

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

January 8, 2014
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 Recognizing Mercury Marine 75th Anniversary

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

November 18, 2013 Special City Council Meeting

December 11, 2013 Regular City Council Meeting

B. REPORTS OF OFFICERS

C. RESOLUTIONS

REGULAR AGENDA

6. AUDIENCE COMMENTS

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

7. PUBLIC COMMENT

8. ORAL PRESENTATIONS

- A. Presentation By Paul Thompson, Senior Vice President, Hutchinson, Shockey, Erley & Co.
Subject: 2014 Capital Improvement Project Debt Issue

9. REPORTS OF OFFICERS

- A. Deputy Comptroller/Treasurer, Dated January 2, 2014
Subject: List Of Claims - Items Paid By The City

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

- B. City Clerk, Dated January 2, 2014
Subject: "Class B" Intoxicating Liquor And Class "B" Fermented Malt Beverage License Application

Limited Liability: Carlone's Bar LLC

Agent: Michael Carlone

Agent Address: N8301 Abler Road
Fond du Lac, WI

d/b/a: Carlone's Bar

Location: 8 5th Street

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

10. REPORTS OF COMMITTEES

11. PETITIONS OR COMMUNICATIONS

12. RESOLUTIONS

A. Introduction Director Of Public Works

Resolution No. 8446

Subject: A Preliminary Resolution Regarding The Construction Of Curb
And Gutter

(Effect: To Initiate Administrative Action For The Construction Of
And Levying Special Assessments)

(Location: East Arndt Street -From North Main Street To 476.44 Feet
East Of North Park Avenue)
Fifteenth Street - From South Main Street To Ellis Street)
West Second Street - From South Brooke Street To 162 Feet
West Of Harrison Place)

(Initiator: City Engineer

(Plan Commission Recommendation: **Approve**)

B. Introduction Public Works Director

Resolution No. 8447

Subject: A Resolution Authorizing State And Municipal Agreement For
A State-Let Highway Project On North Main Street From
Merrill Avenue To Johnson Street)

(Effect: Authorize State And Municipal Agreement For A State-Let
Highway Project On North Main Street From Merrill Avenue
To Johnson Street)

(Initiator: Director Of Public Works)

C. Introduction Assistant City Attorney

Resolution No. 8448

Subject: A Resolution Approving, Adopting And Authorizing The
Execution Of The Working Conditions Agreement With The
Fond du Lac Police Supervisory Association

(Effect: Approve, Adopt And Authorize The Working Conditions
Agreement With The Fond du Lac Police Supervisory
Association)

(Initiator: Assistant City Attorney)

D. Introduction Assistant City Attorney

Resolution No. 8449

Subject: A Resolution Approving, Adopting And Authorizing The
Execution Of The Working Conditions Agreement With The
Fond du Lac Fire Supervisory Association

(Effect: Approve, Adopt And Authorize The Working Conditions
Agreement With The Fond du Lac Fire Supervisory
Association)

(Initiator: Assistant City Attorney)

13. ORDINANCES

14. MISCELLANEOUS

Items In This Category Must Be Noticed On The Agenda.

15. SUCH OTHER MATTERS AS ARE AUTHORIZED BY LAW

16. ADJOURN TO CLOSED SESSSION

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

Consider Employment, Promotion, Compensation Or Performance Evaluation Data Of Any Public Employee Over Which The Governmental Body Has Jurisdiction Or Exercises Responsibility.

The Subject Of The Closed Session Is:

Review Of Performance And Compensation Of Specific City Employee

This Subject Is Exempt Under Wisconsin Statutes Section 19.85(1)(c).

