

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

June 26, 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. A Proclamation To Fond du Lac Festivals Applauding The Walleye Weekend Volunteers, Contributors, And Supporters
- B. A Proclamation Recognizing The Donations Made For The Restoration Of Hamilton Park

**4. PUBLIC HEARINGS**

2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

CONSENT AGENDA

**5. CONSENT AGENDA**

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

**A. APPROVAL OF MINUTES**

June 12, 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**

9. **REPORTS OF OFFICERS**

A. Director Of Administration, Dated June 19, 2013  
Subject: List Of Claims - Items Paid By The City

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

B. City Clerk, Dated June 20, 2013  
Subject: Annual Alcohol Beverage License Renewals

(Proposed Action: **Approve Staff Recommendations**)

C. City Clerk, Dated June 20, 2013  
Subject: Non-Renewal Alcohol Beverage License Applications

(Proposed Action: **Non-Renewal In Accordance With City Code**)

D. City Attorney/Human Resources Director  
Subject: Revocation/Suspension Of Liquor Licenses For Delinquent  
Taxes, Assessments or Other Claims Of The City

10. **REPORTS OF COMMITTEES**

11. **PETITIONS OR COMMUNICATIONS**

12. **RESOLUTIONS**

A. Introduction City Clerk  
Resolution No. 8407  
Subject: A Resolution Authorizing The Use Of Public  
Streets And Waiving The Prohibition Against  
Possession Of Alcoholic Beverages On Public  
Ways For The Fondue Fest On September 7, 2013

(Effect: Authorize Use Of Public Streets And Waive  
Public Consumption Prohibition For The Fondue Fest  
September 7, 2013)

(Initiator: City Clerk)

B. Introduction Community Development Director

Resolution No. 8408

Subject: A Resolution Granting A Special Use Permit

(Effect: Construct Hotel)

(Location: FDL-15-17-21-24-752-00)

(Initiator: Jeff Liebergen/Excel Engineering)

(Plan Commission Recommendation: **Approve**)

C. Introduction Community Development Director

Resolution No. 8409

Subject: A Resolution Granting A Special Use Permit

(Effect: Add Outdoor Recreation Use As An Additional Activity  
For Existing Tavern)

(Location: 251 Forest Avenue)

(Initiator: Robert Diener)

(Plan Commission Recommendation: **Approve**)

D. Introduction Community Development Director

Resolution No. 8410

Subject: A Resolution Granting A Special Use Permit

(Effect: Construct A 20 Bed Community Based Residential Facility)

(Location: FDL-15-17-09-14-751-01 And FDL-15-17-09-14-753-00)

(Initiator: David Gloss)

(Plan Commission Recommendation: **Approve**)

E. Introduction Chief Of Police

Resolution No. 8411

Subject: A Resolution Reviewing And Approving Grant Application From  
The Edward Byrne Memorial Justice Assistance Grant (JAG)  
Program

(Effect: Approve Edward Byrne Memorial Justice Assistance Grant  
Application)

(Initiator: Chief Of Police)

F. Introduction Wastewater Operations Manager

Resolution No. 8412

Subject: A Resolution Pertaining To The Compliance Maintenance Annual  
Report For the Wastewater Treatment Plant

(Effect: Approve Compliance Maintenance Annual Report)

(Initiator: Wastewater Operations Manager)

**13. ORDINANCES**

- A. Introduction Community Development Director  
Ordinance No. 3521  
Subject: An Ordinance Annexing Property To The City Of  
Fond du Lac

(Effect: Change City Limits To Include Property)  
(Location: Prairie Road/East Johnson Street)  
(Initiator: Richard Halter)

**(Note: Requires a two-thirds majority vote of the members of  
the governing body)**

**RESOLUTIONS**

- G. Introduction Community Development Director  
Resolution No. 8413  
Subject: A Resolution Approving A Certified Survey Map And  
Accepting A Public Dedication

(Effect: Approve Public Dedication For Richard Halter)  
(Plan Commission Recommendation: **Approve**)

- B. Introduction Community Development Director  
Ordinance No. 3522  
Subject: A Zoning Ordinance

(Effect: Zone Annexed Property To B-5, Special Commercial  
District)  
(Location: Prairie Road/East Johnson Street)  
(Initiator: Richard Halter)  
(Plan Commission Recommendation: **Approve**)

**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 SESSION**

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

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

The subject is:

**Purchase Of Property For Well Site**

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

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

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



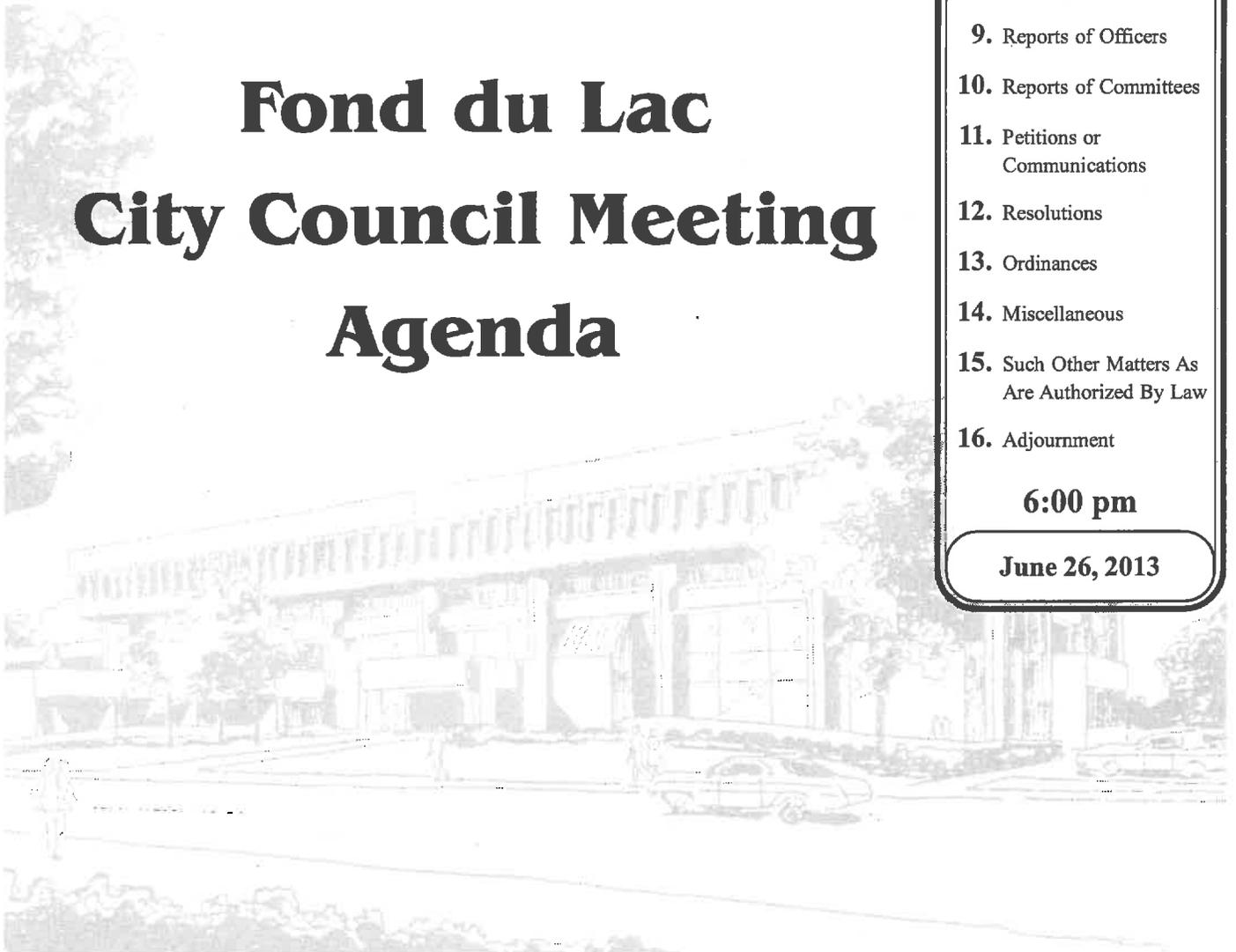
# Fond du Lac City Council Meeting Agenda

## ORDER OF BUSINESS

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

**June 26, 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

## **LEGAL NOTICE**

“Public Hearing”

June 26, 2013

### **FY2013 Justice Assistance Grant (JAG) Program**

The Fond du Lac Police Department has been notified by the Bureau of Justice Assistance that it is eligible to receive \$15,442 in funding for use in 2014. The department is requesting to use the funds for the following:

- Portable Alarm Systems
- Investigative Surveillance Video Cameras
- Replacement SWAT Sniper Rifles
- Miscellaneous SWAT Operator Equipment

There will be a public hearing on this matter during the City Council meeting on June 26, 2103 at 6:00pm.

**CITY OF FOND DU LAC POLICE DEPARTMENT**

**William Lamb, Chief of Police**

**Publish: June 20, 2013**

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

June 12, 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  
Lee Ann Lorrigan  
Dan Manning  
Karyn Merkel  
Sam Meyer  
Gary Miller  
Rob Vande Zande

Absent - None

Administrative Staff - Joe Moore, City Manager  
Wayne Rollin, Dir of Comm Devel  
Hal Wortman, Dir of Administration  
Deb Hoffman, City Attorney  
Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
John Kiefer, Park Superintendent  
Jon Mark Bolthouse, Library Dir  
Bill Lamb, Police Chief  
Steve Klein, Asst. Police Chief of  
Operations  
Peter O'Leary, Fire Chief

Council President Meyer declared a quorum present.

City Clerk Sue Strands administered oath of office to appointed Council Member Karyn Merkel.

### PLEDGE OF ALLEGIANCE AND REFLECTION

Pledge of Allegiance was recited.

A moment of silence was observed.



**CITY COUNCIL MEETING MINUTES**

June 12, 2013

Page 3

**ORAL PRESENTATIONS**

Senator Gudex

Subject: Update On The State Budget

**REPORT OF OFFICERS**

Deputy Comptroller/Treasurer, Dated June 5, 2013

Subject: List Of Claims - Item Paid By The City

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

Motion made by Councilperson Vande Zande to **receive and file** the List of Claims dated June 5, 2013.

Seconded by Councilperson Block.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block  
Merkel

Nay - None

Carried.

City Clerk, Dated June 6, 2013

Subject: Annual Alcohol Beverage License Renewals

(Proposed Action: **Approve Staff Recommendations**)

Motion made by Councilperson Vande Zande to **approve staff recommendations** for the Annual Alcohol Beverage License Renewals.

Seconded by Councilperson Manning.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

At this point City Manager, Joe Moore gave an update regarding the status of the Retlaw Hotel.

City Clerk, Dated June 6, 2013

Subject: "Class B" Intoxicating Liquor And Class "B" Fermented Malt Beverage License Application

Corporation: Blazin Wings Inc.

Agent: Darin Reiger

Agent Address: 829 Main Street

Oshkosh, WI 54901

d/b/a: Buffalo Wild Wings

**CITY COUNCIL MEETING MINUTES**

June 12, 2013

Page 4

Location: 121 North Pioneer Road

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

Motion made by Councilperson Vande Zande to **approve** "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License d/b/a Buffalo Wild Wings, 121 North Pioneer Road.

Seconded by Councilperson Lorrigan.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

City Clerk, Dated June 10, 2013

Subject: Permit To Sell Fermented Malt Beverages On Park  
Property

Name: Fond du Lac Symphonic Band, Ltd.

Event: Dorf Kapelle Concert

Location: Buttermilk Creek Park

Date: June 26, 2013

(Proposed Action: **Approve**)

Motion made by Councilperson Vande Zande to **approve** Permit to sell fermented malt beverages on Park Property.

Seconded by Councilperson Miller.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

City Clerk, Dated June 10, 2013

Subject: Permit To Sell Fermented Malt Beverages On Park  
Property

Name: Fond du Lac Symphonic Band, Ltd.

Event: Night In Old Vienna Concert

Location: Buttermilk Creek Park

Date: August 21, 2013

(Proposed Action: **Approve**)



**CITY COUNCIL MEETING MINUTES**

June 12, 2013

Page 6

Introduction Director Of Public Works

**Resolution No. 8403**

Subject: A Resolution Authorizing Application, Acceptance, And  
Use Of A Recreational Boating Facilities Grant

(Effect: Authorize Director Of Public Works To Submit  
Application To Wisconsin Waterways Commission For  
Financial Assistance)

(Initiator: Director Of Public Works)

(File No. 2013-064

Motion made by Councilperson Vande Zande to **approve**  
Resolution No. 8403.

Seconded by Councilperson Manning.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

Introduction City Manager

**Resolution No. 8404**

Subject: A Resolution Confirming Appointments To Various Boards  
And Commissions

(Effect: Confirm Appointments Of Alternate Stan Ramaker To The  
Plan Commission And Teresa Ann Keenan And Jamie Drohman  
To The Historic Preservation Commission)

(Initiator: City Manager)

(File No. 2013-003

Motion made by Councilperson Manning to **approve**  
Resolution No. 8404.

Seconded by Councilperson Block.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

Introduction Community Development Director

**Resolution No. 8405**

Subject: City Of Fond du Lac Initial Resolution Regarding  
Industrial Development Revenue Bonds

(Effect: Consideration And Adoption Of An Initial Resolution  
Relating To Industrial Development Revenue Bond  
Financing On Behalf Of The Fond du Lac Arts Council

**CITY COUNCIL MEETING MINUTES**

June 12, 2013

Page 7

Inc. By The City Council. As Required by State Law, Information Regarding The Expected Job Impact Of The Project To Be Financed With The Bonds On The Project Site And Elsewhere In The State Of Wisconsin Will Be Available At The Time Of Consideration Of The Initial Resolution)

(Initiator: Fond du Lac Arts Council Inc.)  
(File No. 2013-065

Motion made by Councilperson Vande Zande to **approve** Resolution No.8405.

Seconded by Councilperson Miller.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

Introduction Community Development Director

**Resolution No. 8406**

Subject: Resolution Regarding Public Bidding And Non-Discrimination In Connection With Industrial Development Revenue Bond Financing

(Effect: Consideration And Adoption Of Resolution Regarding Public Bidding And Non-Discrimination In Connection With Industrial Development Revenue Bond Financing On Behalf Of The Fond du Lac Arts Council Inc. By The City Council)

(Initiator: Fond du Lac Arts Council Inc.)  
(File No. 2013-065

Motion made by Councilperson Vande Zande to **approve** Resolution No. 8406.

Seconded by Councilperson Block.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

**CITY COUNCIL MEETING MINUTES**

June 12, 2013

Page 8

**ORDINANCES**

Introduction City Engineer

**Ordinance No. 3519**

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Request To Restrict Parking, Stopping, Or Standing Prohibited From 7:45 A.M. To 8:45 A.M. And From 2:45 P.M. To 3:45 P.M. On School Days Only In Accordance With Code Of Ordinances Section 7.05(3) And Schedule G)

(Location: Amory St., West Side, From The South Right-Of-Way Of E. Johnson St., South 60')

(Initiator: City Engineer

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

(File No. 2013-066

Motion made by Councilperson Vande Zande to **approve** Ordinance No. 3519.

Seconded by Councilperson Manning.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.

Introduction City Engineer

**Ordinance No. 3520**

Subject: An Ordinance Amending Chapter 7, Traffic Code

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

(Location: Ellis St., West Side, From Ninth Street To Fifteenth Street)

(Initiator: Patti Reese, 391 Ellis Street)

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

(File No. 2013-067

Motion made by Councilperson Vande Zande to **deny** Ordinance No. 3520.

Seconded by Miller.

ROLL CALL VOTE: Aye - Miller, Lorrigan, Manning,  
Meyer, Vande Zande, Block,  
Merkel

Nay - None

Carried.



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

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## **Department of Administration**

**Date:** June 19, 2013

**To:** City Council

**From:** Hal Wortman, Director of Administration



**Re:** List of Claims

The list of claims for goods and services for the payment periods June 1, 2013 through June 14, 2013 for all funds total \$1,065,310.78. 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**

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**City Clerk's Office**

**Date:** June 20, 2013  
**To:** City Council  
**From:** Sue L. Strands, City Clerk  
**Re:** Annual License Renewal Intoxicating Liquor and Fermented Malt Beverage

The City Council, at its June 12th, 2013 City Council meeting granted renewal of the majority of the annual licenses for retailing intoxicating liquor and fermented malt beverages.

Attached you will find a list of the remaining applicants being presented for your review. Applications are made to this office on forms, the content of which is prescribed by the Wisconsin Department of Revenue, Excise and Tax Bureau. It coordinates the inspection of the premises with the Fire Department, Health Services, and Inspection Services. Also included as part of the renewal process is an investigation of individuals by the Police Department. Furthermore, no license shall be granted to any person who, or premises for which, taxes, assessments or other claims of the City are delinquent and unpaid.

The following is a catalog of the applicants that have not renewed their alcohol beverage license for the period ending June 30, 2014:

<b>LICENSE TYPE</b>	<b>BUSINESS NAME</b>	<b>LOCATION</b>
"Class B" Intoxicating Liquor & Class "B" Fermented Malt Beverage	La Gran Plaza	239 West Scott Street

If any member of the Council should have questions regarding the annual license renewals please feel free to contact me.

Thank you.

