CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

January 9, 2013
7:00 P.M.

Legislative Chambers
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

REGULAR AGENDA

1. CALL TO ORDER

A. Roll Call

B. Declaration A Quorum Is Present

2. PLEDGE OF ALLEGIANCE AND REFLECTION

A. Pledge of Allegiance

B. A Moment of Silence

3. COUNCIL PRESIDENT PRESENTATIONS

A Proclamation For The 2013 Wisconsin Adult School Crossing Guard Recognition Week

4. PUBLIC HEARINGS

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

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

CONSENT AGENDA

5. CONSENT AGENDA

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

A. APPROVAL OF MINUTES

December 12, 2012 Regular City Council Meeting

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 January 9, 2013
Subject: List Of Claims - Items Paid By The City

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

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

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

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

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

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

(Proposed Action: **Approve**)

D. Chief Of Police
Subject: Police Department Command Structure Reorganization

(Proposed Action: **Approve**)

E. City Attorney
Subject: Parliamentary Procedure For Filling Council Officer Positions

9. REPORTS OF COMMITTEES

10. PETITIONS OR COMMUNICATIONS

11. RESOLUTIONS

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

(Effect: Appoint Two Members To The Business Improvement District (Downtown Fond du Lac Partnership)
(Initiator: City Manager

12. ORDINANCES

13. MISCELLANEOUS

Items In This Category Must Be Noticed On The Agenda.

14. SUCH OTHER MATTERS AS ARE AUTHORIZED BY LAW

15. PUBLIC COMMENTS

16. ADJOURN TO CLOSED SESSION

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

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

The subject is:

Economic Development Opportunities

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

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

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

Fond du Lac City Council Meeting Agenda

ORDER OF BUSINESS

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

7:00 pm

Jan. 9, 2013

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

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

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

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

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

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

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

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

CITY COUNCIL MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN

December 12, 2012
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 - Rick Gudex
Lee Ann Lorrigan
Rebecca Lunde-Ross
Gary Miller
Jim Sabel
Rob Vande Zande

Absent - Mick Burroughs (excused)

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

Council President Gudex declared a quorum present.

PLEDGE OF ALLEGIANCE AND REFLECTION

Pledge of Allegiance was recited.

A moment of silence was observed.

COUNCIL PRESIDENT PRESENTATIONS

Council President Gudex presented a proclamation to Eltayana Wilson, and Lauren Endres recognizing them for their placement at the State level for the Fair Housing competition.

Council President Gudex presented a proclamation recognizing the St. Mary's Springs High School State Championship Football Team to Coach Bob Hyland, Captain's Jacob Schneider, Evan Henderson, Matt Austin and Eric Feldner.

Council President Gudex presented a proclamation to Brian Bartelt, Police Detective, Kevin Lemke, Deputy Chief of Police, Brian Willis, Patrol Officer, and Julie Koening, Administrative Assistant Police Department. Recognizing them for their years of dedicated service.

CONSENT AGENDA

CONSENT AGENDA

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

APPROVAL OF MINUTES

November 14, 2012 Regular City Council Meeting

November 20, 2012 Regular City Council Meeting

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

REGULAR AGENDA

AUDIENCE COMMENTS

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

Spoke in Support of Ordinance No. 3506:
Resident:
Craig Wilson, 28 E McWilliams St., Fond du Lac

Spoke in Support of Resolution 8362 & 8363:
Non-Resident:
Paul Mott, o/b/o Edward Rose Development Co., 38525 Woodward Ave., Bloomfield Hills, MI

REPORTS OF OFFICERS

Director Of Administration, Dated December 5, 2012
Subject: List Of Claims - Items Paid By The City

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

Motion made by Councilperson Lunde-Ross to receive and file the List of Claims dated December 5, 2012.
Seconded by Councilperson Vande Zande.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

City Attorney/Human Resources Director
Subject: City Council Vacancy

(Proposed Action:

Decide Whether To Fill Or Leave Council Seat Vacant

If Decision Is To Fill Vacancy, Determine Process

Motion made by Councilperson Miller to fill Councilperson Gudex vacancy for the remainder of the term.
Seconded by Councilperson Lunde-Ross.
ROLL CALL VOTE: Aye - Miller, Lunde-Ross
Nay - Lorrigan, Vande Zande, Sabel
Abstain - Gudex
Failed.

City Attorney/Human Resources Director
Subject: Pay Plan Summary

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

Motion made by Councilperson Miller to receive and file the Pay Plan Summary.
Seconded by Councilperson Lunde-Ross.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

REPORTS OF COMMITTEES

Park Board
Subject: Proposed Disc Golf Course on Hwy K

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

Spoke in Support of the Proposed Disc Golf Course:
Resident:
Fred Schallent, 292 E Bank St., Fond du Lac
George Schneider, 130 Rose St., Fond du Lac

Motion made by Councilperson Sabel to receive and file the proposed Disc Golf Course on Hwy K.
Seconded by Councilperson Lunde-Ross.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

RESOLUTIONS

Resolution No. 8361
Subject: A Resolution Authorizing The Use Of Public Streets And Waiving The Prohibition Against Possession Of Alcoholic Beverages On Public Ways For The Tour Of America's Dairyland On June 28, 2013

(Effect: Authorize Use Of Public Streets And Waive Public Consumption Prohibition For The Tour Of America's Dairyland On June 28, 2013
(Initiator: Community Development Director
(File No. 2012-102

Spoke in Support of Resolution No. 8361:
Dave Hornung

Motion made by Councilperson Sabel to approve Resolution No. 8361.
Seconded by Councilperson Miller.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Resolution No. 8362
Subject: A Resolution Granting A Special Use Permit

(Effect: Construct Assisted Living Facility As A Component Of A Multifamily Residential Development
(Location: South Main Street (FDL-15-17-27-31-249-00)
(Initiator: Paul Mott o/b/o Edward Rose Development Co.
(Plan Commission Recommendation: **Approve**)
(File No. 2012-103

Motion made by Councilperson Miller to approve Resolution No. 8362.
Seconded by Councilperson Sabel.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Resolution No. 8363
Subject: A Resolution Approving A Certified Survey Map And Accepting A Public Dedication

(Effect: Approve Certified Survey Map With Acceptance Of Public Dedication
(Location: South Main Street (FDL-15-17-27-31-249-00)
(Initiator: Edward Rose Development Co.
(Plan Commission Recommendation: **Approve**)
(File No. 2012-103

Motion made by Councilperson Sabel to approve Resolution No. 8363.
Seconded by Councilperson Vande Zande.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Resolution No. 8364
Subject: A Resolution Appointing An Interim City Council Member To Serve On The Historic Preservation Commission To Replace President Richard D. Gudex

(Effect: Replace City Council President Richard D. Gudex
(Initiator: City Council
(File No. 2012-104

Motion made by Councilperson Vande Zande to appoint Councilperson Vande Zande to the Historic Preservation Commission.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Resolution No. 8365
Subject: A Resolution Appointing An Interim City Council Member To Serve On The City-County Buildings Board To Replace President Richard D. Gudex

(Effect: Replace City Council President Richard D. Gudex
(Initiator: City Council
(File No. 2012-105

Motion made by Councilperson Miller to appoint Councilperson Miller to the City-County Buildings Board.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Resolution No. 8366
Subject: A Resolution Confirming Appointments To Business Improvement District (DFP)

(Effect: Appoint Two Members To The Business Improvement District(Downtown Fond du Lac Partnership)
(Initiator: City Attorney
(File No. 2012-003

Motion made by Councilperson Vande Zande to approve Resolution No. 8366.
Seconded by Councilperson Lorrigan.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