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

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



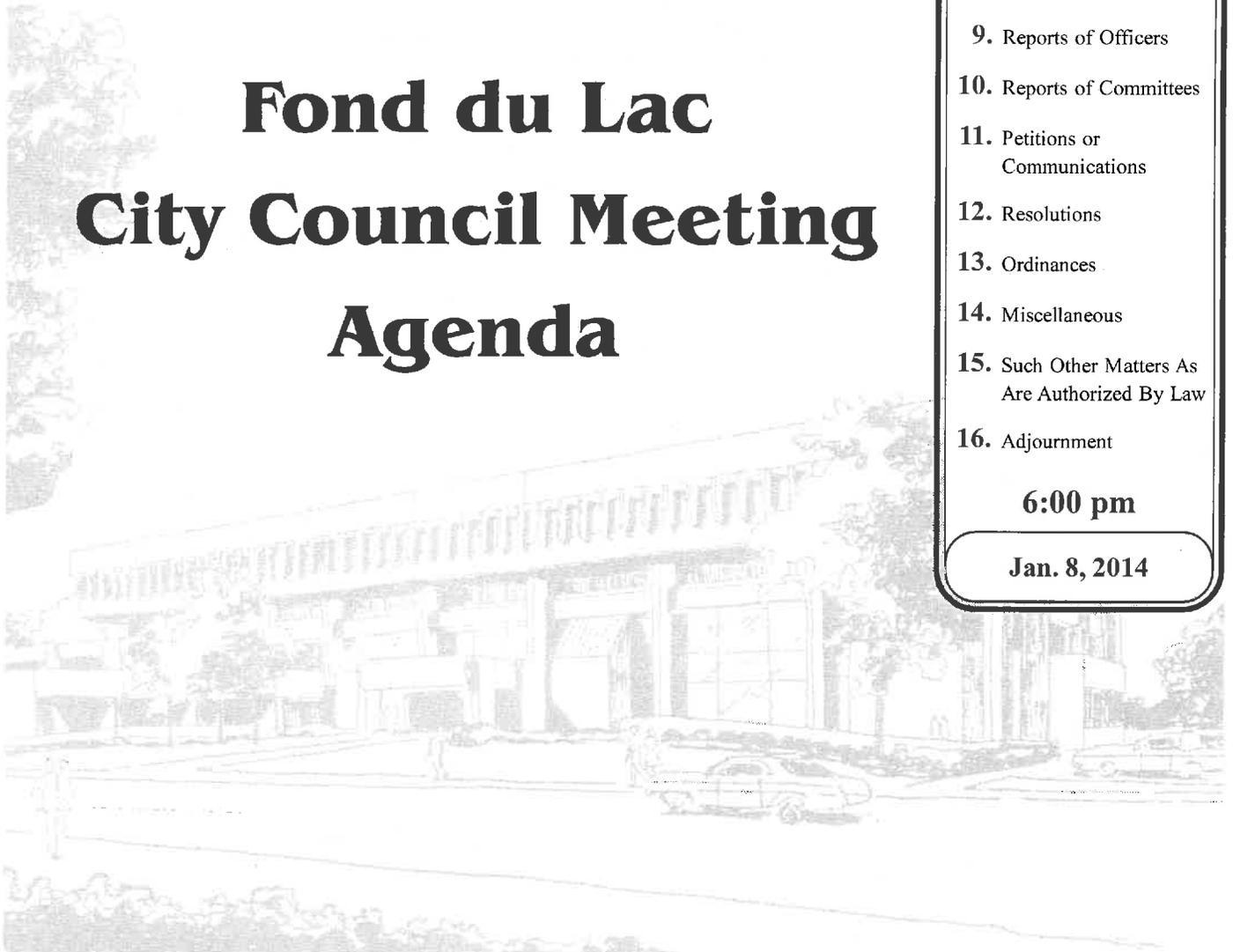
Fond du Lac City Council Meeting Agenda

ORDER OF BUSINESS

1. Call to Order
2. Pledge of Allegiance & Reflection
3. Council President Presentations
4. Public Hearings
5. Consent Agenda
6. Audience Comments
7. 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

Jan. 8, 2014



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

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

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

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

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

A. When Motion To Adjourn Is Pending

B. When Motion To Recess Is Pending

C. Point Of Privilege Is Pending

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

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

November 18 2013
6:00 P.M.

Legislative Chambers
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

REGULAR AGENDA

CALL TO ORDER

ROLL CALL: Present - 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
Deb Hoffmann, City Attorney
Chad Wade, Assistant City Attorney
Jordan Skiff, Dir of Public Works
Steve Klein, Asst. Police Chief of
Operations
Steve Thiry, Asst. Police Chief of
Administration
Peter O'Leary, Fire Chief

Council President Meyer declared a quorum present.

PLEDGE OF ALLEGIANCE AND REFLECTION

Pledge of Allegiance was recited.

A moment of silence was observed.

Motion made by Councilperson Miller to amend the City
Council Supplemental Rules order of agenda.
Seconded by Councilperson Manning.

CITY COUNCIL MINUTES

November 18, 2013

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Denise Clumpner, N5929 County K, Fond du Lac
Paisley Harris, W4124 Kiekhaefer Pkwy., Fond du Lac
Peg Zizzo, 428 Saratoga Ave., N Fond du Lac

Spoke in Opposition of Ordinance No. 3535:

Resident:

Mary Zunker, 1161 Wedgewood Ln., Fond du Lac
Mark Weber, 1042 Sycamore Tree Dr., Fond du Lac
Paul Rosenfeldt, 732 Meadowbrook Ct., Fond du Lac
Linda Mand, 124 Southlake Circle, Fond du Lac
Ray Salm, 15 Algoma St., Fond du Lac
Rob Vande Zande, 975 Whippoorwill Ln., Fond du Lac
Sharon Malchow, 81 S Main St., Fond du Lac
Dennis Malchow, 81 S Main St., Fond du Lac
Jim Kiser, 995 Birch Tree Lane, Fond du Lac
Susan Vanderscheuren, 80 Elm Acres Dr., Fond du Lac
S. Michael Mattsen, 901 Ellis St., Fond du Lac
Sheila Skiff, 67 Eastbrook Lane, Fond du Lac
Peggy Grater, 17 Hunter Ct., Fond du Lac
Dan Leeds, 155 Cottage Ave., Fond du Lac
Jeanette Rinke, 21 Riverside Ct., Fond du Lac
Loren Voss, 972 Churchill Lane, Fond du Lac
Holly Schwefel, 541 S National Ave., Fond du Lac
Marilyn Clarenbach, 46 Mulberry Ct., Fond du Lac
Mark Henschel, 330 Pheasant Ct., Fond du Lac
George Purcell, 437 Ruggles St., Fond du Lac
Kenneth Krell, 234 E Scott St., Fond du Lac
Heath Perry, 357 18th St., Fond du Lac
Judith Roberts, 521 E 9th St., Fond du Lac
Trevor Fox, 386 Winnebago Dr., Fond du Lac
Dawn Dykstra, 294 S Marr St., Fond du Lac
Rev Grant Baumgart, S Main St., Fond du Lac
Michael Dulmes, 500 Wettstein Ave., Fond du Lac
Melvin Hartzler, 861 Ellen Lane, Fond du Lac
Michael McKee, 364 E 9th St., Fond du Lac
Arnold Baganz, 167 E 2nd St., Fond du Lac
Sue Schmitz, 585 Ashbury Dr., Fond du Lac
Ron Schmitz, 585 Ashbury Dr., Fond du Lac
Bernice Wittig, 125 Woodward St., Fond du Lac

Spoke in Opposition of Ordinance No. 3535:

Non-Resident:

Julie Petersen, N7150 Winnebago Dr., Fond du Lac
Lisa Sutton, N5999 Joseph Dr., Fond du Lac
Jeanne Smith, N5349 See Vue Dr., Fond du Lac
Claire Krug, N5570 Redwing Dr., Fond du Lac
Marie Corrente, N8120 Rolling Hills Dr., Fond du Lac
Robert Svetlik, N7005 Lap Rd., Fond du Lac
Cindy Svetlik, N7005 Lap Rd., Fond du Lac

CITY COUNCIL MINUTES

November 18, 2013

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Did not Speak: In Support of Ordinance No. 3534

Resident:

Ernst Schnook, 470 Roosevelt St., Fond du Lac
Nicole Bernico, 301 Doty St. Fond du Lac
Jeff Pardikes, 227 E 1st St., Fond du Lac
Jana McAnliffe, 227 E 1st St., Fond du Lac
Susan Heitzman, 209 E Division St., Fond du Lac
Jane Dennis, 570 Evans Dr., Fond du Lac
Jeff Reese, 43 ½ W 12th St., Fond du Lac
Abbey Rosen, 260 E Merrill Ave., Fond du Lac
Lisette Aldrich, 506 E 1st St., Fond du Lac

Did not Speak: In Support of Ordinance No. 3534

Non-Resident:

Robert Bergman, 820 Monroe St., Oshkosh, WI

Did not Speak: In Opposition of Ordinance No. 3534

Resident:

Timothy Carlton, 19 Pheasant Dr., Fond du Lac
Carson Bohlman, 432 Military Rd., Fond du Lac
Josh Miller, 59 Reid Terrace, Fond du Lac
Sean Twohig, 762 Country Club Lane, Fond du Lac
Mary Wiegert, 521 Willow Dr., Fond du Lac
Ed Wiegert, 521 Willow Dr., Fond du Lac
Judith Kiersten, 48 Amory St., Fond du Lac
Mary Lou Damm, 222 S Royal Ave., Fond du Lac
Rory Martin, 177 E Cotton St., Fond du Lac
Lorrie Gneiser, 889 Golf Vu Dr., Fond du Lac
David Gneiser, 889 Golf Vu Dr., Fond du Lac
Gary Titel, 480 Forest Ave., Fond du Lac
Audry Titel, 480 Forest Ave., Fond du Lac
Linda Dulmes, 500 Wettstein Ave., Fond du Lac
Mitch Swanson, 310 E Johnson St., Fond du Lac
Seth Baumgart, 563 S Main St., Fond du Lac
Jennifer Gilgenbach, 525 Wakefield Ave., Fond du Lac
Mark Tryon, 701 Bruce St., Fond du Lac
Stephen Bialy, 144 Cottage Ave., Fond du Lac
Jean Holzman, Fond du Lac
Judith Dick, 244 Bayberry Lane, Fond du Lac
Robert Farrell, 1199 Carriage Cir., Fond du Lac
Heather Holland, 111 Meadowbrook Blvd., Fond du Lac
Jack Gleason, Fond du Lac
Paul Pfeffer, 31 Barrington Ct., Fond du Lac
Cynthia Pfeffer, 31 Barrington Ct., Fond du Lac
Lillian Nolan, 78 Martin Place, Fond du Lac
Anola Huck, 449 Taft St., Fond du Lac

CITY COUNCIL MINUTES

November 18, 2013

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Robertta Scherck, 36 Cherry Lane, Fond du Lac
Linda Phillips, 909 Country Club Lane, Fond du Lac
Marvin Rach, 263 Sheboygan St., Fond du Lac
Christine Rach, 263 Sheboygan St., Fond du Lac
Carla Schuster, 506 E Pioneer Rd., Fond du Lac
Dan March, 349 E 10th St., Fond du Lac
Jean March, 349 E 10th St., Fond du Lac
Ronald Goyette, 258 E 14th St., Fond du Lac
Mary Helen Schabel, 299 E Division St., Fond du Lac
Brandon Gottenbusch, 195 E 13th St., Fond du Lac
Debra Gottenbusch, 195 E 13th St., Fond du Lac
Donald Vande Berg, 927 Forest Circle, Fond du Lac
Carla Vande Berg, 927 Forest Circle, Fond du Lac
Diane Nick, 566 Morris St., Fond du Lac
David Seif, 231 Bischoff St., Fond du Lac
Beth Seif, 231 Bischoff St., Fond du Lac
Alex Kaye, 600 Eastwood Ct., Fond du Lac

Did not Speak: In Opposition of Ordinance No. 3534
Non-Resident:

Lynn Messner, W7958 Messner Dr., Fond du Lac
Jeff Smet, W3387 Skylane Dr., Fond du Lac
Tony Ferdinand, N9854 Highland Park Rd., Malone, WI
Christina Bohlman, W3286 Artesian Rd., Fond du Lac
Dale Theel, W3102 State Rd 23, Fond du Lac
Nadine Krahn, W2479 Big Ben Rd., Eden, WI
Patricia Snyder, 58 Robin Dr., N Fond du Lac
James Brown, W5359 E Pioneer Rd., Fond du Lac
Donald Cayen, N6777 Hilltop Dr., Fond du Lac
Denise Smith, N5375 See Vu Dr., Fond du Lac
James Sweeney, W3066 Walnut Rd., Fond du Lac
Cynthia Sweeney, W3066 Walnut Rd., Fond du Lac
Jean Del Velchio, W3068 Walnut Rd., Fond du Lac
Richard Peterson, N7150 Winnebago Dr., Fond du Lac
Kathy Henslin, N7702 Sandy Beach Rd., Fond du Lac
Leight DeGroot, N5999 Hillcrest Rd., Fond du Lac
Betty Boehrig, N8584 Linden Beach Rd., Fond du Lac
Angela Reynolds, N6664 Townline Rd., Fond du Lac
Judy Ogle, N5157 Cty Rd Y, Fond du Lac
Mary Meadows, 6 Chickadee Ct., N Fond du Lac

Did not Speak: In Regards of Ordinance No. 3534
Resident:

James Davenport, 474 Wakefield Ave., Fond du Lac

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

December 11, 2013
6:00 P.M.