**CITY OF FOND DU LAC  
NOTICE OF APPLICATION FOR LICENSES**

NOTICE IS HERBY GIVEN that the following applications for Intoxicating Liquor and Fermented Malt Beverage Licenses have been filed for the July 1, 2013 through June 30, 2014 license period with the City Clerk of the City of Fond du Lac, Wisconsin

**COMBINATION "CLASS B" FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR LICENSES FOR THE 2013/2014 LICENSE PERIOD**

Business Name	License Holder Name	Business Address	Agent Name	Agent Address
Beernuts	The Neutral Zone Inc.	183 S Main St	David Sabel	417 S Park Ave FDL
Casa Del Tequila	Casa Del Tequila Restaurant LLC	525 N Peters Ave #100	Edgar Ramirez Tellez	720 Pioneer Rd. FDL
Fuji Yummy	Fuji Yummy Japanese Restaurant LLC	221 N Peters Ave #2	Jing Lin	270 Grand Ct #E201, FDL
Holiday Inn	Wisco JZ, Inc	625 W Rolling Meadows	Dennis Stahmann	W8826 Hwy 23. Eldorado, WI
Main Exchange	Main Exchange, Inc.	161 S. Main St.	Patty Boyd	N8389 Sales Rd. Van Dyne, WI
Main Street Lounge & Café	Deborah Kienbaum	101 N Main St	Deborah Kienbaum	1827 Randolph Ave. New Holstein, WI
Oscar's Sportsmans Inn	Lallier of Fond du Lac, Inc.	156 Western Ave	David Lallier	610 4th St. FDL
Parrot Palms	Main Exchange, Inc.	248 N. Hickory St.	Carol Boyd	N8389 Sales Rd. Van Dyne, WI
Pockets	Main Exchange, Inc.	119 S Main St.	Charles W Boyd	N8389 Sales Rd. Van Dyne, WI
Warehouse Sports Pub	Bauer LLC	211 S Military Rd	Randal Bauer	500 Ruggles St. FDL
Wishing Well Lounge	JoAnn Stout	243 West 9th St.	JoAnn Stout	1211 Minnesota Ave NFDL

**New Agent**

Comfort Inn	W.Z Wisco	77 Holiday Ln	Dennis Stahmann	W8826 Hwy 23. Eldorado, WI
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**CLASS "A" FERMENTED MALT BEVERAGES AND "CLASS A" INTOXICATING LIQUOR FOR THE 2013/2014 LICENSE PERIOD**

Business Name	License Holder Name	Business Address	Agent Name	Agent Address
Express Gas Mart	Global Racine Investments LLC	473 Fond du Lac Ave	Ketan Patel	3726 Canada Goose Xing. Racine, WI
Phillips 66	AN, LLC	362 N Peters Ave	Stuart Harrington	692 E Merrill Ave. FDL
Scott Street Shell	Bear Commercial Management Serv.	665 W Scott St.	Erich Hillmann	614 Hwy 60 Cedarburg, WI

# Fond du Lac Police Department MEMO



**To:** City Manager Joe Moore  
**From:** Chief Lamb  
**RE:** *Change of Agent Comfort Inn, 77 Holiday Lane.*  
**Date:** 06-18-13

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Comfort Inn, located at 77 Holiday Lane, has applied for a change of agent of its Class B Combination License. Dennis Stahmann will be the new listed agent. The Police Department has not noted any recent concerns with Comfort Inn.

Background checks on Mr. Stahmann both in-house and NCIC/CIB, indicate no prior criminal history. The Police Department has no objections to the approval of this change of agent request and recommends approval.

**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.

Town

To the governing body of:  Village of Fond du Lac County of Fond du Lac

City

The undersigned duly authorized officer(s)/members/managers of W.Z. Wisco 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 Comfort Inn  
(trade name)

located at 77 Holiday Lane, Fond du Lac, WI 54937

appoints Dennis Stahmann  
(name of appointed agent)

W8826 Hwy. 23, Eldorado, WI 54932  
(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).  
Holiday Inn

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? 57 years

Place of residence last year Same as above

For: W.Z. Wisco dba Comfort Inn  
(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, Dennis Stahmann, hereby accept this appointment as agent for the  
(print/type agent's name)

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

[Signature] 5-14-13  
(signature of agent) (date)

Agent's age [Redacted]

W8826 Hwy. 23, Eldorado, WI 54932  
(home address of agent)

Date of birth [Redacted]

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

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

Approved on 06/18/13 by [Signature] Title ASST. POLICE CHIEF.  
(date) (signature of proper local official) (town chair, village president, police chief)

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

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## **City Clerk's Office**

**Date:** June 20, 2013

**To:** Joe Moore, City Manager

**From:** Sue L. Strands, City Clerk

**Re:** Non-Renewal Alcohol Beverage License Applications

In accordance with State Statutes and City code, I recommend non-renewal of the license unless the licensee meets all the criteria for renewal no later than June 30, 2013. Under Wisconsin Statutes 125.10, the City of Fond du Lac has enacted a local ordinance governing alcohol licensure within the City. Under Fond du Lac Municipal code 12.03(6.1)(c) the City created the Fond du Lac Alcohol Licensing committee ("ALC") as an advisory committee to the City Council. The ALC is tasked to review all applications for new licenses and disciplinary procedures for existing license holders. The ALC does not have a role in the renewal of a license. However, non-renewal of a license is required to be treated as a disciplinary procedure under Wisconsin Statutes 125.12(3).

Under Wisconsin Statutes 125.12(2)(ag) a license may only be non-renewed for one of the statutorily stated reasons. The city adopted Municipal Code 12.03(5), which establishes payment of all taxes, assessments, or other claims of the City as a minimum qualification for a license. The license holder in this matter has failed to meet the minimum qualification for licensure under Fond du Lac Municipal code by failing to pay all outstanding debts to the City. Further, the nonpayment is a violation of the municipal regulations adopted under 125.10 by the City of Fond du Lac.

The City has followed the proper statutory procedure for non-renewal of the Liquor License application for North Main Hospitality LLC d/b/a Retlaw Hotel, One North Main Street by conducting an ALC due process hearing on May 29<sup>th</sup>, 2013. The Alcohol Licensing Committee recommendation was:

Recommend renewal of the "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage license d/b/a Retlaw Plaza Hotel, One North Main Street; contingent on payment in full in the amount of \$39,053.02 plus penalty and interest by June 25, 2013.

If you or the City Council has any questions please feel free to contact me.

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

May 29, 2013  
4:00 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

**OPENING CEREMONIES**

ROLL CALL: Present: - J. Geoffrey Bares  
Paul Osterholm  
Kerry Strupp (arrived @ 4:05 p.m.)  
Ray Lapierre  
Rob Vande Zande

Absent: - David Hopper (excused)

Administrative Staff: - Wayne Rollin, Dir of Comm Dev  
Deb Hoffmann, City Attorney  
Chad Wade, Assistant City Attorney  
Steve Klein, Asst. Police Chief  
of Operations  
Tracy Salter, Dpty Comptroller/  
Treasurer  
Joe Moore, City Manager

Chairman Osterholm declared a quorum present.

\* \* \* \* \* Other Business \* \* \* \* \*

**PUBLIC HEARING**

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

Limited Liability Co: North Main Hospitality LLC  
Agent: Anna Nason  
Agent Address: 673 Mount Vernon Street  
Oshkosh, WI  
d/b/a: Retlaw Plaza Hotel  
Location of Premises: One North Main Street



# RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2013 ending: 06 30 2014  
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the:  Town of  
 Village of } FOND DU LAC  
 City of }

County of FOND DU LAC Aldermanic Dist. No. \_\_\_\_\_ (If required by ordinance)

CHECK ONE  Individual  Partnership  Limited Liability Company  
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:  
 Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code

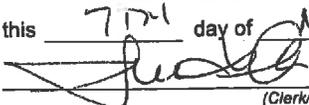
B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company North Main Hospitality, LLC  
 Address of Corporation/Limited Liability Company (if different from licensed premises) \_\_\_\_\_  
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Kirit Pansaria</u>	<u>20957 Jade Ct Danville, CA</u>	<u>94765</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	<u>Anna Nelson</u>	<u>673 Mond Vernon St</u>	<u>Oshkosh WI 54901</u>

C. 1. Trade Name Retlaw Plaza Hotel Business Phone Number 920-923-3000  
 2. Address of Premises One N. Main St Post Office & Zip Code Fond 54935

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No
4. 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.) Retlaw Plaza Hotel - Fond - 54935
5. Legal description (omit if street address is given above): One N. Main St. Fond WI 54935
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side  Yes  No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side  Yes  No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain.  Yes  No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain.  Yes  No
9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776]  Yes  No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement?  Yes  No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor?  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.)

**SUBSCRIBED AND SWORN TO BEFORE ME**  
 this 7th day of May, 2013  
  
 (Clerk/Notary Public)  
 My commission expires \_\_\_\_\_

\_\_\_\_\_  
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)  
 \_\_\_\_\_  
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner)  
 \_\_\_\_\_  
 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk <u>5-8-13</u>	Date reported to council/board <u>6-12-13</u>	Date license granted	
License number issued <u>14-3283</u>	Date license issued	Signature of Clerk / Deputy Clerk 	

AT-115 (R. 1-12)  
 Rec# 27672

Applicant's Wisconsin Seller's Permit Number: <u>YS6-1026804198-02</u>	
Federal Employer Identification Number (FEIN): <u>26-348 1699</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$ <u>500.00</u>
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>30.00</u>
<b>TOTAL FEE</b>	\$ <u>630.00</u>

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

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

v

**Complaint**

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

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

1. That, North Main Hospitality, LLC, dba Retlaw Hotel, Kirit "Ken" Pansuria, as agent therefore, (hereinafter collectively "North Main") is the license holder of a combination Class B Fermented Malt Beverage and Intoxicating Liquor License # 12-003283 issued pursuant to Chapter 125, Wisconsin Statutes, and City of Fond du Lac Municipal Code in conformity therewith, for the Retlaw Hotel (formerly known as the Ramada Plaza Hotel), located at 1 North Main Street, in the City of Fond du Lac, Fond du Lac County, Wisconsin.
2. That, under the terms of an Agreement between the City of Fond du Lac and North Main Hospitality's agent Mr. Pansuria, North Main currently owes \$64,053.02 for unpaid 2013 municipal utility bills and its 2012 Real Estate tax bill. Further, because North Main has failed to fulfill its obligations under the prior agreement the City has reinstated \$81,401.35 in fees and interest that were held in abeyance under the agreement leaving a total balance due of \$145,454.37. Attached as Exhibit A to this complaint is a summary of the amounts due.
3. That Fond du Lac Municipal Code C§ 12.03(5) states, "No license shall be granted to any person who, or premises for which, taxes, assessments or other claims of the City are delinquent and unpaid."
4. That the foregoing are violations of Fond du Lac Municipal Code adopted pursuant to §125.10, Wisconsin Statutes, and form the basis for nonrenewal, set forth in Wisconsin Statutes §§125.12(2)(ag) & (3), of the Combination Class B Fermented Malt Beverage and Intoxicating Liquor License # 12-003283 issued to North Main Hospitality.

WHEREFORE, the City of Fond du Lac asks that the Fond du Lac Alcohol Licensing Commission recommend non-renewal of North Main Hospitality's Combination Class B Fermented Malt Beverage and Intoxicating Liquor License # 12-003283.

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

Date: 5/23/13

# EXHIBIT A

## North Main Hospitality LLC- Retlaw

Balance Due May 22, 2013

### Balances due at March 6, 2013

Utility Bill	\$ 42,534.48
Room Taxes	68,507.30
Parking Fees	49,920.00
Real Estate Tax Bill - 2012	51,192.30
<b>Total balances due at March 6, 2013</b>	<b>212,154.08</b>

### Activity since March 6, 2013

Fees incurred	18,800.29
Payments received	(85,500.00)

<b>Balance Due May 22, 2013</b>	<b>145,454.37</b>
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Agreement Adjustments	(81,401.35)
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<b>Balance due May 22, 2013 under agreement</b>	<b>\$ 64,053.02</b>
-------------------------------------------------	---------------------

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

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

v

**NOTICE OF HEARING**

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

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**NOTICE OF HEARING**

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**THE STATE OF WISCONSIN:**

To each person named above as a Defendant:

**YOU ARE HEREBY NOTIFIED** that a hearing regarding your Combination Class B Fermented Malt Beverage and Intoxicating Liquor License no. 12-003283 will be held before the Alcohol Licensing Committee on Wednesday, May 29, 2013, at 4:00 p.m. in Rooms D and E of the City/County Government Center, 160 S. Macy Street, Fond du Lac, Wisconsin. The purpose of this hearing is to determine whether your license is eligible for renewal based upon unpaid taxes, assessments, and fees.

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

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

1. Notice of the hearing as stated above: Wednesday May 29, 2013 at 4:00 p.m., in Rooms D and E of the City/County Government Center, 160 S. Macy Street, Fond du Lac, Wisconsin.
2. Opportunity to examine, at and prior to the hearing, all documents and records to be used by the City Council; such documents will be open to examination upon reasonable notice to the Fond du Lac Police Department at 126 N. Main Street, Fond du Lac, Wisconsin.
3. Opportunity to present and argue your own case or have an attorney of your choice present and argue your case; legal counsel, if desired, must be provided at your own expense.

4. Opportunity to bring witnesses to testify on your behalf (if subpoenas are necessary, you may obtain subpoenas from the Fond du Lac Clerk of Courts office.)
5. Opportunity to establish all pertinent facts and circumstances.
6. Opportunity to question or refute any testimony or evidence, including the right to cross-examine adverse witnesses.
7. Opportunity to request a written transcript of the hearing at your expense.

The quasi-judicial hearing will be recorded.

**ISSUED** at Fond du Lac, Wisconsin, this 23rd day of May, 2013.

FOND DU LAC CITY ATTORNEY'S OFFICE

By: Chad P Wade  
Chad P Wade  
Assistant City Attorney

State Bar No. 1070906

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

## North Main Hospitality LLC- Retlaw

Balance Due June 19, 2013

### Balances due at March 6, 2013

Utility Bill	\$ 42,534.48
Room Taxes	68,507.30
Parking Fees	49,920.00
Real Estate Tax Bill - 2012	51,192.30
<b>Total balances due at March 6, 2013</b>	<b>212,154.08</b>

### Activity since March 6, 2013

Fees incurred	18,800.29
Payments received	(110,500.00)

**Balance Due June 19, 2013** **120,454.37**

Agreement Adjustments **(81,401.35)**

**Balance due June 19, 2013 under agreement** **\$ 39,053.02**

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

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## **Human Resources Department**

**Date:** June 18, 2013

**To:** City Council

**From:** Chad Wade, Assistant City Attorney/HR Manager

**Re:** Delinquent Taxes, Assessments, and Claims For Alcohol License Holders

Alcohol licensing in Wisconsin can be a very confusing area of law. Any area of law that uses the terms “Class A”, Class “A”, “Class B”, and Class “B” to describe four separate licenses that authorize four different forms of business is bound to lead to confusion. Further complicating issues are the multiple layers of state statutes and local municipal ordinances that regulate both alcohol licensure and the actual business of selling alcohol. The State grants local municipalities wide discretion in adopting local ordinances related to alcohol licensing. Included in that authority is the ability to condition a license on payment of outstanding local taxes:

Nothing in ch. 125, Stats., expressly limits the city’s authority to require liquor licensees to meet local requirements in addition to those found in the statutes. Nor do we see that conditioning the license on payment of outstanding local taxes, assessments and forfeitures conflicts with the spirit of the state’s regulatory scheme. It is a local condition on the issuance of licenses for the sale of liquor that is geared to local concerns and offers local benefits. *Tavern League of Wisconsin v. City of Madison*, 131 Wis.2d 477, 484, 389 N.W.2d 54(1986)

Like many Cities, Fond du Lac maintains an ordinance dedicated to alcohol licensing. The ordinance covers a wide range of topics including the procedure for issuing a license and disciplinary procedures for taking a license. The City’s disciplinary procedures include a demerit system, where license holders “earn” demerit points from certain violations of the law such as not having a licensed bartender on duty or serving minors.

This past year, City staff instituted an action before the City’s Alcohol Licensing Committee for the Revocation/Suspension of an alcohol license for the non-payment of taxes, assessments, and other claims. Revocation/Suspension of alcohol licenses have been rare in Fond du Lac. In a typical case, a license holder has earned too many demerits due to multiple police calls to their establishment, but the City has the authority to create other categories of demerits.

To make this all clearer, the following additional language (shown as highlighted) is proposed:

No license shall be granted any person for whom, or premises for which, taxes, assessments or other claims of the city are delinquent and unpaid. . Such a license may be suspended or revoked if the licensee subsequently fails to meet the conditions required as a basis for granting the license.

A. System created. There is hereby established a point system for the purpose of guiding the Alcohol Licensing Committee in making recommendations on possible suspensions or revocations of alcoholic beverage licenses. The number of demerit points shall be assigned according to the type of violation. The system is intended to identify habitually troublesome liquor licensees who repeatedly violate state statutes and/or City of Fond du Lac ordinances and to take consistent action against such licensees.

B. Assignment of points. There are hereby assigned the following demerit points for each type of violation:

<b>Types of Violations</b>	<b>Ordinance/Law</b>	<b>Demerit Points</b>
delinquent taxes, assessments	Sec. 400-5	150

These proposed ordinance amendments pull the existing case law into our ordinance. This is being presented as a Report of Officers to allow the proposed amendments to be reviewed by Council and the various community stakeholders. If the proposal is found to be acceptable, we will bring it back to Council at the July 24<sup>th</sup> meeting as an ordinance amendment.

**RESOLUTION NO. 8407**

**A RESOLUTION AUTHORIZING THE USE OF PUBLIC STREETS  
AND WAIVING THE PROHIBITION AGAINST POSSESSION OF  
ALCOHOLIC BEVERAGES ON PUBLIC WAYS FOR THE  
FONDUE FEST ON SEPTEMBER 7, 2013**

**WHEREAS**, Fondue Fest will take place in the City of Fond du Lac on September 7, 2013; and

**WHEREAS**, to permit this event and encourage participation, it is in the interest of the City to authorize the use of certain streets as contemplated by Section 8.04 of the Code of Ordinances of the City of Fond du Lac, Wisconsin, and to waive the prohibition against public consumption in Section 9.02 of such Code as described herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that it is hereby determined to be in the interest of the City to authorize in accordance with Code Section 8.04 the use on September 7, 2013 of the public streets indicated on the accompanying map for the Fondue Fest and to waive the prohibition against public consumption contained in Code Section 9.02 between 9:00 a.m. and 5:00 p.m. on that date in the area bounded by the inner-most sides of Fourth Street, Merrill Avenue, Macy Street and Marr Street; and the same is hereby authorized and waived except as provided below.

**BE IT FURTHER RESOLVED** that notwithstanding anything in this Resolution, no glass containers or carry-ins are permitted in the area where the public consumption prohibition hereby waived would otherwise apply, meaning that the prohibition contained in Code Section 9.02 shall continue to apply to glass containers and carry-ins.

**BE IT FURTHER RESOLVED** that proper City officials and/or City staff are hereby authorized and directed to take any and all actions in furtherance hereof and in furtherance of such event.

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

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Sue L. Strands, City Clerk

Reviewed DSRH

***CITY OF FOND DU LAC*** City Clerk

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**Date:** June 20, 2013

**To:** Joe Moore, City Manager

**From:** Sue L. Strands, City Clerk

**Re:** Fondue Fest Waive Public Consumption

Fondue Fest is scheduled for September 7, 2013 in Downtown Fond du Lac.