ORDINANCES/RESOLUTIONS

Ordinance No. 3505
Subject: A Zoning Ordinance

(Effect: Rezone Portion Of Property From B-2 Neighborhood Shopping) To B-4 (Service Commercial)
(Location: 170 N Prairie Road
(Initiator: Gary Hilbert
(Plan Commission Recommendation: **Approve**)
(File No. 2012-106

Motion made by Councilperson Sabel to approve Ordinance No. 3505.
Seconded by Councilperson Lorrigan.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Resolution No. 8367
Subject: A Resolution Granting A Special Use Permit

(Effect: Construct Ministorage Buildings On Property Zoned For Commercial Land Use
(Location: 170 N Prairie Road
(Initiator: Gary Hilbert
(Plan Commission Recommendation: **Approve**)
(File No. 2012-106

Motion made by Councilperson Sabel to approve Resolution No. 8367.
Seconded by Councilperson Lorrigan.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Ordinance No. 3506
Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Remove Limited Time Parking - Two Hours, 7 A.M. To 5 P.M., Monday Through Friday, Schedule J, (d)
(Location: **McWilliams St.,** E., Both Sides, Between N. Main St. And Amory St., Except For The Improved Terrace Area On The North Side Of The Street In The Block Between Marquette And Main Streets
(Effect: Create Limited Time Parking - Two Hours, 7 A.M. To 5 P.M., Monday Through Friday, Schedule J, (d)
(Location: **McWilliams St.,** E., North Side, From Marquette St. and Amory St.
(Effect: Create Parking Prohibited At All Times, Schedule E, No Parking Zones
(Location: **McWilliams St.,** E., North Side, Between N. Main St. And Marquette St.
(Initiator: Craig & Nancy Wilson, 28 E. McWilliams Street, et al
(Advisory Parking & Traffic Board Recommendation: **Approve**)
(File No. 2012-107

Motion made by Councilperson Lunde-Ross to approve Ordinance No. 3506.
Seconded by Councilperson Miller.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Ordinance No. 3507
Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Remove Limited Time Parking Two Hours 8 A.M. To 6:00 P.M. Daily except Saturdays And Sundays, Schedule J, (d)
(Location: **Western Ave.,** Both Sides, Between Elm Street And Military Road
(Effect: Create Limited Time Parking Two Hours 8 A.M. To 6:00 P.M. daily except Saturdays And Sundays, Schedule J, (d)
(Location: **Western Ave.,** Both Sides, From S. Military Rd. to Elm St., Except The Portion On The North Side From A Point 110' West Of The Bridge Of The East Branch of the Fond du Lac River, West 170'

(Effect: Create Parking Prohibited At All Times, Schedule E
(Location: **Western Ave.,** North Side, Form A Point 110′ West Of the Bridge Of The East Branch Of The Fond du Lac River, West 170′
(Initiator: Penny Gaines, 101 Western Avenue, Et Al.
(Advisory Parking & Traffic Board Recommendation: **Approve**)
(File No. 2012-108

Motion made by Councilperson Sabel to approve Ordinance No. 3507.
Seconded by Councilperson Miller.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lunde-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

Ordinance No. 3508
Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Remove Limited Time Parking At Any Time, Except Saturdays And Sundays, Schedule J, (d)
(Location: **Tompkins St.,** South Side, From Hickory St. To The Railroad Tracks
(Effect: Create Limited Time Parking At Any Time, Except Saturdays And Sundays, Schedule J, (d)
(Location: **Tompkins St.,** South Side, From Hickory St. To The Railroad Tracks, Except That Portion On The South Side, From A Point 180′ East Of The Easterly right-Of-Way of Hickory St., East 120′
(Effect: Create Parking Prohibited At All Times, Schedule E
(Location: **Tompkins St.,** South Side, From A Point 180′ East Of The Easterly Right-Of-Way Of Hickory St., East 120′
(Initiator: Steve Jordan, Milk Specialties
(Advisory Parking & Traffic Board Recommendation: **Approve**)
(File No. 2012-109

Motion made by Councilperson Miller to approve Ordinance No. 3508.
Seconded by Councilperson Sabel.
ROLL CALL VOTE: Aye - Miller, Lorrigan, Lund-Ross, Gudex, Vande Zande, Sabel
Nay - None
Carried.

ADJOURN

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

Meeting adjourned at 8:27 p.m.

SUE STRANDS
CITY CLERK

SS/maa

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: January 3, 2013

To: City Council

From: Hal M Wortman, Director of Administration

Re: List of Claims

The list of claims for goods and services for the payment periods December 7, 2012 through December 28, 2012 for all funds total $2,492,780.56. 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: January 3, 2013

To: City Council

From: Sue L. Strands, City Clerk

Re: 2012-2013 "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage Application

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

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

ALCOHOL LICENSING COMMITTEE MINUTES
CITY OF FOND DU LAC, WISCONSIN

December 17, 2012
4:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL: Present: - J. Geoffrey Bares
Paul Osterholm
Jim Sabel
Kerry Strupp
Ray Lapierre (late arrival)

Absent: - David Hopper (excused)
Sam Meyer (excused)

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

Chairman Sabel declared a quorum present.

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

REPORT OF OFFICERS

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

Limited Liability Co: Stealing Second LLC
Agent: Darran Penn

Home Address: 356 West Scott Street
Fond du Lac, WI
d/b/a: Stealing Second
Location of Premises: 11 East 2nd Street
City Council Meeting Date: January 9, 2013

Appeared in Support and to Ask/Answer Questions:
Darren Penn, 356 W Scott St., Fond du Lac

Appeared in Opposition and to Ask/Answer Questions:
Melanie Foust, Task Force of Fond du Lac County DCP

Motion made by Osterholm to recommend to City Council **Denial** of New "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage.
Seconded by Bares.
ROLL CALL VOTE: Aye - Bares, Osterholm, Sabel
Nay - Lapierre, Strupp
Carried.

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

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning 1-9- 20 13 ;
ending 6-30 20 13

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☒ City of } FDL

County of FDL Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's Wisconsin Seller's Permit Number: 456102818 7021-02	
Federal Employer Identification Number (FEIN): 46-1357050	
LICENSE REQUESTED ▶	
TYPE	**FEE**
☐ Class A beer	$
☒ Class B beer	$ 67-
☐ Class C wine	$
☐ Class A liquor	$
☒ Class B liquor	$ 333-
☐ Reserve Class B liquor	$
Publication fee	$ 55
TOTAL FEE	$ 455-

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ LIMITED LIABILITY COMPANY ☐ CORPORATION/NONPROFIT ORGANIZATION
hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶
Penn Darran Stealing Second LLC

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

	Title	Name	Home Address	Post Office & Zip Code
President/Member	President/owner	Darran Penn	356 W Scott	Fond du Lac 54937
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent ▶	Darran Penn	"	"	
Directors/Managers				

3. Trade Name ▶ Stealing Second LLC Business Phone Number 920 948 5223
4. Address of Premises ▶ 11 E. 2nd St Post Office & Zip Code ▶ Fond du Lac 54935
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☒ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 12-2012 of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No

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

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Bar room, Back room, Storage room
10. Legal description (omit if street address is given above): 11 E. Second St
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
    (b) If yes, under what name was license issued? _____
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

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

SUBSCRIBED AND SWORN TO BEFORE ME
this 21st day of November, 20 12

[signature]
(Clerk/Notary Public)
My commission expires 9-27-2015

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

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

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 11-26-12	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued 13-4189	

QL-24421
Rec#71928

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

Submit to municipal clerk.

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

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

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

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Stealing Second LLC
(trade name)

located at 11 E. 2nd st Fond du Lac WI 54935

appoints Darran Penn
(name of appointed agent)

356 W Scott st Fond du Lac WI 54937
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 36 years

Place of residence last year 356 W. Scott st

For: Stealing Second LLC
(name of corporation/organization/limited liability company)

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

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Darran Penn, 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.

