011.01)			(60,000.00)
5/25/2012			(42,000.00)				(42,000.00)
9/19/2012			(30,000.00)				(30,000.00)
10/2/2012-Returned NSF	(389.16)		(29,610.84)				(30,000.00)
10/15/2012 Returned NSF	389.16		29,610.84				30,000.00
10/22/2012 Wire payment	(389.16)		(29,610.84)				(30,000.00)
	18,420.82	-	-	-	58,037.39	-	76,458.21
<u>2012 Real Estate Tax Bill</u>							
DelinqWater/Sewer to Tax Roll	(33,471.51)						(33,471.51)
2012 Real Estate Taxes		28,242.14					
Delinquent Water/Sewer		33,471.51					
Business Improvement District Pmt		1,900.00					
Subtotal		63,613.65					
Interest/Penalty		954.20					
Payment 2/19/2013		(14,121.07)					
Interest/Penalty Through March		745.52					
2012 Real Estate Tax Bill Balance		51,192.30					51,192.30
Penalty & Interest on Room Tax thru March, 2013					10,469.91		10,469.91
Water/Sewer Adj	15,050.69						15,050.69
Ramp fees						27,520.00	27,520.00
2012 Ramp Fees-Through December						19,200.00	19,200.00
2013 Ramp Fees						3,200.00	3,200.00
Utility Bill Due 10/18/12	32,738.47						32,738.47
Utility Bill Due 1/18/13	9,796.01						9,796.01
	42,534.48	51,192.30	-	-	68,507.30	49,920.00	212,154.08

North Main Hospitality LLC- Retlaw

Balance Due 3/6/13

Utility Bill	2012	Room Taxes			Total	
	Real Estate Tax Bill*	Tax	Late Fees	Parking Fees		
42,534.48	49,701.26	58,037.39	10,469.91	49,920.00	210,663.04	
Interest & Penalty-1.5%/month						
3/1/2013	1,491.04				1,491.04	
Balance Due 3/6/13	42,534.48	51,192.30	58,037.39	10,469.91	49,920.00	212,154.08

Next quarterly utility bill will be due in April

Real estate tax interest and penalty will increase \$745.52 the 1st of each month that no payment is received

Parking fees are \$1,600/month

Room tax late fees are retained by the City

*Real estate taxes, interest & penalties are due to the County Treasurer

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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