A resolution on the City Council agenda would grant permission to waive the outdoor consumption ordinance between 9:00 a.m. and 5:00 p.m. Council permission would allow individuals to consume alcoholic beverages outdoors during the event. Main Street will be closed from Merrill Avenue to Fourth Street and from Macy Street to Marr Street and the waiver request would cover the entire festival area. Alcohol beverages may consumed inside or outside the establishment where purchased.

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

Thank you,

To: Fond du Lac City Council

From: Amy Hansen, Director of the Downtown Fond du Lac Partnership

Date: June 12, 2013

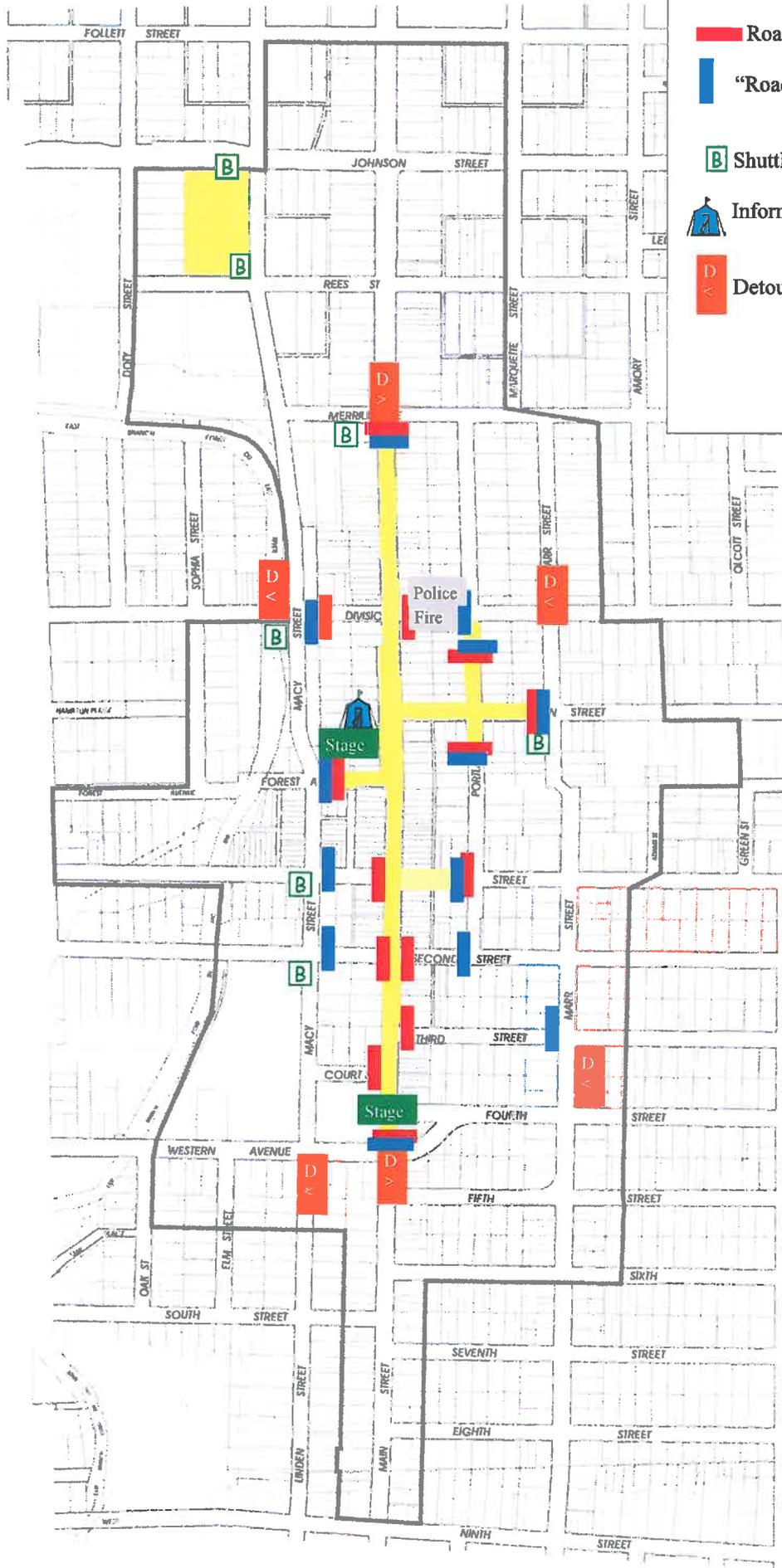
Re: Open Intoxicants Waiver for September 7, 2013

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The Downtown Fond du Lac Partnership (DFP) is requesting a Waiver of the Open Intoxicants Ordinance for the date of September 7, 2013 for the 7<sup>th</sup> Annual Fondue Fest. The festival runs from 9 a.m. to 5 p.m. and we request the Waiver cover the time the festival is active.

For the festival, Main Street will be closed from Merrill Avenue to Fourth Street, and all the streets from Merrill Avenue to Fourth Street, from Macy Street to Marr Street (see attached map). The DFP requests the Waiver cover the entire festival area.

The DFP thanks the City and the Council for their time in this matter.



-  Road Barricade
-  "Road closed" sign
-  Shuttle Stop
-  Information tent
-  Detour sign

**RESOLUTION NO. 8408**

**A RESOLUTION GRANTING A SPECIAL USE PERMIT**

**WHEREAS**, Jeff Liebergen o/b/o Holiday Inn Express has petitioned for a special use permit to allow the construction of hotel on property zoned for commercial use at Holiday Lane (FDL-15-17-21-24-752-00); and

**WHEREAS**, City staff has reviewed the application and recommends approval of the request; and

**WHEREAS**, the City Plan Commission recommended the issuance of the requested special use permit at its meeting on June 17, 2013 with the following conditions:

1. The special use permit will remain valid for one year from the date of approval.
2. A detailed site plan shall be reviewed and approved by the Site Plan Committee prior to the issuance of required building permits. Development issues shall include, but are not limited to, drainage, vehicular access and circulation, on-site parking, and landscaping of required setback and parking areas. Access easements between the *Holiday Inn Express* and the *Holiday Inn* sites shall be recorded prior to site plan approval for the new hotel.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that a special use permit subject to the conditions specified above, be granted to allow the construction of hotel on property zoned for commercial use at Holiday Lane (FDL-15-17-21-24-752-00).

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

---

Sue L. Strands, City Clerk

Reviewed DSRH

# PLAN COMMISSION MINUTES

June 17, 2013

5:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## OPENING CEREMONIES

### Attendance

ROLL CALL: Present - Jordan Skiff  
Brent Schumacher  
Paul Smedberg  
David Washkoviak  
Marilyn Zangl  
Stan Ramaker  
Hertha Longo

Absent - David Erickson (excused)  
Lee Ann Lorrigan (excused)

Administrative Staff - Joellyn Dahlin, Principal Planner  
Kolin Erickson, Planning Intern

Chairman Smedberg declared a quorum present.

\* \* \* \* \* Other Business \* \* \* \* \*

## PETITIONS AND COMMUNICATIONS

### SPECIAL USE PERMIT

Effect: Construct hotel on land zoned for commercial use  
Location: Holiday Lane (FDL-15-17-21-24-752-00)  
Initiator: Jeff Liebergen/Excel Engineering

Appeared in Support and to Ask/Answer Questions:  
Stan Ramaker, 196 Old Pioneer Road, Fond du Lac  
Todd Winkler, 635 Rolling Meadows Dr., Fond du Lac

Motion made by Commissioner Washkoviak to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. The special use permit shall remain valid for one year from the date of approval.



# ZONING PETITION - SPECIAL USE PERMIT



## PROPERTY ADDRESS OF SPECIAL USE PERMIT:

Tax Key Number if vacant land: FDL-15-11-21-24-752-00

Petitioner: JEFF LIEBERGEN  
(Name)

EXCEL ENGINEERING  
100 CAMELOT DR.  
FOND DU LAC, WI 54305  
(Address)

Petitioner Phone Number: (120) 322.1694

Email: jeff.L@excelengineer.com

Property Owner: ZWETIS-HICKEY LAND PARTNERS  
(If not the same as Petitioner) (Name)

8102 EXCELSIOR DR.  
MADISON, WI 53717  
(Address)

**PROPOSAL:** REQUEST TO ALLOW A HOTEL USE

## Property zoning classification:

- |                                                              |                                                            |                                                               |
|--------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> B-2 (Neighborhood Shopping)         | <input type="checkbox"/> R-2 (Single Family Residential)   | <input type="checkbox"/> CR (Commercial Recreation)           |
| <input type="checkbox"/> B-3 (Central Shopping)              | <input type="checkbox"/> R-3 (Single Family Residential)   | <input type="checkbox"/> M-1 (Manufacturing)                  |
| <input type="checkbox"/> B-4 (Service Commercial)            | <input type="checkbox"/> R-3.5 (One & Two Family)          | <input type="checkbox"/> M-2 (Manufacturing)                  |
| <input checked="" type="checkbox"/> B-5 (Special Commercial) | <input type="checkbox"/> R-3.75 (Central Area Residential) | <input type="checkbox"/> M-3 (Planned Manufacturing/Office)   |
| <input type="checkbox"/> B-6 (Planned Shopping)              | <input type="checkbox"/> R-4 (Multifamily Residential)     | <input type="checkbox"/> M-4 (Planned Manufacturing/Business) |
| <input type="checkbox"/> O (Office)                          | <input type="checkbox"/> R-5 (Multifamily Residential)     |                                                               |

## Description of Existing Land Use and/or Development:

- RESIDENTIAL \_\_\_\_\_
- COMMERCIAL \_\_\_\_\_
- INDUSTRIAL \_\_\_\_\_
- VACANT \_\_\_\_\_
- OTHER \_\_\_\_\_

**Type of Proposed Development:**  New construction.  Remodel/expand existing building.

Proposed time schedule for development and/or use of the property: FALL 2013

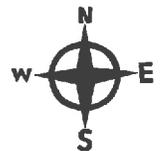
PETITIONER SIGNATURE \_\_\_\_\_

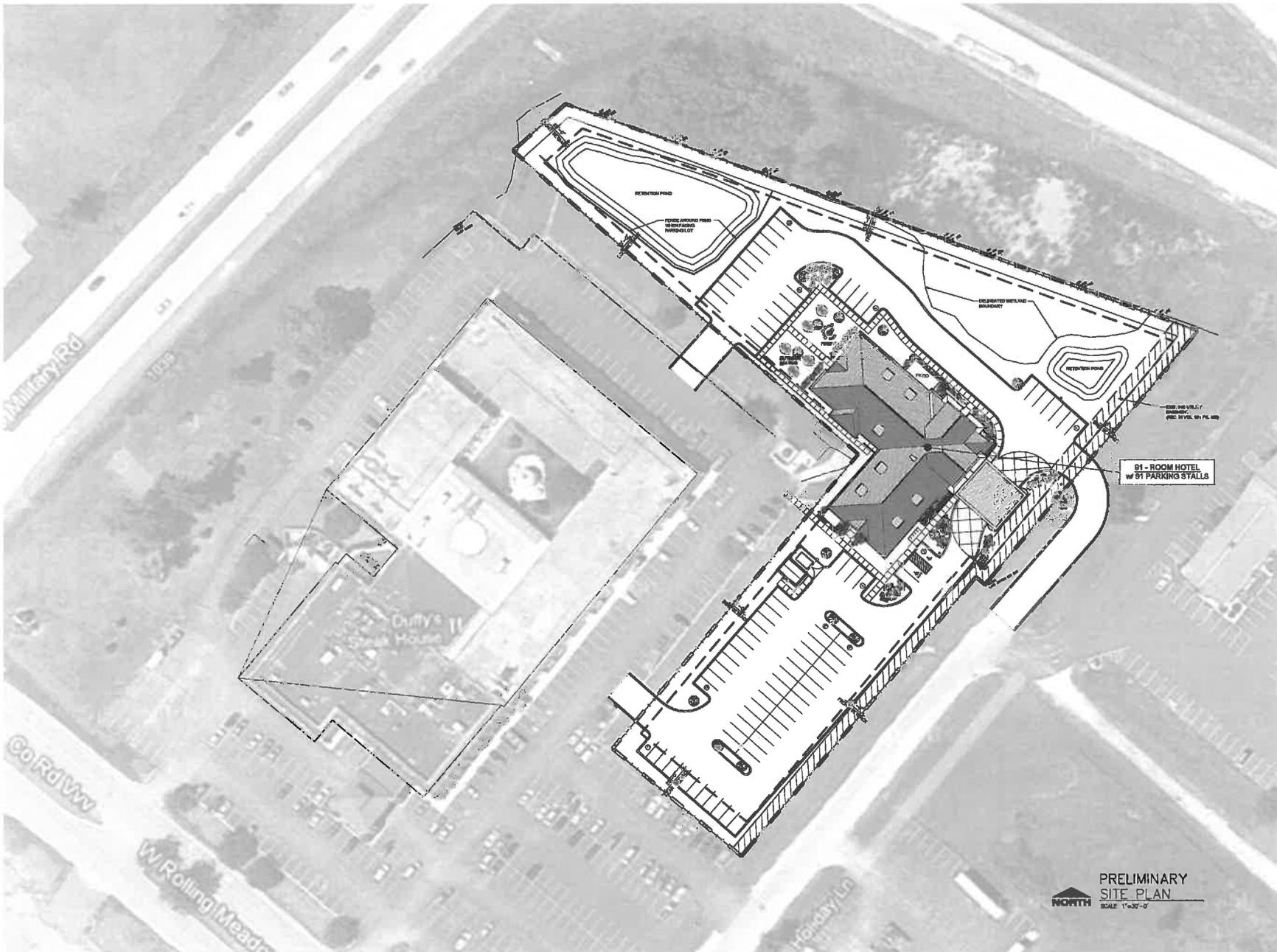
City Clerk: [Signature] Date Rec'd 5-2-2013 Receipt # 25857 Project # 02-30000097

SPECIAL USE PERMIT – HOLIDAY INN EXPRESS  
HOLIDAY LANE



site






**PRELIMINARY  
SITE PLAN**  
 SCALE 1"=30'-0"

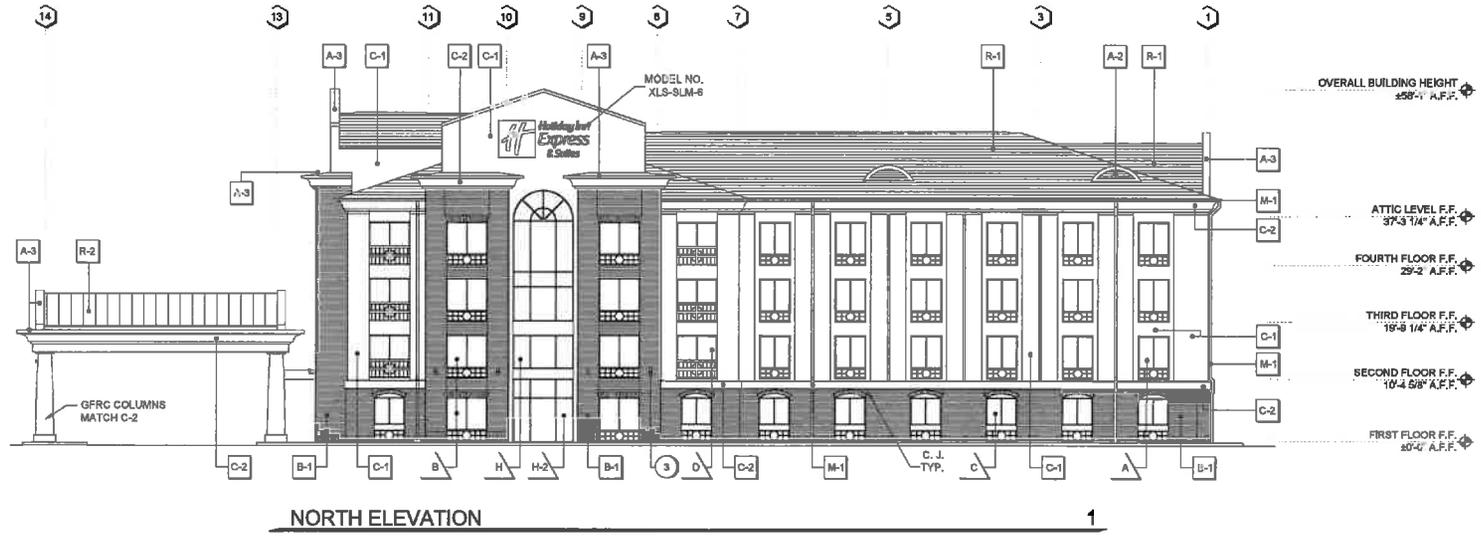
**OWNER:**  
 WISCO HOTEL GROUP  
 8102 EXCELSIOR DRIVE  
 MADISON, WI

**PROJECT:**  
 HOLIDAY INN ADDITION  
 625 W. ROLLING MEADOWS DRIVE  
 POND DU LAC, WI

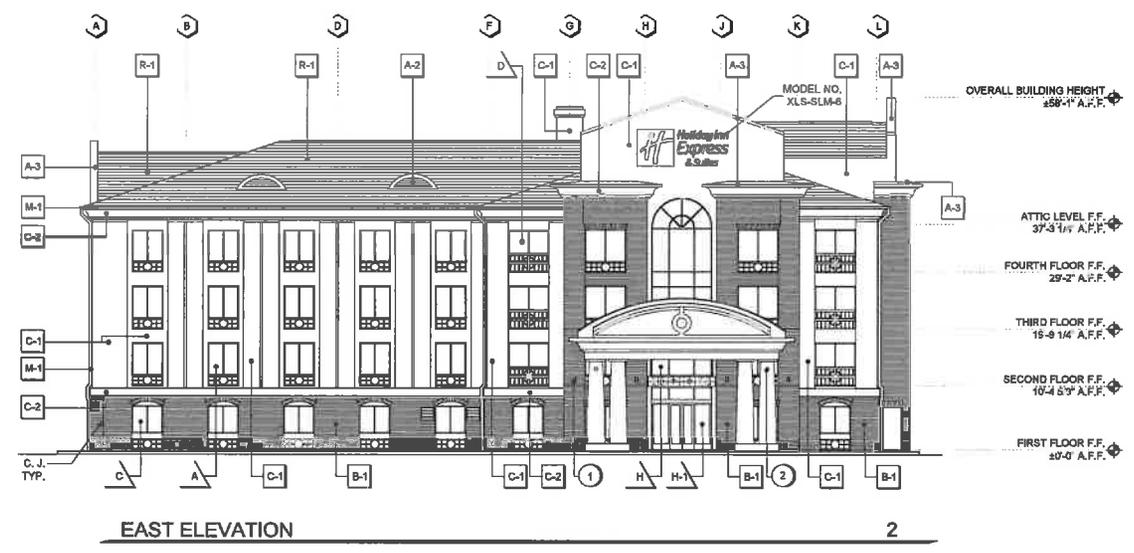
**PRELIMINARY  
SHEET DATES:**  
 4-25-13

© 2013 EXCEL ENGINEERING, INC.  
 JOB NUMBER  
 1304480  
 SHEET

**C1.0**



**NORTH ELEVATION** 1



**EAST ELEVATION** 2

**NOTE :**

1. E.I.F.S. COLORS ARE BASED ON "DRYVIT" COLORS.
2. ROOF COLORS ARE BASED ON "BERRIDGE MFG." COLORS
3. SEE 2/A6.2 FOR WINDOW TYPES & DECORATIVE GRILLS
4. PROVIDE BLOCKING AND POWER FOR EXTERIOR SIGNAGE

**KEY NOTE :**

1. FRONT ENTRY FACADE - HOLIDAY INN EXPRESS BRAND HALLMARK UPLIGHTING (MANDATORY) OWNER PROVIDED THROUGH IHG.
2. HOLIDAY INN EXPRESS BRAND HALLMARK PORTE COCHERE COLUMN DOWN LIGHTING (MANDATORY) OWNER PROVIDED THROUGH IHG.
3. SIDE FACADE BRAND HALLMARK UPLIGHTING OPTIONAL BUT MUST BE APPROVED BY IHG.