[signature] 11-21-12 Agent's age [redacted]
(signature of agent) (date)

356 W. Scott st Fond du Lac WI 54937 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 12/12/12 by [signature] Title ADMIN. CAPTAIN.
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*
Penn	Darran	C

Home Address *(street/route)*	Post Office	City	State	Zip Code
356 W. Scott st		Fond du Lac	WI	54937

Home Phone Number	Age	Date of Birth	Place of Birth
920 948 5273	[redacted]	[redacted]	Fond du Lac

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 Stealing Second LLC
(Officer/Director/Member/Manager/Agent) *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? 36 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	Employer's Address	Employed From	To
BMO Harris Bank	333 Blackbird st	10-12	
Employer's Name	Employer's Address	Employed From	To
Advantage Refridation		7-11	4-12

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 21st day of November, 2012

_____ *(Clerk/Notary Public)*

My commission expires 9-27-2015

_____ *(Signature of Named Individual)*

Printed on Recycled Paper

Fond du Lac County

OFFICE OF CLERK OF CIRCUIT COURTS
(920) 929-6813

City/County Government Center
160 S Macy St., Fond du Lac, WI 54935

RECORD SEARCH

NAME OF INDIVIDUAL Darren C Penn

DATE OF BIRTH 6-17-1976

ADDRESS _____

We have conducted a search of our traffic, criminal and ordinance files and said search reveals the following:

( ) No Records Found

(✓) See attached record of convictions

Searched By: C Beck

C.Beck
Intake Clerk – Assistant
Criminal Division

Criminal and Traffic Disposition Report
Fond du Lac County Circuit Court

Report Date: 11-21-2012
11:47 am

Name Address	DOB	Viol Date	Case No. Cit No.	Charge	Amended From	Plea	Disposition/ Date	Penalty	Amount
Penn, Darran C 105 S Main Box 112 Rosendale, WI 54974	[redacted]	08-14-1992	1992TR008031 R989109-2	346.14(1) Tailgating		Guilty	Guilty / No Contest 08-31-1992	Forfeiture / Fine Forfeiture / Fine Forfeiture / Fine Costs	$ 0.00
Penn, Darran C 105 S Main St Rosendale, WI 54974	[redacted]	08-10-1992	1992TR008084 S028253-1	346.57(4)(h) Speeding 55 Mph Posted		Guilty	Guilty / No Contest 08-31-1992	Forfeiture / Fine Forfeiture / Fine Forfeiture / Fine Costs	$ 0.00
Penn, Darran C 105 S Main Box 112 Rosendale, WI 54974	[redacted]	11-17-1992	1992TR011582 R990925-5	346.57(4)(e) Speeding In City Limits		Guilty	Guilty / No Contest 12-07-1992	Forfeiture / Fine Forfeiture / Fine Forfeiture / Fine Costs	$ 0.00
Penn, Darran C 371 N Peters Ave Apt K8 Fond Du Lac, WI 54935	[redacted]	01-15-1993	1993TR000482 S303916-4	343.44(1) Oper After Revoc/Susp		Guilty	Guilty / No Contest 02-08-1993	Forfeiture / Fine Forfeiture / Fine Forfeiture / Fine Costs	$ 0.00
Penn, Darran C 371 N Peters Ave Fond Du Lac, WI 54935	[redacted]	05-22-1994	1994TR005503 T136957-2	347.48(2) Violation Safety Belt		Guilty	Guilty / No Contest 06-13-1994	Forfeiture / Fine Forfeiture / Fine	$ 0.00
Penn, Darran C 371 N Peters Ave #108 Fond Du Lac, WI 54935	[redacted]	06-07-1994	1994TR006845 T798937-6	347.48(2) Violation Safety Belt		Guilty	Guilty / No Contest 07-12-1994	Forfeiture / Fine Forfeiture / Fine	$ 0.00
Penn, Darran C 133 4th St Fond Du Lac, WI 54935	[redacted]	02-12-1995	1995FO000381 2188	16.13 Traffic Regulations		Guilty	Guilty / No Contest 03-22-1995	Forfeiture / Fine Forfeiture / Fine Forfeiture / Fine Costs	$ 0.00
Penn, Darran C 58 1/2 W Bank Fond Du Lac, WI 54935	[redacted]		1995FO002983 9554016	15.01 Disorderly Conduct			Dismissed on Prosecutor's Motion 01-22-1996		
Penn, Darran C 670 Grand #c Oshkosh, WI 54901	[redacted]	11-14-1996	1996CT000598 W849816-2	343.44(1) Oper After Revoc/Susp		Guilty	Guilty / No Contest 01-14-1997	Local jail Forfeiture / Fine	$ 203.00

Criminal and Traffic Disposition Report
Fond du Lac County Circuit Court

Report Date: 11-21-2012
11:47 am

Name Address	DOB	Viol Date	Case No. Cit No.	Charge	Amended From	Plea	Disposition/ Date	Penalty	Amount
Penn, Darran C 371 N Peters Av #k-8 Fond Du Lac, WI 54935	[redacted]	04-20-1996	1996TR004916 W483389-4	346.57(4)(h) Speeding 55 Mph Posted		Guilty	Guilty / No Contest 05-21-1996	Forfeiture / Fine Forfeiture / Fine Forfeiture / Fine Costs	$ 0.00
Penn, Darran C 371 N Peters Ave #k-8 Fond Du Lac, WI 54935	[redacted]	04-20-1996	1996TR004917 W483390-5	347.48(2) Violation Safety Belt		Guilty	Guilty / No Contest 05-21-1996	Forfeiture / Fine Forfeiture / Fine Forfeiture / Fine	$ 0.00
Penn, Darran C 371 N Peters Ave #K8 Fond du lac, WI 54935	[redacted]	09-17-1998	1998TR009561 Y516415-4	15.16(B)(6) D/C Motor Vehicle	Unreasonable and Imprudent Speed	No Contest	Guilty / No Contest 11-03-1998	Forfeiture / Fine	$ 159.80
Penn, Darran C 371 N Peters Ave #K8 Fond du lac, WI 54935	[redacted]	11-20-1998	1998TR011659 Y516864-5	341.03(1) Operate after Rev/Susp of Registration		Not Guilty	Dismissed on Prosecutor's Motion 12-15-1998		
Penn, Darran C 371 N Peters Ave Apt K4 Fond du lac, WI 54935	[redacted]	01-13-2001	2001TR001015 B365043-0	346.57(5) Exceeding Speed Zones, etc. (35-39 MPH)		Not Guilty	Guilty / No Contest 03-27-2001	Forfeiture / Fine	$ 242.75
Penn, Darran C 371 N Peters Ave K4 Fond du Lac, WI 54935	[redacted]	10-12-2002	2002TR012020 D193727-2	346.57(4)(h) Speeding in 55 MPH Zone (20-24 MPH)		No Contest	Guilty / No Contest 11-18-2002	Forfeiture / Fine	$ 187.80
Penn, Darran C 371 N Peters Ave Fond du Lac, WI 54935	[redacted]	05-26-2003	2003TR006747 D876686-6	347.48(2m)(b) Vehicle Operator Fail/Wear Seat Belt		No Contest	Guilty / No Contest 06-23-2003	Forfeiture / Fine	$ 10.00
Penn, Darran C 371 N Peters Ave #K4 Fond du lac, WI 54935	[redacted]	08-29-2003	2003TR010867 D872955-6	347.48(2m) Mandatory Seatbelts Requirement		No Contest	Guilty / No Contest 09-29-2003	Forfeiture / Fine	$ 10.00
Penn, Darran C 371 N Peters Ave #k4 Fond Du Lac, WI 54935	[redacted]	03-28-2006	2006TR003274 M2984030	347.48(2m)(b) Vehicle Operator Fail/Wear Seat Belt		No Contest	Guilty / No Contest 05-08-2006	Forfeiture / Fine	$ 10.00
Penn, Darran C. 356 W. Scott ST Fond du Lac, WI 54937	[redacted]	07-14-2010	2010CF000314	940.19(1) Battery	Substantial Battery-Intend Bodily Harm	No Contest	Guilty Due to No Contest Plea 03-30-2011	Probation, sent withheld	$ 1443.80