Legislative Chambers
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

REGULAR AGENDA

CALL TO ORDER

ROLL CALL: Present - 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
Hal Wortman, Dir of Admin
Deb Hoffmann, City Attorney
Jordan Skiff, Dir or Public Works
Paul De Vries, City Engineer
Jon Mark Bolthouse, Library Dir
Peter O'Leary, Fire Chief
Bill Lamb, Police Chief

President Meyer declared a quorum present.

PLEDGE OF ALLEGIANCE AND REFLECTION

Pledge of Allegiance was recited.

A moment of silent reflection was observed.

COUNCIL PRESIDENT PRESENTATIONS

City Council President Meyer presented a proclamation to Mary Kind, President Board of Directors of the Friends of the Senior Center and Dottie Winkleman, Senior Center Director recognizing The Friends of the Fond du Lac Senior Center Inc. for their donation of \$10,000.

CITY COUNCIL MINUTES

December 11, 2013

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RESOLUTIONS

Introduction City Attorney

Resolution No. 8442

Subject: A Resolution Increasing Bond Amounts For Ordinance
Violations

(Effect: Approve Increase In Bond Amounts For Ordinance
Violations)

(Initiator: City Attorney)

(File No. 2013-122)

Motion made by Councilperson Block to **approve**
Resolution No. 8442.

Seconded by Councilperson Merkel.

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

Carried.

Introduction City Clerk

Resolution No. 8443

Subject: A Resolution Approving And Confirming Election
Officials

(Effect: Approve And Confirm Appointments Of Election Officials)

(Initiator: City Clerk)

(File No. 2013-123)

Motion made by Councilperson Miller to **approve**
Resolution No. 8443.

Seconded by Councilperson Merkel.

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

Carried.

Introduction Community Development Director

Resolution No. 8444

Subject: A Resolution Granting A Special Use Permit

(Effect: Construct A Convenience Store With Gas Pumps)

(Location: 158 North Main Street (Former Walgreens))

(Initiator: Kwik Trip Inc.)

(File No. 2013-124)

Spoke in Support of Resolution No. 8444:

Non-Resident:

Troy Mleziva, (Kwik Trip) 1626 Oak St., La Crosse, WI

CITY COUNCIL MINUTES

December 11, 2013

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Introduction City Engineer

Ordinance No. 3537

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: This Proposed Parking Ordinance Change Would Extend Parking Restrictions An Additional 115' On The West Side Of Hickory Street To A Total Of 280' From Johnson Street

(Location: Hickory St N., West Side From Johnson Street To Arndt Street

(Initiator: Harv Burman, 23 North Park Avenue)

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

(File No. 2013-127

Motion made by Councilperson Block to **approve** Ordinance No. 3537.

Seconded by Councilperson Manning.

Motion made by Councilperson Miller to **amend** Ordinance No. 3537 to extend parking restrictions an additional 140' on the west side of Hickory Street to a total of 305' from Johnson Street.

Seconded by Councilperson Manning.

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

Carried.

Vote on Main Motion (as amended)

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

Carried.

Introduction City Engineer

Ordinance No. 3538

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: This Proposed Parking Ordinance Change Would Restrict Parking On Harrison Place Near The Recently Constructed Boulevard

(Location: Harrison Place, Both Sides, From The South Right Of Way Of Forest Avenue, South 120')

(Initiator: City Engineer)

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

(File No. 2013-128

CITY OF FOND DU LAC - Memorandum

Department of Administration

To: Joseph Moore, City Manager
City Council

From: Hal Wortman, Director of Administration

Date: January 2, 2014

Subject: General Obligation Debt Issue

Mr. Paul Thompson of Hutchinson, Shockey, Erley & Co. will be presenting information at the January 8, 2014 City Council meeting regarding an upcoming general obligation debt issue. Mr. Thompson will be providing information on the expected interest rates as well as principal and interest payment schedules for the debt issue at the January 8, 2014 City Council meeting. A resolution to approve the debt issue will be placed on the January 22, 2014 City Council meeting agenda.

The purpose of the \$2,000,000 debt issue is to finance the City's 2014 general capital improvement projects as approved in the 2014 budget. It is estimated that the net interest rate on this debt issue will be approximately 2.2%. The debt will be repaid over a ten year period.

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: January 2, 2014
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 November 30, 2013 through December 31, 2013 for all funds total \$2,941,373.97. Wisconsin statute 66.0609 (2) requires the comptroller to file, at least monthly with the City Council, a list of approved claims paid.

Suggested Motion: Receive and File

CITY OF FOND DU LAC - Memorandum

City Clerk's Office

Date: January 2, 2014
To: City Council
From: Sue L. Strands, City Clerk
Re: 2013-2014 "Class B" Intoxicating Liquor and Class "B"
Fermented Malt Beverage Application

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

Limited Liability Company: Carlone's Bar LLC
Agent: Michael Carlone
Home Address: N8301 Abler Rd
Fond du Lac, WI 54935
d/b/a: Carlone's Bar
Location of Premises: 8 5th Street

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

December 30, 2013
4:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL: Present: - Shawn Anhalt
J. Geoffrey Bares
Ray Lapierre
Kerry Ann Strupp
Tyler Vorpapel (alternate)
Lee Ann Lorrigan

Absent: - David J. Hopper (excused)

Administrative Staff: - Deb Hoffmann, City Attorney
Steve Klein, Asst. Police Chief
of Operations

Vice-Chairperson Bares declared a quorum present.

