

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

April 10, 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. A Proclamation Recognizing Fair Housing Month
- B. A Proclamation Declaring April As "Alcohol Awareness Month"

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

March 27, 2013 Regular City Council Meeting

March 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 April 3, 2013
Subject: List Of Claims - Items Paid By The City

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

- B. City Clerk Dated April 4, 2013
Subject: Change of Agent "Class B" Combination License

Name: Michael Benson
Residence Address: 57 Elm Tree Lane
Fond du Lac, WI
d/b/a: Fond du Lac Yacht Club
Location: 705 Mohawk Avenue

(Proposed Action: **Approve**)

- C. City Attorney, Dated April 4, 2013
Subject: Claim Margaret Diedrich

(Proposed Action: **Deny**)

- D. City Attorney, Dated April 4, 2013
Subject: Claim Sandra Stahl

(Proposed Action: **Deny**)

- E. City Attorney, Dated April 4, 2013
Subject: Claim BBL Real Estate LLC v. Fond du Lac (2011 Pending)

(Proposed Action: **Deny**)

- F. City Attorney, Dated April 4, 2013
Subject: Claim JMK LLC v. Fond du Lac

(Proposed Action: **Deny**)

- G. City Attorney, Dated april 4, 2013
Subject: Claim Walgreens v. Fond du Lac

(Proposed Action: **Deny**)

H. Director Of Public Works
Subject: Re-Organization Of The Transit Department

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

9. REPORTS OF COMMITTEES

10. PETITIONS OR COMMUNICATIONS

11. RESOLUTIONS

A. Introduction City Manager

Resolution No. 8393

Subject: A Resolution Confirming Appointments To Various
Boards And Commissions

(Effect: Confirm Appointments To Fond du Lac Public Library,
Housing Authority Board, And Police And Fire Commission)

(Initiator: City Manager)

B. Introduction Community Development Director

Resolution No. 8394

Subject: A Resolution Authorizing Development Agreement With
Garten Factory LLC

(Effect: Authorize Proper City Authorities To Enter In To An
Agreement With Garten Factory LLC For 26 South
Brooke Street)

(Initiator: Community Development Director)

C. Introduction Redevelopment Planner

Resolution No. 8395

Subject: A Resolution In Support Of The Expansion Of The State
Historic Preservation Tax Credit

(Effect: Support The Proposed Legislation To Expand The State
Historic Preservation Tax Credit)

(Initiator: Redevelopment Planner)

D. Introduction City Attorney/Human Resources Director

Resolution No. 8396

Subject: A Resolution Amending The Employee Handbook

(Effect: Amend The Employee Handbook To Add The City's Values
And Mission Statement To The Handbook And Clarify The
Holiday Policy)

(Initiator: City Attorney/Human Resources Director)

12. ORDINANCES

A. Introduction City Engineer

Ordinance No. 3512

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Designate As A One-Way Street In Accordance With Code Of Ordinances Section 7.04 And Schedule D)

(Location: Alley, East Of Brooke Street And West Of Harrison Place, With Ingress At Forest Avenue And Egress At West Second Street, Southbound)

(Initiator: Patrick Merklin, 120 Harrison Place)

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

B. Introduction City Engineer

Ordinance No. 3513

Subject: An Ordinance Amending Chapter 7, Traffic Code

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

(Location: S. Main St., East Side, From The North Right Of Way Of Guindon Blvd., North 40 Feet)

(Initiator: Neil Delorme, 155 Guindon Blvd)

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

C. Introduction City Engineer

Ordinance No. 3514

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Parking Prohibited at All Times in accordance with Code Of Ordinances Section 7.05(1) and Schedule E)

(Location: Sheboygan St., North Side, From The West Right Of Way Of South Marr Street, West 135 Feet)

(Initiator: Windhover c/o Tom Meiklejohn)

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

D. Introduction Fire Chief

Ordinance No. 3515

Subject: An Ordinance Amending Chapter 5, Fire Protection Code

(Effect: Fire Protection Third Party Reporting)

(Initiator: Fire Chief)

13. MISCELLANEOUS

Items In This Category Must Be Noticed On The Agenda.

14. SUCH OTHER MATTERS AS ARE AUTHORIZED BY LAW

15. PUBLIC COMMENTS

16. ADJOURN



Fond du Lac City Council Meeting Agenda

ORDER OF BUSINESS

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

7:00 pm

Apr. 10, 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 MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN**

March 27, 2013
7:00 P.M.

Legislative Chambers
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

REGULAR AGENDA

CALL TO ORDER

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

Absent - Jim Sabel (excused)

Administrative Staff - Joe Moore, City Manager
Wayne Rollin, Dir of Comm Dev
Dyann Benson, Redevelopment Planner
Chad Wade, Assistant City Attorney
Jordan Skiff, Dir of Public Works
Paul De Vries, City Engineer
Jon Mark Bolthouse, Library Direct
Bill Lamb, Chief of Police
Randy Cunzenheim, Asst. Fire Chief
of Training

Council Vice-President Vande Zande declared a quorum present.

PLEDGE OF ALLEGIANCE AND REFLECTION

Pledge of Allegiance was recited.

A moment of silent was observed.

Letter of resignation for Jim Sabel was read into the record by
City Manager, Joe Moore.

COUNCIL PRESIDENT PRESENTATIONS

Vice-President Vande Zande presented a proclamation to Shannon
Rolf, State Program Specialist, Corporation for National &
Community Service (CNCS), Mike Bonertz, Executive Director
Advocap, Inc. (Foster Grandparent Program, Retired Senior

CITY COUNCIL MINUTES

March 27, 2013

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Volunteer Program & AmeriCorps), Deb Tauer, Volunteer Services Director Advocap, Kellie Kohlmann, AmeriCorps member and Pam Sippel, Site Supervisor of the Fond du Lac Boys & Girls Club, recognizing April 9, 2013 as Mayors Day of Recognition for National Service.

PUBLIC HEARINGS

CONSTRUCTION OF STREET LIGHTING, STORM SEWER, STORM SEWER LATERALS, GRADE AND GRAVEL, CURB AND GUTTER, PERMANENT-TYPE PAVEMENT AND DRIVE WAY APPROACH

Auburn Street From Brooke Street Westerly 420 Feet To Packer Street

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

Spoke in Support of Resolution No. 8328:

Resident:

Debra Nell, 222 Auburn St., Fond du Lac

Dan Nell, 222 Auburn St., Fond du Lac

Van Yang, 223 Auburn St., Fond du Lac

Spoke in Regards of Resolution No. 8328:

Resident:

Ron Boda, 440 Satterlee St., Fond du Lac

Did not Speak: In Support of Resolution No. 8328:

Resident:

Chad Neas, 216 Auburn St., Fond du Lac

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

CONSTRUCTION OF CURB AND GUTTER

Kaye Street From East Eleventh Street To East Thirteenth Street

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.

CITY COUNCIL MINUTES

March 27, 2013

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Introduction Community Development Director

Resolution No. 8392

Subject: A Resolution Vacating And Discontinuing Kaeding Lane &
A Portion of Merwin Way

(Effect: Approve Vacation And Discontinuance Of Kaeding Lane And
Portion Of Merwin Way)

(Plan Commission Recommendation: **Approve**)

(File No. 2013-049

Motion made by Councilperson Lorrigan to **approve**
Resolution No. 8392.

Seconded by Councilperson Burroughs.

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

Nay - None

Carried.

ORDINANCES

Introduction Community Development Director

Ordinance No. 3511

Subject: A Zoning Ordinance

(Effect: Rezone 2.76 Acres Of Vacant Land From M-2
Manufacturing)To B-5 (Special Commercial)

(Location: 311 West Rolling Meadows Drive)

(Initiator: Love's Travel Stops & Country Stores, Inc.)

(Plan Commission Recommendation: **Approve**)

(File No. 2013-050

Motion made by Councilperson Miller to **approve**
Ordinance No. 3511.

Seconded by Councilperson Lunde-Ross.

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

Nay - None

Carried.

MISCELLANEOUS

Councilperson Miller requested that an update on the status of the
Retlaw Plaza be given at every City Council meetings.

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:

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: April 3, 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 March 16, 2013 through March 29, 2013 for all funds total \$665,821.99. 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: April 4, 2013
To: City Council
From: Sue L. Strands, City Clerk
Re: Change of Agent "Class B" Combination License

We have received application for the following change of agent:

<u>NAME</u>	<u>RESIDENCE ADDRESS</u>	<u>LOCATION OF PREMISES</u>
Michael Benson	57 Elm Tree Ln Fond du Lac, WI 54935	Fond du Lac Yacht Club 705 Mohawk Dr

Fond du Lac Police Department MEMO



To: City Manager Joe Moore
From: Chief Lamb
RE: *Change of Agent Fond du Lac Yacht Club*
Date: 04-03-13

The Fond du Lac Yacht Club, located at 705 Mohawk Dr, has applied for a change of agent of its Class B Combination License. Mr. Michael Benson will be the licensed agent for this establishment. Background checks conducted on Mr. Benson both in-house and NCIC/CIB, indicate no prior criminal history that would preclude the issuance of the change of agent request. The Police Department has no objections to the change of agent request.

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 of Fond du Lac County of Fond du Lac
 City

The undersigned duly authorized officer(s)/members/managers of FOND DU LAC YACHT CLUB
(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
FOND DU LAC YACHT CLUB INC.
(trade name)

located at 705 MONAUK DR

appoints MICHAEL BENSON
(name of appointed agent)

57 Elm Tree Ln. Fdl WI. 54935
(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? 39 years

Place of residence last year SAME

For: Fond du Lac YACHT CLUB
(name of corporation/organization/limited liability company)

By: Jayna J. Giesbrecht
(signature of Officer/Member/Manager)

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

ACCEPTANCE BY AGENT

I, Michael Benson, hereby accept this appointment as agent for the
(print/type agent's name)

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

Michael Benson 3-5-13 Agent's age [Redacted]
(signature of agent) (date)

57 Elm Tree Lane Fdl WI. 54935 Date of birth [Redacted]
(home address of agent)

**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 04/03/13 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)		(first name)		(middle name)	
Benson		MICHAEL		PHILIP	
Home Address (street/route)	Post Office	City	State	Zip Code	
57 Elm Tree Ln	Fdl	Ford Du Lac	WI	59955	
Home Phone Number	Age	Date of Birth	Place of Birth		
920-923-1955					

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.