**EXTERIOR FINISH SCHEDULE**

FIN. #	MATERIAL	COLOR
A-1	RAILING, DECORATIVE GRILLS & MISC. METAL	383A "ALLSPICE"
A-2	DORMER	117 "COLONIAL TAN"
A-3	COPIING	117 "COLONIAL TAN"
B-1	BRICK	AS SPECIFIED
C-1	E.I.F.S.	AMARILLO
C-2	E.I.F.S.	CHINA WHITE

**EXTERIOR FINISH SCHEDULE**

FIN. #	MATERIAL	COLOR
M-1	GUTTER & DOWNSPOUT	MATCH C-2
R-1	3 DIM. ARCH. ASPHALT SHINGLES	SLATE GREEN
R-2	STANDING SEAM METAL ROOF	TERRA COTTA OR TEAL GREEN

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

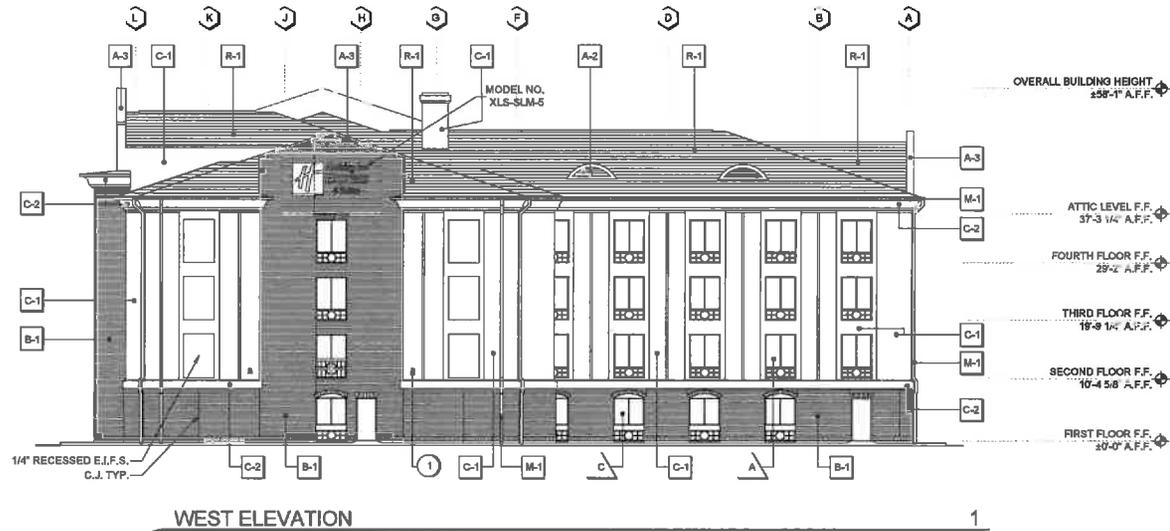
**OWNER:**  
 WISCO HOTEL GROUP  
 8102 EXCELSIOR DRIVE  
 MADISON, WI

**PROJECT:**  
 HOLIDAY INN ADDITION  
 825 W. ROLLING MEADOWS DRIVE  
 FOND DU LAC, WI

**PRELIMINARY SHEET DATES:**  
 4-28-13

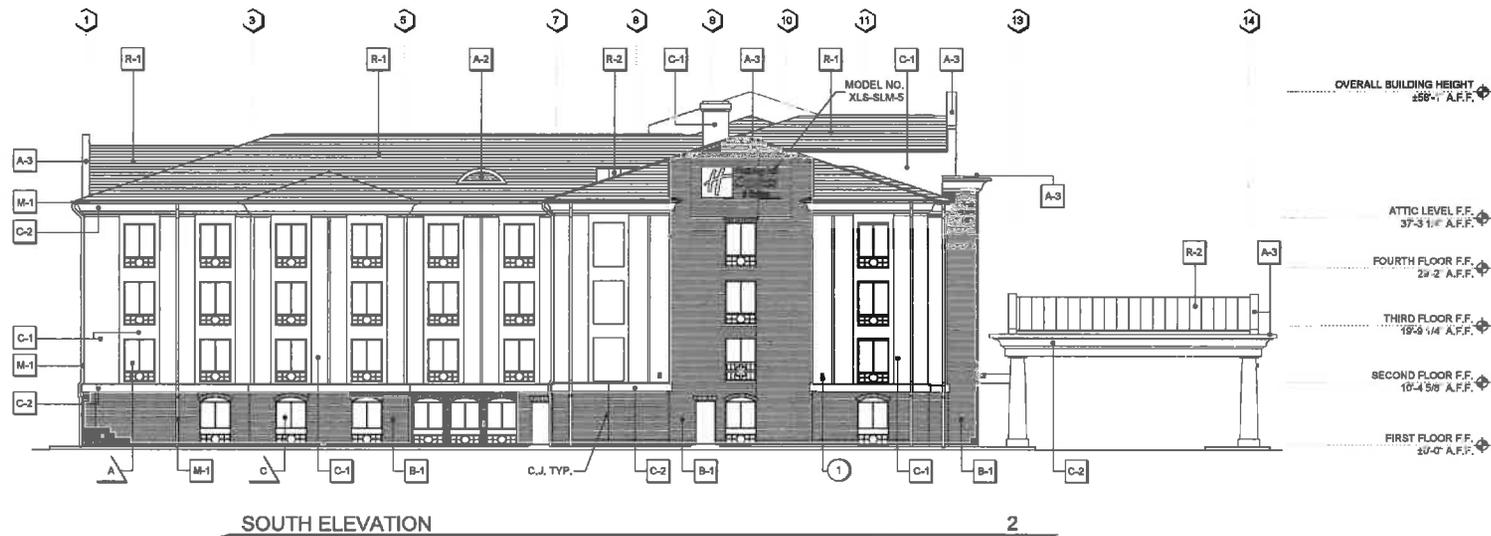
**JOB NUMBER:**  
 1304480  
**SHEET**

**A2.0**



WEST ELEVATION

1



SOUTH ELEVATION

2

- NOTE:**
- E.I.F.S. COLORS ARE BASED ON "DRYVIT" COLORS.
  - ROOF COLORS ARE BASED ON "BERRIDGE MFG." COLORS
  - SEE 2/A6.2 FOR WINDOW TYPES & DECORATIVE GRILLS
  - PROVIDE BLOCKING AND POWER FOR EXTERIOR SIGNAGE

- KEY NOTE:**
- SIDE OR REAR FACADE HOLIDAY INN EXPRESS BRAND HALLMARK UPLIGHTING OPTIONAL BUT MUST BE APPROVED BY IHG.

**EXTERIOR FINISH SCHEDULE**

FIN. #	MATERIAL	COLOR
A-1	RAILING, DECORATIVE GRILLS & MISC. METAL	363A "ALLSPICE"
A-2	DORMER	117 "COLONIAL TAN"
A-3	COPING	117 "COLONIAL TAN"
B-1	BRICK	AS SPECIFIED
C-1	E.I.F.S.	AMARILLO
C-2	E.I.F.S.	CHINA WHITE

**EXTERIOR FINISH SCHEDULE**

FIN. #	MATERIAL	COLOR
M-1	GUTTER & DOWNSPOUT	MATCH C-2
R-1	3 DIM. ARCH. ASPHALT SHINGLES	SLATE GREEN
R-2	STANDING SEAM METAL ROOF	TERRA COTTA OR TEAL GREEN

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

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

**PROJECT:**  
HOLIDAY INN ADDITION  
825 W. ROLLING MEADOWS DRIVE  
FOND DU LAC, WI

**PRELIMINARY SHEET DATES:**  
4-23-13

**JOB NUMBER:**  
1304150

**SHEET**

**A2.1**

# plan commission memorandum

**Date:** June 12, 2013  
**To:** Plan Commission  
**From:** Joellyn Dahlin, Principal Planner  
**RE:** Request for Special Use Permit – Holiday Inn Express

---

**Location:** Holiday Lane (FDL-15-17-21-24-752-00)  
**Applicant:** Jeff Liebergen o/b/o Holiday Inn Express  
**Request:** Construct hotel on property zoned for commercial use.  
**Zoning:** Site: B-5 (Special Commercial)  
North: B-5  
South: B-5  
East: B-5  
West: B-5  
**Land Use:** Site: Vacant Land  
North: Military Road  
South: Comfort Inn  
East: USH 41  
West: Holiday Inn

## Analysis

The subject property is an undeveloped site zoned for commercial use. Approval of a special use permit is requested for the construction of a new hotel. The special use permit considers various land use issues in developing the property such as site location, vehicle access and traffic, neighboring land uses and surrounding zoning.

The property is a flag-shaped 3.01-acre lot with frontage along USH 41 and Holiday Lane. The site is bordered by two existing hotels. The adjacent

*Holiday Inn* is situated on 6.77 acres of land; the neighboring *Comfort Inn* occupies a 4.17-acre property accessed via Holiday Lane. The new hotel – *Holiday Inn Express* – would be sited behind the *Holiday Inn*. Access to the new hotel would be provided on Holiday Lane, with internal driveway connections to the *Holiday Inn* site.

The proposed hotel is a four story building with 91 guest rooms. Property development in accord with zoning code standards for building setbacks, on-site parking, landscaping, stormwater management and drainage will be assured by the Site Plan Committee's administrative review and approval of a detailed site plan. Construction is planned for 2014. Following completion of the new hotel, renovations and site improvements to the *Holiday Inn* will refresh the existing building and property to meet franchise requirements of some other hotel brand. A new franchise has not yet been determined for the existing hotel.

Reflective of the nature of the proposed use, the surrounding commercial uses and commercial zoning, and the location of the property, approval of a special use permit is not unreasonable.

<b>Recommendation</b>
-----------------------

Community Development staff suggests a motion to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. The special use permit shall remain valid for one year from the date of approval.
2. A detailed site plan shall be reviewed and approved by the Site Plan Committee prior to the issuance of required building permits. Development issues shall include, but are not limited to, drainage, vehicular access and circulation, on-site parking, and landscaping of required setback and parking areas. Access easements between the *Holiday Inn Express* and the *Holiday Inn* sites shall be recorded prior to site plan approval for the new hotel.

## PUBLIC NOTIFICATION

### Special Use Permit/Holiday Inn Express

Parcel Number	Mailing Address 1	Mailing City	Mailing Zip	Site Address
FDL-15-17-21-23-502-00	1585 W 20TH AVE	OSHKOSH	54902	948 S ROLLING MEADOWS DR
FDL-15-17-21-23-501-00	N5544 GLACIER CT	FOND DU LAC	54937	947 S ROLLING MEADOWS DR
FDL-15-17-21-32-250-00	1500 ARBORETUM DR	OSHKOSH	54901	1155 S MILITARY RD
FDL-15-17-21-32-250-00	1500 ARBORETUM DR	OSHKOSH	54901	1155 S MILITARY RD
FDL-15-17-21-31-001-00	% ROBERT RAMSTACK	FOND DU LAC	54937	573 W ROLLING MEADOWS DR
FDL-15-17-21-24-750-00	625 W ROLLING MEADOWS DR	FOND DU LAC	54937	625 W ROLLING MEADOWS DR
FDL-15-17-21-24-751-00	625 W ROLLING MEADOWS DR	FOND DU LAC	54937	77 HOLIDAY
FDL-15-17-21-24-752-00	625 W ROLLING MEADOWS DR	FOND DU LAC	54937	0 HOLIDAY

**RESOLUTION NO. 8409**

**A RESOLUTION GRANTING A SPECIAL USE PERMIT**

**WHEREAS**, Robert Diener d/b/a Press Box has petitioned for a special use permit to allow the construction of an outdoor recreation use (whiffle ball court) as an additional activity for a tavern located within a manufacturing district at 251 Forest Avenue

**WHEREAS**, City staff has reviewed the application and recommends approval of the request; and

**WHEREAS**, the City Plan Commission recommended the issuance of the requested special use permit at its meeting on June 17, 2013.

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that a special use permit be granted to allow the construction of an outdoor recreation use (whiffle ball court) as an additional activity for a tavern located within a manufacturing district at 251 Forest Avenue.

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

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Sue L. Strands, City Clerk

Reviewed DSRH

# PLAN COMMISSION MINUTES

June 17, 2013  
5:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## OPENING CEREMONIES

### Attendance

ROLL CALL: Present - Jordan Skiff  
Brent Schumacher  
Paul Smedberg  
David Washkoviak  
Marilyn Zangl  
Stan Ramaker  
Hertha Longo

Absent - David Erickson (excused)  
Lee Ann Lorrigan (excused)

Administrative Staff - Joellyn Dahlin, Principal Planner  
Kolin Erickson, Planning Intern

Chairman Smedberg declared a quorum present.

\* \* \* \* \* Other Business \* \* \* \* \*

## PETITIONS AND COMMUNICATIONS

### SPECIAL USE PERMIT

Effect: Provide additional recreational use as an activity of  
an existing tavern.

Location: 251 Forest Avenue

Initiator: Robert Diener

### Appeared in Support and to Ask/Answer Questions:

Pat Schommer, 29 Amory St., Fond du Lac

Motion made by Commissioner Schumacher to recommend to  
the City Council approval of the Special Use Permit.  
Seconded by Commissioner Washkoviak.

ROLL CALL VOTE: Aye - Longo, Ramaker, Skiff,  
Schumacher, Smedberg,  
Washkoviak, Zangl  
Nay - None

**PLAN COMMISSION**

June 17, 2013

Page 2

Carried.

\* \* \* \* \* Other Business \* \* \* \* \*

# ZONING PETITION – SPECIAL USE PERMIT



PROPERTY ADDRESS OF SPECIAL USE PERMIT: 251 Forest Avenue  
Tax Key Number if vacant land: \_\_\_\_\_

Petitioner: Robert Diener 380 Ledgewood Drive, Fond du Lac, WI  
(Name) (Address)

Petitioner Phone Number: (920) 921-3273

Email: Bob\_diener@yahoo.com

Property Owner: \_\_\_\_\_  
(If not the same as Petitioner) (Name) (Address)

**PROPOSAL:** Add outdoor recreation use (whiffle ball) as an additional activity for the Press Box tavern.

## Property zoning classification:

- |                                                      |                                                            |                                                               |
|------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> B-2 (Neighborhood Shopping) | <input type="checkbox"/> R-2 (Single Family Residential)   | <input type="checkbox"/> CR (Commercial Recreation)           |
| <input type="checkbox"/> B-3 (Central Shopping)      | <input type="checkbox"/> R-3 (Single Family Residential)   | <input type="checkbox"/> M-1 (Manufacturing)                  |
| <input type="checkbox"/> B-4 (Service Commercial)    | <input type="checkbox"/> R-3.5 (One & Two Family)          | <input checked="" type="checkbox"/> M-2 (Manufacturing)       |
| <input type="checkbox"/> B-5 (Special Commercial)    | <input type="checkbox"/> R-3.75 (Central Area Residential) | <input type="checkbox"/> M-3 (Planned Manufacturing/Office)   |
| <input type="checkbox"/> B-6 (Planned Shopping)      | <input type="checkbox"/> R-4 (Multifamily Residential)     | <input type="checkbox"/> M-4 (Planned Manufacturing/Business) |
| <input type="checkbox"/> O (Office)                  | <input type="checkbox"/> R-5 (Multifamily Residential)     |                                                               |

## Description of Existing Land Use and/or Development:

- RESIDENTIAL \_\_\_\_\_
- COMMERCIAL Press Box tavern, with indoor/outdoor volleyball courts.
- INDUSTRIAL \_\_\_\_\_
- VACANT \_\_\_\_\_
- OTHER \_\_\_\_\_

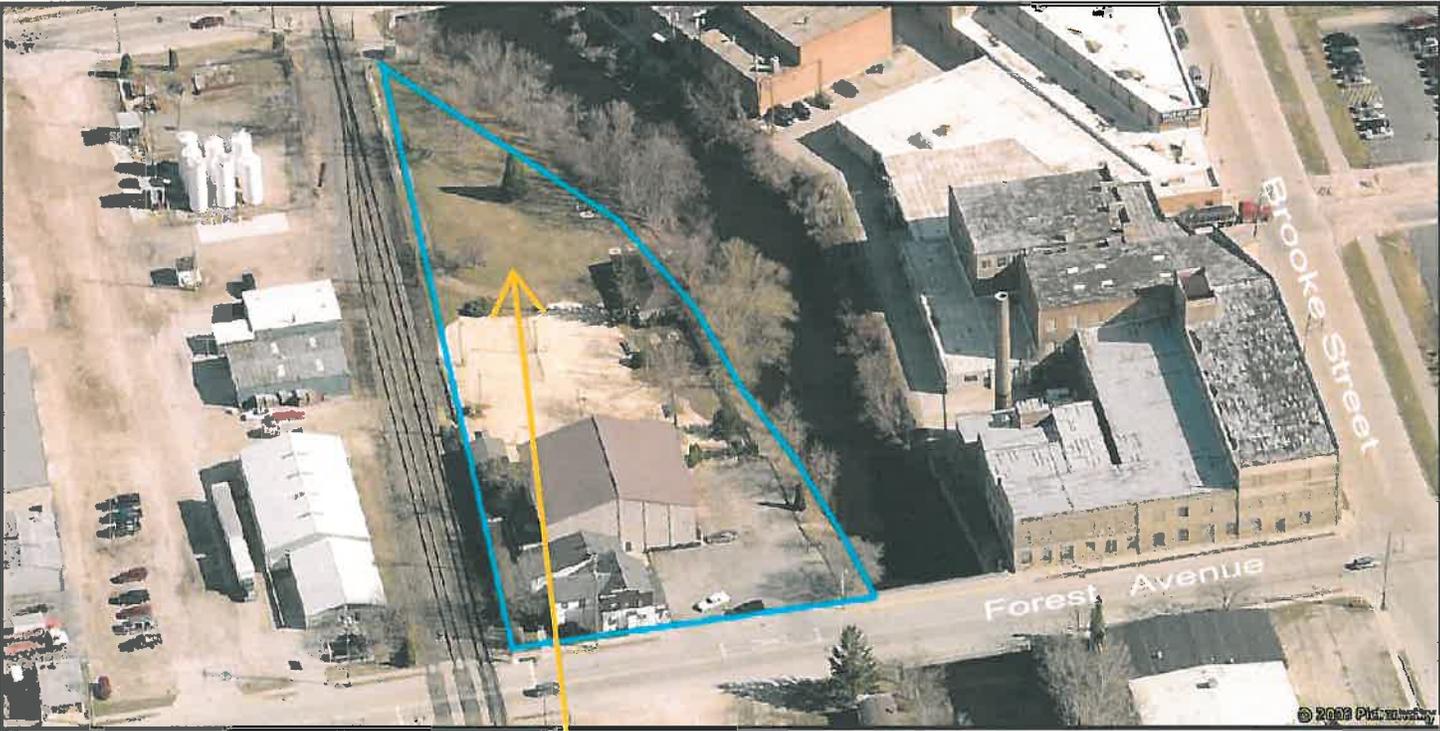
Type of Proposed Development:  New construction.  Outdoor use of property.