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

REPORTS OF OFFICERS

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

Limited Liability Co: Carlone's Bar LLC
Agent: Michael Carlone
N8301 Abler Road
Fond du Lac, WI
d/b/a: Carlone's Bar
Location of Premises: 8 5th Street
City Council Meet Date: January 8, 2014

Appeared in Support and to Ask/Answer Questions:
Mike Carlone, N8301 Abler Rd., Fond du Lac



Memo

To: City Manager Moore

From: Chief Lamb

Date: 12-19-13

**Re: Proposed Class B Intoxicating Liquor and Fermented Malt Beverage
Carlone's Bar, 8 5th Street**

On December 19, 2013, Assistant Chief Klein, Division Fire Chief Troy Hasse, Fire Captain John Duffy, Community Development Director Wayne Rollin, City Clerk Sue Strands and Amy Hansen from the DFP met with the listed applicant Michael Carlone to discuss his application for the proposed Carlone's Bar located at 8 5th Street (formerly Schmitt's Bar).

Mr. Carlone is looking at purchasing the property and business located at 8 5th Street contingent upon approval of granting this licensing request. Mr. Carlone has over 25 years of experience in Management/Sales and Marketing and has been a long time resident of the Fond du Lac community. He has over 5-years of experience in working at a licensed establishment. Mr. Carlone will be a full-time owner manager of this business. His plans for this location include it being run as a neighborhood corner pub. He does not plan on making any major changes to the existing business other than some cosmetic updates to the interior and exterior. He anticipates an opening date of January 16th.

This location has operated as a licensed establishment for numerous years with no significant concerns noted by law enforcement.

Assistant Chief Klein emphasized the City's expectations of being a licensed agent and the importance of being a "good neighbor" with the applicant.

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

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning JANUARY 9 20 14 ;
ending JUNE 30 20 14 ;

Applicant's Wisconsin Seller's Permit Number: <u>456-1028202715-02</u>	
Federal Employer Identification Number (FEIN): <u>46-4075917</u>	
LICENSE REQUESTED ▶	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>58-</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$ <u>292-</u>
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>55</u>
TOTAL FEE	\$ <u>405-</u>

TO THE GOVERNING BODY of the: Town of } Fond du Lac
 Village of }
 City of }
County of Fond du Lac Aldermanic Dist. No. _____ (if required by ordinance)

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

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ Carlone's Bar LLC

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

Title	Name	Home Address	Post Office & Zip Code
President <u>Member</u>	<u>Michael Carlone</u>	<u>N8301 Abler Rd Fond du Lac, WI</u>	<u>54937</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶	<u>Michael Carlone</u>	<u>N8301 Abler Rd Fond du Lac, WI</u>	<u>54937</u>
Directors/Managers			

3. Trade Name ▶ Carlone's Bar Business Phone Number _____
4. Address of Premises ▶ 8-5th St Fond du Lac, WI Post Office & Zip Code ▶ 54935

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 11/7/13 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

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

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? Schmit's Bar LLC
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

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

SUBSCRIBED AND SWORN TO BEFORE ME

this 14th day of November, 20 13

[Signature]
(Clerk/Notary Public)

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

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

My commission expires _____

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-3-2013</u>	Date reported to council/board <u>12/11/13</u>	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued <u>14-4390</u>	

OL-2483

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 Carlone's Bar 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

located at 8-5th St. Fond du Lac, WI. 54935
(trade name)

appoints Michael Carlone
(name of appointed agent)

N8301 Abler Rd Fond du Lac, WI. 54937
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 24 years

Place of residence last year _____

For: Carlone's Bar LLC
(name of corporation/organization/limited liability company)

By: Michael Carlone
(signature of Officer/Member/Manager)

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

ACCEPTANCE BY AGENT

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

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

Michael Carlone 11/14/13 Agent's age
(signature of agent) (date)

N8301 Abler Rd Fond du Lac, WI 54937 Date of birth
(home address of agent)

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

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

Approved on 12/19/13 by Stevan P. Kala Title ASST. CHIEF OF POLICE
(date) (signature of proper local official) (town chair, village president, police chief)

Cell [REDACTED]

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Carlone		Michael		Anthony	
Home Address (street/route)		Post Office		City	
N8301 Abler Rd				Fond du Lac	
				State	
				WI	
				Zip Code	
				54937	
Home Phone Number		Age		Date of Birth	
[REDACTED]		[REDACTED]		[REDACTED]	
				Place of Birth	
				[REDACTED]	

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

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Member/Agent of Carbone's Bar 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? 24 Years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name MAG-IAS LLC	Employer's Address 142 Doty St Fond du Lac, WI 54935	Employed From Dec 2011	To Currently laid-off
Employer's Name ECP Inc	Employer's Address 11210 Katherine's Crossing Woodridge IL 60517	Employed From July 2010	To Sept 2011

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 3rd day of DECEMBER, 2013

[Signature]
(Clerk/Notary Public)

[Signature: Michael Carlone]
(Signature of Named Individual)

My commission expires 9-27-2015



**Business Plan For
Carlone's Bar
8 - 5th St. Fond du Lac, WI.**

The tavern is a well established local pub that dates back to the 1940's. My goal is to keep the business in the downtown Fond du Lac area and continue to serve local residents with a nice clean place for adults to gather and spend time enjoying good company with friends.

The bar is currently owned by three local residents. I will be the sole owner and manager of the bar and will be making all business decisions. This will be my full time job and main source of income while my wife will continue working at her current job with company benefits.

