

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

November 13, 2013  
6:00 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 Support Of The Police Department
- B. Proclamation Declaring November 30, 2013 As Small Business Saturday
- C. Request For Suspension Of Rules

**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**

October 23, 2013 Committee Of The Whole Meeting

October 23, 2013 Regular City Council Meeting

October 23, 2013 Closed Session

**B. REPORTS OF OFFICERS**

**C. RESOLUTIONS**

REGULAR AGENDA

6. AUDIENCE COMMENTS

The presiding officer limits comments to items noticed on the agenda.

7. PUBLIC COMMENT

8. ORAL PRESENTATIONS

9. REPORTS OF OFFICERS

- A. Deputy Comptroller/Treasurer, Dated November 7, 2013  
Subject: List Of Claims - Items Paid By The City

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

- B. City Clerk Dated November 7, 2013  
Subject: Change of Agent "Class B" Combination License

Limited Liability Co: North Main Hospitality, LLC

Agent Name: Heidi Sonnenberg

Residence Address: 159 1/2 4th Street

Fond du Lac, WI

d/b/a: Retlaw Plaza Hotel

Location: One North Main Street

(Proposed Action: **Approve**)

- C. City Clerk Dated November 7, 2013  
Subject: Change of Agent "Class B" Combination License

Corporation: Blazin Wings, Inc.

Agent Name: Harley Kromm

Residence Address: 3355 Oregon Street

Oshkosh, WI

d/b/a: Buffalo Wild Wings

Location: 121 N Pioneer Road

(Proposed Action: **Approve**)

10. REPORTS OF COMMITTEES

11. PETITIONS OR COMMUNICATIONS

**12. RESOLUTIONS**

- A. Introduction Community Development Director  
Resolution No. 8436  
Subject: A Resolution Authorizing Development Agreement To Expand Conference Center  
  
(Effect: Approve Development Agreement With F.D.L. PRO LLC)  
(Initiator: Community Development Director)
- B. Introduction Community Development Director  
Resolution No. 8437  
Subject: A Resolution Authorizing Sale Of Land  
  
(Effect: Approve Sale Of Land With Evaporator Dryer Technologies, Inc.)  
(Initiator: Community Development Director)

**13. ORDINANCES**

- A. Introduction City Engineer  
Ordinance No. 3533  
Subject: An Ordinance Amending Chapter 7, Traffic Code  
  
(Effect: Remove Parking Prohibited At All Times)  
(Location: Fourteenth St., South Side, Between S. Marr Street And S. Park Ave)  
Fourteenth St., North Side, From The East Back Of Walk Of Ellis Street To 40 Feet East)  
(Advisory Parking & Traffic Board Recommendation: **Approve**)
- B. Introduction City Engineer  
Ordinance No. 3534  
Subject: An Ordinance Amending Chapter 7, Traffic Code  
  
(Effect: Remove Parking Prohibited At All Times)  
(Location: Third St., Both Sides, From A Point 240 Feet East Of The East Curb Line Of Park Ave., East 260 Feet)  
Third St., South Side, From Park Ave., East Approximately 291 Feet)  
(Effect: Create Parking Prohibited At All Times)  
(Location: Third St., Both Sides, From A Point 190 Feet East Of The East Right Of Way Of Park Ave., East 253 Feet)  
(Location: Third St., South Side, From The East Right Of Way Of Park Ave., East 190 Feet)  
(Advisory Parking & Traffic Board Recommendation: **Approve**)

C. Introduction City Manager

Ordinance No. 3535

Subject: An Ordinance Amending Chapter 307 Of The Code Of Ordinances  
Of The City Of Fond du Lac, Discrimination

(Effect: Approve Amendment To Chapter 307)

(Initiator: Councilperson Manning)

**14. MISCELLANEOUS**

Items In This Category Must Be Noticed On The Agenda.

**15. SUCH OTHER MATTERS AS ARE AUTHORIZED BY LAW**

**16. ADJOURN**



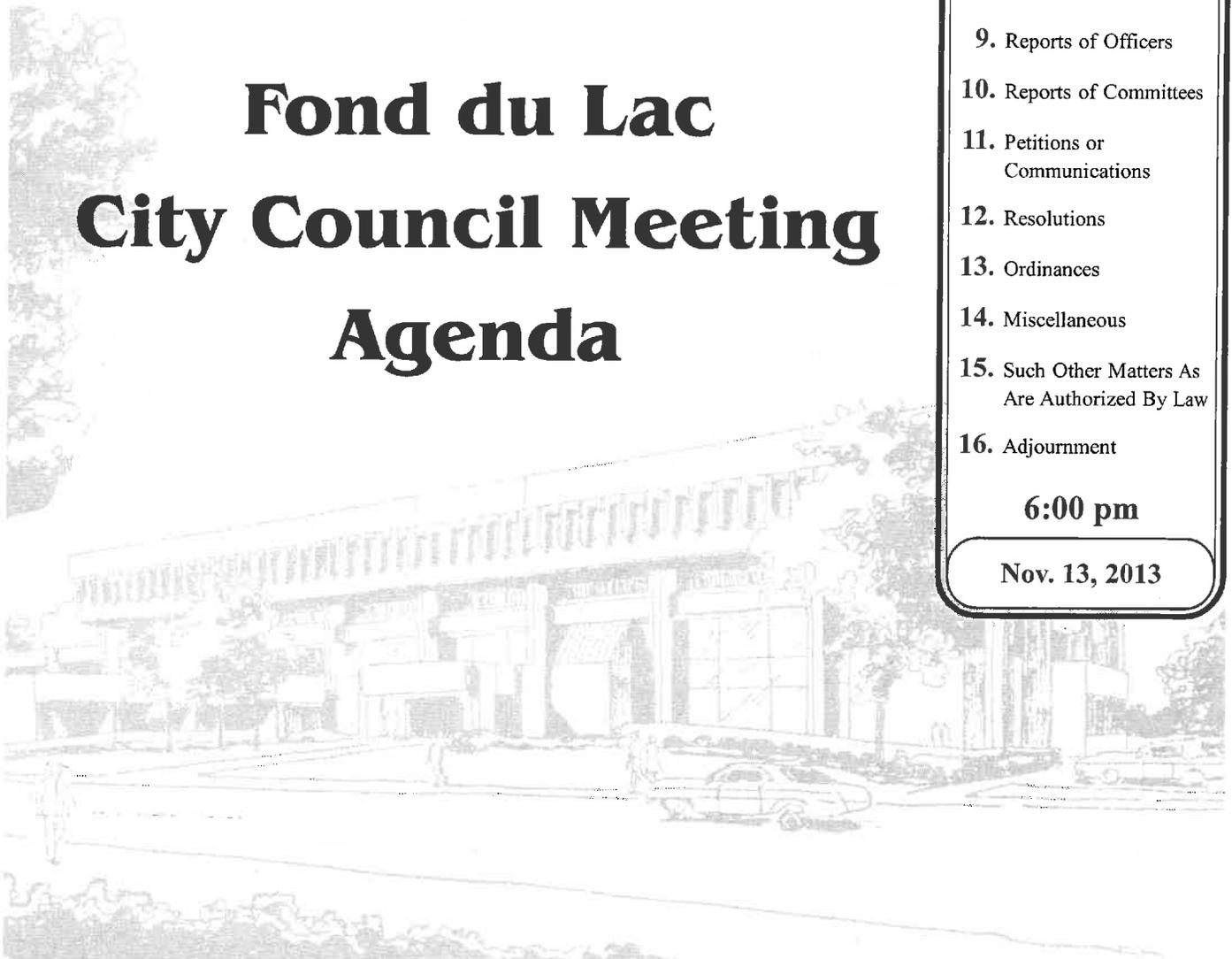
# Fond du Lac City Council Meeting Agenda

## 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. Public Comments
8. Oral Presentations
9. Reports of Officers
10. Reports of Committees
11. Petitions or Communications
12. Resolutions
13. Ordinances
14. Miscellaneous
15. Such Other Matters As Are Authorized By Law
16. Adjournment

**6:00 pm**

**Nov. 13, 2013**



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

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

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

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

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

A. When Motion To Adjourn Is Pending

B. When Motion To Recess Is Pending

C. Point Of Privilege Is Pending

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

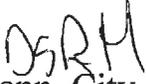
# ***CITY OF FOND DU LAC - Memorandum***

---

**City Attorney/Human Resources Department**

**Date:** November 6, 2013

**To:** Joseph Moore, City Manager  
City Council

**From:**  Deborah Hoffmann, City Attorney/Director – Human Resources

**Re:** Request for Suspension of Rules

In the event that there is a large citizen interest in item 13C regarding Discrimination, the City Attorney asks that the Council vote to suspend City Ordinance 2.07, which is the rule that sets out the order of business for City Council meetings, and attend to all the other agenda items first, as well as allow public comments on the earlier items, while holding the public comments, discussions and deliberations on item 13C until after completing the prior agenda items.