Criminal and Traffic Disposition Report
Fond du Lac County Circuit Court

Report Date: 11-21-2012
11:47 am

Name Address	DOB	Viol Date	Case No. Cit No.	Charge	Amended From	Plea	Disposition/ Date	Penalty	Amount
Penn, Darren C 371 N Peters Ave Fond du Lac, WI 54935	[redacted]	09-09-2002	2002CM001259	38-3 Issuance of worthless cks	Issue of Worthless Checks(<=$2500)	Guilty	Guilty / No Contest 12-17-2002	Forfeiture / Fine	$ 144.40

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

Submit to municipal clerk.

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

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

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

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

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located at 11 E. 2nd st Fond du Lac WI 54935

appoints Darran Penn
(name of appointed agent)

356 W Scott st Fond du Lac WI 54937
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 36 years

Place of residence last year 356 W. Scott st

For: Stealing Second LLC
(name of corporation/organization/limited liability company)

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

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Darran Penn (print/type agent's name), hereby accept this appointment as agent for the corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[signature] (signature of agent) 11-21-12 (date) Agent's age [redacted]

356 W. Scott st Fond du Lac WI 54937 (home address of agent) Date of birth [redacted]

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

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

Approved on _____ (date) by _____ (signature of proper local official) Title _____ (town chair, village president, police chief)

Legal/Real Name: STEALING SECOND

Signature _____

Wisconsin Business Tax Registration Certificate

Expiration date: November 30, 2014

Legal/real name: STEALING SECOND

- This certificate confirms that you are registered with the Wisconsin Department of Revenue and authorized to engage in business activities for the tax types shown below.
- You may not transfer this certificate to any other individual or business.
- If your business is not operated from a fixed location, you must bring the wallet copy to all events.

Tax Type	Account Type	Number
Sales & Use Tax	Seller's Permit	456-1028187021-02
Withholding Tax	Withholding Tax	036-1028187021-04

WINPAS - atl018 (R.03/12)

VALIDATE ONLINE AT SERVINGALCOHOL.COM

CODE: M3XFBX7FC3

ONLINE TRAINING

SERVING ALCOHOL INC
UNITED STATES OF AMERICA
team@servingalcohol.com

CERTIFICATION

This certifies that

Darran Penn

has completed the Serving Alcohol Inc. approved course

Wisconsin Alcohol Seller-Server

October 25, 2012

APPROVED BY THE STATE OF WISCONSIN SS-125.04

PROVIDER TRAINING IN COMPLIANCE WITH SS-134.66

STUDENT ACKNOWLEDGED UNDERSTANDING OF SS-134.88:
Restrictions on sale or gift of cigarettes or tobacco products; that state law prohibits selling tobacco products to any person under the age of 18; and failure to comply with these restrictions may result in a citation.

PERSONS COMPLETING THIS COURSE HAVE AGREED TO EXECUTE THE FOLLOWING POLICIES TO THE BEST OF THEIR ABILITIES:

* CARD ANY PERSON 35 YEARS OF AGE OR YOUNGER
* OBSERVE AND REPORT ANY CUSTOMER SHOWING SIGNS OF POSSIBLE IMPAIRED BEHAVIOR
* RESPOND IMMEDIATELY TO ANY POSSIBLE PROBLEM SITUATIONS
* DETERMINE THAT PEOPLE ENTERING THE PREMISES TO CONSUME ALCOHOL ARE OF LEGAL ALCOHOL DRINKING AGE AND RECARD THEM IF THERE IS ANY QUESTION AS TO THEIR AGE
* ENSURE A PERSON MATCHES THEIR VALID LEGAL IDENTIFICATION

STEALING SECOND LLC

Business plan

Contact:

Darran Penn Senior

Stealing Second LLC

356 West Scott Street

Fond du Lac, Wisconsin, 54937

Phone 920-948-5223

Email Godjr23@sbcglobal.net

TABLE OF CONTENTS

Title Page——————————————————1
Table of Contents——————————————2
Confidentiality Agreement—————————— ——3

Executive Summary—————————————— 4
- Objectives——————————————————4
- Mission——————————————————4
- Keys to Success——————————————4

Company Summary—————————— ———5
- Company Ownerships——————————5
- Company Location and Facility——————5

Strategy and Implementation Summary————6
- Marketing Strategy——————————6
- Marketing Programs——————————6
- Pricing Strategy——————————6
- Promotion Strategy——————————6

Management Summary——————————6
- Organizational Structure——————6
- Management Team——————————7
- Personnel Plan——————————7

Financial Plan——————————————7
- Important Assumptions——————7
- Key Financial Indicators——————7
- Break-even Analysis——————8
- Start-up Funding——————————8
- Business Ratios——————————8
- Projected Cash Flow——————8

Appendix 1 Resume——————————9
Appendix 2 Business Ratios —————— —10

Confidentiality Agreement

The reader acknowledge that the information provided by Darran Penn Sr. in this business plan is confidential; therefore, reader agrees not to disclose it without the express written permission of Darran Penn Sr.. It is acknowledged by reader that information to be furnished in this business plan is in all respects confidential in nature, other than information which is in the public domain through other means and that any disclosure or use of same by reader, may cause serious harm or damage to Darran Penn Sr..

Upon request, this document is to be immediately returned to Darran Penn Sr.

Darran Penn Sr.

November 15, 2012

This is a business plan, it does not imply an offering of securities.

STEALING SECOND BUSINESS PLAN

1.0 .Executives Summary

Stealing Second, (hereinafter "Business") is intended to be formed as a limited liability company located at 11 E. 2nd Street, Fond du Lac, Wisconsin, 54935, poised for rapid growth in the food and beverage service industry. First years operations will produce a net profit . The sales figures and projections presented here are based upon current assumptions of the Standard Industry Classifications code 5813, Drinking places. Management recognized a rapid growth and cash flow to becomes positive from operations immediately.

1.1 Objectives

The management of Stealing Second has demonstrated its concept, execution, marketability, and controls, and feels confident of its ability to be successful.

The following objectives have been established:

- Maintain tight control of costs and operations by hiring quality employees and utilizing automated computer control.
- Keep beverage cost under 21% of revenue
- To open a restaurant in Summer 2013
- Keep food cost under 32% of revenue

1.2 Mission:

Stealing Second will strive to be the premier sports theme bar and restaurant in the Fond du Lac area. Our goal is to be a step ahead of the competition. We want our customers to have more fun during their leisure time. We will provide televisions for the sporting events. We will have several pool tables and dart machines. There will be opportunities for charity groups to raise funds, through Guest Bartenders nights. We will combine menu selection, atmosphere, ambiance, and service to create a sense of "place" in order to reach our goal of over-all value in a dining/entertainment experience.