Proposed time schedule for development and/or use of the property: June 2013

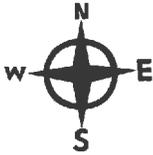
PETITIONER SIGNATURE \_\_\_\_\_



SPECIAL USE PERMIT – PRESS BOX  
251 FOREST AVENUE



AREA OF PROPOSED WHIFFLEBALL COURT



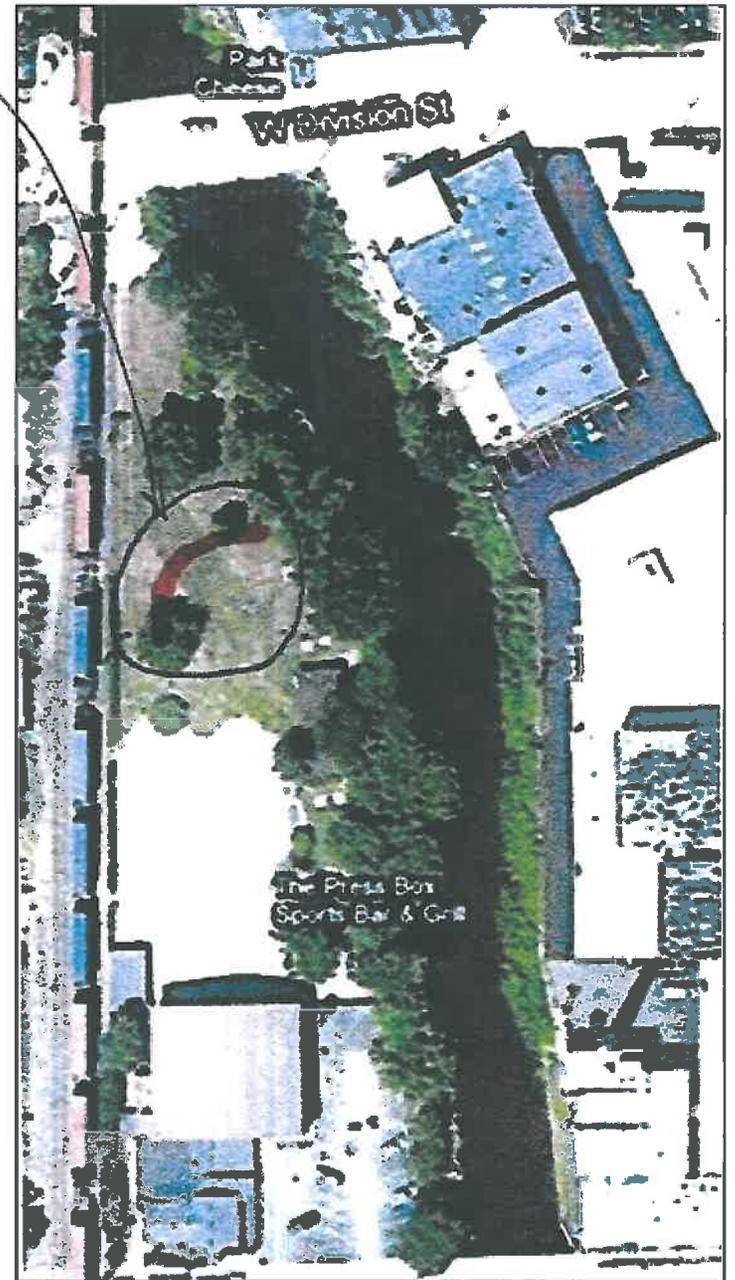
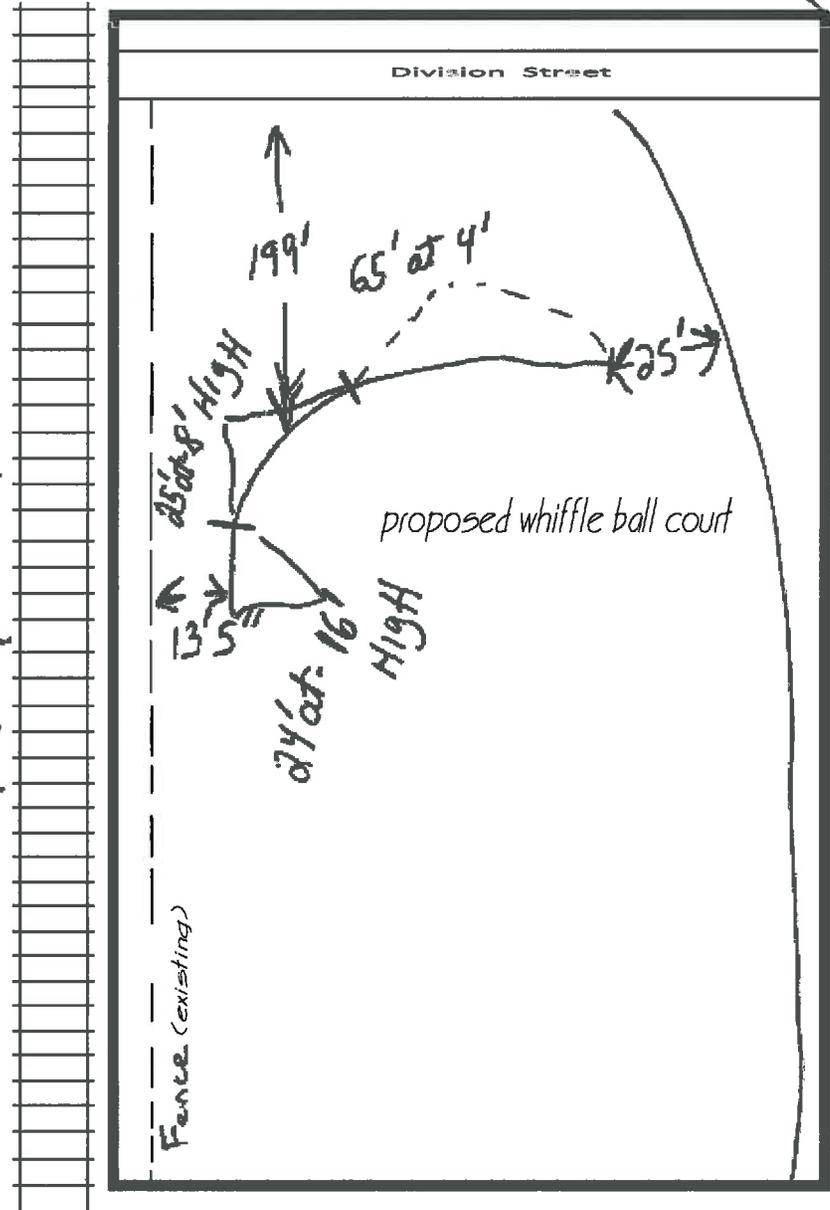
proposed fence

13.5<sup>ft</sup> feet from  
west property line

199 feet from  
north property line

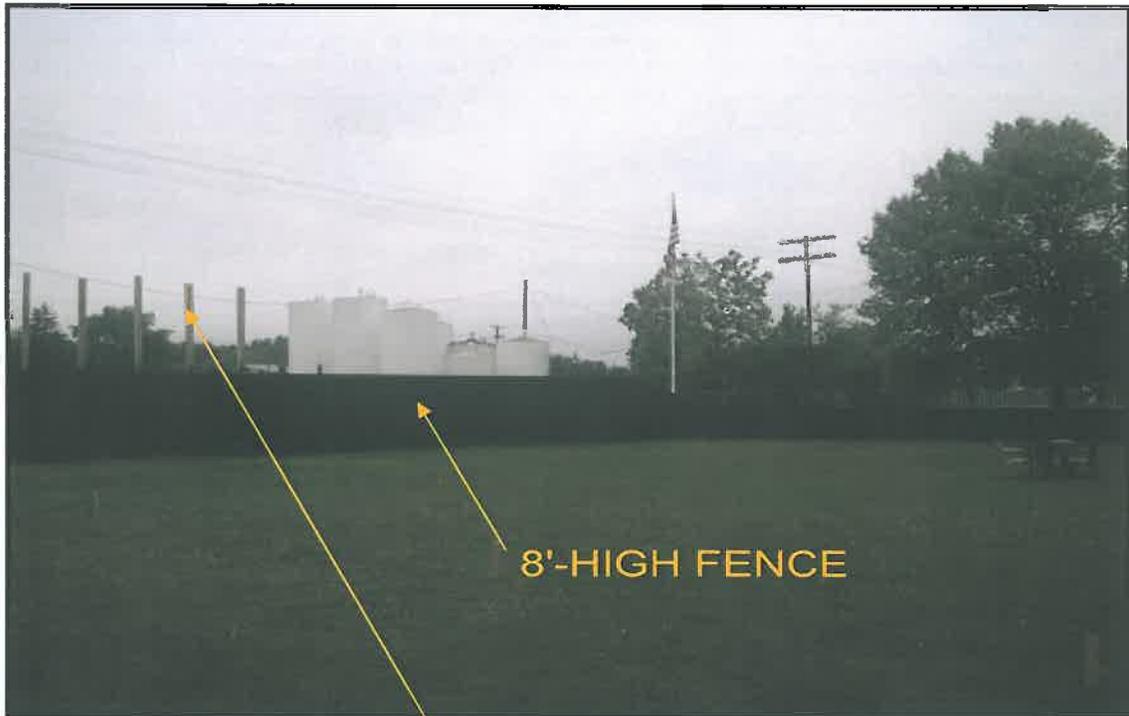
25 feet from  
east property line

14 foot west section,  
build at 16 feet high



SITE PLAN - PRESS BOX TAVERN

SPECIAL USE PERMIT – PRESS BOX  
251 FOREST AVENUE



8'-HIGH FENCE

PROPOSED 16'-HIGH FENCE



# plan commission memorandum

**Date:** June 12, 2013  
**To:** Plan Commission  
**From:** Joellyn Dahlin, Principal Planner  
**RE:** Request for Special Use Permit – Press Box

---

**Location:** 251 Forest Avenue

**Applicant:** Robert Diener dba Press Box

**Request:** Add outdoor recreation use (whiffleball court) as an additional activity for a tavern located within a manufacturing district.

**Zoning:**

Site:	M-1 (Manufacturing)
North:	M-1
South:	M-1
East:	M-2 (Manufacturing)
West:	M-1

**Land Use:**

Site:	Press Box Tavern
North:	Waste Management
South:	Vacant Lot
East:	FDL River/Wells Mfg.
West:	O'Connor Oil

## Analysis

The subject property is the site of the *Press Box* tavern. The existing development includes the tavern, and indoor and outdoor volleyball courts. The addition of a whiffleball court is planned north of the outdoor volleyball courts. The recreational use requires approval of a special use permit because the property is zoned for manufacturing use.

The proposed whiffleball court requires no site modifications and no buildings or permanent structures are planned. The proposed use is seasonal and would be conducted during daylight hours; outdoor lighting is not proposed. A wood fence was unknowingly installed without a permit. The area of the fence is shown on the site plan included with the special use permit application. An exception to allowable fence height was recently approved by the Board of Appeals, contingent on approval of a special use permit to allow the recreational use.

Sixty-five feet of fencing is 4'-high along the north end of the whiffleball court; twenty-five feet of fencing is 8'-high. Twenty-four feet of fencing is proposed at a height of 16 feet. The 16'-high fence is parallel to the railroad tracks. The higher fence is intended as a safety enclosure for the whiffleball court to prevent balls from travelling onto or across the railroad tracks. The fence does not present any visual hazard or other negative effect.

The special use permit must consider various land use issues in allowing the proposed activity such as site location, vehicle access and traffic, neighboring land uses and surrounding zoning. The property is situated in an area of industrial land uses. No residential land uses are in the vicinity. The proposed recreational use will not generate additional traffic nor is it expected to create any adverse effect on any nearby property.

<b>Recommendation</b>
-----------------------

Community Development staff suggests a motion to recommend to the City Council approval of the Special Use Permit.

## PUBLIC NOTIFICATION Special Use Permit/Press Box

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-10-34-786-00	240 W DIVISION ST	4200 MAIN STREET	GREEN BAY	WI	54311
FDL-15-17-10-33-506-00	0 FOREST AVE	P O BOX 6205	CHICAGO	IL	60680
FDL-15-17-10-34-785-00	251 FOREST AVE	380 LEDGEWOOD DR	FOND DU LAC	WI	54937
FDL-15-17-10-34-782-00	270 W DIVISION ST	PO BOX 968	FOND DU LAC	WI	54936
FDL-15-17-10-34-783-00	265 FOREST AVE	P O BOX 968	FOND DU LAC	WI	54936
FDL-15-17-10-34-787-00	12 S BROOKE ST	PO BOX 70	FOND DU LAC	WI	54936
FDL-15-17-10-34-784-00	0 FOREST AVE	17641 S ASHLAND AVE	HOMEWOOD	IL	60430
FDL-15-17-10-33-503-00	24 TALLMADGE ST	PO BOX 763	FOND DU LAC	WI	54936
FDL-15-17-10-33-505-00	279 FOREST AVE	PO BOX 763	FOND DU LAC	WI	54936

**RESOLUTION NO. 8410**

**A RESOLUTION GRANTING A SPECIAL USE PERMIT**

**WHEREAS**, David Gloss has petitioned for a special use permit to allow the construction of a 20-bed Community Based Residential Facility at 450 West Arndt Street (s/e corner of Arndt/Bell) (FDL-15-17-09-14-751-01 and FDL-15-17-09-14-753-00); and

**WHEREAS**, City staff has reviewed the application and recommends approval of the request; and

**WHEREAS**, the City Plan Commission recommended the issuance of the requested special use permit at its meeting on June 17, 2013 with the following conditions:

1. The special use permit will remain valid for one year from the date of approval.
2. Building design shall reflect the conceptual plan prepared by the petitioner. A detailed site plan shall be reviewed and approved by the Site Plan Committee prior to the issuance of required building permits.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that a special use permit subject to the conditions specified above, be granted to allow the construction of a 20-bed Community Based Residential Facility at 450 West Arndt Street (s/e corner of Arndt/Bell) (FDL-15-17-09-14-751-01 and FDL-15-17-09-14-753-00).

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

---

Sue L. Strands, City Clerk

Reviewed DSRH

# PLAN COMMISSION MINUTES

June 17, 2013  
5:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## OPENING CEREMONIES

Attendance

ROLL CALL: Present - Jordan Skiff  
Brent Schumacher  
Paul Smedberg  
David Washkoviak  
Marilyn Zangl  
Stan Ramaker  
Hertha Longo

Absent - David Erickson (excused)  
Lee Ann Lorrigan (excused)

Administrative Staff - Joellyn Dahlin, Principal Planner  
Kolin Erickson, Planning Intern

Chairman Smedberg declared a quorum present.

\* \* \* \* \* Other Business \* \* \* \* \*

## PETITIONS AND COMMUNICATIONS

### SPECIAL USE PERMIT

Effect: Construct 20-bed Community Based Residential Facility  
Location: 450 West Arndt Street  
Initiator: David Gloss

Appeared in Support and to Ask/Answer Questions:  
David Gloss, 42 Brentwood Ln., Appleton

Motion made by Commissioner Schumacher to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. The special use permit shall remain valid for one year from the date of approval.