Below is the City Ordinance that governs the Council's ability to suspend their own rules.

## **2.11 SUSPENSION OF RULES.**

Except where the same would create conflict with the Wisconsin Statutes, these rules or any of them, except 2.10, may be temporarily suspended at any meeting by a 2/3 vote of all members of the Council. The vote shall be by ayes and noes and shall be so recorded.

This change will allow for a more orderly meeting, as well as allow the citizens attending for the earlier items to have their issue concluded without having to sit thru a lengthy discussion of an item that may not be of concern to them.





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

October 23, 2013  
6:03 P.M.

Legislative Chambers  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

**REGULAR AGENDA**

**CALL TO ORDER**

ROLL CALL: Present - Catherine Block  
Brian Foster  
Lee Ann Lorrigan  
Dan Manning  
Karyn Merkel  
Sam Meyer  
Gary Miller

Absent - None

Administrative Staff - Joe Moore, City Manager  
Wayne Rollin, Dir of Comm Devel  
Dyann Benson, Redevelopment Planner  
Hal Wortman, Dir of Administration  
Tracy Salter, Dpty Comptroller/  
Treasurer  
Deb Hoffmann, City Attorney  
Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
Bill Lamb, Chief of Police  
Steve Klein, Asst. Police Chief of  
Operations  
Steve Thiry, Asst. Police Chief of  
Administration  
Dave Zittlow, IT Service Manager  
Randy Cunzenheim, Asst. Fire Chief  
Of Training

Council President Meyer declared a quorum present.

**PLEDGE OF ALLEGIANCE AND REFLECTION**

Pledge of Allegiance was recited.

A moment of silence was observed.





**CITY COUNCIL MINUTES**

October 23, 2013

Page 4

Introduction Community Development Director

**Resolution No. 8435**

Subject: Resolution Preliminary Determining Project Site To Be Blighted And Declaring Intent Regarding The Issuance Of Revenue Bonds By The Redevelopment Authority To Finance Schmidt Capital Investments, LLC Project

(Effect: Approve Preliminary Resolution Determining Project Site To Be Blighted And Declaring Intent Regarding The Issuance Of Revenue Bonds By The Redevelopment Authority To Finance Schmidt Capital Investments, LLC Project

(Initiator: Community Development Director

(File No. 2013-113

Motion made by Councilperson Miller to **approve** Resolution No. 8435.

Seconded by Councilperson Block.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Merkel, Block, Foster  
Nay - None

Carried.

**ADJOURN TO CLOSED SESSION**

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

Deliberating Or Negotiating The Purchasing Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session.

The Subject Of The Closed Session Is:

**Ongoing Labor Negotiations Police Local 12**

The 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.



# ***CITY OF FOND DU LAC - Memorandum***

---

## **Department of Administration**

**Date:** November 7, 2013  
**To:** City Council  
**From:** Tracy Salter, Deputy Comptroller/Treasurer *TS*  
**Re:** List of Claims

The list of claims for goods and services for the payment periods October 12, 2013 through November 1, 2013 for all funds total \$1,695,833.53. 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:** November 7, 2013  
**To:** City Council  
**From:** Sue L. Strands, City Clerk  
**Re:** Change of Agent Class "B" Combination License

We have received application for the following change of agent:

<u>AGENT NAME</u>	<u>RESIDENCE ADDRESS</u>	<u>LOCATION OF PREMISES</u>
Heidi Sonnenberg	159 1/2 4th Street Fond du Lac, WI	Retlaw Plaza Hotel One North Main Street

10/14/13

To. City Clerk  
Fond du Lac

License # 14-00003283

Ref:- change of agent

I, Kirit Pansyria, member of North  
Main Hospitality to change of Agent  
from Anne Nelson to Heidi Sommersberg.

Thank you



Kirit Pansyria

# Fond du Lac Police Department MEMO



**To:** City Manager Joe Moore  
**From:** Chief Lamb  
**RE:** *Change of Agent North Main Hospitality (Retlaw Hotel)*  
**Date:** 10/17/13

---

North Main Hospitality d/b/a Retlaw Hotel, located at 1 N Main Street, has applied for a change of agent of its Class B Combination License. Ms. Heidi Sonnenberg will be the licensed agent for this establishment. Background checks conducted on Ms. Sonnenberg 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.

RECEIPT 61231  
10-14-2013

### 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 NORTH MAIN HOSPITALITY, 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 Actlow Plaza Hotel  
(trade name)

located at 1 N. MAIN ST., FOND DU LAC, WI 54935

appoints Heidi Sonnenberg  
(name of appointed agent)

159 1/2 4th St. Fond Du Lac, 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? 25 yrs

Place of residence last year 159 1/2 4th St. Fond Du Lac, WI 54935

For: NORTH MAIN HOSPITALITY, 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, Heidi J. Sonnenberg, 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.

Heidi Sonnenberg 10-11-13  
(signature of agent) (date)  
159 1/2 4th St., FDL, WI 54935  
(home address of agent)

Agent's age [Redacted]  
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 10/17/13 by Steven Lee Title ASST POLICE CHIEF  
(date) (signature of proper local official) (town chair, village president, police chief)

# AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Sonnenberg</u>		(first name) <u>Heidi</u>	(middle name) <u>JD</u>	
Home Address (street/route) <u>159 1/2 4th St</u>		Post Office <u>FDL</u>	City <u>Fond du Lac</u>	State <u>WI</u> Zip Code <u>54935</u>
Home Phone Number <u>920-907-1677</u>		Age [REDACTED]	Date of Birth [REDACTED]	Place of Birth [REDACTED]

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

Applying for an alcohol beverage license as an individual.

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

AGENT of NORTH MAIN HOSPITALITY 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? 25 yrs

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>Semina's</u>	Employer's Address <u>1 N. main st</u>	Employed From <u>June 2012</u>	To <u>Jan 2013</u>
Employer's Name <u>Ramada</u>	Employer's Address <u>1 N. main St</u>	Employed From <u>Sept. 2011</u>	To <u>Jun 2012</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 14<sup>th</sup> day of OCTOBER, 2013  
[Signature]  
(Clerk/Notary Public)

[Signature]  
(Signature of Named Individual)

My commission expires \_\_\_\_\_



Printed on  
Recycled Paper

**City of Fond du Lac**  
**BARTENDER-OPERATOR LICENSE**

*This license is granted pursuant to Sections 125.17  
Wisconsin Statutes*

Heidi Sonnenberg  
159 1/2 4th St.  
Fond du Lac, WI 54935

License No. 257

**EXPIRES: June 30, 2015**



# ***CITY OF FOND DU LAC - Memorandum***

---

**City Clerk's Office**

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

We have received application for the following change of agent:

<u>AGENT NAME</u>	<u>RESIDENCE ADDRESS</u>	<u>LOCATION OF PREMISES</u>
Harley Kromm	3355 Oregon Street Oshkosh, WI	Buffalo Wild Wings 121 N Pioneer Road

# Fond du Lac Police Department MEMO



**To:** City Manager Joe Moore  
**From:** Chief Lamb  
**RE:** *Change of Agent Blazin Wings (Buffalo Wild Wings)*  
**Date:** 11/06/13

---

Blazin Wings Inc. d/b/a/ Buffalo Wild Wings, located at 121 N Pioneer Rd, has applied for a change of agent of its Class B Combination License. Mr. Harley Kromm will be the licensed agent for this establishment. Background checks conducted on Mr. Kromm 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 Blazin Wings, Inc.  
(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 Buffalo Wild Wings  
(trade name)

located at 121 N. Pioneer Road, Fond du Lac, WI 54935

appoints Harley Kromm  
(name of appointed agent)  
3355 Oregon Street, Oshkosh, WI 54902  
(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? 55 years

Place of residence last year 3355 Oregon Street, Oshkosh, WI 54902

For: Blazin Wings, Inc.  
(name of corporation/organization/limited liability company)  
By: [Signature]  
(signature of Officer/Member/Manager)  
And: [Signature]  
(signature of Officer/Member/Manager)

**ACCEPTANCE BY AGENT**

I, Harley Kromm, 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.

Harley Kromm 10-11-13 Agent's age [Redacted]  
(signature of agent) (date)  
3355 Oregon Street, Oshkosh, WI 54902 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 11/06/13 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)	
KROMM		HARLEY		DALE	
Home Address (street/route)		Post Office		City	
3355 OREGON STREET				OSHKOSH	
Home Phone Number		Age		Date of Birth	
920-267-3105		[REDACTED]		[REDACTED]	
				State	
				WI	
				Zip Code	
				54902	
				Place of Birth	
				[REDACTED]	

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

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- AGENT of BLAZIN WINGS INC.