1.3 Keys to success:

The keys to success in achieving our goals are:

- Product quality. Not only great food and beverage but great service.
- Controlling costs at all times without exception. This applies equally to product control and to financial control.
- Promoting the pool, dart, and softball leagues.
- Communities outreach through guest Bartender Nights

STEALING SECOND BUSINESS PLAN

2.0 Company Summary

The key elements of Stealing Second are as follow:

- Sport based themes The business will focus on themes that have mass appeal.
- Distinctive design features. The business will be characterized by spectacular visual design and layout. The business will display a collection of authentic sports memorabilia.
- Pool and dart leagues. The business will promote pool and dart leagues activities and host several teams.
- Softball Teams. The business will promote teams for the softball season, and will host several teams.
- Country Western music on the juke box.
- Retail merchandising the business will include offering quality merchandise displaying the business logo design. In addition sports memorabilia will be sold.
- Helping local non-profits raise funds for their charities, through Guest Bartender Nights.
- Quality service In order to maintain its unique image the business provides attentive and friendly service, and will invests in the training and supervision of its employees.
- Restaurant to be open in the summer of 2013
- Quality food The business will serve freshly prepared, high quality, popular cuisine that is targeted to appeal to a variety of tastes and budgets with an emphasis on reasonably and moderately priced signature items of particular appeal to a local market.

2.1 Company Ownerships

Stealing Second is a limited liability company. Darran Penn is the principal owner.

Mr. Penn holds a associated degree in business from the University of Phoenix. He has held executive level positions in local area clubs, including the Noon Optimistic and Treasures of Love, Inc. He is previously experience in the restaurant industry, having been a manager for Domino Pizzas, as well as bartenders for local business.

2.2 Company Location and Facility

The business will be 2,600 square feet and will seat 50 + persons. The business will feature authentic sports memorabilia, as well as several pool tables and darts machines The business will be up to existing specifications, clean looking, open and pleasing to the customers.

It is located at 11 E 2nd Street in Fond du Lac, Wisconsin 54935.

STEALING SECOND BUSINESS PLAN

3.0 Strategy and Implementation Summary

Our strategy is based on serving out niche markets well. The sports enthusiast, country music lovers, the business entertainer, local charities, and traveler, the local night crowd, as well as families dinning out all can enjoy the Stealing Second experience. We will begin as a customized version of a standard product, tailored to the needs of a local clientele.

3.1 Marketing Strategy

A combination of local media and event marketing will be utilized. Radio is most effective, followed by local print media. The strategy of pro sports tie-in will be most effective in generating free publicity for the business, which can be more effective than any advertising that can be purchased. In house signs and posters will also be used, as well as word of mouth. Happy customers are repeat customers.

3.2 Marketing Programs

Stealing Second will create an "identity" oriented marketing strategy with executions particularly in local media, Radio sports, print ads, and in-store promotions. A portion of the ad and promo budget is set aside to develop these programs.

3.3 Pricing Strategy

The beverages will be priced in line with other local business norm. When the kitchen is open in summer of 2013, all menus items will be moderately priced We believe by creating an atmosphere that encourages longer stays and more spending due to extended hours of appeal.

3.4 Promotion Strategy

We promote sports, sports, and more sports. The universal appeal of sports and sports marketing has never been higher.

Many new residents and many existing ones are fans of teams in other markets. Stealing Second is a place for all.. Each patron can watch his or her game of interest. The enabling technology is the benchmark of Stealing Second.

Advertising budgets and sport events promotion is an on-going process of management geared to promote the brand name and keep Stealing Second at the forefront of sport theme establishments in the local marketing area.

In addition funds are budgeted to launch both pool and dart leagues, as well as soft ball teams and local charities events.

4.0 Management Summary

At the present time Darran Penn runs all operations for Stealing Second. Other key personnel, specific General Manager and Food Manager both not needed initially will be recruited when needed. Some candidates have already been identified. There is not expected to be any shortage of qualified and available staff and management from the local labor pool.

4.1 Organizational Structure

Future organizational structure will include a general Manager and a Food Service Manager. A part time accountant has already been added. Their salaries are included in the projections.

STEALING SECOND BUSINESS PLAN

4.2 Management Team

Darran Penn

- Personal Data:

Born June 17, 1976 Fond du Lac, Wisconsin
Married six years —four children ages 17, 8, 5, 3.
Excellent health.

- Education & Professional Experience

See Resume in Appendix

4.3 Personnel Plan:

The following personnel table outlines the projected staff requirements for the first two years.

	First Year	Second Year
Total Payroll	$39,944	$ 48,680
Total People	5	7

5.0 Financial Plan:

The start up cash will be from personal funds and expansion from cash flow.
The over-all financial plan for growth allows for use of the cash flow generated by operations.

5.1 Important Assumptions:

The financial plan depends on important assumptions. The key underlying assumptions are:

- We assume a slow-growth economy, without major recession.
- We assume the continued popularity of local pool and dart leagues.
- We assume the continued popularity of sport in America and the growing demand for sport theme venues.

5.2 Key Financial Indicators:

The most important indicator in our case is inventory turnover. In the restaurant and beverage business turnover exceeds 50, with product being purchased and sold often within the week.

- Beverage cost must be kept below 21%
- Food cost must be kept below 32%

Stealing second will use state of the art restaurant and beverage control and inventory systems. All systems are computer based that allows for accurate off-premises control of all aspects of food and beverage service business.

Management's background in business indicates understanding of the importance of these control systems.

STEALING SECOND BUSINESS PLAN

5.3 Break-even Analysis:

The break even analysis is based upon fixed costs.

- Monthly Revenue Break-even————————————$7,000
- Assumptions Average percent Variable Cost————28%
- Estimated Monthly Fixed Cost————————————-$5,000

5.4 Start-up Funding;

All start up funding will come from personal savings as well as non-interest loans from families members.

5.5 Business Ratios:

These business ratios are based on Standard Industry Classification code, 5813, Drinking Places.

See chart in Appendix..

5.6 Projected Cash Flow:

All additional fund requirements can be met from internally generated funds.

	February 2013	June 2013	December 2013
Sales	$6,000	$7,000	$8,000
Sales Expenses	$ 618	$ 721	$ 824
Advertising expense	$ 187	$ 219	$ 250
General expense	$1,000	$1,176	$1,366
Salary expenses	$2,463	$2,874	$3,284
Profit before taxes	$ 234	$ 273	$ 312

Darran Penn Sr.
356 W Scott st.
Fond du Lac WI 54937
920(948)5223
Godjr23@sbcglobal.net

Objective

Accomplished, achievement-driven and results individual looking to move forward in a new career path.

Employment History

October 2012-Curret
BMO Harris Bank
Customer Service Rep

July 2011-April 2012
Shop Help
Advantage Refrigeration, Fond du Lac

August 2010-March 2011
Account Manager
Get it Now, West Bend, WI

June 2006-July 2010
Sales Consultant
Verizon Wireless, Fond du Lac, WI

May 2004-May 2006
Sales Consultant
State Farm Insurance, Oshkosh, WI

Education

2010-2012
University of Phoenix Online
Associate degree in Business, with a bachelor in marketing

1999-2002
University of Wisconsin Fond du Lac

Extracurricular Activities

Vice President of non-profit Treasures of Love Inc.