# ZONING PETITION - SPECIAL USE PERMIT



**PROPERTY ADDRESS OF SPECIAL USE PERMIT:** 450 W. ARNDT ST.

Tax Key Number if vacant land: FDL-15-17-09-14-751-01 (.5290 ACES)  
15-17-09-14-753-00 (1.56 ACES)

Petitioner: DAVID GLOSS, 42 BRENTWOOD LANE, APPLETON, WI 54915  
(Name) (Address)

Petitioner Phone Number: (920) 419-1919 (cell)

Email: dgloss99@gmail.com

Property Owner: BOYD PARTNERSHIP  
(If not the same as Petitioner) (Name) (Address)

**PROPOSAL:** CONSTRUCT A ZONED COMMUNITY  
BASED RESIDENTIAL FACILITY

**Property zoning classification:**

- |                                                      |                                                            |                                                               |
|------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> B-2 (Neighborhood Shopping) | <input type="checkbox"/> R-2 (Single Family Residential)   | <input type="checkbox"/> CR (Commercial Recreation)           |
| <input type="checkbox"/> B-3 (Central Shopping)      | <input type="checkbox"/> R-3 (Single Family Residential)   | <input type="checkbox"/> M-1 (Manufacturing)                  |
| <input type="checkbox"/> B-4 (Service Commercial)    | <input type="checkbox"/> R-3.5 (One & Two Family)          | <input type="checkbox"/> M-2 (Manufacturing)                  |
| <input type="checkbox"/> B-5 (Special Commercial)    | <input type="checkbox"/> R-3.75 (Central Area Residential) | <input type="checkbox"/> M-3 (Planned Manufacturing/Office)   |
| <input type="checkbox"/> B-6 (Planned Shopping)      | <input type="checkbox"/> R-4 (Multifamily Residential)     | <input type="checkbox"/> M-4 (Planned Manufacturing/Business) |
| <input checked="" type="checkbox"/> O (Office)       | <input type="checkbox"/> R-5 (Multifamily Residential)     |                                                               |

**Description of Existing Land Use and/or Development:**

- RESIDENTIAL \_\_\_\_\_
- COMMERCIAL \_\_\_\_\_
- INDUSTRIAL \_\_\_\_\_
- VACANT \_\_\_\_\_
- OTHER \_\_\_\_\_

**Type of Proposed Development:**  New construction.  Remodel/expand existing building.

Proposed time schedule for development and/or use of the property: 8 mos.

**PETITIONER SIGNATURE** [Signature]

City Clerk: [Signature] Date Rec'd 6-31-2013 Receipt # 33239 Project # 02-3000099

SPECIAL USE PERMIT – GLOSS  
450 W ARNDT STREET



**SITE**





SPECIAL USE PERMIT – GLOSS  
450 W ARNDT STREET

BUILDING ELEVATIONS



FRONT BUILDING ELEVATION



SIDE BUILDING ELEVATION



REAR BUILDING ELEVATION

# plan commission memorandum

**Date:** June 12, 2013  
**To:** Plan Commission  
**From:** Joellyn Dahlin, Principal Planner  
**RE:** Request for Special Use Permit – Gloss

---

**Location:** 450 West Arndt Street (s/e corner of Arndt/Bell)  
(FDL-15-17-09-14-751-01 and FDL-15-17-09-14-753-00)

**Applicant:** David Gloss

**Request:** Construct 20-bed Community Based Residential Facility )

**Zoning:**       **Site:**       O (Office)  
                  **North:**      R-2 (Single Family Residential)  
                  **South:**     R-2 and B-5 (Special Commercial)  
                  **East:**       B-5  
                  **West:**      R-2 and B-4 (Service Commercial)

**Land Use:**     **Site:**       Undeveloped Land  
                  **North:**     Parkside Elementary School  
                  **South:**     Undeveloped Land  
                  **East:**      Parrot Palms Bar & Restaurant  
                  **West:**      FDL Masons Lodge

## Analysis

The subject 2.09-acre property is undeveloped land located on the south side of West Arndt Street at Bell Street. Approval of a special use permit is requested for the construction of a Community Based Residential Facility. The intent of the special use permit is to ensure compatibility with the surrounding neighborhood.

The proposed facility would provide living accommodations for twenty persons and is targeted for seniors. This type of facility bridges the gap

between independent living and a nursing home, and offers a residential opportunity for persons for whom independent living is not suitable. Assistance with day-to-day tasks is provided for residents, but not specialized medical care that would be offered by a skilled nursing facility. Available services typically include meals, laundry, assistance with personal care, housekeeping and recreation activities.

The subject property is zoned "O" (Office). The office zoning district is a transitional district that allows business uses such as professional offices and medical clinics, and also permits single family and multifamily residential uses. The office zoning designation is common for areas situated between residential and commercial districts.

The design of the one-story building utilizes brick, vinyl and cedar elements. Covered porches are sited at the building's entry and on the façade that faces Arndt Street. Site development and regulatory issues such as building placement, landscaping, drainage, stormwater management, on-site parking and access will be addressed by the Site Plan Review Committee in the administrative approval of a site plan for the property.

The proposed development would not cause land use conflicts with nearby properties and/or existing land uses. Parking for residents, guests and staff is situated on the south side of the building. Driveway access to the on-site parking lot is taken from Bell Street. The generous property size easily accommodates the proposed building as well as a future addition if so desired.

<b>Recommendation</b>
-----------------------

Community Development staff suggests a motion to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. The special use permit shall remain valid for one year from the date of approval.
2. Building design shall reflect the conceptual plan prepared by the petitioner. A detailed site plan shall be reviewed and approved by the Site Plan Committee prior to the issuance of required building permits.

# PUBLIC NOTIFICATION

## Special Use Permit/Gloss

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-09-14-751-01	0 W ARNDT ST	PO BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-761-00	0 N BELL ST	PO BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-762-00	0 N BELL ST	PO BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-763-00	450 W ARNDT ST	PO BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-772-00	242 N BUTLER ST	PO BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-773-00	244 N BUTLER ST	PO BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-782-00	242 N BELL ST	PO BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-764-00	248 N HICKORY ST	P O BOX 1242	FOND DU LAC	WI	54936
FDL-15-17-09-14-750-00	0 W ARNDT ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-09-14-753-00	0 W ARNDT ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-09-14-754-00	500 W ARNDT ST	500 W ARNDT ST	FOND DU LAC	WI	54935
FDL-15-17-09-14-751-00	479 W ARNDT ST	72 W 9TH ST	FOND DU LAC	WI	54935
FDL-15-17-09-14-774-01	241 N BELL ST	3609 70TH ST CT	MOLINE	IL	61265

**RESOLUTION NO. 8411**

**A RESOLUTION REVIEWING AND APPROVING GRANT APPLICATION  
FROM THE EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

**WHEREAS**, the City of Fond du Lac has been notified it is eligible for \$15,442 in funding from the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The amount of funding available to local units of government is determined by the size of the population served and the level of Part 1 violent crime statistics reported. The purpose of the grant funding is to support a broad range of activities to prevent and control crime based on local needs and conditions; and

**WHEREAS**, the City of Fond du Lac Police Department would like to apply for this grant to improve the operations of the Department. Some possible purchases include portable alarm systems, surveillance cameras, SWAT sniper rifles and SWAT Operator equipment.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Fond du Lac that the City Council has held a public hearing on the proposed grant, has reviewed the proposed grant and approves the same.

**BE IT FURTHER RESOLVED** that City officials and/or City staff are authorized and directed to take any actions appropriate in furtherance of the grant.

**ADOPTED:**

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Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

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Sue L. Strands, City Clerk

Reviewed CPW

# Fond du Lac Police Department

## MEMO



**To:** Joe Moore, City Manager  
**From:** Bill Lamb, Chief of Police  
**RE:** *2013 Edward Byrne Justice Assistance Grant*  
**Date:** 6/19/2013

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The City of Fond du Lac Police Department has been notified by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance that it is eligible for \$15,442 in grant funding for use in 2014.

This funding is distributed to local units of government through the FY2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This is a "formula" grant; therefore the amount of funding available to local units of government is determined by the size of the population served and the level of Part 1 violent crime statistics reported via the National Incident-Based Reporting System (NIBRS). The purpose of the grant funding is to support a broad range of activities to prevent and control crime based on local needs and conditions. As this grant is a "formula" grant, there is no match required for the City of Fond du Lac.

The City of Fond du Lac Police Department would like to apply for this grant and use the funding to support the purchase of equipment. These purchases would indirectly benefit the entire Department, but more specifically improves operations in the Investigations Bureau and the SWAT Team. The equipment purchases proposed for this grant funding are listed below.

### **PORTABLE ALARM SYSTEMS:**

In the past, the Police Department has utilized portable alarms systems (previously known as VARDAs) in buildings that are known to be likely targets for burglaries. These systems are not meant to be used to replace the need for private alarm systems, rather are used in situations where conventional alarm systems are not possible or practical. Our current equipment, which is a couple of decades old, is becoming unreliable and unserviceable due to age. In addition, the transition from an analog to a digital radio communications system has made the VARDAs inoperable. Since that conversion, the Police Department has not had an option for assisting property owners in protecting their property and apprehending perpetrators in the act. Finally, the Police Department has also recognized the possibility of increasing the application of portable alarm systems for use as panic alarms. With greater frequency, businesses and other public settings are becoming more concerned with the threat of specific individuals who exhibit early warning signs for harassment and violence. Current systems do not allow for panic alarm triggers to be used under these circumstances. For all of these reasons, the Department would like to purchase two digital portable alarm systems. These new systems would work within the Department's current communications structure and will enhance services by not only being useful as a portable alarm system but also as a panic alarm device as well. The entire cost of these two units as well as alternative triggering sensors is \$5,880.

**COVERT SURVEILLANCE CAMERAS:**

As is the case with portable alarm systems, technology can be a very helpful tool in apprehending criminals in the act. Cameras can also aide in capturing evidence which can be used in identification, arrest and prosecution of criminals. Today, high resolution cameras can be very discrete and have been incorporated into everyday items not easily detected by criminals. The Criminal Investigations Bureau would like to purchase some of these cameras for use in areas known to be targets for criminal activity. In addition, Investigations would also like the option of using these "covert" cameras for use in undercover operations. The total cost for purchasing surveillance cameras is \$462.

**SWAT SNIPER RIFLES:**

The rifles currently used by the Police Department's SWAT team snipers have been around nearly since the inception of the team in 1978. Over the years, they have had several thousand rounds fired through them as snipers are required to practice on a monthly basis. While these rifles were once outstanding weapons, they have served their purpose and are in need of replacement and updating. Current trends in sniper equipment are to change from a bolt-action operating system to a gas operated, semi-automatic platform. Advancements in technology have made these rifles as accurate as bolt-action rifles at distance but also offer the ability for quick follow-up shots without having to adjust grip or sight picture. The police department would like to replace and update the SWAT sniper rifles. The cost for purchasing two new sniper rifles is \$8,000.

**MISCELLANEOUS SWAT OPERATOR EQUIPMENT:**

The Police Department SWAT team has requested an Electronic Control Device (TASER) be dedicated to the team during callouts. This would provide a less-lethal control option to be used with lethal cover if needed. Currently, the team does not have a TASER assigned specifically to any one member. As a result, each time the team is called out, an operator must waste time finding an available unit before deployment. Also, TASER units currently used by the Department are only capable of one deployment per cartridge and have no video capabilities. TASER International now offers devices which incorporate multiple shot capabilities and video recording of incidents. The Police Department would like to purchase an Electronic Control Device and possibly some MOLLE accessory pouches for a SWAT operator. The cost for this miscellaneous SWAT Operator equipment would be \$1,100.

<b>FY2013 Edward Byrne Justice Assistance Grant Equipment Budget</b>		
<b>Quantity</b>	<b>Description</b>	<b>Cost</b>
2	Portable Alarm Systems	\$5,880
3	Covert Surveillance Cameras	\$462
2	SWAT Sniper Rifles	\$8,000
1	Miscellaneous SWAT Operator Equipment	\$1,100
	<i>Total Grant Equipment</i>	<b>\$15,442</b>

**RESOLUTION NO. 8412**

**A RESOLUTION PERTAINING TO THE  
COMPLIANCE MAINTENANCE ANNUAL REPORT  
FOR THE WASTEWATER TREATMENT PLANT**

**WHEREAS**, the Department of Natural Resources requires the City to complete a Compliance Maintenance Annual Report pertaining to its Wastewater Treatment Plant; and

**WHEREAS**, the DNR requires the City Council to pass a resolution stating that it has reviewed the Compliance Maintenance Annual Report and state what actions will be taken to prevent effluent violations; and

**WHEREAS**, The City received a passing grade of 3.42, so that further action is voluntary to prevent said effluent violations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that it has reviewed the 2012 Compliance Maintenance Annual Report as required by regulations of the Department of Natural Resources.

**BE IT FURTHER RESOLVED** that the 2012 Compliance Maintenance Annual Report indicates that action is voluntary but the City has completed a major plant upgrade that will prevent future effluent violations and meet new effluent requirements.

**BE IT FURTHER RESOLVED** that appropriate City officials are hereby authorized to send a copy of this Resolution to the DNR along with the completed 2012 Compliance Maintenance Annual Report form.

**ADOPTED:**

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Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

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Sue L. Strands, City Clerk

Reviewed DSRH

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

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Wastewater Treatment & Collection System

**Date:** June 14, 2013  
**To:** Jordan Skiff, Director of Public Works  
**From:** John R. Leonhard, Wastewater Operations Manager  
**Re:** 2012 Compliance Maintenance Annual Report

The attached 2012 Compliance Maintenance Annual Report (CMAR) for the Wastewater Collection and Treatment System has been completed and is ready for City Council action. This report will need to be on the next City Council agenda and requires a resolution similar to last years, **see attached.**

This report is an opportunity for the treatment plant operator to tell his supervisors and the City Council the status of the treatment plant. You will find the treatment plant is operating and being operated well within the range that requires no action to prevent effluent violations.

The new treatment plant is now in full operation and meeting the requirements of our discharge permit as required by July 2008. None of the storms events in the past year have caused any problems at the plant or cause a plant effluent violation. However we received points due to violations last October as a result of having an aeration basin down for scheduled maintenance and receiving high strength waste from a local industry. We are working with the industry to insure this doesn't happen again.

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Influent Flow and Loading

### Questions

#### 1. Monthly average flows and (C)BOD loadings.

InFluent No.703	Influent Monthly Average Flow, MGD	X	Influent Monthly Average (C)BOD Concentration on mg.l	X	8.34	=	Influent Monthly Average(C) BOD Loading, pounds/day
January	5.876	X	234	X	8.34	=	11466
February	7.165	X	229	X	8.34	=	13693
March	11.06	X	142	X	8.34	=	13089
April	9.201	X	180	X	8.34	=	13830
May	10.59	X	204	X	8.34	=	18054
June	5.485	X	309	X	8.34	=	14115
July	5.461	X	311	X	8.34	=	14167
August	5.442	X	370	X	8.34	=	16785
September	4.806	X	366	X	8.34	=	14667
October	6.762	X	300	X	8.34	=	16892
November	5.902	X	333	X	8.34	=	16399
December	5.759	X	328	X	8.34	=	15778

#### 2. Maximum month design flow and design (C)BOD loading.

	Design	X	%	=	% of Design
Max Month Design Flow, MGD	11.1	x	90	=	9.99
		x	100	=	11.1
Design (C)BOD, lbs./day	33000	x	90	=	29700
		x	100	=	33000

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Influent Flow and Loading (Continued)

3. Number of times the flow and (C)BOD exceeded 90% or 100% of design, points earned, and score:

	Months of Influent Flow	Number of times flow was greater than 90% of design	Number of times flow was greater than 100% of design	Number of times (C)BOD was greater than 90% of design	Number of times (C)BOD was greater than 100% of design
January	1	0	0	0	0
February	1	0	0	0	0
March	1	1	0	0	0
April	1	0	0	0	0
May	1	1	0	0	0
June	1	0	0	0	0
July	1	0	0	0	0
August	1	0	0	0	0
September	1	0	0	0	0
October	1	0	0	0	0
November	1	0	0	0	0
December	1	0	0	0	0
<b>Points per each exceedance</b>		2	1	3	2
<b>Exceedances</b>		2	0	0	0
<b>Points</b>		4	0	0	0
<b>Total Number of Points</b>					4

4. Was the influent flow meter calibrated in the last year?

- Yes Enter last calibration date, MM/DD/YYYY 07/24/2012  
 No -explain

5. Sewer Use Ordinance

5.1 Did your community have a sewer use ordinance that limited or prohibited the discharge of excessive conventional pollutants ((C)BOD, SS, or pH) or toxic substances to the sewer from industries, commercial users, hauled waste, or residences?