(Officer/Director/Member/Manager/Agent)

(Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

- How long have you continuously resided in Wisconsin prior to this date? 55 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
If yes, identify. Blazin Wings, Inc. holds 413 licenses in 26 states  
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
If yes, identify. \_\_\_\_\_  
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Lee Engelman Kodiak Jacks	2059 S. Witzel Ave	03/08/2005	08/21/2009
Employer's Name	Employer's Address	Employed From	To
Lee Engelman Mr. Cinders	2010 W. 9th Steet	05/15/2003	03/07/2005

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 11 day of October, 2013

Nancy Messinger  
(Clerk/Notary Public)

My commission expires 04-07-2017



Harley D. Kromm  
(Signature of Named Individual)



Printed on Recycled Paper

Wisconsin Department of Revenue



ID NO. 6085002

CARD NO. 9518248

**ServSafe Alcohol® ADVANCED CERTIFICATE**

**HARLEY KROMM**

Card expires three years from the date of the examination. Local laws apply.

DATE OF EXAMINATION

11/1/2012



**RESOLUTION NO. 8436**

**A RESOLUTION AUTHORIZING  
DEVELOPMENT AGREEMENT TO EXPAND CONFERENCE CENTER**

**WHEREAS**, there is a need for additional conference facilities in Fond du Lac,  
and

**WHEREAS**, the owners of the Holiday Inn are willing to construct additional  
conference facilities with financial assistance, and

**WHEREAS**, the parties are have also committed to the construction of a new  
hotel adjacent to the Holiday Inn, which will offer the City of Fond du Lac the  
opportunity to create a Tax Incremental District to recapture the financial assistance  
necessary to construct conference facilities at the existing Holiday Inn.

**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 enter into the attached  
Tax Incremental District Development Agreement with F.D.L. PRO LLC, William  
Zanetis, and Walter Hickey.

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

---

Sue L. Strands, City Clerk

Reviewed *PSM*

# ***CITY OF FOND DU LAC - Memorandum***

---

## **Department of Community Development**

**Date:** November 6, 2013

**To:** Joe Moore, City Manager

**From:** Wayne Rollin, Community Development Director

**Re:** Proposed Conference Center

We have a resolution authorizing a Development Agreement with the owners of the Holiday Inn.

Wisco Hotels, the owners of the Fond du Lac Holiday Inn, propose to add a conference center to their hotel. A 9000 square foot addition would be constructed to the north of their existing meeting rooms. The existing space would also be renovated, resulting in a total of over 16,000 square feet of new conference center facilities. A floor plan of the proposed conference center is attached as is a rendering.

As you know, the community has tried for years to develop additional conference space so that more and larger conferences, events, weddings and so on can be held in Fond du Lac. This new facility would have space to seat 400 guests for a conference, and the newly renovated existing space could then be used to accommodate break-out rooms for the event. Or, the facility could now host two events at the same time. However it is used, the conference center would allow the community to host more and larger events, bringing in additional economic activity and keeping some events in town that until now had been forced to look elsewhere for space. A report from Craig Molitor, the President of the Fond du Lac Convention and Visitor's Bureau, is attached attesting to the need for the proposed conference center.

The owners of Wisco (William Zanetis and Walter Hickey) are investing approximately \$10 million in Fond du Lac over the next two years and will need assistance with the cost of the conference center. They are presently rebuilding the restaurant at the Holiday Inn, which will reopen as a Benevento's in a couple of months. Next year, they will be constructing a new \$7.5 million Holiday Inn Express new door to the Holiday Inn and adding the conference center to the Holiday Inn, and after that they will be spending another \$1.5 - \$2 million in renovations of the Holiday Inn itself. The cost of the conference center addition is

November 6, 2013

Page 2

projected at \$950,000. I propose that the City of Fond du Lac pay that cost utilizing Tax Incremental Financing.

The new Holiday Inn Express and the new conference center will generate enough additional property taxes – enough Tax Increment – to allow us to borrow the \$950,000, pay it toward the conference center, and recover our money through a Tax Incremental District. The proposed Development Agreement lays out the terms of the deal. Funds would not be paid until the Holiday Inn Express and the conference center are completed. Once they are completed, our bond payments will be made through the additional property taxes. If for any reason the property taxes are not paid in the future we also have the personal guarantees of the owners.

The owners of Wisco own and operate eleven hotels in Wisconsin. The company has over forty years of experience and success in the hospitality industry. If we ever want to provide for a conference center in Fond du Lac, this is as good of a partner as we can hope for. I recommend approval of the proposed development agreement.

Should members you or members of Council have any questions regarding this proposal, please contact me. Thank you.



FOND DU LAC AREA  
CONVENTION & VISITORS  
BUREAU

171 South Pioneer Road  
Fond du Lac, Wisconsin 54935  
P 920.923.3010 | TF 800.937.9123  
F 920.929.6846 | www.fdl.com

*C'mon in.*

**To:** Fond du Lac City Council

**From:** Craig Molitor, President - Fond du Lac Area Convention and Visitors Bureau

**Date:** November 4, 2013

**Re:** Proposed Conference Center

As the President of the FACVB, I am delighted to have the opportunity to advocate on behalf of the need for increased and modernized meeting space as it pertains to Fond du Lac's overall Tourism product. While I am excited by the prospect of Fond du Lac being the site of a new meeting facility, I know this decision should be guided more by metrics than emotions.

The Tourism industry in Wisconsin ranks number three overall - behind Manufacturing and Agriculture. In Fond du Lac County alone, the numbers are significant. In 2011, Fond du Lac County led the entire state in the percentage of growth in tourism dollars spent and was number two in growth as it pertained to hiring. In 2012 the tourism dollars spent once again increased, moving from \$103 million in 2011 to \$109 million in 2012 (FN1). Though 2013's numbers will not be tabulated for many months, the data we have access to, indicates that this will likely be a record year for economic activity from the Tourism industry (FN2).

Every story has two sides and in this particular scenario, the flip-side-of-the-coin is that Fond du Lac lags our Lake Winnebago neighbors literally by hundreds of millions of dollars in tourism spend (FN1). We are trending in the right direction but there are many lost opportunities.

The term Tourism is quite broad and can be used to identify economic and employment activity that flows to businesses such as shops, restaurants and hotels. And while the topic of this conversation is the need to attract business into one specific hotel, we know that a lion's share of the money spent by visitors (perhaps as high as 75%) is spent outside of the lodging sector (FN3). To further refine our understanding of this issue and for the purposes of this conversation, the FACVB is interested in growing our presence in Wisconsin's Group Meetings, Events and Incentive - Vertical Market Segment (ME&I). It is here that we are looking to positively impact the Fond du Lac economy and it is for this very reason we feel modern expanded function space will serve as an economic engine for the entire Fond du Lac community.

It is true that larger space will absolutely add to the Holiday Inn's ability to host weddings and yearly local events (such as the Association of Commerce annual meeting) however the Visitors Bureau feels that the largest upside will be our community's ability to convince more groups to hold their organizational or departmental meetings in Fond du Lac. Fond du Lac could be an ideal destination for statewide Association and Corporation off-site meetings and events. While our destination's brand attributes serve the purpose of effectively marketing our location it is the size and style of the function space, of our current inventory, that has for many years been our weak spot. Adding some additional impetus to the objective to attract more business meetings to our community is the understanding that ME&I travelers tend to have much higher ancillary spending habits than do



## FOND DU LAC

leisure travelers. For every dollar invested in business travel, businesses benefit from an average of \$12.50 in increased revenue (FN4).

A 3-year snapshot of Lost Business (due to some extent to inadequate function space) shows approximately 14,000 hotel room nights not booked in Fond du Lac. After extracting the very large groups that will never be booked in our community the more realistic number is approximately 4000 hotel room nights (FN5). Multiply this number by our community-wide Average Daily Rate of \$62 (FN6) and the approximate economic impact in hotel room-revenue alone is significant. Please keep in mind that the Hotel industry is a labor-intensive business and to a large extent, this is money that flows directly into the bank accounts of the folks that work on a daily basis serving the visitors.

The ability to define the number of potential ME&I customers that we could eventually attract to Fond du Lac –if we had the right function space– becomes far less scientific at this point. But a broad search of statewide associations suggests there are literally hundreds and hundreds of Associations in Wisconsin. Certainly only a fraction of these groups might present us with potential business but a fraction of a large number is still a viable resource to mine for economic development.

We know Tourism historically represents an important source of economic and employment activity in the Fond du Lac County. Statistically we can prove the Tourism segment is trending in the right direction to build on past successes. The FACVB's recent two-year branding initiative indicates our destination's easy access to 70% of the population of Wisconsin serves as a key element in attracting more visitors. The Visitors Bureau is committed to a multi-year, well financed, professionally orchestrated marketing push which will be engaged beginning January 1, 2014.

There is one crucial piece of the puzzle missing...Adequate function space.

Successful communities are often based on great public/private partnerships. WISCO has been for many years one of our community's most important businesses. Their multi-million dollar investment over the next two years proves they are in it for the long-haul. With the City of Fond du Lac's assistance through approved TID funding and the Fond du Lac Convention and Visitors Bureau's tourism funded marketing dollars, we have in place a fantastic example of a public/private partnerships that stands to benefit many people for many years to come.