Member and Manager of Adult Softball: Member of People to People Student Ambassador

Stealing Second Business Plan

Business Ratios

Ratio Analysis	Industry Profile
Sales growth	5.96%
Percent of Total Assets	
Inventory	3.68%
Other Current Assets	45.65%
Total Current Assets	54.09%
Long-tern Assets	45.91%
Total assets	100.00%
Current Liabilities	16.08%
Long-tern Liabilities	25.02%
Total Liabilities	41.10%
Net Worth	58.90%
Percent of Sales	
Sales	100.00%
Gross Margin	31.07%
Selling, General & Administrative Expenses	10.33%
Advertising Expenses	3.13%
Profit Before Interest and Taxes	3.91%
Main Ratios	
Current	1.70%
Quick	1.14%
Total Debt to Total Assets	53.41%
Pre-tax Return on Net Worth	7.14%
Pre-tax Return on Assets	15.34%

CITY OF FOND DU LAC - Memorandum

City Clerk's Office

Date: January 3, 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:

NAME	RESIDENCE ADDRESS	LOCATION OF PREMISES
Sharleen Hahn	270 Gertrude Avenue Fond du Lac, WI 54935	Applebee's 841 W Johnson Street

WHG WISCONSIN HOSPITALITY GROUP
10930 W. Potter Rd., Suite A
Wauwatosa, WI 53226-3450
www.whgonline.com
P. 414.266.5100 F. 414.778.2025

Applebee's
It's a whole new neighborhood.

Pizza Hut

December 14, 2012

Sue Strands
Fond du Lac City Clerk
160 South Macy Street
Fond du Lac, WI 54936-0150

RE: Applebee's Store No. 225
841 West Johnson Street, Fond du Lac, Wisconsin

Dear Sue:

Enclosed please find one (1) original of each the following documents with respect to changing the liquor agent at the above-referenced location.

(i) Schedule for Appointment of Agent by Corporation;

(ii) Auxiliary Questionnaire of Sharlene Hahn with attachment; and

(iii) Check in the amount of Ten and no/100's Dollars ($10.00) the required fee for changing the agent.

Our previous agent, Steven Flesch will no longer be able to continue in the capacity of liquor agent. Please allow Sharlene to assume these responsibilities effective immediately until the matter can be brought before your city council for review.

If you have any questions or comments, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very Truly Yours,

Cheryl Dettmann

Cheryl Dettmann
Legal Assistant to Timothy J. Randall
Chief Legal Counsel / Chief Development Officer

/cad
Enclosures

Fond du Lac City Police Department

Memo

To: City Manager Moore

From: Chief Lamb

Date: 01-03-13

Re: Change of Agent for WHG Real Estate East LLC/ d/b/a Applebee's

Applebee's restaurant, located at 841 W Johnson Street, has applied for a change of agent of its Class B Combination License. Sharleen Hahn will be the licensed agent for this establishment. Background checks conducted on Ms. Hahn 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 ☑ City of Fond du Lac County of Fond du Lac

The undersigned duly authorized officer(s)/members/managers of WHG Real Estate East, LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Applebee's Neighborhood Grill & Bar
(trade name)

located at 841 West Johnson Street, Fond du Lac, WI 54935

appoints Sharleen Hahn
(name of appointed agent)

270 Gertrude Avenue, Fond du Lac, WI 54935-2808
(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?

Place of residence last year

For: WHG Real Estate East, LLC
(name of corporation/organization/limited liability company)

By:
(signature of Officer/Member/Manager)

And: Mark Dillon, CEO / President
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Sharleen Hahn, 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.

Sharleen Hahn 12-19-12 Agent's age [redacted]
(signature of agent) *(date)*

270 Gertrude Avenue, Fond du Lac, WI 54935-2808 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 01/03/13 *(date)* by Steven J. Klein *(signature of proper local official)* Title ADMIN. CAPTAIN *(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)*		
HAHN	SHARLEEN			
Home Address *(street/route)*	Post Office	City	State	Zip Code
270 GERTRUDE AVENUE		FOND DU LAC	WI	54935-2808
Home Phone Number	Age	Date of Birth	Place of Birth	
920-960-0244	[redacted]	[redacted]		

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

☐ Applying for an alcohol beverage license as an **individual.**

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☑ Agent *(Officer/Director/Member/Manager/Agent)* of WHG Real Estate East, LLC *(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? 53 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. Please see attached. *(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	Employer's Address	Employed From	To
Kmart	Johnson St	1996	2002
Applebees	841 W. Johnson	2002	2012

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 14 day of December, 2012

(Clerk/Notary Public)

My commission expires 9-27-2015

(Signature of Named Individual)

Printed on Recycled Paper

Attachment to Auxilliary Questionnaire for Original Alcohol Beverage License Application

Additional Alcohol Beverage Licenses

WHG Real Estate East, LLC d/b/a Applebee's Neighborhood Grll & Bar
FEIN: 39-1937618

Unit	Address	City	State	Zip	Entity	Entity FEIN
145	20101 W. Bluemound Rd.	Brookfield	WI	53045	WHG Real Estate East, LLC	39-1937618
147	3730 West College Ave	Appleton	WI	54911	WHG Real Estate East, LLC	39-1937618
148	5900 N Port Washington Rd	Glendale	WI	53217	WHG Real Estate East, LLC	39-1937618
151	900 Hansen Road	Ashwaubenon	WI	54304	WHG Real Estate East, LLC	39-1937618
194	1700 South Koeller Street	Oshkosh	WI	54901	WHG Real Estate East, LLC	39-1937618
209	2420 East Mason Street	Green Bay	WI	54302	WHG Real Estate East, LLC	39-1937618
214	4435 Calumet Ave	Manitowoc	WI	54220	WHG Real Estate East, LLC	39-1937618
225	841 West Johnson Street	Fond du Lac	WI	54935	WHG Real Estate East, LLC	39-1937618
227	2510 West Washington St.	West Bend	WI	53095	WHG Real Estate East, LLC	39-1937618
238	3040 East College Ave	Appleton	WI	54915	WHG Real Estate East, LLC	39-1937618

WHG Real Estate North, LLC d/b/a Applebee's Neighborhood Grll & Bar
FEIN: 39-1939513

Unit	Address	City	State	Zip	Entity	Owner Entity FEIN
160	4745 Golf Road	Eau Claire	WI	54701	WHG Real Estate North, LLC	39-1939513
166	2221 Stewart Ave	Wausau	WI	54401	WHG Real Estate North, LLC	39-1939513
216	5609 Highway 10 East	Stevens Point	WI	54481	WHG Real Estate North, LLC	39-1939513
249	9364 Highway 16	Onalaska	WI	54650	WHG Real Estate North, LLC	39-1939513
281	1512 S. Church Street	Watertown	WI	53094	WHG Real Estate North, LLC	39-1939513
282	1738 N. Spring Street	Beaver Dam	WI	53916	WHG Real Estate North, LLC	39-1939513
283	3100 Golf Road	Delafield	WI	53018	WHG Real Estate North, LLC	39-1939513
284	270 W. Holt Avenue	Milwaukee	WI	53207	WHG Real Estate North, LLC	39-1939513
285	6750 W. State Street	Wauwatosa	WI	53213	WHG Real Estate North, LLC	39-1939513
287	1111 Westowne Drive	Neenah	WI	54956	WHG Real Estate North, LLC	39-1939513

WHG Real Estate South, LLC d/b/a Applebee's Neighborhood Grll & Bar
FEIN: 39-1936114

Unit	Address	City	State	Zip	Entity	Owner Entity FEIN
144	2500 N. Mayfair Rd.	Wauwatosa	WI	53226	WHG Real Estate South, LLC	39-1936114
146	5100 76th Street	Greendale	WI	53129	WHG Real Estate South, LLC	39-1936114
149	4710 East Town Blvd	Madison	WI	53704	WHG Real Estate South, LLC	39-1936114
150	660 South Whitney Way	Madison	WI	53711	WHG Real Estate South, LLC	39-1936114
161	2521 South Green Bay Rd.	Racine	WI	53405	WHG Real Estate South, LLC	39-1936114
192	6950 75th Street	Kenosha	WI	53142	WHG Real Estate South, LLC	39-1936114
247	526 South Taylor Drive	Sheboygan	WI	53081	WHG Real Estate South, LLC	39-1936114
260	W180 N9469 Premiere Ln.	Meno. Falls	WI	53051	WHG Real Estate South, LLC	39-1936114
269	1267 W. Capital Drive	Pewaukee	WI	53072	WHG Real Estate South, LLC	39-1936114