- Yes  
 No

If No, please describe:

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Influent Flow and Loading (Continued)

	<p><b>5.2 Was it necessary to enforce?</b></p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p>If Yes, please describe:</p> <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> <p>An industrial user exceeded their limits.</p> </div>
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<b>6.</b>	<p><b>Septage Receiving</b></p> <p><b>6.1 Did you have requests to receive septage at your facility?</b></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 33%;">Septic Tanks</th> <th style="width: 33%;">Holding Tanks</th> <th style="width: 33%;">Grease Traps</th> </tr> </thead> <tbody> <tr> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> </tbody> </table> <p><b>6.2 Did you receive septage at your facility? If yes, indicate volume in gallons</b></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 33%;">Septic Tanks</th> <th style="width: 33%;">Holding Tanks</th> <th style="width: 33%;">Grease Traps</th> </tr> </thead> <tbody> <tr> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>gal</td> <td>2,061,600 gal</td> <td>gal</td> </tr> </tbody> </table> <p><b>6.2.1 If yes to any of the above, please explain if plant performance is affected when receiving any of these wastes</b></p> <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> <p>No problems occurred.</p> </div>	Septic Tanks	Holding Tanks	Grease Traps	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	Septic Tanks	Holding Tanks	Grease Traps	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	gal	2,061,600 gal	gal
Septic Tanks	Holding Tanks	Grease Traps														
<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No														
Septic Tanks	Holding Tanks	Grease Traps														
<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No														
gal	2,061,600 gal	gal														

<b>7.</b>	<p><b>Pretreatment</b></p> <p><b>7.1 Did your facility experience operational problems, permit violations, biosolids quality concerns or hazardous situations in the sewer system or treatment plant that were attributable to commercial or industrial discharges in the last year?</b></p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p>If Yes, describe the situation and your community's response:</p> <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> <p>With one aeration tank out of service, we received an industrial discharge of high strength BOD waste that caused operational problems and permit violations.</p> </div> <p><b>7.2 Did your facility accept hauled industrial wastes, landfill leachate, etc?</b></p> <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p>If yes, describe the types of wastes received and any procedures or other restrictions that were in place to protect the plant from the discharge of hauled industrial wastes.</p> <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> </div>
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# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

Influent Flow and Loading (Continued)

Total Points Generated	4
Score (100 - Total Points Generated)	96
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Effluent Quality and Plant Performance ((C)BOD)

### Questions

1. Monthly average effluent values, exceedances, and points for (C)BOD:

Outfall No.003	Monthly Average C(BOD) Limit (mg/L)	90% of Permit Limit >10 (mg/L)*	Effluent Monthly Average C(BOD) (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	30	27	7	1	0	0
February	30	27	7	1	0	0
March	30	27	7	1	0	0
April	30	27	6	1	0	0
May	30	27	6	1	0	0
June	30	27	4	1	0	0
July	30	27	3	1	0	0
August	30	27	4	1	0	0
September	30	27	6	1	0	0
October	30	27	18	1	0	0
November	30	27	6	1	0	0
December	30	27	7	1	0	0

\* Equals limit if limit is <=10

Months of Discharge/yr	12		
Points per each exceedance with 12 months of discharge:		7	3
Exceedances		0	0
Points		0	0
Total Number of Points			0

**NOTE:** For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is  $12/6 = 2.0$

2. If any violations occurred, what action was taken to regain compliance?

None

3. Was the effluent flow meter calibrated in the last year?

Yes - enter last calibration date, MM/DD/YYYY:

No - explain:

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Effluent Quality and Plant Performance ((C)BOD) (Continued)

	We only report influent flow.
<b>4.</b>	<p>What problems, if any, were experienced over the last year that threatened treatment?</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">                     An industry discharged high strength BOD waste when one of our aeration tanks was down for service and caused plant upset.                 </div>
<b>5.</b>	<p><b>Other Monitoring and Limits</b></p> <p><b>5.1</b> At any time in the past year was there an exceedance of a permit limit for any other pollutants such as metals, pH, residual chlorine, or fecal coliform?</p> <p> <input type="radio"/> Yes  <input checked="" type="radio"/> No                 </p> <p>If Yes, please describe:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
	<p><b>5.2</b> At any time in the past year was there an effluent acute or chronic whole effluent toxicity (WET) test?</p> <p> <input checked="" type="radio"/> Yes  <input type="radio"/> No                 </p> <p>If Yes, please describe:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">                     Yes we did the tests and passed.                 </div>
	<p><b>5.3</b> If the biomonitoring (WET) test did not pass, were steps taken to identify and/or reduce source(s) of toxicity?</p> <p> <input type="radio"/> Yes  <input type="radio"/> No  <input checked="" type="radio"/> NA                 </p> <p>Please explain unless not applicable:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Effluent Quality and Plant Performance (Total Suspended Solids)

### Questions

1. Monthly average effluent values, exceedances, and points for TSS:

Outfall No.003	Monthly Average TSS Limit (mg/L)	90% of Permit Limit >10 (mg/L)*	Effluent Monthly Average TSS (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	30	27	7	1	0	0
February	30	27	7	1	0	0
March	30	27	7	1	0	0
April	30	27	5	1	0	0
May	30	27	6	1	0	0
June	30	27	5	1	0	0
July	30	27	4	1	0	0
August	30	27	5	1	0	0
September	30	27	10	1	0	0
October	30	27	40	1	1	1
November	30	27	8	1	0	0
December	30	27	8	1	0	0
* Equals limit if limit is <=10						
Months of Discharge/yr				12		
Points per each exceedance with 12 months of discharge:					7	3
Exceedances					1	1
Points					7	3
Total Number of Points						10

**NOTE:** For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is  $12/6 = 2.0$

2. If any violations occurred, what action was taken to regain compliance?

We stopped wasting MLSS and contacted the industry that caused the problem. We also added additional alum feed to improve settling in the final clarifiers. We performed jar tests in the lab using different polymers but had difficulty getting a polymer feed system on site.

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

Effluent Quality and Plant Performance (Total Suspended Solids) (Continued)

Total Points Generated	10
Score (100 - Total Points Generated)	90
Section Grade	B

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

Effluent Quality and Plant Performance (Ammonia = NH3)

## Questions

1. Monthly and weekly average effluent values, exceedances, and points for NH3:

Outfall No.003	Monthly Average NH3 LIMIT (mg/L)	Weekly Average NH3 LIMIT (mg/L)	Effluent Monthly Average NH3 (mg/L)	Monthly Permit Limit Exceedance	Effluent Weekly Average for Week 1	Effluent Weekly Average for Week 2	Effluent Weekly Average for Week 3	Effluent Weekly Average for Week 4	Weekly Permit Limit Exceedance
January		17			0.0	0.0	0.1	0.0	0
February		17			0.1	0.0	0.0	0.0	0
March		17			0.1	0.0	0.0	0.0	0
April		17			0.0	0.0	0.0	0.0	0
May		17			0.1	0.0	0.1	0.1	0
June		17			0.1	0.0	0.0	0.1	0
July		17			0.2	0.2	0.2	0.1	0
August		17			0.1	0.1	0.2	0.1	0
September		17			0.2	0.2	0.3	0.2	0
October		17			28	32	0.2	0.1	2
November		17			0.1	0.1	0.1	0.1	0
December		17			0.1	0.1	0.1	0.1	0

Points per each exceedance of monthly average:	10
Exceedances, Monthly:	0
Points:	0
Points per each exceedance of weekly average(when there is no monthly average):	2.5
Exceedances, Weekly:	2
Points:	5
<b>Total Number of Points:</b>	<b>5</b>

**Note: Limit exceedances are considered for monthly OR weekly averages but not both. When a monthly average limit exists it will be used to detect exceedances and generate points. This will be true even if a weekly limit also exists. When a weekly average limit exists and a monthly limit does not exist, the weekly limit will be used to detect exceedances and generate points.**

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Effluent Quality and Plant Performance (Ammonia = NH<sub>3</sub>) (Continued)

2.	If any violations occurred, what action was taken to regain compliance?
	<div data-bbox="178 357 1263 478" style="border: 1px solid black; padding: 5px;"><p>We stopped wasting MLSS to grow nitrifiers in the biomass. We met with the industry that discharged the high strength BOD waste that impaired the biological process. We monitored the MLSS microscopically on a daily basis and added additional alum feed to improved settling in the final clarifiers.</p></div>

Total Points Generated	5
Score (100 - Total Points Generated)	95
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Effluent Quality and Plant Performance (Phosphorus)

Questions				
1.	Monthly average effluent values, exceedances, and points for Phosphorus:			
Outfall No.003	Monthly Average phosphorus Limit (mg/L)	Effluent Monthly Average phosphorus (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance
January	1	0.8	1	0
February	1	0.8	1	0
March	1	0.8	1	0
April	1	0.8	1	0
May	1	0.9	1	0
June	1	0.8	1	0
July	1	0.6	1	0
August	1	0.7	1	0
September	1	1.0	1	1
October	1	2.2	1	1
November	1	0.6	1	0
December	1	0.7	1	0
Months of Discharge/yr			12	
Points per each exceedance with 12 months of discharge:				10
Exceedances				2
Total Number of Points				20
<p><b>NOTE:</b> For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.                      Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is <math>12/6 = 2.0</math></p>				
2.	If any violations occurred, what action was taken to regain compliance?			
<p>We stopped wasting MLSS. We increased alum feed to the final clarifiers to improve settling and chemical removal of phosphorus. We met with the industry that caused the process upset.</p>				

Total Points Generated	20
Score (100 - Total Points Generated)	80
Section Grade	C

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Biosolids Quality and Management

	Questions	Points						
1.	<p><b>Biosolids Use/Disposal:</b></p> <p><b>1.1 How did you use or dispose of your biosolids?(Check all that apply)</b></p> <p> <input checked="" type="checkbox"/> Land Applied Under Your Permit  <input type="checkbox"/> Publicly Distributed Exceptional Quality Biosolids  <input type="checkbox"/> Hauled to Another Permitted Facility  <input checked="" type="checkbox"/> Landfilled  <input type="checkbox"/> Incinerated  <input type="checkbox"/> Other                 </p> <p>NOTE:If you do not remove biosolids from your system annually, please describe your system type such as lagoons, reed beds, recirculating sand filters, etc, and if biosolids were land applied last year, please also check top box above.</p> <p>1.1.1 If you checked Other, Please describe:  <input style="width: 400px; height: 20px;" type="text"/></p>							
2.	<p><b>Land Application Site:</b></p> <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <th colspan="2" style="text-align: center;">Last Year's Approved and Active Land Application Sites</th> </tr> <tr> <td style="width: 50%;">2.1.1 How many acres did you have?</td> <td style="width: 50%;">2.1.2 How many acres did you use?</td> </tr> <tr> <td style="text-align: center;">376 acres</td> <td style="text-align: center;">79.5 acres</td> </tr> </table> <p>2.2 If you did not have enough acres for your land application needs, what action was taken?  <input style="width: 400px; height: 30px;" type="text" value="We had enough acres when we were able to get on the land and spread."/></p>	Last Year's Approved and Active Land Application Sites		2.1.1 How many acres did you have?	2.1.2 How many acres did you use?	376 acres	79.5 acres	
Last Year's Approved and Active Land Application Sites								
2.1.1 How many acres did you have?	2.1.2 How many acres did you use?							
376 acres	79.5 acres							
	<p><b>2.3 Did you overapply nitrogen on any of your approved land application sites you used last year?</b></p> <p> <input type="radio"/> Yes(30 points)  <input checked="" type="radio"/> No                 </p>	0						
	<p><b>2.4 Have all the sites you used last year for land application been soil tested in the previous 4 years?</b></p> <p> <input checked="" type="radio"/> Yes  <input type="radio"/> No (10 points)  <input type="radio"/> N/A                 </p>	0						
3.	<p><b>Biosolids Metals</b></p> <p>Number of biosolids outfalls in your WPDES permit = 1</p> <p><b>3.1 For each outfall tested, verify the biosolids metal quality values for your facility during the last calendar year</b></p>							
<b>BIOSOLIDS METALS CHARACTERISTICS</b>								

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Biosolids Quality and Management (Continued)

Outfall:004 - Cake Sludge

Parameter	80% of Limit	H.Q. Limit	Ceiling Limit	mg/kg on a dry weight basis												Times Exceeded		
				Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	80% Value	High Quality	Ceiling
arsenic				8.1		8.2		18		7.4		4.5		19			0	0
cadmium				1.6		1.2		1.9		<1.3		<1.4		<1.4			0	0
copper				720		690		620		660		612		652			0	0
lead				20		17		23		17		20		25			0	0
mercury				.73		.89		.48		.63		.8		.78			0	0
molybdenum				24		30		16		13		13		25		0		0
nickel				102		178		118		63		40		57		0		0
selenium				<4.1		<3.1		14		<6.1		8.2		<6.6		0		0
zinc				740		628		11		582		604		742			0	0

**3.1.1** Number of times any of the metals exceeded the high quality limits OR 80% of the limit for molybdenum, nickel or selenium = 0

0

Exceedance Points		
<input checked="" type="radio"/>	0	0 Points
<input type="radio"/>	1-2	10 Points
<input type="radio"/>	> 2	15 Points

**3.1.2** If you exceeded the high quality limits, did you cumulatively track the metals loadings at each land application site? (check applicable box)

0

- Yes
- No (10 points)
- NA. Did not exceed limits or no HQ limit applies (0 points)
- NA. Did not land apply biosolids until limit was met(0 points)

**3.1.3** Number of times any of the metals exceeded the ceiling limits = 0

0

Exceedance Points		
<input checked="" type="radio"/>	0	0 Points
<input type="radio"/>	1	10 Points
<input type="radio"/>	> 1	15 Points

**3.1.4** Were biosolids land applied which exceeded the ceiling limit?

0

- Yes(20 points)
- No (0 points)

**3.1.5** If any metal limit (high quality or ceiling ) was exceeded at any time, what action was taken?

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

**Biosolids Quality and Management (Continued)**

	Has the source of the metals been identified?																																	
	Did not occur.																																	
4.	Pathogen Control(per outfall):																																	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 45%;">Outfall Number:</td> <td>004</td> </tr> <tr> <td>Biosolids Class:</td> <td>A</td> </tr> <tr> <td>Bacteria Type and Limit</td> <td>F</td> </tr> <tr> <td>Sample Dates:</td> <td>1/1/2012 12:00:00 AM - 2/29/2012 12:00:00 AM</td> </tr> <tr> <td>Density:</td> <td>35</td> </tr> <tr> <td>Sample Concentrator Amount:</td> <td>MPN/G TS</td> </tr> <tr> <td>Process:</td> <td>PFRPQ</td> </tr> <tr> <td>Process Description:</td> <td>TPAD (Temperature Phased Anaerobic Digestion)</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 45%;">Outfall Number:</td> <td>004</td> </tr> <tr> <td>Biosolids Class:</td> <td>A</td> </tr> <tr> <td>Bacteria Type and Limit</td> <td>F</td> </tr> <tr> <td>Sample Dates:</td> <td>1/1/2012 12:00:00 AM - 12/31/2012 12:00:00 AM</td> </tr> <tr> <td>Density:</td> <td>824</td> </tr> <tr> <td>Sample Concentrator Amount:</td> <td>MPN/G TS</td> </tr> <tr> <td>Process:</td> <td>PFRPQ</td> </tr> <tr> <td>Process Description:</td> <td>TPAD (Temperature Phased Anaerobic Digestion)</td> </tr> </table>	Outfall Number:	004	Biosolids Class:	A	Bacteria Type and Limit	F	Sample Dates:	1/1/2012 12:00:00 AM - 2/29/2012 12:00:00 AM	Density:	35	Sample Concentrator Amount:	MPN/G TS	Process:	PFRPQ	Process Description:	TPAD (Temperature Phased Anaerobic Digestion)	Outfall Number:	004	Biosolids Class:	A	Bacteria Type and Limit	F	Sample Dates:	1/1/2012 12:00:00 AM - 12/31/2012 12:00:00 AM	Density:	824	Sample Concentrator Amount:	MPN/G TS	Process:	PFRPQ	Process Description:	TPAD (Temperature Phased Anaerobic Digestion)	
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# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Biosolids Quality and Management (Continued)

Outfall Number:	004
Biosolids Class:	A
Bacteria Type and Limit	F
Sample Dates:	3/1/2012 12:00:00 AM - 4/30/2012 12:00:00 AM
Density:	17
Sample Concentrator Amount:	MPN/G TS
Process:	PFRPQ
Process Description:	TPAD (Temperature Phased Anaerobic Digestion)

Outfall Number:	004
Biosolids Class:	A
Bacteria Type and Limit	F
Sample Dates:	5/1/2012 12:00:00 AM - 6/30/2012 12:00:00 AM
Density:	17
Sample Concentrator Amount:	MPN/G TS
Process:	PFRPQ
Process Description:	TPAD (Temperature Phased Anaerobic Digestion)

Outfall Number:	004
Biosolids Class:	A
Bacteria Type and Limit	F
Sample Dates:	7/1/2012 12:00:00 AM - 8/31/2012 12:00:00 AM
Density:	7
Sample Concentrator Amount:	MPN/G TS
Process:	PFRPQ
Process Description:	TPAD (Temperature Phased Anaerobic Digestion)

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Biosolids Quality and Management (Continued)

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Outfall Number:</td><td>004</td></tr> <tr><td>Biosolids Class:</td><td>A</td></tr> <tr><td>Bacteria Type and Limit</td><td>F</td></tr> <tr><td>Sample Dates:</td><td>9/1/2012 12:00:00 AM - 10/31/2012 12:00:00 AM</td></tr> <tr><td>Density:</td><td>13</td></tr> <tr><td>Sample Concentrator Amount:</td><td>MPN/G TS</td></tr> <tr><td>Process:</td><td>PFRPQ</td></tr> <tr><td>Process Description:</td><td>TPAD (Temperature Phased Anaerobic Digestion)</td></tr> </table>	Outfall Number:	004	Biosolids Class:	A	Bacteria Type and Limit	F	Sample Dates:	9/1/2012 12:00:00 AM - 10/31/2012 12:00:00 AM	Density:	13	Sample Concentrator Amount:	MPN/G TS	Process:	PFRPQ	Process Description:	TPAD (Temperature Phased Anaerobic Digestion)			
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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Outfall Number:</td><td>004</td></tr> <tr><td>Biosolids Class:</td><td>A</td></tr> <tr><td>Bacteria Type and Limit</td><td>F</td></tr> <tr><td>Sample Dates:</td><td>11/1/2012 12:00:00 AM - 12/31/2012 12:00:00 AM</td></tr> <tr><td>Density:</td><td>47</td></tr> <tr><td>Sample Concentrator Amount:</td><td>MPN/G TS</td></tr> <tr><td>Process:</td><td>PFRPQ</td></tr> <tr><td>Process Description:</td><td>TPAD (Temperature Phased Anaerobic Digestion)</td></tr> </table>	Outfall Number:	004	Biosolids Class:	A	Bacteria Type and Limit	F	Sample Dates:	11/1/2012 12:00:00 AM - 12/31/2012 12:00:00 AM	Density:	47	Sample Concentrator Amount:	MPN/G TS	Process:	PFRPQ	Process Description:	TPAD (Temperature Phased Anaerobic Digestion)			
Outfall Number:	004																			
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Bacteria Type and Limit	F																			
Sample Dates:	11/1/2012 12:00:00 AM - 12/31/2012 12:00:00 AM																			
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Sample Concentrator Amount:	MPN/G TS																			
Process:	PFRPQ																			
Process Description:	TPAD (Temperature Phased Anaerobic Digestion)																			
	<p><b>4.1 If exceeded Class B limit or did not meet the process criteria at the time of land application(40 Points)</b></p>																			
	<p>4.1.1 Was the limit exceeded or the process criteria not met at any time?</p> <p> <input type="radio"/> Yes  <input checked="" type="radio"/> No         </p> <p>If yes, what action was taken?</p> <div style="border: 1px solid black; height: 20px; width: 400px; margin-top: 5px;"></div>																			
5.	<p>Vector Attraction Reduction(per outfall):0</p>																			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Outfall Number:</td><td>004</td></tr> <tr><td>Method Date:</td><td>1/11/2012 12:00:00 AM</td></tr> <tr><td>Option Used To Satisfy Requirement:</td><td>VSR</td></tr> <tr><td>Limit (if applicable):</td><td>38</td></tr> </table>	Outfall Number:	004	Method Date:	1/11/2012 12:00:00 AM	Option Used To Satisfy Requirement:	VSR	Limit (if applicable):	38											
Outfall Number:	004																			
Method Date:	1/11/2012 12:00:00 AM																			
Option Used To Satisfy Requirement:	VSR																			
Limit (if applicable):	38																			

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Biosolids Quality and Management (Continued)