*Foot Note 1 = Wisconsin Department of Tourism Tourism Economics - Economic Impact Report*

*Foot Note 2 = City of Fond du Lac compiled Room Tax Collection Report*

*Foot Note 3 = US Department of Commerce Statistical Abstract*

*Foot Note 4 = US travel Association US Travel Answer Sheet*

*Foot Note 5 = Fond du Lac Area Convention and Visitors Bureau compiled Lost Business Report*

*Foot Note 6 = City of Fond du Lac compiled Hotel Occupancy and Average Daily Rate Report*

TAX INCREMENTAL DISTRICT  
DEVELOPMENT AGREEMENT

THIS TAX INCREMENTAL DISTRICT DEVELOPMENT AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 2013, by and between the CITY OF FOND DU LAC, WISCONSIN, a Wisconsin municipal corporation (the "City"), and F.D.L. PRO, LLC, ("FDL") William Zanetis, individually, and Walter Hickey, individually ("the "Principals").

RECITALS

The City, FDL and the Principals acknowledge the following:

A. The Principals of FDL intend to construct a new Holiday Inn Express hotel on the property (the "New Hotel") adjacent to the Existing Hotel. The Principals of FDL are also the Principals of Wisco Partners, LLP ("Wisco"), which company operates a Holiday Inn hotel located at 625 West Rolling Meadows Drive in the City of Fond du Lac, Fond du Lac County, Wisconsin (the "Existing Hotel"), and the Principals intend to expand the Existing Hotel to include a conference center.

B. Construction of the New Hotel and the expansion of the Existing Hotel to include a conference center are expected to result in the addition of significant tax base, as well as the addition of employees at both facilities. The construction of the conference center will benefit both the Existing Hotel and the New Hotel, and will benefit the community through the attraction of additional conference and special event activity, stimulating economic activity and also eliminating potential blight.

C. The City desires to assist in retaining and generating additional employment and tax base by assisting with the cost of the construction and equipping of the new conference center as well as with the costs of retaining and adding employment. In this regard and consistent with Wisconsin Statute Section 66.1105, the City intends to expand or create a Tax Incremental District (the "TIF District") containing both the New Hotel and the conference center and the Existing Hotel, and to implement a tax incremental district project plan (the "Project Plan") facilitating the development of the TIF District. Terms not otherwise defined herein shall have the meanings set forth in Wisconsin Statute section 66.1105.

D. The City, FDL and the Principals agree to perform certain obligations in connection with the above in accordance with the terms of this Agreement.

## AGREEMENTS

Now, therefore, in consideration of the Recitals and the mutual promises set forth below, the parties agree as follows:

1. Contingencies.

(a) Governmental Approvals. The parties acknowledge that the City cannot contract away its governmental powers and that certain approvals may require issuance by or cooperation from government bodies external to the City. The parties also acknowledge that, to be able to develop, construct and operate the property as intended, FDL and the Principals must obtain all of the governmental approvals described in this Agreement, including but not limited to, creation or expansion of the TIF District, adoption of the Project Plan and execution of and performance under this Agreement. The City will use its best good faith efforts to grant and/or obtain all necessary governmental approvals on a timely basis, including but not limited to approvals required from government bodies external to the City such as the Joint Review Board. All rights and obligations of the City, FDL and the Principals under this Agreement are contingent upon final approval by all governmental bodies with jurisdiction over all approvals necessary to facilitate the development.

(b) FDL's obtaining financing for and completing the construction of the New Hotel.

(c) Completion of the expansion of the Existing Hotel to include a conference center.

2. City Obligations. Subject to the contingencies set forth in Section 1 above, the City shall be obligated as follows:

(a) Governmental Approvals. The City will, in good faith, and expeditiously, process all necessary municipal approvals to permit the development.

(b) Creation or Expansion of TIF District. The City will create or expand the TIF District encompassing the New Hotel and the Existing Hotel and conference center and cause the Project Plan to be approved by all governmental authorities with jurisdiction over the TIF District.

(c) Cooperation. The City will cooperate with FDL and the Principals to facilitate the development.

(d) Payments to FDL and the Principals. Subsequent to the execution of this agreement and the creation or expansion of the TIF District, and subsequent to the completion and opening of the New Hotel and the new conference center at the Existing Hotel, the City will pay FDL and the Principals the sum of \$950,000 to assist with the project.

3. Obligations of FDL and the Principals. Subject to the contingencies set forth in Section 1 above, FDL and the Principals shall be obligated as follows:

(a) Development. FDL and the Principals shall construct, equip, and operate improvements on the property as depicted in Exhibit A within eighteen months of the execution of this agreement.

(b) Taxable Property. FDL and the Principals agree, for a period commencing on the date hereof and extending until the thirtieth anniversary of the date hereof, not to convey or transfer the property to a taxpayer that would render the property tax exempt.

(c) Payment of Real Estate taxes. FDL and the Principals shall pay all real estate tax payments for the property on time and in full. If such tax payments become delinquent for more than one tax year, the City may declare FDL and the Principals to be in default and exercise all remedies allowed in this Agreement and /or under applicable law.

(d) Failure to Construct and Operate Facilities. In the event that FDL and the Principals do not construct, equip and operate the improvements depicted on Exhibit A as specified above, the City shall have no obligation to make payment to FDL and the Principals, or if payments have been made, FDL and the Principals shall immediately repay the City all funds previously paid to them under this agreement.

(e) Promissory Note. FDL and the Principals agree to execute a Promissory Note in favor of the City to secure this debt in the amount of \$950,000. The amount of the note will be reduced each year by the amount of and as the TIF District taxes are paid. Wisco will not be a party to the Promissory Note, nor will any mortgage be recorded against the New Hotel or the Existing Hotel.

4. Miscellaneous.

(a) Parties and Interests; Survival of Agreements. Except as otherwise expressly provided herein, this Agreement is made solely for the benefit of the parties hereto, and neither Wisco nor any person, partnership, association, corporation or entity shall acquire or have any rights or obligations hereunder or by virtue hereof.

(b) Remedies. In the event of a party's default under this Agreement which is not cured within thirty (30) days after written notice thereof to the other party (or such longer time as may be reasonably required so long as a cure is being diligently pursued), the nondefaulting party shall have all rights and remedies available under law or equity with respect to said default, including but not limited to, the right to obtain specific performance, however, if no payments have been made by the City and FDL and the Principals have not completed their obligations hereunder, this Agreement shall be null and void, and of no further force or effect, and the TIF District shall be cancelled and terminated.

(c) Notices. Notice or other communication given pursuant to this Agreement shall be in writing and shall be effective either when delivered personally to the party for whom intended or five days following deposit into the United States Mail (certified mail, return receipt requested or first class postage prepaid) addressed to such party at the address set forth below:

To the City:	Department of Community Development City of Fond du Lac PO Box 150 160 South Macy Street Fond du Lac, WI 54936-0150
--------------	---

To FDL and the Principals	Todd Winkler President and COO 8102 Excelsior Drive Madison, WI 53717
------------------------------	--

(d) Assignment of Rights. No party shall assign its rights or responsibilities under this Agreement without the prior written consent of the other parties, which consent shall not be unreasonably withheld or delayed.

(e) Amendment. No modification, alteration, or amendment to this Agreement shall be binding upon any party hereto until such modification, alteration or amendment is reduced to writing and executed by both parties hereto.

(f) Governing Law. The laws of the State of Wisconsin shall govern this Agreement.

(g) Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

(h) Severability. If any provisions of this Agreement shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstance shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever.

(i) Term. Unless sooner terminated pursuant to the contingencies in this Agreement, the term of this Agreement shall extend from the date hereof until the expiration of the Tax Increment District.

IN WITNESS WHEREOF, the parties have executed this Agreement as of \_\_\_\_\_ 2013.