_____ of FDL YACHT CLUB
(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? 39 years

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 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 <u>Fdl County</u>	Employer's Address <u>Fdl</u>	Employed From <u>June 12</u>	To <u>Present</u>
Employer's Name <u>ST of WI</u>	Employer's Address <u>WI</u>	Employed From <u>9-14-84</u>	To <u>10-12-12</u>

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

Subscribed and sworn to before me

this 15TH day of MARCH, 2013
[Signature]
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires _____



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Wisconsin Department of Revenue

**CITY OF FOND DU LAC
OPERATOR'S LICENSE**

No. 291

To sell Fermented Malt Beverages, Wines & Intoxicating Liquors.

This is to certify, that the City Clerk of the City of Fond du Lac, WI, under authority of the City Council of said City, has granted to

Name Michael Benson

Address 57 Elm Tree Ln Fond du Lac WI

an Operator's License, which authorizes above named person to sell and serve Fermented Malt Beverages, Wines, and Intoxicating Liquors in any place operated under a Class A or B Fermented Malt Beverages and/or Class A or B Liquor License, in the City of Fond du Lac, Wisconsin, for a term ending on the 30th day of June, 2013.

This license is granted pursuant to Sections 125.17, Wisconsin Statutes.

IN WITNESS WHEREOF, the City Clerk of the City of Fond du Lac, WI, has duly signed these presents and affixed the Corporate Seal of said City the 12th day of August, 2011.


Deputy City Clerk

CITY OF FOND DU LAC - Memorandum

City Attorney

Date: April 4, 2013

To: City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Denial of Claim – Margaret Diedrich

The City received a claim for damage to home from backup. Our Claims adjuster has investigated this claim and recommends denial. Based on the investigation, the City uses reasonable care and discretion in monitoring their lines to prevent backups. No negligence was found. The lines are routinely monitored and there were no known issues prior to this incident.

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

CITY OF FOND DU LAC - Memorandum

City Attorney

Date: April 4, 2013

To: City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Denial of Claim – Sandra Stahl

The City received a claim for damage to a vehicle. Our Claims adjuster has investigated this claim and recommends denial. Based on the investigation, the adjuster found there is no evidence that the City is responsible for the damage.

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

CITY OF FOND DU LAC - Memorandum

City Attorney

Date: April 4, 2013

To: City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Denial of Claims – BBL Real Estate LLC/Lenz Sales & Service

The City received claims for excessive assessments for the following parcels:

BBL Real Estate LLC	FDL-15-17-16-43-508-01
BBL Real Estate LLC-	FDL-15-17-16-43-511-01
740 S. Military Road LLC	FDL-15-17-16-43-512-01
724 S. Military Road LLC	FDL-15-17-16-43-510-00

Our Claims adjuster has investigated these claims and recommends denial. Further, our insurance company has retained outside defense counsel to represent the City's interests in this matter. He will continue to monitor the case and defend the City.

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

CITY OF FOND DU LAC - Memorandum

City Attorney

Date: April 4, 2013

To: City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Denial of Claim – JMK LLC

The City received a claim for excessive assessment for JMK LLC

Our Claims adjuster has investigated these claims and recommends denial. Further, our insurance company has retained outside defense counsel to represent the City's interests in this matter. He will continue to monitor the case and defend the City.

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

CITY OF FOND DU LAC - Memorandum

City Attorney

Date: April 4, 2013

To: City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Denial of Claim – Walgreens

The City received a claim for excessive assessment for Walgreens.

Our Claims adjuster has investigated these claims and recommends denial. Further, our insurance company has retained outside defense counsel to represent the City's interests in this matter. He will continue to monitor the case and defend the City.

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

RESOLUTION NO. 8393

**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>Fond du Lac Public Library Board</u>	<u>Beginning</u>	<u>Ending</u>
Melissa J. Kolstad	07/01/2013	06/30/2016
<u>Housing Authority Board</u>		
Anthony J. Roden	05/01/2013	11/10/2017
<u>Police and Fire Commission</u>		
Martin S. Ryan	05/01/2013	04/30/2018

ADOPTED:

Rob Vande Zande, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed BSRM

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

Name of Board, Commission or Committee
Fond du Lac Public Library Board

Date **January 30, 2013**

Full Name
Melissa J. Kolstad

Address

[REDACTED]

Occupation
Artist

Employer
Self-employed

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

E-Mail Address: mel@kolstad.net Cellular Phone [REDACTED]

Are you currently a resident of Fond du Lac? Yes No No. of Years: 16

Education: Bachelor's Degree from the University of Wisconsin-Green Bay, Communication Processes

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
		Tour the Town Art Walk	2
		Fond du Lac Visual Arts	2
		Fond du Lac Community Theatre	1

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

Since moving to Fond du Lac in 1996, I have used the library countless times for many reasons. In the past year, I have utilized the Langdon Divers Gallery for a solo exhibit ("My Downtown"); I've collaborated with the circulation desk to gather items for my "Detritus Project" collage, which now hangs on the first floor; I've begun tutoring with Fond du Lac Literacy Services and I've attended the monthly artist's receptions. I gave a talk at the Money Smart Series in April of 2012, and taught a "Crafternoon" in October of last year. I also attended the wine tasting in November, which benefited the library.

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

Besides my work with Fond du Lac Literacy Services and promoting (and attending) the monthly artists' receptions in the Langdon Divers Gallery, I will continue to find ways for artists to use the library as an incubator space. I have worked with Library as Incubator Project (<http://www.libraryasincubatorproject.org>) regarding this collaboration. I will also provide my services for one of the Crafternoon sessions, free of charge. I will also continue to promote the library's myriad uses via social media outlets.

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

Housing Authority Board

MAR. 22, 2013

Name of Board, Commission or Committee

Date

Anthony J. Roden

Full Name

Address

Retired Rehabilitation Specialist

Occupation

City of Fond du Lac (Retired)

Employer

18 Years of Age or Older? Yes No

Home Phone

Business Phone

N/A

E-Mail Address: ajquest@charter.net

Cellular Phone

N/A

Are you currently a resident of Fond du Lac? Yes No

No. of Years:

66

Education: WSU - Oshkosh / Moline Park

List potential conflicts of interest: none

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
Redevelopment Authority Board	12.5	Wisconsin Car Club Alliance Pres. 8x	13. *
St. Marys Bldg & Grounds Chairman	6.	Senior Center Site & Bldg Committee	1
* Jondy Vintage Auto Club Pres. 12x	27.	Historical Preservation Commission ^{Vice Chair}	1 *

* Presently active

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

Working for four years for the Housing Authority as its Modernization Coordinator gave me a good working background of its operation. The projects I was involved in included the family housing units, and the multiple story units. I was involved in commercial and residential modernization projects while with the Housing Authority.

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

I have found that retirement affords more time to dedicate to public service. Retirement gives me the opportunity to give back to the community that has been so good to me.

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. **Please note** any information you do not wish published here.

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

Police and Fire Commission
Name of Board, Commission or Committee

3/26/2013
Date

Martin S. Ryan
Full Name

[REDACTED]
Address

Prosthetist/Executive
Occupation

Actra O&P
Employer

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

E-Mail Address: martysryan@gmail.com Cellular Phone [REDACTED]

Are you currently a resident of Fond du Lac? Yes No No. of Years: 30

Education: St Ambrose University, Northwestern University Medical School Prosthetic program

List potential conflicts of interest: none to my knowledge

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
Planning Commission	5	Noon Rotary	15
Redevelopment Authority	4	Fishing Has No Boundaries	10
FCEDC	7	United Way	6

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

I have a solid base in personnel practices and employee relations from both my civic duties as well as my business activities.

If selected, I would like to work towards bettering the community through my service in the following ways:
By being an active member of the Board, by taking the time to be prepared as well as an interest to serve,
I will be open and honest in my dealings as a member of the Commission.

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

RESOLUTION NO. 8394

**A RESOLUTION AUTHORIZING DEVELOPMENT
AGREEMENT WITH GARTEN FACTORY LLC**

WHEREAS, the City of Fond du Lac has entered into an agreement with Wells Manufacturing L.P. to acquire certain lands located at 26 South Brooke Street, and

WHEREAS, the City of Fond du Lac originally planned to demolish the existing buildings and cap the site in conformance with a No Further Remediation Letter issued by the DNR, and

WHEREAS, Garten Factory LLC has expressed an interest in developing the site into a mixed-use commercial development, and

WHEREAS, the City would use funds previously dedicated to the originally planned demolition to finance selective demolition, building restoration, environmental remediation, capping and paving portions of the site and similar work, and

WHEREAS, after completing this work the City will convey the property to Garten Factory LLC to be developed in substantial conformance with the attached map, and

WHEREAS, the parties are negotiating an agreement to control the liability for any environmental contamination that may exist on the lands covered by the agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the proper City officials are hereby authorized to take all necessary steps to complete this transaction and enter into an agreement with Garten Factory LLC to develop the property located at 26 South Brooke Street.

ADOPTED:

Rob Vande Zande, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed *DSRM*

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: April 4, 2013

To: Joe Moore, City Manager

From: Wayne Rollin, Community Development Director

Re: Redevelopment of 26 South Brooke Street

We have an exciting opportunity to redevelop the Wells property along Brooke Street. Under our existing agreement with Wells, the City will take ownership of the property this summer after Wells completes the move to their expanded facility on Rolling Meadows Drive. Given the age and configuration of this obsolete manufacturing complex and some environmental issues, we had planned to demolish the structures and cap the site, hoping to eventually redevelop it. Instead, we have a local firm proposing to reutilize the property in a way which will transform the area.