Fair competitive pricing and weekly specials will attract customers of all ages. The great downtown location will be the best advertisement for new walk-in customers while still being able to keep the current customer base. My goal is to stay a small hometown pub with a warm comfortable atmosphere.

The bar will be open Monday thru Saturday (3:00 pm til close) and Sundays (11:00 am til close) during the Packer football season. I will have two other employees besides myself working for me. I will be using all local suppliers and vendors for my business needs.

The bar will be purchased through a cash offer which has been accepted by the current owners with a closing date of January 10th, 2014. Their current monthly sales have more than covered their out going bills and expenses over the past 14 years. I plan on keeping a reserve cash account on hand to cover any emergency's that may come up or additional improvements that could be made to the building.

A minor interior remodel will take place the week of January 5th 2014 with plans to have the doors open for business the following week. The current building had an exterior update with new siding and windows within the past 10 years.

Over the past 25 years I've been involved in Sales Management and have successfully assisted many customers in business solutions and ways to increase their productivity through sales training work shops and product knowledge seminars.

I look forward to becoming a small business owner in the downtown Fond du Lac area and living my dream of owning my own local pub. My goal is to become a well respected business that gives to the community with plans to become involved with local organizations, activities and charities.

Michael Carlone
N8301 Abler Road
Fond du Lac, WI. 54937
carlone@charter.net

CITY OF FOND DU LAC, WISCONSIN

SURRENDER OF ALCOHOL BEVERAGE LICENSE

This is to advise that, as licensee, I (We) hereby surrender a Combination "Class A" And "Class B" Intoxicating Liquor & Class "A" And Class "B" Fermented Malt Beverage license for the premise located at 8-5th St. Fond du Lac, WI 54935, on the condition that it be granted to the applicant (future licensee).

Schmitz Bar LLC, d/b/a Schmitz's Bar LLC
(Current licensee) (Current business name)

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

Licensee/Applicant Information

CURRENT LICENSEE

Please print the following information:

Name JULIE SCHMITZ

Home Address 8 5th ST.

City FOND DU LAC, WI

Phone (920) 948-2754

Signature Julie Schmitz Date _____
* Ralph Ruzette

NEW APPLICANT FUTURE LICENSEE

Please print the following information:

Name Michael Carlone

Home Address N8301 Abler Rd

City Fond du Lac

Phone (920) 924-7868

Signature Michael Carlone Date _____

WISCONSIN

SELLER / SERVER CERTIFICATION

Trainee Name: Michael Carlone
Date of Completion: 11/30/2013

School Name: 360training.com, Inc.
Certification # WI02981

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

COMPLIES WITH WISCONSIN STATUTES 125.04, 125.17, 134.66



Learn2
serve

Corporate Headquarters
13001 Burnet Rd., Suite 100
Austin, Texas 78727
P: 800-442-1149

RESOLUTION NO. 8446

**A PRELIMINARY RESOLUTION REGARDING
THE CONSTRUCTION OF CURB AND GUTTER**

WHEREAS, a petition has been filed requesting the construction of curb and gutter on the following:

East Arndt St. - from N. Main St. to 476.44' E. of N. Park Avenue

Fifteenth St. - from S. Main St to Ellis St

West Second St. - from S. Brooke St. to 162' W. of Harrison Place

WHEREAS, Chapter 66 of the Wisconsin Statutes authorizes such improvements to be specially assessed; and

WHEREAS, such determination both as to construction and assessment should be made by the City Council after it reviews a report provided by the Director of Public Works.

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

1. The City Council hereby declares its intention to exercise its police power under Section 66.0703 of the Wisconsin Statutes to levy special assessments upon property within the following described areas for benefits conferred upon such property by improving the following named street, said public improvements to include the following:

Curb and Gutter

East Arndt St. - from N. Main St. to 476.44' E. of N. Park Avenue

Fifteenth St. - from S. Main St to Ellis St

West Second St. - from S. Brooke St. to 162' W. of Harrison Place

2. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall be reasonable.

3. The Director of Public Works shall prepare a report pertaining to the construction of the public improvements identified above. Said report shall consist of:

- a. A schedule of the proposed assessments.
- b. A statement that the property against which the assessments are proposed is benefitted.

4. Upon receiving the report of the Director of Public Works, the City Clerk is directed to give notice of a public hearing on the matters contained in this preliminary resolution and on such report as specified in Section 66.0703(7)(a) of the Wisconsin Statutes. The hearing shall be held by the City Council in the Legislative Chambers in the Fond du Lac City County Government Center at a time(s) set by the City Clerk in accordance with Section 66.0703(7)(a) of the Wisconsin Statutes.

5. Any assessments levied may be paid for in cash or in annual installments as provided in Section 3.04 of the Code of Ordinances of the City of Fond du Lac, Wisconsin.

ADOPTED:

Samuel Meyer, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed DSRH

PLAN COMMISSION MINUTES

December 9, 2013
5:30 p.m.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL: Present: Dave Erickson
Lee Ann Lorrigan
Jordan Skiff
Brent Schumacher
Paul Smedberg
David Washkoviak (arrived @ 5:35 pm)
Marilyn Zangl

Absent: Stan Ramaker (excused)
Hertha Longo (excused)

Administrative Staff - Joellyn Dahlin, Principal Planner

Chairman Smedberg declared a quorum present.

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

PETITIONS AND COMMUNICATIONS

CONSTRUCTION OF CURB AND GUTTER

Effect: To initiate administrative action for the construction of and levying special assessments

Location: East Arndt Street: From N Main Street to 476.44 feet east of N Park Avenue
Fifteenth Street: From S Main Street to Ellis Street
West Second Street: From S Brooke Street to 16 west of Harrison Place

Initiator: Paul De Vries, City Engineer

Motion made by Commissioner Erickson to recommend to the City Council approval of a preliminary resolution. Seconded by Commissioner Schumacher.