CITY OF FOND DU LAC

BY \_\_\_\_\_  
Joseph P. Moore  
City Manager

BY \_\_\_\_\_  
Sue L. Strands  
City Clerk

F.D.L. PRO, L.L.C.:

BY \_\_\_\_\_

WILLIAM ZANETIS:

\_\_\_\_\_

WALTER HICKEY:

\_\_\_\_\_

W:\jhf\Z22-90 Fond du Lac TIF\WISCO Development Agreement F&K Revisions of 10-24-13 - Final.doc



CONCRETE  
ADDITION

EXISTING

WEST ELEVATION  
SCALE 1/8" = 1'-0"



2013 EXCEL ENGINEERING, INC.

**EXCEL  
ENGINEERING**

THE QUALITY CONNECTION  
SCHEIDT & OWEN  
P.O. BOX 2020  
WISCONSIN

PROPOSED EXTERIOR RENOVATIONS TO:

**HOLIDAY INN**

FOND DU LAC, WISCONSIN

PROJECT NO: 1313190

SCHEME

**#1**

08.15.2013

**OWNER:**  
WISCO HOTEL GROUP  
8102 EXCELSIOR DRIVE  
MADISON, WI 53717

**PROJECT:**  
PROPOSED CONFERENCE CENTER ADDITION FOR:  
HOLIDAY INN  
625 W. ROLLING MEADOWS DRIVE  
FOND DU LAC, WI 54607

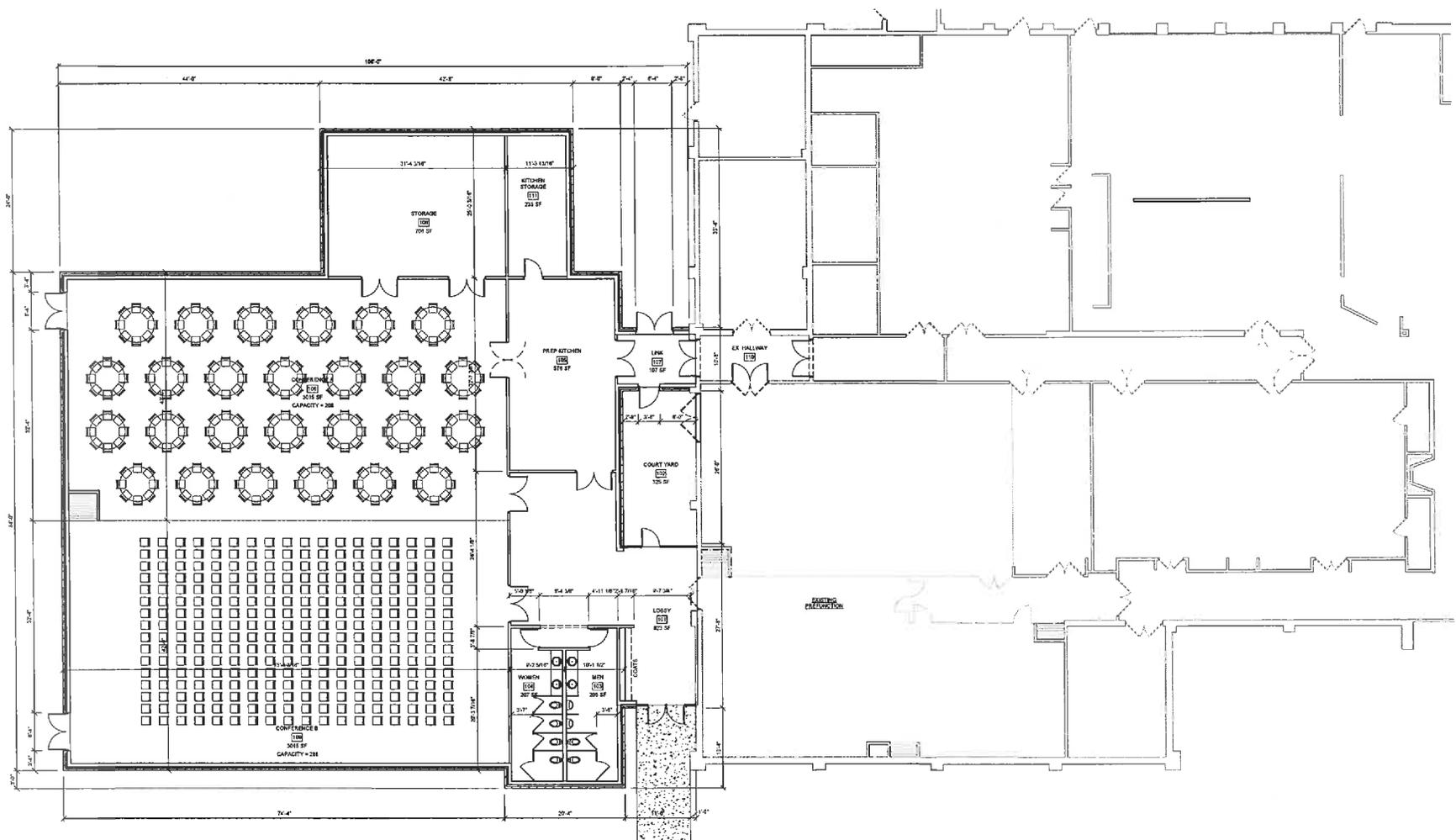
**PRELIMINARY SHEET DATES:**  
07/11/13  
07/16/13  
08/06/13  
10/25/13

**JOB NUMBER:**  
1311350  
**SHEET**

**A1.1**

2013 © EXCEL ENGINEERING, INC.

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION



**FIRST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**RESOLUTION NO. 8437**

**A RESOLUTION AUTHORIZING SALE OF LAND**

**WHEREAS**, Evaporator Dryer Technologies, Inc. has offered to purchase Lot 18 in the West Industrial Park at the asking price of \$26,000 per acre.

**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 execute any necessary documents and to convey Lot 18 in the West Industrial Park to Evaporator Dryer Technologies, Inc. or appropriate designee at a price of \$26,000 per acre minus credits for unusable land.

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

Reviewed *DSM*

---

Sue L. Strands, City Clerk

# ***CITY OF FOND DU LAC - Memorandum***

---

## **Department of Community Development**

**Date:** November 7, 2013

**To:** Joe Moore, City Manager

**From:** Wayne Rollin, Community Development Director

**Re:** Offer to Purchase Industrial Park Land

Evaporator Dryer Technologies has offered to purchase Lot 18 in the West Industrial Park. A resolution authorizing the land sale will be included on the November 13 City Council agenda. A copy of the offer letter is attached, as is a map of the West Industrial Park.

Lot 18 is 3.121 acres in size. The northeast corner of the lot is very narrow, which makes it unusable. It has been our practice to subtract this sort of unusable land when calculating prices, in this case leaving three acres. At our standard asking price of \$26,000 per acre, the net price of Lot 18 will be \$78,000.

Evaporator Dryer Technologies designs and develops dehydrating equipment for the food processing industry. Headquartered near Hudson, Wisconsin, the company has a small machine shop in Fond du Lac and wants to construct a larger facility to accommodate growth. They plan to construct a 5000 – 10,000 square foot building on the West Industrial Park parcel in 2014. The company employs two people in Fond du Lac now, and would expect that to grow slowly in the future.

I recommend approval of the resolution. Should you or members of Council have any questions, please contact me. Thank you.

# PROPOSED LAND SALE



PROPOSED LAND SALE

FOND DU LAC WEST INDUSTRIAL PARK



## Evaporator Dryer Technologies, Inc.

---

1805 Ridgeway Street  
Hammond, WI 54015

Phone: 715.796.2313  
Fax: 715.796.2378

Date: October 15, 2013

Mr. Wayne Rollin  
Community Development Director  
160 South Macy Street  
Fond du Lac, WI 54935

Re.: West Industrial Park, Lot 18

Dear Mr. Rollin:

Following our meeting today, it is Evaporator Dryer Technologies' intent to purchase Lot 18 located in the Fond du Lac West Industrial Park.

Please advise next steps to complete the purchase.

I can be reached at (715) 796-2313 or email to [jenspeter@evapdryertech.com](mailto:jenspeter@evapdryertech.com).

Regards,

A handwritten signature in black ink, appearing to read 'Jens Peter Jensen', written in a cursive style.

Jens Peter Jensen  
President  
Evaporator Dryer Technologies, Inc.

xc: Jamie Vermeer  
Tel. 920-933-3385  
Email: [jtvermeer@evapdryertech.com](mailto:jtvermeer@evapdryertech.com)

**ORDINANCE NO. 3533**

**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., is hereby amended as follows:

**Delete Therefrom:**

**Fourteenth St.**, South side, between S. Marr St. and S. Park Ave.

**Fourteenth St.**, North side, from the east back of walk of Ellis St. to 40' east.

**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:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

---

Sue L. Strands, City Clerk

Reviewed DSH

# ADVISORY PARKING & TRAFFIC BOARD MINUTES

October 17, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

ROLL CALL: Present - Gerald Bonlander  
Jerald Fricken  
Andrew Klemp  
Gary Miller  
Renee Wagner

Absent - William Carey (excused)  
John Williams (excused)

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 October 3, 2013  
Subject: Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Effect: Remove "Parking Prohibited at All Times"  
Location: Fourteenth St., South side, between S. Marr St. and S. Park Ave.

Initiator: Paul De Vries, P.E., City Engineer

Appeared in Opposition:  
Jerome Sippel, 110 14<sup>th</sup> St., Fond du Lac  
Norm Bertram, 123 14<sup>th</sup> St., Fond du Lac  
Sharon Sippel, 110 14<sup>th</sup> St., Fond du Lac

Motion made by Klemp to recommend to the City Council request to remove "Parking Prohibited at All Times" on Fourteenth St., south side, between S. Marr St. and S. Park Ave.