Commonwealth Development (the Garten Factory, LLC) proposes to create the “Garten Factory”, a mixed-use redevelopment. The attached concept plan depicts the proposal. The northern part of the Wells complex would be demolished, leaving part of the exterior wall in place to serve as a brick fence along Division and Brooke Streets. The buildings on the south end would be kept in place. These buildings would be repurposed as offices for Commonwealth’s housing, construction and landscape companies, as well as potential other uses. The northern part of the site (behind the brick wall) would be converted into a plant materials yard for the landscape company. The central part would contain greenhouses, a parking lot and a retail garden center, open to Brooke Street behind a wrought-iron fence. Construction equipment would be stored on the parking lot north of Division Street. The existing Wells parking lots on the east side of Brooke Street would serve as employee and additional customer parking.

Because of the existing underground environmental contamination from former industrial operations, DNR requires that the site remain capped. This is a very common approach and prevents water from infiltrating the site and potentially spreading the contaminants. Right now, the site is capped by the existing buildings and pavement. Our plan after demolition had been to cap the site with clay, topsoil and grass, which is acceptable to DNR. Under this revised plan much of the existing concrete slab would be left in place, and the remainder of the site, including the landscape center, would be capped with asphalt.

RESOLUTION NO. 8395

**A RESOLUTION IN SUPPORT OF THE EXPANSION
OF THE STATE HISTORIC PRESERVATION TAX CREDIT**

WHEREAS, the Federal and State Historic Preservation Tax Credit Program is an important tool to assist with the reinvestment and rehabilitation of historic buildings; and

WHEREAS, there is proposed legislation to increase the State's supplemental Historic Preservation Tax Credit from 5% to 20% which would match the Federal Historic Preservation Tax Credit of 20%; and

WHEREAS, the City of Fond du Lac has a significant number of historic properties, including the North Main Street and South Main Street Historic Districts which are listed on the National Register of Historic Places; and

WHEREAS, the expansion of the State's supplemental Historic Preservation Tax Credit Program improves the financial viability of investing in historic properties and preserving the character of the community; and

WHEREAS, the Historic Preservation Commission supports the expansion of the State's supplemental Historic Preservation Tax Credit Program to provide a resource to further assist with the preservation of the City's historic and architectural resources.

NOW THEREFORE BE IT RESOLVED that the City Council supports the proposed legislation to expand the State Historic Preservation Tax Credit.

ADOPTED:

Rob Vande Zande, President
Fond du Lac City Council

Attest:

City Attorney:

Sue Strands
City Clerk

Reviewed DSRM

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: April 4, 2013
To: Lori Agnew, Executive Assistant
From: Dyann Benson, Redevelopment Planner
Re: Historic Preservation Tax Credit Program

At the March 20, 2013 Historic Preservation Commission meeting, the HPC discussed a proposed legislation by Representative Weininger (R-Green Bay) to expand the existing historic preservation tax credit (HTC) program from 5% to 20%.

The HPC is in support of this legislation and would like to send a letter of support to Representative Thiesfeldt and Senator Gudex regarding this legislation.

A copy of the proposed letter is attached for review. The same letter would be sent to each elected official. In addition, a copy of the press release from Rep. Weininger's office and background information on the potential benefits of expanding the HTC program.

If additional information is required, please let me know.

March 21, 2013

Representative Jeremy Thiesfeldt
52nd Assembly District
Room 16 West
State Capitol
PO Box 8953
Madison, WI 53708

Re: Proposed Historic Tax Credit Legislation

Dear Mr. Thiesfeldt-

This letter is written on behalf of the City of Fond du Lac Historic Preservation Commission in support of proposed legislation sponsored by Representative Weininger (R- Green Bay) that would expand Wisconsin's historic tax credits program.

The reinvestment and rehabilitation of historic buildings is essential to the growth and success of Fond du Lac's downtown. Downtown Fond du Lac has two historic districts, North Main Street and South Main Street, that are a part of the National Register of Historic Places. However, designation alone is not enough to preserve these buildings and encourage reinvestment.

Communities no longer have funds available for grant and loan programs to support rehabilitation and development of these historic properties. The federal and state historic tax credits are a critical resource to encourage not only preservation but reinvestment in our downtown. Increasing the supplemental historic preservation tax credit from 5% to 20% would increase the financial viability of investing in historic properties as well as preserve the character of each community's Main Street and create opportunities for the development and growth of those small businesses that are essential to each community.

The success of an expanded historic preservation tax credit program will be dependent on the Wisconsin Historical Society's continued timely review and approval of these projects. Staff's ability to effectively and efficiently review each historic tax credit project will be a key part of enabling a redevelopment project to stay on schedule and on budget.

The proposed legislation will enable the State of Wisconsin to compete on the same level as adjoining states that have already adopted or are looking to adopt higher supplemental historic tax credit matches. It will also provide the means to help preserve historic buildings, reinvestment in our downtown and encourage further economic development within our community.

Regards,

Lisa Pauly
Chair
Historic Preservation Commission

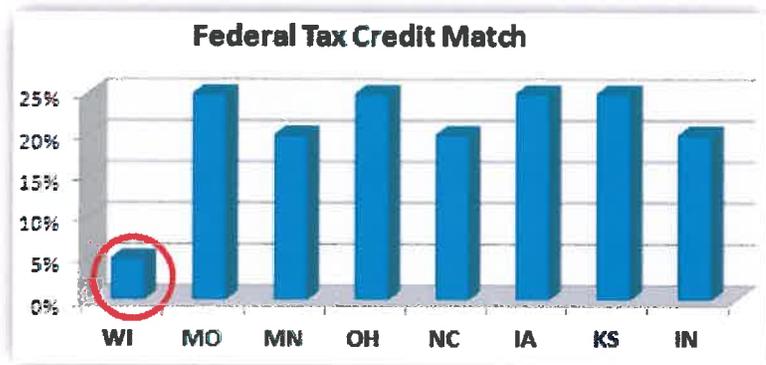


HTC ENHANCEMENT FOR GREEN BAY & WISCONSIN: A 20/20 FOCUS ON ECONOMIC DEVELOPMENT

In the struggle to attract tourism, talent and investment, a city's historic buildings represent one of its key competitive advantages. Together with a city's roads, bridges and parks, these buildings represent the sum-total sunken investment of past generations – investments that must be continually maintained, improved and leveraged for older cities to remain competitive.

Like many downtowns throughout the state however, Downtown Green Bay contains a number of threatened historic buildings whose economic and cultural value is not being maximized. More ominously, many of these structures face an uncertain future due to the need for expensive renovations that currently cannot be supported by prevailing market rents. Many of these structures remain in a financial Catch 22: too expensive (and/or land-locked) to tear down and rebuild, and too expensive to renovate without major developer incentives. Too often, the result is neglect and decay resulting in a drag on the city's overall investment climate.

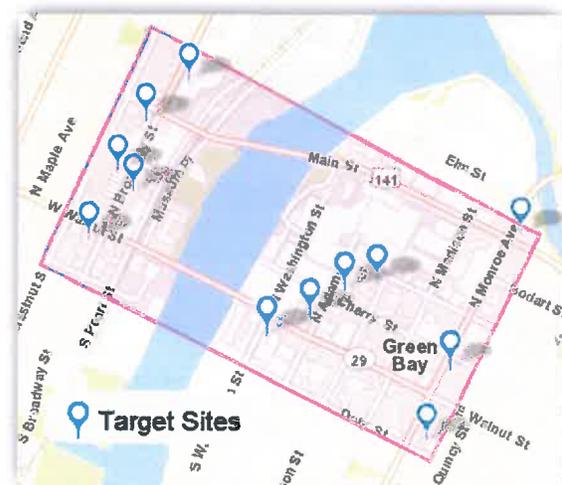
In order to remain competitive, Wisconsin cities need an equalizer that improves the economic viability of renovating important historic buildings in "softer market" downtowns such as Green Bay. At present, the State of Wisconsin offers only a 5% matching historic tax credit (HTC) for the renovation of qualified historic structures (i.e. for those that also qualify for the 20% Federal HTC). Recognizing the extraordinary financial challenges presented by these buildings, many peer states have already moved well ahead of Wisconsin by matching the 20% Federal credit with their own 20% state credit to offset the added costs and risks associated with restoring their vital historic structures.



These additional credits have proven to be the difference-maker in returning key buildings back to life and, in the process, sparking a virtuous cycle of reinvestment in surrounding downtown neighborhoods. And even with the additional credits, these projects often still have to be packaged with myriad other incentives to make them work. Such is the financial challenge they present.

Level the Playing Field for Wisconsin Development

The proposal at hand seeks to increase Wisconsin's historic tax credit program from a 5% federal match to 20%; in competitive line with neighboring Midwestern states. The map (right) highlights the redevelopment opportunities just within a 32 square-block area of Downtown Green Bay, accounting for \$10-20 million in reinvestment opportunities. This area is home to a handful of important cultural landmarks that are currently at risk of being lost if something isn't done soon to drastically change their redevelopment prospects. Under the program, investors in qualifying buildings would be eligible to receive a stackable 20% state historic tax credit on top of the existing 20% Federal



credit. The new state tax credits would be used to augment, not replace, existing city incentives such as TIF. The City of Green Bay strongly believes that the added tax credits will be instrumental in spurring new investor interest in key vacant landmarks that have been floundering for years. These include the former Hotel Northland, the former Larsen Canning Company, the Daily Planet building and the former Schauer & Schumacher furniture store building among others.

Flexibility Needed in Wisconsin’s HTC Statute

The efficiency and timeliness of the development process is crucial to the success of any redevelopment deal. So too is the ability of non-profits and for-profit developers to monetize tax credits for up-front equity if the need exists. Allowing the developer to sell and/or refund unrealizable credits is an essential update needed to the current statute. Adding this element of flexibility, commonplace in neighboring states, streamlines the process of constructing a redevelopment deal. It also frees investment capital for the investor.