WHG Development Company, LLC d/b/a Applebee's Neighborhood Grll & Bar
FEIN: 39-1968376

Unit	Address	City	State	Zip	Entity	Owner Entity FEIN
274	9080 N Green Bay Rd	Brown Deer	WI	53209	WHG Development Company, LLC	39-1968376
278	340 Highway 13	Wisconsin Dells	WI	53965	WHG Development Company, LLC	39-1968376
277	275 W Wisconsin Ave	Milwaukee	WI	53203	WHG Development Company, LLC	39-1968376
272	2410 Roosevelt Rd.	Marinette	WI	54143	WHG Development Company, LLC	39-1968376
273	2114 N Central Ave	Marshfield	WI	54449	WHG Development Company, LLC	39-1968376
271	15505 W. Rock ridge Rd.	New Berlin	WI	53151	WHG Development Company, LLC	39-1968376
270	7135 S. 13th Street	Oak Creek	WI	53154	WHG Development Company, LLC	39-1968376
276	2865 S. 108th St	West Allis	WI	53214	WHG Development Company, LLC	39-1968376
280	4311 8th Street South	Wisconsin Rapids	WI	54494	WHG Development Company, LLC	39-1968376

Attachment to Auxilliary Questionnaire for Original Alcohol Beverage License Application

Additional Alcohol Beverage Licenses

PH Hospitality Group, LLC
FEIN: 39-1968379

Unit	Address	City	State	Zip	Entity	Entity FEIN
13245	1400 8th Avenue	Menominee	MI	49858	PH Hospitality Group LLC	39-1968379
13246	1924 S Oneida St	Appleton	WI	54915	PH Hospitality Group LLC	39-1968379
13248	1022 Washington St	Manitowoc	WI	54220	PH Hospitality Group LLC	39-1968379
13249	1199 Gillingham Rd	Neenah	WI	54956	PH Hospitality Group LLC	39-1968379
13250	175 W Main St	Kaukauna	WI	54130	PH Hospitality Group LLC	39-1968379
13251	823 Egg Harbor Rd	Sturgeon Bay	WI	54235	PH Hospitality Group LLC	39-1968379
13252	1417 22nd Street	Two Rivers	WI	54241	PH Hospitality Group LLC	39-1968379
13253	1120 S Koeller Rd	Oshkosh	WI	54901	PH Hospitality Group LLC	39-1968379
13255	728 Fond du Lac	Ripon	WI	54971	PH Hospitality Group LLC	39-1968379
13256	1012 Taylor Street	Green Bay	WI	54303	PH Hospitality Group LLC	39-1968379
13257	505 Murdock Ave	Oshkosh	WI	54901	PH Hospitality Group LLC	39-1968379
13258	3633 College Ave	Appleton	WI	54914	PH Hospitality Group LLC	39-1968379
13259	1940 Main Street	Green Bay	WI	54302	PH Hospitality Group LLC	39-1968379
13260	718 W Johnson St	Fond du Lac	WI	54935	PH Hospitality Group LLC	39-1968379
13261	1080 W Fulton	Waupaca	WI	54981	PH Hospitality Group LLC	39-1968379
13262	1122 N 4th Street	Tomahawk	WI	54487	PH Hospitality Group LLC	39-1968379
13263	801 E. Spruce St. East Hwy 29	Abbotsford	WI	54405	PH Hospitality Group LLC	39-1968379
13264	6207 Hwy 51 South	Schofield	WI	54476	PH Hospitality Group LLC	39-1968379
13265	417 Division St	Stevens Point	WI	54481	PH Hospitality Group LLC	39-1968379
13266	1004 S Central Ave	Marshfield	WI	54449	PH Hospitality Group LLC	39-1968379
13267	205 W. Pine Street	Eagle River	WI	54521	PH Hospitality Group LLC	39-1968379
13268	2321 Post Road	Plover	WI	54467	PH Hospitality Group LLC	39-1968379
13269	2104 Neva Road	Antigo	WI	54409	PH Hospitality Group LLC	39-1968379
13271	816 E Green Bay St	Shawano	WI	54166	PH Hospitality Group LLC	39-1968379
13272	305 Main Street	Clintonville	WI	54929	PH Hospitality Group LLC	39-1968379
13274	304 Lincoln St	Rhinelander	WI	54501	PH Hospitality Group LLC	39-1968379
13275	901 N Center Ave	Merrill	WI	54452	PH Hospitality Group LLC	39-1968379
13276	210 S 1st Ave	Wausau	WI	54401	PH Hospitality Group LLC	39-1968379

Unit	Address	City	State	Zip	Entity	Entity FEIN
13438	1610 W Washington Rd	West Bend	WI	53095	PH Hospitality Group LLC	39-1968379
13439	5000 Washington Rd	Racine	WI	53406	PH Hospitality Group LLC	39-1968379
13440	1107 N 14th Street	Sheboygan	WI	53081	PH Hospitality Group LLC	39-1968379
13441	1955 Wisconsin St	Grafton	WI	53024	PH Hospitality Group LLC	39-1968379
13442	4171 S 76th Street	Greenfield	WI	53220	PH Hospitality Group LLC	39-1968379
13444	W156 N8420 Pilgrim Rd	Menomonee Falls	WI	53051	PH Hospitality Group LLC	39-1968379
13445	910 Summit Ave	Oconomowoc	WI	53066	PH Hospitality Group LLC	39-1968379
13446	1021 N Wisconsin St	Port Washington	WI	53074	PH Hospitality Group LLC	39-1968379
13447	940 Milwaukee Ave	Burlington	WI	53105	PH Hospitality Group LLC	39-1968379
13449	447 Sunset Dr	Waukesha	WI	53186	PH Hospitality Group LLC	39-1968379
13452	6040 N Pt Wash Rd	Glendale	WI	53217	PH Hospitality Group LLC	39-1968379
13454	1107 W Main Street	Whitewater	WI	53190	PH Hospitality Group LLC	39-1968379
13458	3905 52nd Street	Kenosha	WI	53144	PH Hospitality Group LLC	39-1968379
13459	S73 W16730 Janesville Rd	Muskego	WI	53150	PH Hospitality Group LLC	39-1968379
13461	1505 Eastern Ave	Plymouth	WI	53073	PH Hospitality Group LLC	39-1968379
13462	2727 S Business Dr	Sheboygan	WI	53081	PH Hospitality Group LLC	39-1968379
13463	678 Grand Ave	Hartford	WI	53027	PH Hospitality Group LLC	39-1968379
13464	1708 Summit Ave	Waukesha	WI	53188	PH Hospitality Group LLC	39-1968379
13466	124 N Chicago Ave	So. Milwaukee	WI	53172	PH Hospitality Group LLC	39-1968379
14159	1350 West Capitol Drive	Pewaukee	WI	53072	PH Hospitality Group LLC	39-1968379
14475	2736 Hillside Drive	Delafield	WI	53108	PH Hospitality Group LLC	39-1968379
14476	N112 W15800 Mequon Road Suite 13	Germantown	WI	53022	PH Hospitality Group LLC	39-1968379
14671	400 Reid Street, Unit M	De Pere	WI	54115	PH Hospitality Group LLC	39-1968379
14717	2001 8th Street, South	Wisconsin Rapids	WI	54494	PH Hospitality Group LLC	39-1968379
22100	705 Cherokee Lane	Fort Atkinson	WI	53538	PH Hospitality Group LLC	39-1968379
22264	1504 South Church Street	Watertown	WI	53094	PH Hospitality Group LLC	39-1968379
22265	1742 North Spring Street	Beaver Dam	WI	53916	PH Hospitality Group LLC	39-1968379
23834	859 Lombardi Avenue	Green Bay	WI	54304	PH Hospitality Group LLC	39-1968379
13263	801 E. Spruce St. East Hwy 29	Abbotsford	WI	54405	PH Hospitality Group LLC	39-1968379
13267	205 W. Pine Street	Eagle River	WI	54521	PH Hospitality Group LLC	39-1968379
13270	303 E Division Street	Neilsville	WI	54456	PH Hospitality Group LLC	39-1968379
13443	5051 S 27th Street	Greenfield	WI	53221	PH Hospitality Group LLC	39-1968379
13457	801 Williams St	Lake Geneva	WI	53147	PH Hospitality Group LLC	39-1968379
13460	1261 E Geneva St	Delavan	WI	53115	PH Hospitality Group LLC	39-1968379