# ADVISORY PARKING & TRAFFIC BOARD MINUTES

October 17, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

ROLL CALL: Present - Gerald Bonlander  
Jerald Fricken  
Andrew Klemp  
Gary Miller  
Renee Wagner

Absent - William Carey (excused)  
John Williams (excused)

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 October 3, 2013  
Subject: Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".  
Effect: Remove "Parking Prohibited at All Times"  
Location: Fourteenth St., North side, from the east back of walk of Ellis St. to 40' east.  
Initiator: Paul De Vries, P.E., City Engineer

Motion made by Miller to recommend to the City Council request to remove "Parking Prohibited at All Times" on Fourteenth St., north side, from the east back of walk of Ellis St. to 40' east.  
Seconded by Klemp.

ROLL CALL VOTE: Aye - Bonlander, Fricken, Klemp, Miller, Wagner  
Nay - None

Carried.

\* \* \* \* \* OTHER BUSINESS \* \* \* \* \*

# ***CITY OF FOND DU LAC - Memorandum***

---

Engineering and Traffic Division

**Date:** October 10, 2013

**To:** Advisory Parking and Traffic Board

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

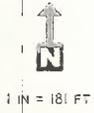
**Re:** **Request to remove parking restrictions on Fourteenth Street, between S. Marr Street and S. Park Avenue**

This memo and Exhibit "A" covers two agenda items list as "A" and "B" for the Advisory Parking & Traffic Board's October 17, 2013 meeting:

- A. Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".
  - Location: Fourteenth St., South side, between S. Marr St. and S. Park Ave.
  
- B. Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".
  - Location: Fourteenth St., North side, from the east back of walk of Ellis St. to 40' east.

The City Engineer initiated these requests following the reconstruction of Fourteenth Street, between S. Marr St. and Park Ave. This portion of street was reconstructed and widened to 32 feet, the typical residential street width and is able to support parking on both sides. The existing restriction on the north side, near Ellis St., may have been implemented to accommodate space for vehicles at the stop sign and to help visibility. With the added width of the new street visibility should be sufficient, however if vehicles are parking too close to the intersection, the City can paint curb for no parking up to 15 feet from the crosswalk without a new parking restriction Ordinance.

The Engineering and Traffic Division supports the proposed changes.



**EXHIBIT A**

DRAWN BY: PDEVRIES DATE 10/10/2013

**ADVISORY PARKING & TRAFFIC BOARD**

FOURTEENTH STREET REVISIONS - OCTOBER 2013



Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-14-33-601-00	153 14TH ST		FOND DU LAC	WI	54935	153 14TH ST
FDL-15-17-15-44-863-00	115 14TH ST		FOND DU LAC	WI	54935	115 14TH ST
FDL-15-17-15-44-866-00	103 14TH ST		FOND DU LAC	WI	54935	103 14TH ST
FDL-15-17-15-44-861-00	123 14TH ST		FOND DU LAC	WI	54935	123 14TH ST
FDL-15-17-14-33-603-00	156 14TH ST		FOND DU LAC	WI	54935	156 14TH ST
FDL-15-17-14-33-597-00	165 14TH ST		FOND DU LAC	WI	54935	165 14TH ST
FDL-15-17-15-44-908-00	140 14TH ST		FOND DU LAC	WI	54935	140 14TH ST
FDL-15-17-14-33-604-00	160 14TH ST		FOND DU LAC	WI	54935	160 14TH ST
FDL-15-17-15-44-903-00	118 14TH ST		FOND DU LAC	WI	54935	118 14TH ST
FDL-15-17-15-44-872-00	75 14TH ST		FOND DU LAC	WI	54935	75 14TH ST
FDL-15-17-14-33-602-00	152 14TH ST		FOND DU LAC	WI	54935	152 14TH ST
FDL-15-17-14-33-592-00	187 14TH ST		FOND DU LAC	WI	54935	187 14TH ST
FDL-15-17-14-33-592-01	185 14TH ST		FOND DU LAC	WI	54935	185 14TH ST
FDL-15-17-15-44-858-00	137 14TH ST		FOND DU LAC	WI	54935	137 14TH ST
FDL-15-17-15-44-906-00	132 14TH ST		FOND DU LAC	WI	54935	132 14TH ST
FDL-15-17-15-44-898-00	98 14TH ST		FOND DU LAC	WI	54935	98 14TH ST
FDL-15-17-15-44-862-00	C/O YVONNE BRUNET	119 14TH ST	FOND DU LAC	WI	54935	119 14TH ST
FDL-15-17-15-44-900-00	106 14TH ST		FOND DU LAC	WI	54935	106 14TH ST
FDL-15-17-15-44-896-00	90 14TH ST		FOND DU LAC	WI	54935	90 14TH ST
FDL-15-17-15-44-869-00	87 14TH STREET		FOND DU LAC	WI	54935	87 14TH ST
FDL-15-17-14-33-593-00	183 14TH ST		FOND DU LAC	WI	54935	183 14TH ST
FDL-15-17-14-33-609-00	184 14TH ST		FOND DU LAC	WI	54935	184 14TH ST
FDL-15-17-14-33-612-00	544 S PARK AVE		FOND DU LAC	WI	54935	544 S PARK AVE
FDL-15-17-15-44-902-00	114 14TH ST		FOND DU LAC	WI	54935	114 14TH ST
FDL-15-17-14-33-591-00	P O BOX 1451		FOND DU LAC	WI	54936	195 14TH ST
FDL-15-17-15-44-857-00	141 14TH ST		FOND DU LAC	WI	54935	141 14TH ST
FDL-15-17-15-44-905-00	128 14TH ST		FOND DU LAC	WI	54935	128 14TH ST
FDL-15-17-15-44-894-00	82 14TH ST		FOND DU LAC	WI	54935	82 14TH ST
FDL-15-17-15-44-892-00	237 AMORY ST		FOND DU LAC	WI	54935	74 14TH ST
FDL-15-17-15-44-895-00	86 14TH ST		FOND DU LAC	WI	54935	86 14TH ST
FDL-15-17-15-44-897-00	94 14TH ST		FOND DU LAC	WI	54935	94 14TH ST
FDL-15-17-14-33-594-00	177 14TH ST		FOND DU LAC	WI	54935	177 14TH ST
FDL-15-17-15-44-899-00	102 14TH ST		FOND DU LAC	WI	54935	102 14TH ST
FDL-15-17-15-44-907-00	136 14TH ST		FOND DU LAC	WI	54935	136 14TH ST
FDL-15-17-14-33-599-00	157 14TH ST		FOND DU LAC	WI	54935	157 14TH ST
FDL-15-17-15-44-865-00	107 14TH ST		FOND DU LAC	WI	54935	107 14TH ST
FDL-15-17-15-44-870-00	85 14TH ST		FOND DU LAC	WI	54935	85 14TH ST
FDL-15-17-15-44-909-00	142 14TH ST		FOND DU LAC	WI	54935	142 14TH ST

October 17, 2013

FOURTEENTH STREET

FDL-15-17-15-44-873-00	71 14TH ST		FOND DU LAC	WI	54935	71 14TH ST
FDL-15-17-15-44-860-00	1082 S PARK AVE		FOND DU LAC	WI	54935	127 14TH ST
FDL-15-17-15-44-904-00	126 14TH ST		FOND DU LAC	WI	54935	126 14TH ST
FDL-15-17-15-44-859-00	135 14TH ST		FOND DU LAC	WI	54935	135 14TH ST
FDL-15-17-14-33-606-00	168 14TH ST		FOND DU LAC	WI	54935	168 14TH ST
FDL-15-17-14-33-598-00	161 14TH ST		FOND DU LAC	WI	54935	161 14TH ST
FDL-15-17-14-33-611-00	4400 WILL ROGERS PKWY, STE 300		OKLAHOMA CITY	OK	73108	190 14TH ST
FDL-15-17-15-44-910-00	146 14TH ST		FOND DU LAC	WI	54935	146 14TH ST
FDL-15-17-15-44-893-00	N5037 OAKHILL RD		FOND DU LAC	WI	54937	76 14TH ST
FDL-15-17-15-44-901-00	110 14TH ST		FOND DU LAC	WI	54935	110 14TH ST
FDL-15-17-14-33-607-00	172 14TH ST		FOND DU LAC	WI	54935	172 14TH ST
FDL-15-17-15-44-871-00	81 14TH ST		FOND DU LAC	WI	54935	81 14TH ST
FDL-15-17-14-33-610-00	188 14TH ST		FOND DU LAC	WI	54935	188 14TH ST
FDL-15-17-15-44-864-00	4801 FREDERICA ST		OWENSBORO	KY	42301	111 14TH ST
FDL-15-17-14-33-608-00	178 14TH ST		FOND DU LAC	WI	54935	178 14TH ST
FDL-15-17-14-33-605-00	W5760 TIMBER TRAIL		FOND DU LAC	WI	54935	164 14TH ST
FDL-15-17-14-33-596-00	169 14TH ST		FOND DU LAC	WI	54935	169 14TH ST
FDL-15-17-15-44-867-00	99 14TH ST		FOND DU LAC	WI	54935	99 14TH ST
FDL-15-17-15-44-868-00	95 14TH ST		FOND DU LAC	WI	54935	95 14TH ST
FDL-15-17-14-33-595-00	173 14TH ST		FOND DU LAC	WI	54935	173 14TH ST
FDL-15-17-15-44-856-00	145 14TH ST		FOND DU LAC	WI	54935	145 14TH ST