According to a 2009 Iowa Department of Revenue report, there have been 79 transferred certificates issued involving 26 projects during 2007 and 2008. Tax credits that have been transferred by the year for which the credits are eligible to be claimed. It is estimated that claims for transferred credits will peak at \$7.9 million in tax year 2008 and decline gradually to less than \$1 million in tax year 2012. A possible reason that tax credit transfers continue even though the credit is fully refundable is that the original recipients might need cash now and may not be able to wait to make their claims.

HTC Programs	WI	MO	MN	OH	IA	KS	IN
Credits Per Project	5%	25%	20%	25%	25%	25%	20%
Project Cap	No	No	No	5 M	No	No	100 K
Annual Program Cap	No	140 M	No	60 M	50 M	No	450 K
Transferable	No	Yes	Yes	No	Yes	Yes	No
Leveraged Investment (M)	49.2	611.7	278.1	170.5	118.8	59.9	4.1
Credits Certified (M)	2.5	105.2	49.1	29.6	29.7	14.6	0.2
Ave. Credits per Project	144,846	638,016	3,507,143	1,977,177	320,248	150,525	76,843

Illinois, Iowa Moving Ahead

This proposal is patterned on a similar pilot HTC project passed by the Illinois legislature in 2010. Illinois Senate Bill 2534 established a one-time 25% state historic tax credit for the \$40 million restoration of the former Pere Marquette Hotel in Downtown Peoria. This building had nearly reached its nadir but is now poised to help drive the revitalization of Downtown Peoria. Meanwhile, in neighboring Iowa, the \$30 million renovation of the Hotel Julien in Dubuque completed in 2009, was also greatly assisted by that state’s 20% matching HTCs. The Julien’s restoration has been widely credited with igniting a wave of new development and entrepreneurialism in Dubuque’s formerly moribund downtown area.

The Iowa DoR report also highlighted Iowa Historic Tax Credits accounting for 17.1 percent of total historic preservation project costs. For every one dollar of state tax credit, \$3.77 of federal and private money had been leveraged. The average annual growth rate for historic preservation rehabilitation property values is 51 percent, compared to 5 percent for all properties in the City of Dubuque between 2001 & 2006.

As the information in the chart above indicates, Wisconsin significantly lags behind neighboring states in percentage of development coverage. Conversely, successful programs in other states have spurred creative options to entice additional development. For example, Minnesota allows developers to “opt out” of earned credits on the front end in exchange for a grant at 90% credit value. In Kansas, the program now disperses credits at 30% for nonprofits; addressing aging historic museums. Illinois’ Pilot Program, which began this year, has yet to compile project data at the time of this report.

Conclusion

The proposed HTC enhancement promises to immediately stimulate investment and create jobs in Green Bay's fledgling downtown. It will help monetize and activate heretofore dormant or underperforming real estate assets, and improve the investment climate throughout downtown. It will drastically change the redevelopment prospects of many of the state's treasured landmarks.

The project will also be powerful and scalable "beta test" of the power of restored cultural assets in driving new market opportunities in some of our state's most challenging development markets. By adopting this framework, the State of Wisconsin will begin to achieve much greater parity with other states in its use of HTCs. Failure to adopt it will mean that the state will slip even further behind in the race to create investment and job opportunities in its major cities.

In summary, we request the state expand and mirror the highly regarded Minnesota HTC program implemented in 2010.

Elements include:

- Expanding the 5% Federal HTC match to 20%.
- Alter the current statute to allow for transfers of immediately unusable credits.
- Hold the current position of having no project or annual aggregate cap.
- Retain submitted policy for a five-year operation; sunset in Fiscal Year 2018.
- Commission an economic impact study in year 2016.

Project Eligibility Criteria (examples)

- Minimum capital of \$5 million
- Buildings must be at least 50% vacant
- Buildings must be renovated for a minimum 25% commercial use (i.e. jobs component)

Provided the projects are completed as planned, the Minnesota Historic Rehabilitation Tax Credit granted to these projects will total \$49.1 million. Therefore, for every state dollar of tax credit or grant allowed, \$9.20 in economic activity is generated in the State of Minnesota. This activity is mostly driven by additional investments by project developers, but also includes the ripple effects of construction-related spending. The total economic impact of projects leveraged by the Minnesota Historic Rehabilitation Tax Credit in 2010-2011 was *\$451 million dollars*. To produce \$451 million in output, *2,948 workers were employed and \$152 million in payments were made those employees*. Total economic impact is comprised of direct, indirect, and induced impacts. (*University of Minnesota Extension: Economic Impact Analysis, November 2011.*)

The project will also be powerful and scalable "beta test" of the power of restored cultural assets in driving new market opportunities in some of our state's most challenging development markets. By adopting this framework, the State of Wisconsin will begin to achieve much greater parity with other states in its use of HTCs. Failure to adopt it will mean that the state will slip even further behind in the race to create investment and job opportunities in its major cities.

Attachment A:

National Trust for Historic Preservation: Policy Report 2012

Attachment B:

Ohio Department of Development: Case Statement 2012

State Tax Credits for Historic Preservation

Excerpts from the Public Policy Report Produced by the National Trust for Historic Preservation written by Harry K. Schwartz, September 2012.



Why Do Some State Tax Credits Work Better Than Others?

Not all state tax credit programs are created equal. Some state programs have been extraordinarily productive in stimulating rehabilitation activity. Many others have produced mixed or minimal results. What causes these programs to fall short? In general, two factors greatly influence the effectiveness of the state historic tax credits: a limit or cap on the amount of credit and a lack of transferability.

Annual Aggregate Caps

A well-thought-out and skillfully drafted tax incentive for historic preservation cannot achieve its objectives if the total amount of credits that can be awarded annually is subject to a statutory limit, particularly if the limit is fixed at a low figure.

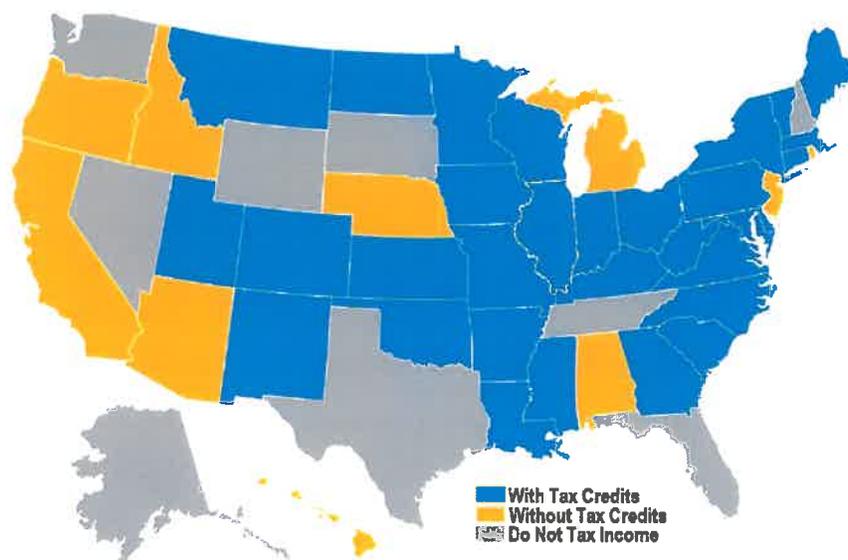
Indiana has annual aggregate caps of just \$450,000 for commercial projects and \$250,000 for residential projects. Even if the annual limit is relatively high, the very act of imposing a cap alters the nature of the program and can produce a perverse result, rewarding projects that do not require an incentive while excluding projects that cannot proceed without the state incentive.

Although state legislatures and their fiscal analysts prefer to keep a tight grip on the award of tax credits, those states that have resisted capping have had an economic advantage in attracting capital for historic preservation.

Individual Project Capping

Some states have sought to ease concerns about the costs of the credits to the state treasury by imposing caps on the dollar amount of credits that can be awarded to individual projects, while avoiding the pitfalls of annual aggregate caps. The effectiveness of the credits in providing incentives to developers is likely to be a function of how high the limit is set.

However, given the present state of the economy, and in particular the difficulty in obtaining financing for construction projects, it is difficult to assess the effectiveness of the incentives provided by credits limited in this fashion. Clearly, however, limits as low as that allowed under Colorado law, which is presently set at \$50,000, are inadequate to provide an incentive for the rehabilitation of large commercial buildings.



Transferability

A state tax credit has value only to the extent that the credit holder has sufficient liability for state taxes that the credit can be used to offset. Although state tax rates vary, they are far lower than federal income tax rates. As a consequence, an apparently valuable state tax credit may wind up in the hands of a party unable to use it. There are several remedies to solve this problem, but many state statutes, (*including Wisconsin*), do not provide for them.

There needs to be a workable mechanism to put the credit in the hands of the party that can use it. States have solved this problem in one or more ways:

1. The tax code may permit the party that earns the credit to sell it outright to a third party with adequate tax liability to use it. For example, Kansas, Kentucky, Oklahoma, and Missouri permit the taxpayer to sell or convey the tax credits in this manner.
2. The code may permit a partnership that owns the property to make a disproportionate distribution of the credit, so that a local taxpayer can acquire the state tax credit while a national corporation not doing business in the state acquires the federal tax credit. Virginia, Kansas, and Delaware, for example, allow the credit to be passed through and allocated to partners or shareholders.
3. The code may allow a tax credit not fully usable in the current year to be carried back to offset taxes previously paid for prior tax years. This provision appears to be unique among the states to Missouri and West Virginia, although it is a feature of the federal program.
4. The tax credit may be refundable, so that any amount not used to offset current-year taxes is paid in cash to the holder of the credit. Since homeowners earning credits are effectively precluded from using the more complex techniques for transferring credits, the most practical solutions for them are to allow the unused credit to be either refunded or sold outright. Maryland, Ohio, Iowa, and Louisiana provide a refundable tax credit, which is of particular value to lower-income homeowners.