ROLL CALL VOTE: Aye - Erickson, Lorrigan, Skiff, Schumacher, Smedberg, Zangl
Nay - None

Carried.

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

PETITION

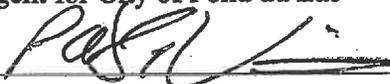
CITY COUNCIL
FOND DU LAC, WISCONSIN

November 13, 2013

The undersigned petitioners, being owners of property herein described, respectfully request your honorable body to take such action as will cause the construction of:

- | | |
|--|---|
| <input type="checkbox"/> Sanitary Sewer Main | <input type="checkbox"/> Storm Sewer |
| <input type="checkbox"/> Sewer Laterals | <input type="checkbox"/> Grade and Gravel |
| <input type="checkbox"/> Water Main | <input checked="" type="checkbox"/> Curb and Gutter |
| <input type="checkbox"/> Water Lateral | <input type="checkbox"/> Permanent Type Pavement |
| <input type="checkbox"/> Street Lighting | <input type="checkbox"/> Sidewalk |

On E. Arndt Street from N. Main Street to 476.44 feet east of N. Park Avenue.
On Fifteenth Street from S. Main Street to Ellis Street.
On W. Second Street from S. Brooke Street to 162 feet west of Harrison Place.

SIGNATURE OF OWNER(S) (Please sign in ink)	ADDRESS OF PROPERTY (If different than address of residence please state both— please print)	ADDRESS OF RESIDENCE (Please print)
Paul DeVries, City Engineer Agent for City of Fond du Lac 		160 South Macy Street Fond du Lac WI 54936- 0150

RECEIVED BY CITY CLERK
11-13-2013

plan commission memorandum

Date: November 25, 2013
To: Plan Commission
From: Paul De Vries, City Engineer PDV
RE: 2014 Construction of Public Improvements

This petition was initiated by Paul De Vries, City Engineer. The proposed public improvements include construction of new curb and gutter as a part of the Clearwater Elimination Program, street reconstruction work. The location for special assessment of curb and gutter are:

- On 15th Street from Main Street to Ellis Street
- On E. Arndt Street from Main Street to 476' east of Park Avenue
- On 2nd Street from Brooke Street to 162' west of Harrison Place

On 15th Street and Arndt Street, the streets will be reconstructed to restore the considerable amount of trench excavation required as a result of the underground work that will take place. On 2nd Street, a new section of street will be constructed to connect to Brooke Street. Affected property owners would be assessed pursuant to the normal assessment practices for this type of work. The assessment will be ¼ of the actual cost of curb and gutter construction per assessable front foot. Approval of a preliminary resolution is requested for work anticipated during the 2014 construction season.

Recommendation

Engineering and Community Development Department suggest a motion to recommend to the City Council approval of a preliminary resolution.

Arndt Street from Main St. to 476' east of Park Avenue

2nd Street from Brooke St. to 162' west of Harrison Place

15th Street from Main to Ellis Sts.



RESOLUTION NO. 8447

**A RESOLUTION AUTHORIZING STATE AND MUNICIPAL AGREEMENT FOR A
STATE-LET HIGHWAY PROJECT ON NORTH MAIN STREET FROM MERRILL
AVENUE TO JOHNSON STREET**

WHEREAS, the City of Fond du Lac has entered into an agreement with the State of Wisconsin to reconstruct Main St. from Merrill Ave. to Johnson St., currently programmed for 2020, and

WHEREAS, the City of Fond du Lac's estimated cost share for this essential project is \$76,400 (plus utility expenses), and

WHEREAS, this agreement is necessary before the State will begin the engineering design of this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the proper City officials are hereby authorized to take all necessary steps to complete this transaction and enter into an agreement with the State of Wisconsin to reconstruct Main St. from Merrill Ave. to Johnson St.

ADOPTED:

Samuel Meyer, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed DSRY



**Original
STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET HIGHWAY
PROJECT**

Date: November 19, 2013

I.D.: 4110-30-00 / 71

Road Name: Main Street, City of Fond Du Lac

Limits: Merrill Avenue – Johnson Avenue

County: Fond Du Lac

Roadway Length: 0.2 MI

The signatory City of Fond Du Lac hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: The existing facility is an urban 4-lane non-divided section with 2 sided parking, curb & gutter and sidewalk. Turn lanes are provided at various intersections. The pavement structure will be at its service life by 2021. The ride is poor and underground utilities are at their service lives.

Proposed Improvement - Nature of work: Reconstruct the existing urban cross-section. Sanitary and water will be replaced during or prior to WisDOT's project. Storm sewer will be replaced as part of WisDOT's project.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:

PHASE	ESTIMATED COST *				
	Total Estimated Cost	Federal / State Funds	%	Municipal Funds	%
Preliminary Engineering:					
Plan Development	200,000	150,000	75	50,000	25
Real Estate Acquisition 1:	TBD				
Construction (Participating) 2:					
Normal Participating	2,520,000	2,520,000	100	0	0
Community Sensitive Solutions 1.5%	37,800	37,800	100	0	0
Lighting	TBD		50		50
Construction (Non - Participating)					
Parking Lanes 3	26,400		0	26,400	100
Sanitary & Water Adjustments			0	TBD	100
CONSTRUCTION SUBTOTAL:	2,584,200	2,557,800		26,400	
TOTAL COST DISTRIBUTION:	2,784,200	2,707,800		76,400	

*All estimates include 12% construction engineering.