**ORDINANCE NO. 3534**

**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, is hereby amended as follows:

**Delete Therefrom:**

**Third St.**, Both sides, from a point 240' east of the east curb line of Park Ave., east 260'.

**Third St.**, South side, from Park Ave., east approximately 291'.

**Add Thereto:**

**Third St.**, Both sides, from a point 190' east of the east right-of-way of Park Ave., east 253'

**Third St.**, South side, from the east right-of-way of Park Ave., east 190'

**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:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

---

Sue L. Strands, City Clerk

City Attorney:

Reviewed DSM

# ADVISORY PARKING & TRAFFIC BOARD MINUTES

October 17, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

ROLL CALL: Present - Gerald Bonlander  
Jerald Fricken  
Andrew Klemp  
Gary Miller  
Renee Wagner

Absent - William Carey (excused)  
John Williams (excused)

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 October 3, 2013  
Subject: Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Effect: Remove "Parking Prohibited at All Times"  
Location: Third St., Both sides, from a point 240' east of the east curb line of Park Ave., east 260'.

Subject: Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Effect: Remove "Parking Prohibited at All Times"  
Location: Third St., South side, from Park Ave., east approximately 291'.

Subject: Request to restrict parking "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

**ADVISORY PARKING & TRAFFIC BOARD MINUTES**

October 17, 2013

Page 2

Effect: Create "Parking Prohibited at All Times"  
Location: Third St., Both sides, from a point 190' east of the east right of way of Park Ave., east 253'.

Subject: Request to restrict parking "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Effect: Create "Parking Prohibited at All Times"  
Location: Third St., South side, from the east right of way of Park Ave., east 190'.

Initiator: Paul De Vries, P.E., City Engineer

Spoke to Gather Information:

Wayne Piepenburg, 257 3<sup>rd</sup> St., Fond du Lac

Motion made by Miller to recommend to the City Council request to remove "Parking Prohibited at All Times" on Third St., both sides, from a point 240' east of the east curb line of Park Ave., east 260'. Remove "Parking Prohibited at All Times" on Third St., south side, from Park Ave., east approximately 291'. Create "Parking Prohibited at All Times" on Third St., both sides, from a point 190' east of the east right of way of Park Ave., east 253'. Create "Parking Prohibited at All Times" on Third St., south side, from the east right of way of Park Ave., east 190'.

Seconded by Wagner.

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

Nay - None

Carried.

\* \* \* \* \* OTHER BUSINESS \* \* \* \* \*

# ***CITY OF FOND DU LAC - Memorandum***

---

Engineering and Traffic Division

**Date:** October 10, 2013

**To:** Advisory Parking and Traffic Board

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

**Re:** **Request to revise parking restrictions on Third Street near Catherine Whittier Lewis Park**

This memo and Exhibit "C" covers agenda item "D" for the Advisory Parking & Traffic Board's October 17, 2013 meeting:

1. Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Location: Third St., Both sides, from a point 240 feet east of the east curb line of Park Ave. east 260 feet.

2. Remove existing parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Location: Third St., South side, from Park Ave. east approximately 291 feet.

3. Request to restrict parking "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Location: Third St., Both sides, from a point 190 feet east of the east right of way of Park Ave., east 253 feet.

4. Request to restrict parking "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 7.05(1) and Schedule "E".

Location: Third St., South side, from the east right of way of Park Ave., east 190 feet.

The City Engineer initiated these requests following a citizen inquiry. We found the existing parking restrictions are overlapping on the south side of Third Street and that the restriction on both sides extended longer than the actual park property, which is the intent of the parking restriction. The four items mentioned above would make the Ordinances consistent and shorten the parking restriction east of the Lewis Park property. The remaining restrictions would be on both sides on the street in front of the park property and continue on the south side towards Park Avenue.

The Engineering and Traffic Division supports the proposed changes.



**EXISTING PARKING RESTRICTION TO REMAIN**

**REMOVE EXISTING PARKING RESTRICTION**



1 IN = 72 FT

**EXHIBIT C**

DRAWN BY: P. PEVRIES DATE: 10/10/2013

**ADVISORY PARKING & TRAFFIC BOARD**

THIRD STREET LEWIS PARK REVISIONS - OCT. 2013



October 17, 2013

## THIRD STREET

Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-14-22-387-00	258 3RD ST		FOND DU LAC	WI	54935	258 3RD ST
FDL-15-17-14-22-386-00	459 MORRIS ST		FOND DU LAC	WI	54935	262 3RD ST
FDL-15-17-14-22-348-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	0 E 2ND ST
FDL-15-17-14-22-380-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	227 3RD ST
FDL-15-17-14-22-381-00	% CITY CLERK	P O BOX 150	FOND DU LAC	WI	54936	233 3RD ST
FDL-15-17-14-22-388-00	252 3RD ST		FOND DU LAC	WI	54935	252 3RD ST
FDL-15-17-14-22-378-00	153 S PARK AVE		FOND DU LAC	WI	54935	153 S PARK AVE
FDL-15-17-14-22-390-00	242 3RD ST		FOND DU LAC	WI	54935	242 3RD ST
FDL-15-17-14-21-124-00	271 3RD ST		FOND DU LAC	WI	54935	271 3RD ST
FDL-15-17-14-22-391-00	238 3RD ST		FOND DU LAC	WI	54935	238 3RD ST
FDL-15-17-14-22-383-00	261 3RD ST		FOND DU LAC	WI	54935	261 3RD ST
FDL-15-17-14-22-385-00	264 3RD ST		FOND DU LAC	WI	54935	264 3RD ST
FDL-15-17-14-22-394-00	222 3RD STREET		FOND DU LAC	WI	54935	222 3RD ST
FDL-15-17-14-21-181-00	268 3RD ST		FOND DU LAC	WI	54935	268 3RD ST
FDL-15-17-14-22-382-00	257 3RD ST		FOND DU LAC	WI	54935	257 3RD ST
FDL-15-17-14-22-393-00	224 3RD ST		FOND DU LAC	WI	54935	224 3RD ST
FDL-15-17-14-22-395-00	751 GLENWOOD DR		FOND DU LAC	WI	54935	173 S PARK AVE
FDL-15-17-14-22-379-00	223 3RD ST		FOND DU LAC	WI	54935	223 3RD ST
FDL-15-17-14-22-384-00	265 E 3RD ST		FOND DU LAC	WI	54935	265 3RD ST
FDL-15-17-14-21-180-00	278 3RD ST		FOND DU LAC	WI	54935	278 3RD ST
FDL-15-17-14-22-392-00	230 3RD ST		FOND DU LAC	WI	54935	230 3RD ST
FDL-15-17-14-22-389-00	248 3RD ST		FOND DU LAC	WI	54935	248 3RD ST
FDL-15-17-14-21-125-00	277 3RD ST		FOND DU LAC	WI	54935	277 3RD ST

**ORDINANCE NO. 3535**

**AN ORDINANCE AMENDING CHAPTER 307 OF THE CODE  
OF ORDINANCES OF THE CITY OF FOND DU LAC,  
DISCRIMINATION**

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

Section 1. That Chapter 307, DISCRIMINATION is hereby amended to read as follows:

**§ 307-1. Declaration of policy.**

The practice of providing equal opportunities in housing and public accommodations without regard to sex, race, color, sexual orientation, gender identity or expression, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status is a desirable goal of the City and a matter of legitimate concern to its government. Discrimination against any of the City's citizens or visitors endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of our democratic society and adversely affects the general welfare of the community. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in dwellings below the standards to which they are entitled. Denial of equal opportunity in public accommodations subjects those discriminated against to embarrassment and discomfort and creates distress and unrest within the community. Provision for adequate safeguards against such discrimination is a proper and necessary function of the City government. In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City to encourage and foster to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity in housing and public accommodations without regard to sex, race, color, sexual orientation, handicap, religion, national origin, marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status.

**§ 307-2. Definitions.**

The following terms have the meanings indicated:

**DISCRIMINATE AND DISCRIMINATION** — To segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status. It is intended that the factors set forth herein shall be the sole basis of prohibiting discrimination under §307-3.

**GENDER** -- refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity.

**GENDER IDENTITY** — Gender identity refers to “one’s sense of oneself as male, female, or transgender” (American Psychological Association, 2006). When one’s gender identity and biological sex are not congruent, the individual may identify as transsexual or as another transgender category (cf. Gainor, 2000).