Appropriate Rates

The percentage rate of the credit should be fixed at a level high enough to constitute a meaningful incentive, typically in the range of 20 percent to 30 percent of qualified rehabilitation expenditures. Rates that are significantly lower don't provide enough incentive to make a difference in a developer's decision to undertake a historic preservation project. As a negative example, Wisconsin provides only a 5 percent tax credit for the rehabilitation of commercial structures when the federal 20 percent credit is used.

The Current Fiscal Crisis

Economic data shows that historic tax credits are highly effective at creating jobs and returning tax revenues to state treasuries. So some states, like Minnesota, are enacting or expanding these job-creating programs.

In terms of timing, it generally takes between two to three years for large rehabilitation tax credit projects to be completed. Then it takes anywhere from 6 to 12 months for the certification to be completed and the tax credits to be used. The lengthy, labor-intensive rehabilitation process allows states to offer an incentive that creates jobs and produces tax revenues now, when both are needed, and pay out the state investment years later when the credits are claimed in a stronger economy.



Ohio Historic Preservation Tax Credit

Program Overview

The Ohio Historic Preservation Tax Credit provides the owners of historic buildings 25 percent of qualified expenses towards rehabilitation. Applications are scored based on past regional distribution amounts and economic impact and undergo a cost-benefit analysis.

Renewed in Ohio Budget

Recognizing the success it has had across Ohio, the legislature renewed the Ohio Historic Preservation Tax Credit program in the FY2012-13 Ohio Budget. The renewal permanently established \$60 million in annual funding. Additionally, administrative changes were made that allow the tax credits to work more efficiently. This renewal positioned Ohio to become a national leader in leveraging historic preservation to create lasting economic impacts.

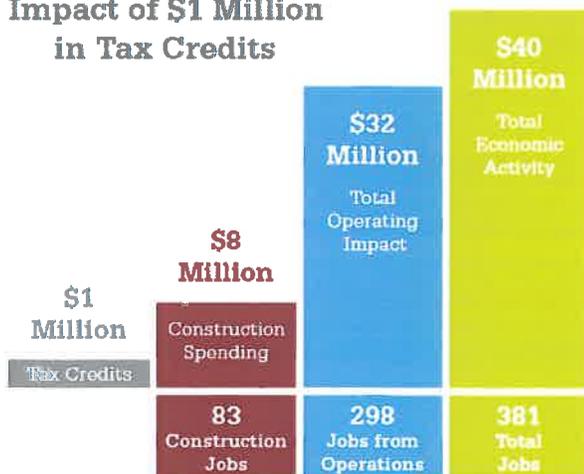
Economic Impact Study

Cleveland State University, in partnership with TeamNEO, completed an economic impact study of construction and selected operating impacts for Rounds 1-4 of the program. The study found that during the construction period alone, the \$246 million in tax credits approved will lead to the following:

Construction Period Impacts

- \$2 Billion in Economic Impact
- 20,594 Full-Time Jobs
(annual average of 2,942 jobs)
- \$80.5 Million Expansion of Public Revenues
- \$8.24 of Construction Spending
for Every Dollar of State Tax Credits

Impact of \$1 Million in Tax Credits



Leverages Significant Investment

The program generates \$8.24 of economic impact from construction spending for each dollar of state tax credits and has a proven track record of attracting private and federal investments to Ohio. The 50 projects completed as of June 2012 attracted nearly \$600 million in other investments.

Creates Construction Jobs

National studies have found that up to 70 percent of historic rehabilitation project expenditures go toward local labor costs. Labor costs for new construction typically average 40 percent of construction costs. Additional job creation is fueled offsite, as an industry of professional services, architects, and suppliers are required to complete projects.

Performance Based

The program is structured so that the State of Ohio approves applications up front but realizes no financial impact until after projects are completed and all construction related investments have been made. In fact, the recently completed economic impact study found that \$.31 cents of additional state tax revenues are generated for every dollar of tax credits invested during construction prior to any financial impact to the state.

Revenue Generating for Governments

More than 80 percent of the approved projects to date have been vacant buildings prior to rehabilitation. Returning these buildings to productive use generates new property, income, and sales tax revenues for state and local governments.

Attracts Federal Investment

The program is designed to be easily paired with the 20 percent federal historic tax credit. Despite the current economic environment, federal historic tax credit investment in Ohio during 2010 totaled \$195.5 million, the highest amount in five years.

Rejuvenates Communities Across Ohio

Cities across the state have found the program critical to turning the corner in urban redevelopment. Smaller cities, including Piqua and Springfield, used the credit to rehabilitate anchor buildings and spur additional reinvestment in their downtowns. Larger cities transformed entire districts by concentrating use of the credit, such as Euclid Avenue in Cleveland or Over-the-Rhine in Cincinnati.



John R. Kasich Governor

Department of
Development

Christiane Schmenk Director

Revised: 03/15/2012

RESOLUTION NO. 8396

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

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, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed DS/EM

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: April 3, 2013
To: City Council
From: Chad P. Wade, Assistant City Attorney/HR Manager
Re: Amendments to Employee Handbook

A set of “informational” revision to the City’s Employee Handbook were presented and approved at the March 13, 2013 City Council meeting. At that time, I indicated that a second set of “substantive” changes would be presented at a later meeting. We are now asking you to consider the second set of revisions to the Employee Handbook.

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

1. **Responsibility of Management:** Expand the current policy to add a list of organizational values that will drive the City toward its overall mission, and a revision to the City’s mission statement to focus the City’s direction.
2. **Holidays:** Clarify the policy to explicitly state that exempt employees who work on a Holiday do not receive additional pay for those hours worked, but to encourage flexible scheduling for those exempt employees to recognize their sacrifice for the City.

Thank you for considering these revisions and please feel free to contact me if you have any questions.

C. VALUES / MISSION / RESPONSIBILITY OF MANAGEMENT

Our Values guide everything we do. They are:

Excellence in Service • Honesty • Integrity • Personal Accountability

Our values define our organizational culture in support of our Mission, to provide excellent local government through responsiveness and accountability to the citizens of Fond du Lac.

In order to achieve its Mission, the City has broad authority to manage its operations and functions. These **responsibilities** include, but are not necessarily limited to the following:

1. Prescribing and administering rules and regulations essential to accomplishing the services desired by the City Manager, City Management Team, and the City Council;
2. Managing and otherwise supervising all employees;
3. Hiring, promoting, transferring, assigning and retaining employees;
4. Taking disciplinary action such as suspension, demotion, termination or any other disciplinary action deemed appropriate by the City;
5. Relieving employees of duties because of lack of work or for other legitimate reasons;
6. Maintaining the efficiency and economy of operations entrusted to the City administration;
7. Determining the methods, means and personnel by which such operations are to be conducted; and
8. Establishing the kinds and amounts of services to be performed and the employees to perform those services.

The above **responsibilities** may be limited by the laws of the State of Wisconsin and the United States of America. Many of these laws are referenced in other portions of this Handbook.

D. HOLIDAYS

Policy: The City of Fond du Lac will pay eligible full-time and part-time employees when they are not working on identified holidays at specified rates of pay. Employees who work on an identified holiday will be paid at specified rates of pay as described below.

Eligibility: All full-time employees, and part-time employees working at least 20 hours per week, are eligible to receive compensation for holidays; temporary or limited-term employees are not eligible. To be eligible for holiday pay, the employee must work the full shift on his/her last scheduled work day before the holiday and his/her first scheduled work day following the holiday, unless the employee is on an approved form of leave.

Identified Holidays:

New Year's Day	Day after Thanksgiving
Memorial Day	Christmas Eve (Half Day)
Independence Day	Christmas Day
Labor Day	New Year's Eve (Half Day)
Thanksgiving Day	

Observance: Whenever a holiday falls on a Saturday the preceding Friday shall be considered the **observed** holiday. Whenever a holiday falls on a Sunday, the following Monday shall be considered the **observed** holiday.

Floating Holidays: Floating holidays are other workdays in the year that may be used as holidays at the choice of the employee, and are subject to department work rules, and the approval of the employee's supervisor. Floating holidays must be used within the year in which they are granted. New employees shall be eligible to use floating holidays after they have completed three (3) months of employment. All eligible employees shall receive five (5) floating holidays per year. However, when the one half (1/2) day Holidays (Day before Christmas & Day before New Years) fall on either a Friday or a Sunday, they shall be converted to 1 additional floating holiday.

Holiday Pay Rate: Holiday pay shall be computed at the employee's regular rate of pay and at the regular number of scheduled work hours. (i.e. Eligible part-time employee regularly working six (6) hours per day would be paid six (6) hours of holiday pay.) No employee shall be compensated more than once for any holiday.

Work on a Holiday: The City recognizes that working on the actual identified holiday, or on the day the holiday is observed, is an inconvenience to it employees. However, some City operations must

continue to be performed even on a holiday. **Non-exempt** employees who are required to work on an identified holiday listed above that is observed by the City on the same day will be paid, or granted compensatory time off, at a rate of time and one half in addition to their holiday pay.

Non-exempt employees who are required to work on an identified holiday listed above that is observed by the City on a different day will be paid at a rate of time and one half for all hours worked on the holiday.

Non-exempt employees who are required to work on a day that is not an identified holiday listed above but is observed by the City as a holiday will be paid at the straight time rate for all hours worked and given the option to receive holiday pay for the day, or an additional floating holiday.

Exempt employees who work on an identified or observed holiday are encouraged to talk to their supervisor about flexing their work schedule in recognition for the inconvenience caused by working on a holiday.

ORDINANCE NO. 3512

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

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

Section 1. That Chapter 7, TRAFFIC CODE, Section 7.04, ONE-WAY STREETS., Schedule D, ONE-WAY STREETS, is hereby amended as follows:

Add Thereto:

ALLEY, East of Brooke Street and West of Harrison Place with ingress at Forest Avenue and egress at West Second Street, southbound.