CITY OF FOND DU LAC - Memorandum

Police Department

Date: January 3, 2013

To: City of Fond du Lac City Council

From: Chief William B. Lamb

Re: Police Department Command Structure Reorganization

I intend to reorganize the police department's command structure. As a result I need your approval to eliminate the deputy chief's position and to authorize the creation of two assistant chief positions.

On December 3, 2012, Deputy Chief Kevin Lemke officially announced that he would be retiring effective January 16, 2013. We have been discussing the need to change our command structure from its existing state for more than a year and we believe that now would be the time to make those changes. Based on the considerations discussed in this memo I ask the Council to approve creation of two Assistant Chief Positions within the Fond du Lac Police Department as part of a command structure reorganization.

The department has experimented with several different command structure models over the course of the past several years and it is a very widely held belief that the current structure that is in existence has a number of limitations. More specifically, the structure does not include a position that is dedicated, almost exclusively, to provide operational command/oversight. This has caused the department to experience limitations in this area.

The model that we are proposing is essentially a return to one that the department had most recently used prior to moving to the existing model (approximately four years ago). Under the existing structure, the second-in-command position for the department is held by one person (Deputy Chief of Police). As such, the Deputy Chief has oversight responsibility for both administrative and operational matters within the department.

We are proposing a return to a structure where the second-in-command level of the department is split between operations and administration (Assistant Chief – Operations and Assistant Chief – Administration). This move would increase our efficiencies, accountability, and effectiveness by better enabling each of the Assistant Chiefs to more specifically focus on their respective area of departmental responsibility. As it relates to the overall level of responsibility for command, control, and oversight of departmental operations and administration, the duties and responsibilities would, essentially, be the same as the existing Deputy Chief's position. However, the span of control would be narrowed so each could primarily focus on their assigned area (operations or administration).

Again, this is a model that the department used as recently as four years ago and, by all accounts, provided the department with greater efficiencies. It should be noted that it is also more similar in nature to the structure that is used by our Fire Department as well as the Police Departments in many comparable cities throughout the state of Wisconsin.

I have discussed this proposal with City Manager Joe Moore and our Human Resources Department. Authorization has been provided at that level to proceed with this command structure reorganization if the budget impact is neutral or provides a reduction. It is believed that a combination of reduced salary level for the second in command positions (due to the reduced span of control), the elimination of an administrative captain's position, and a lag in filling affected positions will make this budget neutral. As of the preparation of this memo we are actively working with both the City's Department of Administration and Human Resources on revision of the job descriptions, salary structure, and the detailed assessment of the budgetary impact.

Due to the fact that we have had fairly short notice on this matter and because it is such a critical position for overall department operations, we are requesting the ability to take action as soon as reasonably practical to begin the promotional and proposed restructuring process. The Police and Fire Commission's (PFC) role is relative to the promotional/hiring process so we will also be requesting that they authorize a promotional process to enable us to fill two Assistant Chief positions. At this time I request that the Council approve the creation of the Assistant Chief positions so that the promotional/hiring process may move forward.

RESOLUTION NO. 8368

A RESOLUTION CONFIRMING APPOINTMENTS TO BUSINESS IMPROVEMENT DISTRICT (DFP)

BE IT RESOLVED by the City Council of the City of Fond du Lac that the following appointments by the City Manager to the Business Improvement District are hereby confirmed:

Business Improvement District	Beginning	Ending
Anthony O'Malley	01/10/2013	12/31/2015
Thomas Deitte (reappointment)	01/10/2013	12/31/2015

ADOPTED:

James G. Sabel, President
Fond du Lac City Council

Attest:

Sue L. Strands, City Clerk

City Attorney:

Reviewed CPW

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

DFP Board — Name of Board, Commission or Committee

10/15/2010 — Date

Thomas Deitte — Full Name

[redacted] — Address

President — Occupation

Ediths of FDL — Employer

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

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

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 53 years

Education: Goodrich High School - MPTI 1979 Business Ass. Degree

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
DFP ER Committee		International Formalwear	6
Promotions Committee			
Sidewalk Chair			

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 deep desire for the downtown to flourish. I will help through Leadership + communications to other stores + businesses.

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

I can assist in communicating with the downtown merchants.

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

Downtown FDL Partnership — 12/11/12
Name of Board, Commission or Committee — Date

Anthony O'Malley — [redacted]
Full Name — Address

Attorney — Zacherl, O'Malley & End.
Occupation — Employer

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

E-Mail Address: [redacted] .com Cellular Phone

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

Education: Doctor of Jurisprudence

List potential conflicts of interest: N/A

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
		FDL Econ Development Corp	4 yrs
		FDL Co. Bar Assn. Ex Bd R.F.C.	
		St James Church Council	

others too numerous to mention

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

I own a building and a law firm in Downtown FDL.

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

Improving Downtown FDL

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. Home phone & business email

[signature] 12/11/12

COUNCIL	WORK	HOME
BURROUGHS,MICK	324-5577	907-0740
816 S. PIONEER PKWY. ~ mburroughs@fdl.wi.gov		
GUDEX,RICK		922-1383
361 E. DIVISION ST. ~ rgudex@fdl.wi.gov		Cell: 920-960-1182*
LORRIGAN,LEEANN		251-3958
766 STERLING DR. ~ llorrigan@fdl.wi.gov		Cell: 251-3958
LUNDE-ROSS,REBECCA	920-906-5042*	929-8724*
276 S. MAIN ST. ~ rlunde-ross@fdl.wi.gov		
MILLER,GARY		922-4545*
1042 HOLLY TREE LN. ~ gmiller@fdl.wi.gov		Cell: 920-539-0829
SABEL,JIM	923-2202	
44 E. 12TH ST. ~ jsabel@fdl.wi.gov		Cell: 920-579-5631
VANDEZANDE,ROB		
418 FOREST AVE. ~ rvandezande@fdl.wi.gov		Cell: 920-251-3622

***Not for release to the Public**

DEPT.HEAD	WORK	CELL	HOME
MOORE, MGR	322-3405	539-6756	933-2740
SKIFF, DPW	322-3472	273-5309	238-9597
WORTMAN, DADM	322-3452	251-9814	262-966-2889
HOFFMANN, ATTY	322-3423	273-5553	920-564-3973
ROLLIN, DCD	322-3440	251-9845	921-5738
LAMB, POLICE	322-3702	375-6063	922-5878
O'LEARY, FIRE	322-3802	251-9806	933-2368
ZITTLOW, ITS	322-3605	266-9797*	
STRANDS, CLERK	322-3432		960-4807
BOLTHOUSE, LIBRARY	322-3959	204-1833	322-8880
KIEFER, PARKS	322-3590		922-5576
AGNEW, ASSIST	322-3407	251-9800	923-3227
FAX NUMBER	322-3402		

revised - 8/12