**GENDER EXPRESSION** — Gender expression refers to the “...way in which a person acts to communicate gender within a given culture; for example, in terms of clothing, communication patterns and interests. A person’s gender expression may or may not be consistent with socially prescribed gender roles, and may or may not reflect his or her gender identity” (American Psychological Association, 2008. p. 28).

**HANDICAP** — Any physical disability or developmental disability as defined under §51.01(5)(a), Wis. Stats.

**HOUSING** — Any improved property, including any mobile home as defined in §66.0435, Wis. Stats., which is used or occupied or is intended, arranged or designed to be used or occupied as a residence, home or place of habitation for one or more human beings.

**LODGING ESTABLISHMENT** — As defined in §106.52(1)(d), Wis. Stats.

**PERSON** — One or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers or other fiduciaries or the agent or agents thereof.

**PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT** — As defined in §106.52(1)(e), Wis. Stats.

**SEX** --- refers to a person’s biological status and is typically categorized as male, female, or intersex (i.e., atypical combinations of features that usually distinguish male from female). There are a number of indicators of biological sex, including sex chromosomes, gonads, internal reproductive organs, and external genitalia.

**TRANSFER** — The term shall not apply to the transfer of property by will or gift.

**UNIMPROVED RESIDENTIAL LOT** — Any residential lot upon which no permanent building or structure containing living quarters has been constructed.

**§ 307-3. Discrimination in housing.**

A. Prohibited. No person shall discriminate:

- (1) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.
- (2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

- (3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
- (4) By publishing, circulating, issuing or displaying or causing to be published, circulated, issued or displayed any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.
- (5) For a person in the business of insuring against hazards by refusing to enter into or by exacting different terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling.
- (6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

B. Exceptions.

- (1) Nothing in this subsection shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.
- (2) Nothing in this subsection shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
- (3) Nothing in this subsection shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

**§ 307-4. Discrimination in public place of accommodation or amusement.**

A. No person may do any of the following:

- (1) Deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status.
- (2) Deny to an adult or charge an adult a higher price than the regular rate for the full and equal enjoyment of a lodging establishment because of age, subject to §125.07, Wis. Stats.

- (3) Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status.
  - (4) Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons.
  - (5) Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of a lodging establishment will be denied to an adult because of age, subject to §125.07, Wis. Stats.
  - (6) Refuse to furnish or charge another a higher rate for any automobile insurance because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status.
  - (7) Refuse to rent, charge a higher price than the regular rate or give preferential treatment because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining household, lawful source of income, age, ancestry or familial status, regarding the use of any private facilities commonly rented to the public.
- B. Nothing in Subsection A prohibits separate dormitories at higher educational institutions or separate public toilets, showers, saunas and dressing rooms for persons of different sexes.
- C. Nothing in Subsection A prohibits separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

**§ 307-5. Aiding and abetting.**

No person shall aid, abet, incite, compel or coerce the doing of any act which violates this section or obstructs or prevents any person from complying with the provisions of this chapter.

**§ 307-6. Equal Opportunities Commission.**

The City Manager, subject to confirmation by the City Council, shall appoint an Equal Opportunities Commission, consisting of five members, one of whom shall be designated chairman

by the members of the Commission. Members shall be appointed from the entire City and shall be representative of all races, creeds, colors, organizations and fields of endeavor. They shall receive no compensation for their services.

- A. The term of office shall expire on the last day of April of each year. Two members shall be initially appointed for a one-year term, two members for two-year terms and one member for a three-year term. Thereafter, appointments shall be for three-year terms. Any appointments to fill vacancies on the Commission shall be for the duration of the unexpired term only.
- B. The Equal Opportunities Commission shall have the following powers and duties:
- (1) To study the existence, character, causes and extent of the denial of equal opportunities because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status.
  - (2) To informally recommend solutions to individuals' problems that may arise which involve the denial of equal opportunities because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age, ancestry or familial status.
  - (3) To disseminate information and provide technical assistance, consultation training programs and other techniques to educate the people of the City and to aid both private and public agencies to use their resources to promote equal opportunities for all persons.
  - (4) To receive complaints alleging violation of this section and to attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or any other means to make the complainant whole again. In case agreement is reached, a conciliation agreement in writing shall be signed by the complainant and respondent and by the chairman of the Equal Opportunities Commission. The signed conciliation agreement shall have the effect of a Commission order. In those cases where the Commission obtains compliance with this section before a hearing is held or where the Commission, upon investigation, finds that the complaint is without foundation, no public disclosure shall be made by the Commission of the names of the person or persons named in the complaint and of the complainant, unless required by §19.52, Wis. Stats. Nothing herein shall prohibit confidential communications and exchange of information including, but not limited to, the names of the people involved and the results of any investigation between the Equal Opportunities Commission and other official governmental agencies.
  - (5) To render from time to time, but not less than once a year, a written report of its activities and recommendations to the City Manager and to the City Council.

- (6) To adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this chapter.
- C. The Commission may promulgate such rules as are necessary for it to carry out its duties and in this regard may hold hearings, take testimony and make independent investigations. The Commission may, upon its motion, test and investigate for the purpose of establishing violations and may make, sign and file complaints alleging violations and initiate studies to carry out their duties. The Commission may from time to time designate a commissioner or commissioners to carry out its duties.
- D. The Equal Opportunities Commission shall use the following procedures in acting on complaints of discrimination:
  - (1) The Commission may receive and investigate a complaint charging an alleged discrimination if the complaint is filed with the Commission no more than 300 days after the alleged discrimination occurred. A complaint shall be a written statement of the essential facts constituting the discrimination charged and shall be verified.
  - (2) If the Commission finds probable cause to believe that any discrimination has been or is being committed, it shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion. In case of failure, so to eliminate the discrimination, the Commission shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed and requiring the respondent to answer the complaint in writing within 10 days after receipt of the notice of hearing and to appear at the hearing on the appointed date. The notice shall specify a time of hearing not less than 30 days after service of the notice of hearing. The testimony at the hearing shall be recorded.
  - (3) If after the hearing the Commission finds that the respondent has engaged in discrimination, it shall make written findings and order such action by the respondent as will redress the injury done to complainant in violation of this section, bring respondent into compliance with its provisions and generally effectuate the purpose of this chapter.
  - (4) The Commission shall serve a certified copy of its findings and order on the respondent.
  - (5) If the Commission finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certified copy of its findings on the complainant, together with an order dismissing the complaint.
  - (6) The Commission shall monitor in such manner as it shall determine appropriate compliance with its conciliation agreements and order.

- (7) Whenever in the judgment of the Commission the judicial enforcement of this section is necessary, the Commission shall in writing request the City Council to enforce this chapter in the name of the City.
- (8) Upon receipt of a request by the City Council, the City Attorney shall have the authority to seek enforcement of this chapter in a court of competent jurisdiction.
- (9) All orders of the Equal Opportunities Commission shall be final administrative determinations and shall be subject to review in court as may be provided by law.

**§ 307-7. Penalty.**

- A. Any person who willfully violates this section or any lawful order issued under this section shall, for the first violation, forfeit not less than \$100 nor more than \$1,000.
- B. Any person adjudged to have violated this chapter within five years after having been adjudged to have violated this section, for every violation committed within the five years, shall forfeit not less than \$1,000 nor more than \$10,000.
- C. Payment of a forfeiture under this section shall be stayed during the period in which any appeal may be taken and during the pendency of an appeal.

**Section 2.** The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

**Section 3.** All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.** This Ordinance shall take effect when the Code of Ordinances is recodified in 2014 and be in force upon its passage and publication as provided by law.

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

---

Sue L. Strands, City Clerk

Reviewed DSM

# ***CITY OF FOND DU LAC - Memorandum***

---

## **City Attorney/Human Resources Department**

**Date:** November 6, 2013

**To:** Joe Moore, City Manager  
City Council

**From:** Deborah Hoffmann, City Attorney/Director – Human Resources

**Re:** Proposed addition to Section 307 Discrimination

The draft ordinance is unchanged from the version you considered during the Committee of the Whole meeting on October 23rd except that it now also contains definitions for gender, gender identity, gender expression and sex as well as revised numbering based on the upcoming recodification paragraph numbering system. By using the new numbering format now, it will preclude a requirement to reconsider this subject, if you adopt the changes, when the code in its entirety comes before you in January.

Under the City's existing ordinance, the City would respond to a complaint of housing discrimination on the basis of gender identity and expression, under the sex/sexual orientation prohibition of discrimination. Several federal and state agencies identify gender identity discrimination as being prohibited under federal and/or state law. The purpose of this ordinance amendment would be to clearly state that gender identity and expression is a prohibited basis of discrimination. Note that there are no changes proposed to the public accommodation section of the existing ordinance.

Please call me if you have any questions.