- 1) All Real Estate costs required to meet FDM standards are eligible for WisDOT funding.
- 2) Construction costs shown are an estimate based on historical bid item prices. The Project Agreement will be revised as cost share items are determined.
- 3) The City is responsible for the actual cost of bid items needed to construct parking lanes. Items typically include New Pavement, Base Course, and if needed Breaker Run.

This request is subject to the terms and conditions that follow (pages 11 - 12) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the City of Fond Du Lac (please sign in blue ink)

Name

Title

Date

Signed for and in behalf of the State (please sign in blue ink)

Name

Title

Date

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table that shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The new pavement structure including curb and gutter to State standards, excluding the cost of parking areas.
 - (e) Storm sewer replacement.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by the project.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) Alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other Utility or Facility Owner includes the following items:
 - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and Bridge width in excess of standards.
 - (d) Parking lane costs.
 - (e) Damages to abutting property due to change in street or sidewalk widths, grades or drainage.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs.

6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality shall at its own cost and expense:
 - (a) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities funded by community sensitive solutions. This agreement does not remove the current municipal maintenance responsibility.
 - (b) Maintain and accept responsibility for the energy, operation, maintenance, repair and replacement of the lighting system.
 - (c) Prohibit angle parking.
 - (d) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - (e) Provide complete plans, specifications and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions or claims resulting from the sanitary sewer and water system construction. Sanitary sewer and water may be done concurrently with the street construction if requested by the municipality.
 - (f) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
 - (g) In cooperation with the Northeast Region assist with public information and public relations for the project.

9. Basis for local participation:

Design: Costs are 75% WisDOT/25% Local as per WisDOT's cost policy for Connecting Highways.

Real Estate: Real Estate costs will be determined in Preliminary Design. WisDOT will fund Real Estate needed to meet FDM standards.

Construction: Construction costs shown are based on similar project bid item prices. Items requiring a cost share are listed on the first page and will be adjusted in future Project Agreement revisions as they are determined via input from the City during preliminary design.

RESOLUTION NO.8448

**A RESOLUTION APPROVING, ADOPTING AND AUTHORIZING
THE EXECUTION OF THE WORKING CONDITIONS AGREEMENT
WITH THE FOND DU LAC POLICE SUPERVISORY ASSOCIATION**

WHEREAS, the City of Fond du Lac has negotiated with the Fond du Lac Police Supervisory Association in attempting to arrive at a working conditions agreement; and

WHEREAS, the parties are in concert and have come to an agreement on said matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the working conditions agreement by and between the City of Fond du Lac and the Fond du Lac Police Supervisory Association, for the period of January 1, 2014 through December 31, 2016, is hereby approved, adopted and authorized for execution by the appropriate City officials, all in accordance with the terms and conditions thereof, and that all previous working conditions agreements between the City of Fond du Lac and the Fond du Lac Police Supervisory Association shall no longer be in force and effect.

ADOPTED:

Samuel Meyer, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed CPW

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resource Department

Date: December 18, 2013

To: Joseph Moore, City Manager
Members of the City Council

From: Chad Wade, Labor Relations Coordinator

Re: Police Supervisory Association Tentative Agreement

The City has reached a tentative agreement with the Police Supervisory Association. I recommend approval of this tentative agreement as it meets the City's bargaining goals for a successor agreement. Most significantly, the agreement meets the financial constraints for the Police Department in the City's 2014 Adopted Budget.

The agreement is for 3 years (2014-2016) and contains wage increases of 3% for 2014 3% wage increase for 2015 and 3.25% for 2016. The agreement also phases in employee contributions to WRS so that all members of the unit pay the full employee share by January 1, 2016. Other provisions include:

- Increases in the health insurance premium contribution caps;
- Implements the City's new Biometric Scorecard for determining employee insurance premium share in 2016;

The remainder of the contract remains status quo.

RESOLUTION NO. 8449

**A RESOLUTION APPROVING, ADOPTING AND AUTHORIZING
THE EXECUTION OF THE WORKING CONDITIONS AGREEMENT
WITH THE FOND DU LAC FIRE SUPERVISORY ASSOCIATION**

WHEREAS, the City of Fond du Lac has negotiated with the Fond du Lac Fire Supervisory Association in attempting to arrive at a working conditions agreement; and

WHEREAS, the parties are in concert and have come to an agreement on said matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the working conditions agreement by and between the City of Fond du Lac and the Fond du Lac Fire Supervisory Association, for the period of January 1, 2014 through December 31, 2015, is hereby approved, adopted and authorized for execution by the appropriate City officials, all in accordance with the terms and conditions thereof, and that all previous working conditions agreements between the City of Fond du Lac and the Fond du Lac Fire Supervisory Association shall no longer be in force and effect.

ADOPTED:

Samuel Meyer, President
Fond du Lac City Council

Attest:

City Attorney:

Sue L. Strands, City Clerk

Reviewed CPW

CITY OF FOND DU LAC - Memorandum

Human Resource Department

Date: December 18, 2013

To: Joseph Moore, City Manager
Members of the City Council

From: Chad Wade, Labor Relations Coordinator

Re: Fire Supervisory Association Tentative Agreement

The City has reached a tentative agreement with the Fire Supervisory Association. I recommend approval of this tentative agreement as it meets the City's bargaining goals for a successor agreement. Most significantly, the agreement meets the financial constraints for the Fire Department in the City's 2014 Adopted Budget.

The agreement is for 2 years (2014-2015) and contains a 2% wage increase for 2014 and another 2% wage increase for 2015. Other provisions include:

- Increases in the health insurance premium contribution caps;
- Implements the City's new Biometric Scorecard for determining employee insurance premium share in 2015;
- Introduces caps on the amount of compensatory time that may be carried over year to year;

The remainder of the contract is status quo.