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

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

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

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

ADOPTED:

Rob Vande Zande, President
Fond du Lac City Council

Attest:

Sue L. Strands, City Clerk

City Attorney:

Reviewed DSRH

ADVISORY PARKING & TRAFFIC BOARD MINUTES

March 21, 2013
1:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

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

Absent: - William Carey

Administrative Staff - Paul De Vries, City Engineer
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated March 7, 2013
Subject: Designate as a One-Way Street in accordance with Code
of Ordinances Section 7.04 and Schedule "D".
Effect: Create a One-Way Street
Location: Alley, east of Brooke Street and west of Harrison
Place, with ingress at Forest Avenue and egress at W.
Second Street, southbound.
Initiator: Patrick Merklin, 120 Harrison Place

Appeared in Support:

Louise Gudex, 15 N Marr St., Fond du Lac

Letter's read into record in Opposition:

Andrea Montgomery, Micro Magic, Inc. 135 S Brooke St.,
Fond du Lac
Terrance Kraus, FastBytes Wireless, Inc., 135 S Brooke St.,
Fond du Lac

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: March 15, 2012

To: Advisory Parking and Traffic Board

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

Re: **Request to designate as a One-Way Street in accordance with Code of Ordinances Section 7.04 and Schedule "D", an alley, east of Brooke Street and west of Harrison Place, with ingress at Forest Avenue and egress at W. Second Street, southbound.**

This request is to designate as "One-Way Street" in accordance with Code of Ordinances Section 7.04 and Schedule "D" at the subject location and as shown on Exhibit A.

This request was initiated by Patrcik Merklin of 120 Harrison Place. As Mr. Merklin outlines in his letter, the request for a one-way alley that he lives on could help with curbing illegal activity he notes in the area. The Police Department has also talked with Mr. Merklin regarding his concerns and indicated they would support the one-way alley and try to utilize it for enforcement in the area.

From a traffic perspective, the alley is low volume and affects about 10 properties. The pavement width in the alley is between 10 and 12 feet wide. This width would not typically support two-way traffic but enough driveways exist for pulling over when meeting on coming vehicles that there has not been complaints to my knowledge. Without the extenuating circumstances mentioned by Mr. Merklin, the one-way alley designation would likely not be needed. However, with the support of the Police Department, the Engineering and Traffic Division also supports this request.

Exhibit A
March 21, 2013
 Advisory Parking & Traffic Board



**Proposed One-Way
 Alley, Southbound**

-  City of Fond du Lac Municipal Boundary
-  Waterbody
-  Waterway
-  Building
-  Building (Proposed Approx Location)
-  Road Right of Way
-  Vacated Rd ROW
-  Parcel
-  Parks

N
 1 in = 0.03 miles
 1 inch = 151 feet

Printing Date: 3/11/2013
 Prepared by:
 City of Fond du Lac
 Engineering Division
 Mapped Template By: A. Dorn



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

To: Mr. Paul De Vries
From: Patrick Merklein-local resident in Fond du Lac
Date: November 26th, 2012
Re: Request for alley to once again become a 1-way [alley between Harrison Place and Brooke St].

Hello,

This letter is to request turning an alley back into a 1 way alley. I have lived here since 2009, and I have been told by many people that this used to be a 1 way alley.

The alley is located parallel with Harrison Place, running North & South, between Harrison Place and the Train Depot on Brooke.

The request would be to have this alley be a 1-way once again, running North to South.

This alley is well known to be a high crime area. I have several police reports on file with the FDL police department. The police have told me other neighbors as well have called in regarding high crime here. The police are very aware of this alley being a problem.

The police reports can be accessed via the address of 108 Harrison Place-a known 2 family house that harbors drugs, weapons, illegal sexual acts, and more. Any police officer I spoke to knows this is a crime-ridden house.

Also, 172 2nd Street [the rooming house] houses weekly transients, and some of these people are associated with the people in 108 Harrison Place. Between these 2 locations, they park in this alley to conduct their 'business'.

Some of the complaints via 911 or non-emergency calls connected to 108 Harrison Place, the rooming house, and this alley:

- arrests on domestic violence.
- fighting in the streets.
- arrests underage drinking.

- buying and selling drugs.
- arrests on illegal weapons
- illegal fireworks being shot off regularly, year round.
- sex acts in the alley.
- known registered sex offenders live on this block.
- Local sherrifs have done 'surprise' visits to the rooming house to check on sex offenders.
- 2 pit bulls running loose regularly.
- cars driving thru this alley all hours of the day and night. These are vehicles that are not from the area. They park in the alley, behind 108 Harrison Place to conduct their business.
- On several occasions at night, many times cars will have their headlights off, and drive up and down this alley.
- On several occasions, cars will have no license plates and also cruise this alley.
- almost weekly, people will walk up and down this alley buying/selling drugs or committing sex acts.
- cars speed thru this alley at very high rates of speed because there is no speed limit posted either, usually wiht their lighth soff if its night time.

So many criminal complaints have been made, that the police this past summer actually evicted 1 family, due to a local ordinance, from 108 Harrison Place. Unfortunately, a new family moved in and the same problems are back. The city, I feel, needs to take a hard look at the owner of this house.

In the past 3 years, I have:

- filed many police reports at the station, or had an officer dispatched to the location.
- spoke out at the Hamilton meetings monthly.
- spoke to the chief and several officers at these meetings.
- Had lieutenant Tina Braun tour the area and the alley with me and show her the issues personally.
- contacted Ed in the Inspections Dept.
- spoke to Sara and Jackie in the Engineering Dept.
- spoke to Wayne Rollin.
- spoke to Bob with Alliant Energy regarding more lights.
- contacted detectives Nick and Vance with the Street Crimes division.

I have also attached a list of cars' license plates that frequent this alley a lot. I will be giving this list to the FDL police at the next Hamilton meeting.

After several discussions with local police officers, they have done a great job of parking at the South end of Harrison Place in the Church parking lot to Monitor the alley.

That is great!!! The problem now with this is now the local residents have a lookout person for the police, while the roommates conduct illegal acts. I know this because the woman told me she is the lookout person. So the crime is at the North end of the alley now too, because the police park on the South end.

By making this alley a 1 way again, all traffic would be forced to drive southbound to exit the alley and make a left turn onto 2nd St. THIS is where the police park to monitor the alley. Now all the cars speeding, missing license plates, cruising through, and driving without lights on, are driving right into where the police are parked and waiting for them. This sounds like a very good way to pull these cars over, and ask what they are doing with no lights on, no plates, speeding, at all hours of the day and night.

I do understand you know the area I speak of, but I would like the opportunity to invite you over, and show you exactly what we have been dealing with for far too long. if you care to, my cell is 920-238-1048.

Please consider turning this alley into a 1 way again, It would really benefit the people who live here, and help reduce this criminal activity.

Thank you so much for your time and consideration.

Patrick Merklein
120 Harrison Place
Fond du Lac

Micro Magic, Inc.
135 S. Brooke St.
Fond du Lac, WI 54935
920 929-9626

received
3/20/13

March 20, 2013

Re: Proposed One Way Alley

To Whom It May Concern:

We request that you reconnect 2nd Street to Brooke St. Your proposed changes to make the alley one way guarantees an increase in through traffic traversing our parking lot.

The church next door is a high traffic establishment. The high density residential housing in the neighborhood is increasing. Despite repeated requests to go around, many church members and neighborhood residents continue to use our parking lot as a street connecting Brooke Street to Second Street.

Our customers and employees are at risk in our parking lot due to people cutting through at 20+ MPH as if this were a street. Your proposed alley alteration will simply exacerbate the problem by putting more traffic on what is effectively a dead end street. Most will decide that it much easier to cut through our parking lot than it is to drive 3-5 blocks out of their way to get to Brooke Street.

Re-opening 2nd Street would provide traffic relief both for residents and businesses. Further, it would remove the poorly maintained mounds that currently grow weeds and act as bicycle jumps for neighborhood teens.

Thank-you for your consideration.

Andrea Montgomery

received
3/20/13

FastBytes Wireless, Inc.
135 S. Brooke St.
Fond du Lac, WI 54935
920 924-6820

March 20, 2013

Re: Proposed One Way Alley

To Whom It May Concern:

Your proposed changes to make the alley one way guarantees an increase in traffic through our parking lot and the train stations property next door.

The adjacent church is a high traffic establishment, people frequently cut through from Brooke Street to 2nd Street. The high density residential housing in the neighborhood is increasing, and they also cut through our parking lot between Brooke Street and 2nd Street.

Our customers and employees are already at risk in our parking lot due to people racing through it as if it were a thoroughfare. Your proposed alley alteration will simply exacerbate the problem

We propose that you re-open 2nd Street. This would provide traffic relief both for residents and business, and increase the safety of both our customers and local residents.

Further, it would remove the unsightly, weed covered mounds that are not being maintained by the city, and currently do nothing more than act as bicycle jump ramps for neighborhood children and teens. Sooner or later someone will be seriously injured if this continues.

Thank-you for your consideration.

Aronance McKeown

MARCH 21, 2013

HARRISON PLACE - ONE WAY

Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-21-033-00	171 MOTT ST.		OCONTO	WI	54153	124 HARRISON PL
FDL-15-17-15-21-015-00	113 HARRISON PL		FOND DU LAC	WI	54935	113 HARRISON PL
FDL-15-17-15-21-028-00	W5401 WILDLIFE LN		FOND DU LAC	WI	54935	94 HARRISON PL
FDL-15-17-15-21-018-00	5318 SHAWANO TER		MADISON	WI	53705	99 HARRISON PL
FDL-15-17-15-21-049-00	158 S MILITARY RD		FOND DU LAC	WI	54935	174 W 2ND ST
FDL-15-17-15-21-058-00	158 S MILITARY RD		FOND DU LAC	WI	54935	158 S MILITARY RD
FDL-15-17-10-34-829-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	179 FOREST AVE
FDL-15-17-10-34-830-00	PO BOX 150		FOND DU LAC	WI	54936	185 FOREST AVE
FDL-15-17-15-21-047-00	160 S MACY ST		FOND DU LAC	WI	54936	160 W 2ND ST
FDL-15-17-15-21-023-00	15 N MARR ST		FOND DU LAC	WI	54935	158 FOREST AVE
FDL-15-17-15-21-024-00	15 N MARR ST		FOND DU LAC	WI	54935	170 FOREST AVE
FDL-15-17-15-21-025-00	15 N MARR ST		FOND DU LAC	WI	54935	182 HARRISON PL
FDL-15-17-10-34-825-00	159 FOREST AVE		FOND DU LAC	WI	54935	159 FOREST AVE
FDL-15-17-10-34-826-00	151 E FIRST STREET		FOND DU LAC	WI	54935	169 FOREST AVE
FDL-15-17-10-34-827-00	151 E FIRST STREET		FOND DU LAC	WI	54935	171 FOREST AVE
FDL-15-17-10-34-828-00	151 E FIRST STREET		FOND DU LAC	WI	54935	173 FOREST AVE
FDL-15-17-15-21-029-00	102 HARRISON PL		FOND DU LAC	WI	54935	102 HARRISON PL
FDL-15-17-15-21-019-00	157 3RD ST		FOND DU LAC	WI	54935	93 HARRISON PL
FDL-15-17-15-21-031-00	N7781 LAKESHORE DR		FOND DU LAC	WI	54937	114 HARRISON PL
FDL-15-17-15-21-027-00	92 HARRISON PL		FOND DU LAC	WI	54935	92 HARRISON PL
FDL-15-17-15-21-036-00	105 S BROOKE ST		FOND DU LAC	WI	54935	105 S BROOKE ST
FDL-15-17-15-21-014-00	W5401 WILDLIFE LN		FOND DU LAC	WI	54935	119 HARRISON PL
FDL-15-17-15-21-030-00	W5401 WILDLIFE LN		FOND DU LAC	WI	54935	108 HARRISON PL
FDL-15-17-15-21-026-00	N3672 RED OAK DR		CAMPBELLSPORT	WI	53010	186 HARRISON PL

MARCH 21, 2013

HARRISON PLACE - ONE WAY

FDL-15-17-15-21-032-00	1513 DIVISION ST		STEVENS POINT	WI	54481	120 HARRISON PL
FDL-15-17-15-21-017-00	% RODOLFO HERNANDEZ	22608 MADRONE ST	HAYWARD	CA	94541	103 HARRISON PL
FDL-15-17-15-21-035-00	101 WINNEBAGO STREET		N FOND DU LAC	WI	54937	177 W 2ND ST
FDL-15-17-10-34-823-00	245 E DIVISION ST		FOND DU LAC	WI	54935	151 FOREST AVE
FDL-15-17-10-34-824-00	155 FOREST AVE		FOND DU LAC	WI	54935	155 FOREST AVE
FDL-15-17-15-21-048-00	135 S BROOKE ST		FOND DU LAC	WI	54935	135 S BROOKE ST
FDL-15-17-15-21-020-00	N5981 NELSON RD		FOND DU LAC	WI	54937	89 HARRISON PL
FDL-15-17-15-21-016-00	157 3RD ST		FOND DU LAC	WI	54935	107 HARRISON PL
FDL-15-17-15-21-021-00	157 3RD ST		FOND DU LAC	WI	54935	83 HARRISON PL
FDL-15-17-15-21-013-00	PO BOX 78		BUTTE DES MORTS	WI	54927	149 W 2ND ST
FDL-15-17-15-21-034-00	475 W SCOTT ST		FOND DU LAC	WI	54935	126 HARRISON PL

ORDINANCE NO. 3513

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

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

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

Add Thereto:

Main St., S., East side, from the North Right-of-Way of Guindon Blvd., North 40'

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

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

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

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

ADOPTED:

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

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed DSEH

ADVISORY PARKING & TRAFFIC BOARD MINUTES

March 21, 2013
1:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

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

Absent: - William Carey

Administrative Staff - Paul De Vries, City Engineer
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated March 7, 2013
Subject: Restrict Parking "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".
Effect: Create a "Parking Prohibited at All Times"
Location: S. Main St., east side, from the north right of way of Guindon Blvd., north 40'.
Initiator: Neil Delorme, 155 Guindon Blvd

Appeared in Support:
Neil Delorme, 155 Guindon Blvd., Fond du Lac, appeared as petitioner in support and to ask/answer questions.

Motion made by Miller to recommend to the City Council to create a "Parking Prohibited at All Times" on S. Main St., east side, from the north right of way of Guindon Blvd., north 40'.
Seconded by Wagner.

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: March 15, 2012

To: Advisory Parking and Traffic Board

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

Re: Request to designate “Parking Prohibited at All Times” on S. Main St., East side, from the north right of way of Guindon Blvd., north 40’.

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

This request was initiated by the Neil Delorme of 155 Guindon Blvd. The request letter indicates that he has difficulty making a left turn from Guindon Blvd to drive south on S. Main St. due to vehicles parked at the northeast corner of the intersection. Mr. Delorme estimates the length of two vehicle stalls of parking restrictions would greatly improve the desired turning movement.

In our review of the area, here are a few items to note:

- S. Main St. is a 30 mph speed limit near the Guindon Blvd intersection.
- A No Parking Zone exists on both sides from Guindon Blvd south to Pioneer Road.
- No Parking Zone signs exist on the west side of S. Main St. from Guindon Blvd, north about 110 feet. There does not appear to be an ordinance backing this up.
- While an official speed study was not completed for this review, it appears that the vehicle speeds on S. Main St. in this area are generally traveling above the 30 mph speed limit.
- Over the past five years, the accident reports indicate only two reportable accidents in the area and neither of them was at the intersection because of visibility problems.

For the intersection site distance per the WisDOT guidelines, a parking restriction of 40 feet (or 2 vehicles) would be the minimum length needed. WisDOT guidelines have a desired length of parking restrictions at about 160

feet to meet the intersection site distance. The amount of current parking from Guindon Blvd to Maria Lanes is estimated at 10 vehicles. In addition, the businesses at the northeast corner have a parking lot on the east side of their building capable of at least 32 parking stalls, possible more if diagonal stalls were used along with adding stripes the lot. In my observations of the site, the on-street parking stalls were never completely utilized and could likely sustain losing two spots, although this is relatively small snapshot of the situation.

The Engineering and Traffic Division does not object to this request.

Exhibit B
March 21, 2013
 Advisory Parking & Traffic Board



-  City of Fond du Lac Municipal Boundary
-  Waterbody
-  Waterway
-  Building
-  Building (Proposed Approx Location)
-  Road Right of Way
-  Vacated RdROW
-  Parcel
-  Parks

N
 1 in = 0.02 miles
 1 inch = 101 feet

Printing Date: 3/11/2013
 Prepared by:
 City of Fond du Lac
 Engineering Division
 Mapped Template By: A. Dom



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

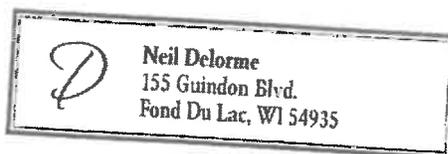
Feb. 16, 2013

Dear Mr. Paul De Vries,

My name is Mr. De Lorme. I live on Guindon Blvd. On Feb. 12, I was on Guindon Blvd, turning left onto Main Street. I almost got hit by cars coming from my right, due to cars parking close to the corner, in front of the computer store. There is a parking lot behind the businesses.

This is not the first time this has happened to me. I'm sure this has happened to other vehicles. Would you please take a ride down this street and look for yourself. I would like to see a no parking sign put up for a distance of at least 2 cars, so drivers can see the traffic coming from the right (NORTH).

Thank you,

 Neil Delorme
155 Guindon Blvd.
Fond Du Lac, WI 54935

MARCH 21, 2013

GUINDON BLVD.

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-22-13-502-00	W178 COUNTY KK	CAMPBELLSPORT	WI	53010	741 S MAIN ST
FDL-15-17-22-13-503-00	W178 COUNTY KK	CAMPELLSPORT	WI	53010	759 S MAIN ST
FDL-15-17-22-13-501-00	16 MARIA LN	FOND DU LAC	WI	54935	16 MARIA LA
FDL-15-17-22-13-507-00	PO BOX 1153	FOND DU LAC	WI	54936	783 S MAIN ST
FDL-15-17-22-13-504-00	31 GUINDON BLV	FOND DU LAC	WI	54935	31 GUINDON BLV
FDL-15-17-22-12-257-00	N5381 DENEVEU LN	FOND DU LAC	WI	54935	723 S MAIN ST
FDL-15-17-22-14-766-00	35 GUINDON BLV	FOND DU LAC	WI	54935	35 GUINDON BLV
FDL-15-17-22-14-812-00	1406 WESTERN ST	OSHKOSH	WI	54901	24 GUINDON BLV
FDL-15-17-22-12-258-00	724 S MAIN ST	FOND DU LAC	WI	54935	724 S MAIN ST
FDL-15-17-22-13-506-00	845 S MAIN ST STE 100	FOND DU LAC	WI	54935	16 GUINDON BLV
FDL-15-17-22-13-521-00	166 E DIVISION ST	FOND DU LAC	WI	54935	780 S MAIN ST
FDL-15-17-22-13-522-00	166 E DIVISON ST	FOND DU LAC	WI	54935	770 S MAIN ST
FDL-15-17-22-13-524-00	166 E DIVISON ST	FOND DU LAC	WI	54935	758 S MAIN ST
FDL-15-17-22-13-525-00	744 S MAIN ST	FOND DU LAC	WI	54935	744 S MAIN ST
FDL-15-17-22-13-526-00	2651 EDGEWOOD LN	OSHKOSH	WI	54904	736 S MAIN ST

ORDINANCE NO. 3514

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

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

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

Add Thereto:

Sheboygan St., North side, from the West right-of-way of South Marr St., West 135'.

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

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

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

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

ADOPTED:

Rob Vande Zande, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed DSRM

ADVISORY PARKING & TRAFFIC BOARD MINUTES

March 21, 2013
1:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

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

Absent: - William Carey

Administrative Staff - Paul De Vries, City Engineer
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated March 7, 2013
Subject: Restrict Parking, "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".
Effect: Create a "Parking Prohibited at All Times"
Location: Sheboygan St., north side, from the west right of way of S. Marr Street, west 135'.
Initiator: Windhover c/o Tom Meiklejohn

Appeared in Support:
Tom Meiklejohn, 79 E Division St., Fond du Lac, appeared as petitioner in support and to ask/answer questions.
Gary Soll, Trustee of the Elk's Lodge
Kevin Miller, Executive Director of the Windhover
Craig Moliter, President of Fond du Lac Visitor Bureau

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: March 15, 2012

To: Advisory Parking and Traffic Board

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

Re: Request to designate “Parking Prohibited at All Times” on Sheboygan St., North side, from the west right of way of S. Marr Street, west 135’.

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

This request was initiated by the Windhover Center for the Arts through their architect, Tom Meiklejohn. As explained in their request letter, the Windhover desires to remove the parking directly in front of their current building and current building addition. Their current expansion plans include a plaza extension out into where the current parking lane exists. The plaza would be used for outdoor activities, such as concerts and festivals. In review of the parking in the area, it is part of the City’s Parking System and other on-street and off-street parking exists nearby.

While the request to prohibit parking is before the APTB to consider, the proposal of the plaza area extending into the existing parking lanes should be reviewed along with the request for parking restrictions.

City Department of Public Works and Community Development have discussed the plaza design concept with the Windhover and we are supportive of the idea, but with a few details to be finalized once the APTB and Council have their opportunity to review and consider the proposed parking restrictions.

Exhibit C

March 21, 2013

Advisory Parking & Traffic Board



 City of Fond du Lac
Municipal Boundary

 Waterbody

 Waterway

 Building

 Building (Proposed
Approx Location)

 Road Right of Way

 Vacated RdROW

 Parcel

 Parks

N
 1 in = 0.03 miles
 1 inch = 151 feet

Printing Date: 3/11/2013

Prepared by:
 City of Fond du Lac
 Engineering Division

Mapped Template By: A. Dom



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

TOM W. MEIKLEJOHN, III AIA

A R C H I T E C T

Mr. Paul DeVries, PE City Engineer
City of Fond du Lac
160 South Macy Street
Fond du Lac, WI 54935

February 27, 2013

RE: Removal of Parking Stalls for
Windhover Center for the Arts
51 Sheboygan Street
Fond du Lac, WI
2012.41

Dear Paul:

Please allow this to be a letter to be the "Request to Remove the 4 Parking Stalls" located in front (north side of Sheboygan Street) of the Windhover Center for the Arts site as per our discussion and as we reviewed this past week. This request allows for the new Sidewalk Extension into Sheboygan Street, the depth of the stall (or 8') by the entire length of the Windhover Property. This will provide a minimal or "no step" design Walk and/or Plaza Area which will allow ease of access and pedestrian flow for the planned outdoor activities, such as concerts and festivals.

Please see attachment for the location of these stalls and give me a call with questions or concerns.

Sincerely

Tom

Tom W. Meiklejohn, III

cc Kevin Miller and Eric Harahan, Windhover
Justin Smith, CD Smith Construction
Wayne Rollin, City of FdL

MARCH 21, 2013

WINDHOVER - SHEBOYGAN ST

Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-10-44-878-00	21 S MARR ST		FOND DU LAC	WI	54935	21 S MARR ST
FDL-15-17-10-44-876-00	459 S MAIN ST		FOND DU LAC	WI	54935	85 SHEBOYGAN ST
FDL-15-17-10-44-841-00	PO BOX 1242		FOND DU LAC	WI	54936	23 S MAIN ST
FDL-15-17-10-44-880-00	39 S MARR ST		FOND DU LAC	WI	54935	39 S MARR ST
FDL-15-17-10-44-842-00	N8318 EDGEWOOD LN		FOND DU LAC	WI	54935	39 S MAIN ST
FDL-15-17-10-44-854-00	32 SHEBOYGAN ST		FOND DU LAC	WI	54935	32 SHEBOYGAN ST
FDL-15-17-10-44-859-00	54 E 1ST ST		FOND DU LAC	WI	54935	52 SHEBOYGAN ST
FDL-15-17-10-44-853-00	33 SHEBOYGAN ST		FOND DU LAC	WI	54935	33 SHEBOYGAN ST
FDL-15-17-10-44-846-00	%MIGLIN-BEITLER MGMT	111 N MAIN ST SUITE #407	OSHKOSH	WI	54901	55 S MAIN ST
FDL-15-17-10-44-860-00	51 SHEBOYGAN STREET		FOND DU LAC	WI	54935	45 SHEBOYGAN ST
FDL-15-17-10-44-861-00	51 SHEBOYGAN ST		FOND DU LAC	WI	54935	51 SHEBOYGAN ST
FDL-15-17-10-44-881-00	ATTN: JAMES VOIGHT	80 SHEBOYGAN ST	FOND DU LAC	WI	54935	80 SHEBOYGAN ST
FDL-15-17-10-44-847-00	19 SHEBOYGAN ST		FOND DU LAC	WI	54935	19 SHEBOYGAN ST
FDL-15-17-10-44-852-00	54 E 1ST ST		FOND DU LAC	WI	54935	40 E DIVISION ST
FDL-15-17-10-44-862-00	54 E 1ST ST		FOND DU LAC	WI	54935	10 S MARR ST
FDL-15-17-10-44-864-00	54 E 1ST ST		FOND DU LAC	WI	54935	52 E DIVISION ST
FDL-15-17-10-44-865-00	AMERITECH TAX GROUP	722 N BROADWAY - 5TH FLR	MILWAUKEE	WI	53202	70 E DIVISION ST
FDL-15-17-10-44-858-00	52 S MARR ST		FDL	WI	54935	52 S MARR ST

ORDINANCE NO. 3515

**AN ORDINANCE AMENDING CHAPTER 5,
FIRE PROTECTION CODE**

WHEREAS. the City of Fond du Lac Fire Department desire to make an amendment to the Fond du Lac Fire Prevention Code to require all inspection reports to be provided through a third party inspection reporting system, Brycer LLC.

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

Section 1. Chapter 5, Section 5.21(4)(c) of the Municipal Code is hereby amended, with the following to be added:

(c) Records of all system inspections, tests and maintenance required by the applicable standards shall be maintained on the premise for a minimum of three year and shall be submitted to the bureau of fire prevention in the manner prescribed by the Fire Prevention Bureau Chief.

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

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

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

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

ADOPTED:

Rob Vande Zande, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed DSH



City of Fond du Lac Fire/Rescue

815 South Main Street • Fond du Lac, WI 54935-5738
Office: (920) 322-3800 • Fax: (920) 322-3801
www.ci.fond-du-lac.wi.us

Memorandum

To: City Manager Moore
From: Chief O'Leary 
Date: March 19, 2013
Re: Proposed Fire Prevention Ordinance

Dear Joe,

Per our discussions, I have been working with our fire prevention bureau to drive efficiencies and outcomes in the bureau. We have identified an Illinois-based company, Brycer, LLC that will save us time and money, increase code compliance, reduce unwanted false alarms and automate a currently manual process. After carefully reviewing their solution and its potential for Fond du Lac, I am recommending the attached ordinance for the city council's consideration.

The Compliance Engine is a web-based application that will allow us to drive compliance with our fire code in regards to inspection, testing and maintenance of life-safety systems. This tool will electronically collect, aggregate and track all inspections performed by fire suppression system/ fire alarm contractors, automate our fire prevention bureau's notifications process (renewal, overdue and deficiency) to buildings, and build a database profile of Fond du Lac's commercial buildings. Fond du Lac will enjoy improved public safety, increased safety for firefighters who depend on fire alarm and installed fire suppression systems to extinguish fires in the early stages.

City Attorney, Deb Hoffman and I conferred with Brycer Co-Owner, Matt Rice last summer and went through the agreement Brycer would ask the City to engage in if this ordinance were passed. Ms. Hoffman was pleased with the arrangement and gave me the "green light" to move forward from a legal perspective. The data is owned by the City and not Brycer. We would be asking to sign a three year contract with a 90-day opt out. There is no cost to the City or the business owners. The costs associated with the reports would be to the contractors performing the work which is \$10 per system, per premise, annually. I have met and received feedback from contractors; they concur with the benefits this will drive for the city as well as their organizations.

I believe this innovation will greatly improve our department's abilities related to seeking compliance with required fire and life safety systems. Electronic records will be at the fingertips of our field inspectors, before they go out on annual inspections and records will be accurate and up-to-date. I appreciate your support and ask that the city council act favorably on this ordinance.

COUNCIL

BURROUGHS, MICK

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

LOHRIGAN, LEEANN

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

LUNDE ROSS, REBECCA

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

MILLER, GARY

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

VANDEZANDE, ROB

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

*Not for release to the Public

WORK

HOME



DEPT. HEAD

MOORE, MGR

WORK

322-3405

SKIFF, DPW

322-3472

WORTMAN, DADM

322-3452

HOFFMANN, ATTY

322-3423

ROLLIN, DCD

322-3440

LAMB, POLICE

322-3702

OLEARY, FIRE

322-3802

ZITLOW, ITS

322-3605

STRANDS, CLERK

322-3432

BOLTHOUSE, LIBRARY

322-3959

KIEFER, PARKS

322-3590

AGNEW, ASSIST

322-3407

FAX NUMBER

322-3402

CELL

HOME