Results (if applicable):	72		
Outfall Number:	004		
Method Date:	10/22/2012 12:00:00 AM		
Option Used To Satisfy Requirement:	VSR		
Limit (if applicable):	38		
Results (if applicable):	62		
Outfall Number:	004		
Method Date:	3/26/2012 12:00:00 AM		
Option Used To Satisfy Requirement:	VSR		
Limit (if applicable):	38		
Results (if applicable):	63		
Outfall Number:	004		
Method Date:	5/2/2012 12:00:00 AM		
Option Used To Satisfy Requirement:	VSR		
Limit (if applicable):	38		
Results (if applicable):	59		
Outfall Number:	004		
Method Date:	7/9/2012 12:00:00 AM		
Option Used To Satisfy Requirement:	VSR		
Limit (if applicable):	38		
Results (if applicable):	52		
Outfall Number:	004		
Method Date:	9/5/2012 12:00:00 AM		
Option Used To Satisfy Requirement:	VSR		
Limit (if applicable):	38		
Results (if applicable):	62		
Outfall Number:	004		
Method Date:	11/5/2012 12:00:00 AM		
Option Used To Satisfy Requirement:	VSR		

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Biosolids Quality and Management (Continued)

	Limit (if applicable):	38	
	Results (if applicable):	49	
	<b>5.1 If the limit or criteria was exceeded at the time of land application, 40 point</b> <b>5.1.1 Was the limit exceeded or the process criteria not met at any time?</b>		0
	<input type="radio"/> Yes <input checked="" type="radio"/> No  If yes, what action was taken?  <div style="border: 1px solid black; height: 20px; width: 400px;"></div>		
6.	<b>Biosolids Storage:0</b>		
	<b>6.1 How many days of actual, current biosolids storage capacity did your wastewater treatment facility have either on-site or off-site?</b>		0
	<input type="radio"/> >+ 180 days (0 points) <input type="radio"/> 150 - 179 days (10 points) <input type="radio"/> 120 - 149 days (20 points) <input type="radio"/> 90 - 119 days (30 points) <input type="radio"/> < 90 days (40 points) <input checked="" type="radio"/> Not Applicable (0 points)		
	<b>6.2 If you check Not Applicable above, explain why.</b>  <div style="border: 1px solid black; padding: 5px;">                     We have an agreement with a landfill to accept biosolids.                 </div>		
7.	<b>Issues:</b>		
	<b>7.1 Describe any outstanding biosolids issues with treatment, use or overall mgt?</b>  <div style="border: 1px solid black; padding: 5px;">                     None                 </div>		

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Staffing and Preventative Maintenance (All Treatment Plants)

Questions	Points
1.	Was your wastewater treatment plant adequately staffed last year?
	<p> <input checked="" type="radio"/> Yes  <input type="radio"/> No                      If No, please describe:  <input style="width: 600px; height: 20px;" type="text"/>                      Could use more help/staff for:  <input style="width: 600px; height: 20px;" type="text"/> </p>
2.	Did your wastewater staff have adequate time to properly operate and maintain the plant and fulfill all wastewater management tasks including recordkeeping?
	<p> <input checked="" type="radio"/> Yes  <input type="radio"/> No. Explain  <input style="width: 600px; height: 20px;" type="text"/> </p>
3.	Did your plant have a <u>documented AND implemented</u> plan for preventative maintenance on major equipment items?
	<p> <input checked="" type="radio"/> Yes (Continue with questions below)  <input type="radio"/> No (40 points and go to question 6)                      If No, explain:  <input style="width: 600px; height: 20px;" type="text"/> </p>
4.	Did this preventative maintenance program depict frequency of intervals, types of lubrication, and other tasks necessary for each piece of equipment?
	<p> <input checked="" type="radio"/> Yes  <input type="radio"/> No (10 points)                 </p>
5.	Were these preventative maintenance tasks, as well as major equipment repairs, recorded and filed so future maintenance problems can be assessed properly?
	<p> <input checked="" type="radio"/> Yes  <input type="radio"/> (Paper file system)  <input type="radio"/> (Computer program)  <input checked="" type="radio"/> (Both Paper and Computer)  <input type="radio"/> No (10 points)                 </p>
6.	Did your plant have a detailed O&M Manual that was used as a reference when needed?
	<p> <input checked="" type="radio"/> Yes  <input type="radio"/> No                 </p>
7.	Rate the overall maintenance of your wastewater plant.
	<p> <input checked="" type="radio"/> Excellent                 </p>

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Staffing and Preventative Maintenance (All Treatment Plants) (Continued)

	<p> <input type="radio"/> Very Good  <input type="radio"/> Good  <input type="radio"/> Fair  <input type="radio"/> Poor         </p> <p>Describe your rating:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>We perform routine PM on all the equipment. We use a computerized maintenance program to track and document maintenance activities. There was some cases where corrective maintenance was required.</p> </div>	
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Operator Certification and Education

	Questions	Points
1.	<p>Did you have a designated operator-in-charge during the report year?</p> <p> <input checked="" type="radio"/> Yes (0 point)  <input type="radio"/> No (20 points)                 </p> <p>Name: <input style="width: 500px;" type="text" value="JOHN R LEONHARD"/></p> <p>Certification No: <input style="width: 500px;" type="text" value="03132"/></p>	0
2.	<p>In accordance with Chapter NR 114.08 and 114.09, Wisconsin Administrative Code, what grade and subclass(es) were required for the operator-in-charge to operate the wastewater treatment plant and what grade and subclass(es) were held by the operator-in-charge?</p> <p>Required: <input style="width: 500px;" type="text" value="4 - ACEFGIJ; A - PRIMARY SETTLING; C - ACTIVATED SLUDGE; E - DISINFECTION; F - ANAEROBIC DIGESTION; G - MECHANICAL SLUDGE; I - PHOSPHORUS REMOVAL; J - LABORATORY"/></p> <p>Held: <input style="width: 500px;" type="text" value="4 - ABCEFGI; 2 - DHJ; 4 - A=PRIMARY SETTLING GRADE 4; B=TRICKLING FILTER/RBC GRADE 4; C=ACTIVATED SLUDGE GRADE 4; E=DISINFECTION GRADE 4; F=ANAEROBIC DIGESTION GRADE 4; G=MECHANICAL SLUDGE GRADE 4; I=PHOSPHORUS REMOVAL GRADE 4; 2 - D=PONDS/AERATED LAGOONS GRADE 2; H=FILTRATION GRADE 2; J=LABORATORY GRADE 2"/></p>	
3.	<p>Was the operator-in-charge certified at the appropriate level to operate this plant?</p> <p> <input checked="" type="radio"/> Yes (0 point)  <input type="radio"/> No (20 points)                 </p>	0
4.	<p>In the event of the loss of your designated operator-in-charge, did you have a contingency plan to ensure the continued proper operation &amp; maintenance of the plant that includes one or more of the following options (check all that apply):</p> <p>                     4.1 <input checked="" type="checkbox"/> one or more additional certified operators on staff                      4.2 <input type="checkbox"/> an arrangement with another certified operator                      4.3 <input type="checkbox"/> an arrangement with another community with a certified operator                      4.4 <input type="checkbox"/> an operator on staff who has an operator-in-training certificate for your plant and is expected be certified within one year                      4.5 <input type="checkbox"/> a consultant to serve as your certified operator                      4.6 <input type="checkbox"/> None of the above (20 points)                 </p> <p>Explain: <input style="width: 500px;" type="text"/></p>	0

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Operator Certification and Education (Continued)

5.	<p>If you had a designated operator-in-charge, was the operator-in-charge earning continuing education credits at the following rates?</p>	
	<p>Grades T, 1, and 2:</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> Averaging 6 or more CEUs per year</li> <li><input type="radio"/> Averaging less than 6 CEUs per year</li> </ul> <p>Grades 3 and 4:</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> Averaging 8 or more CEUs per year</li> <li><input type="radio"/> Averaging less than 8 CEUs per year</li> </ul> <p>Not applicable:</p> <ul style="list-style-type: none"> <li><input type="radio"/> See Question 1.</li> </ul>	

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Financial Management

	Questions	Points						
1.	<b>Person Providing This Financial Information</b>							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Name:</td> <td>Eileen M. Baus</td> </tr> <tr> <td>Telephone:</td> <td>(920) 322-3454</td> </tr> <tr> <td>E-Mail Address(optional):</td> <td>ebaus@fdl.wi.us</td> </tr> </table>	Name:	Eileen M. Baus	Telephone:	(920) 322-3454	E-Mail Address(optional):	ebaus@fdl.wi.us	
Name:	Eileen M. Baus							
Telephone:	(920) 322-3454							
E-Mail Address(optional):	ebaus@fdl.wi.us							
2.	<b>Are User Charge or other Revenues sufficient to cover O&amp;M Expenses for your wastewater treatment plant AND/OR collection system ?</b>	0						
	<p> <input checked="" type="radio"/> Yes (0 points)  <input type="radio"/> No (40 points)                 </p> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>							
3.	<b>When was the User Charge System or other revenue source(s) last reviewed and/or revised?</b> Year: 2012	0						
	<p> <input checked="" type="radio"/> 0-2 years ago (0 points)  <input type="radio"/> 3 or more years ago (20 points)  <input type="radio"/> Not Applicable (Private Facility)                 </p>							
4.	<b>Did you have a special account (e.g., CWFP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?</b>	0						
	<p> <input checked="" type="radio"/> Yes  <input type="radio"/> No (40 points)                 </p>							
<b>REPLACEMENT FUNDS(PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 5)</b>								
5.	<b>Equipment Replacement Funds</b>							
	<b>5.1 When was the Equipment Replacement Fund last reviewed and/or revised?</b> Year: 2012	0						
	<p> <input checked="" type="radio"/> 1-2 years ago (0 points)  <input type="radio"/> 3 or more years ago (20 points)  <input type="radio"/> Not Applicable Explain:                 </p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>							
	<b>5.2 What amount is in your Replacement Fund?</b> <div style="text-align: center;"><b>Equipment Replacement Fund Activity</b></div>							
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><b>5.2.1 Ending Balance Reported on Last Year's CMAR:</b></td> <td style="text-align: right;">\$1235466.17</td> </tr> <tr> <td><b>5.2.2 Adjustments</b> if necessary (e.g., earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)</td> <td style="text-align: right;">+ \$0.00</td> </tr> <tr> <td><b>5.2.3 Adjusted January 1st Beginning Balance</b></td> <td style="text-align: right;"><b>\$1,235,466.17</b></td> </tr> </table>	<b>5.2.1 Ending Balance Reported on Last Year's CMAR:</b>	\$1235466.17	<b>5.2.2 Adjustments</b> if necessary (e.g., earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	+ \$0.00	<b>5.2.3 Adjusted January 1st Beginning Balance</b>	<b>\$1,235,466.17</b>	
<b>5.2.1 Ending Balance Reported on Last Year's CMAR:</b>	\$1235466.17							
<b>5.2.2 Adjustments</b> if necessary (e.g., earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	+ \$0.00							
<b>5.2.3 Adjusted January 1st Beginning Balance</b>	<b>\$1,235,466.17</b>							

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

Financial Management (Continued)

	<p><b>5.2.4 Additions to Fund</b> (e.g., portion of User Fee, earned interest, etc.) + \$293,211.21</p> <p><b>5.2.5 Subtractions from Fund</b> (e.g., equipment replacement, major repairs - use description box 5.2.5.1 below*) - \$32,007.11</p> <p><b>5.2.6 Ending Balance as of December 31st for CMAR Reporting Year</b> \$1,496,670.27</p> <p>(All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.)</p> <p>*5.2.5.1. Indicate adjustments, equipment purchases and/or major repairs from 5.2.5 above</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">             Wetwell gates, sanitary station control panel, air conditioner, water cooler, compressor replacement, scada monitor.         </div>										
	<p><b>5.3 What amount <u>should</u> be in your replacement fund?</b> \$1,496,670.27</p> <p>(If you had a CWFP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the HELP option button.)</p>										
	<p>5.3.1 Is the Dec. 31 Ending Balance in your Replacement Fund above (#5.2.6) equal to or greater than the amount that should be in it(#5.3)?</p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No Explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>										
<b>6.</b>	<b>Future Planning</b>										
	<p>6.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating or new construction of your treatment facility or collection system?</p> <p><input checked="" type="radio"/> Yes (If yes, please provide major project information, if not already listed below)</p> <p><input type="radio"/> No</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;">Project Description</th> <th style="width: 20%;">Estimated Cost</th> <th style="width: 20%;">Approximate Construction Year</th> </tr> </thead> <tbody> <tr> <td>Major plant upgrade</td> <td style="text-align: right;">\$59000000</td> <td style="text-align: center;">2005</td> </tr> <tr> <td>Biogas Cleaning and Power Generation</td> <td style="text-align: right;">\$3500000</td> <td style="text-align: center;">2012</td> </tr> </tbody> </table>	Project Description	Estimated Cost	Approximate Construction Year	Major plant upgrade	\$59000000	2005	Biogas Cleaning and Power Generation	\$3500000	2012	
Project Description	Estimated Cost	Approximate Construction Year									
Major plant upgrade	\$59000000	2005									
Biogas Cleaning and Power Generation	\$3500000	2012									
<b>7.</b>	<b>Financial Management General Comments:</b>										
	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>										

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Sanitary Sewer Collection Systems

	Questions	Points
1.	<p>Do you have a Capacity, Management, Operation &amp; Maintenance (CMOM) requirement in your WPDES permit?</p> <p style="margin-left: 40px;"> <input type="radio"/> Yes  <input checked="" type="radio"/> No                 </p>	
2.	<p>Did you have a <u>documented</u> (written records/files, computer files, video tapes, etc.) sanitary sewer collection system operation &amp; maintenance or CMOM program last calendar year?</p> <p style="margin-left: 40px;"> <input checked="" type="radio"/> Yes (go to question 3)  <input type="radio"/> No (30 points) (go to question 4)                 </p>	0
3.	<p>Check the elements listed below that are included in your Operation and Maintenance (O&amp;M) or CMOM program.:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <b>Goals:</b> Describe the specific goals you have for your collection system:  <div style="border: 1px solid black; padding: 2px; margin-left: 20px;">Our main goal is to continue to reduce I/I entering the collection system.</div> </li> <li><input checked="" type="checkbox"/> <b>Organization:</b> Do you have the following written organizational elements (check only those that you have):                         <ul style="list-style-type: none"> <li><input type="checkbox"/> Ownership and governing body description</li> <li><input checked="" type="checkbox"/> Organizational chart</li> <li><input checked="" type="checkbox"/> Personnel and position descriptions</li> <li><input checked="" type="checkbox"/> Internal communication procedures</li> <li><input type="checkbox"/> Public information and education program</li> </ul> </li> <li><input checked="" type="checkbox"/> <b>Legal Authority:</b> Do you have the legal authority for the following (check only those that apply):                         <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Sewer use ordinance    Last Revised MM/DD/YYYY    <div style="border: 1px solid black; padding: 2px; display: inline-block;">01/09/2008</div></li> <li><input checked="" type="checkbox"/> Pretreatment/Industrial control Programs</li> <li><input checked="" type="checkbox"/> Fat, Oil and Grease control</li> <li><input checked="" type="checkbox"/> Illicit discharges (commercial, industrial)</li> <li><input checked="" type="checkbox"/> Private property clear water (sump pumps, roof or foundation drains, etc)</li> <li><input checked="" type="checkbox"/> Private lateral inspections/repairs</li> <li><input checked="" type="checkbox"/> Service and management agreements</li> </ul> </li> <li><input checked="" type="checkbox"/> <b>Maintenance Activities: details in Question 4</b></li> <li><input checked="" type="checkbox"/> <b>Design and Performance Provisions:</b> How do you ensure that your sewer system is designed and constructed properly?                         <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> State plumbing code</li> <li><input checked="" type="checkbox"/> DNR NR 110 standards</li> <li><input checked="" type="checkbox"/> Local municipal code requirements</li> <li><input checked="" type="checkbox"/> Construction, inspection and testing</li> <li><input type="checkbox"/> Others:</li> </ul> </li> </ul>	

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Sanitary Sewer Collection Systems (Continued)

	<p><input checked="" type="checkbox"/> <b>Overflow Emergency Response Plan:</b> Does your emergency response capability include (check only those that you have):</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Alarm system and routine testing</li> <li><input checked="" type="checkbox"/> Emergency equipment</li> <li><input checked="" type="checkbox"/> Emergency procedures</li> <li><input checked="" type="checkbox"/> Communications/Notifications (DNR, Internal, Public, Media etc)</li> </ul> <p><input checked="" type="checkbox"/> <b>Capacity Assurance:</b> How well do you know your sewer system? Do you have the following?</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Current and up-to-date sewer map</li> <li><input checked="" type="checkbox"/> Sewer system plans and specifications</li> <li><input checked="" type="checkbox"/> Manhole location map</li> <li><input type="checkbox"/> Lift station pump and wet well capacity information</li> <li><input checked="" type="checkbox"/> Lift station O&amp;M manuals</li> </ul> <p>Within your sewer system have you identified the following?</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Areas with flat sewers</li> <li><input checked="" type="checkbox"/> Areas with surcharging</li> <li><input checked="" type="checkbox"/> Areas with bottlenecks or constrictions</li> <li><input checked="" type="checkbox"/> Areas with chronic basement backups or SSO's</li> <li><input checked="" type="checkbox"/> Areas with excess debris, solids or grease accumulation</li> <li><input checked="" type="checkbox"/> Areas with heavy root growth</li> <li><input checked="" type="checkbox"/> Areas with excessive infiltration/inflow (I/I)</li> <li><input checked="" type="checkbox"/> Sewers with severe defects that affect flow capacity</li> <li><input checked="" type="checkbox"/> Adequacy of capacity for new connections</li> <li><input checked="" type="checkbox"/> Lift station capacity and/or pumping problems</li> </ul> <p><input checked="" type="checkbox"/> <b>Annual Self-Auditing of your O&amp;M/CMOM Program</b> to ensure above components are being implemented, evaluated, and re-prioritized as needed.</p> <p><input checked="" type="checkbox"/> <b>Special Studies Last Year (check only if applicable):</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Infiltration/Inflow (I/I) Analysis</li> <li><input type="checkbox"/> Sewer System Evaluation Survey (SSES)</li> <li><input type="checkbox"/> Sewer Evaluation and Capacity Management Plan (SECAP)</li> <li><input type="checkbox"/> Lift Station Evaluation Report</li> <li><input type="checkbox"/> Others:</li> </ul>	
4.	Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained:	
	<p>Cleaning <span style="float: right;"><input style="width: 50px; text-align: center;" type="text" value="100"/> % of system/year</span></p> <p>Root Removal <span style="float: right;"><input style="width: 50px; text-align: center;" type="text" value="2"/> % of system/year</span></p> <p>Flow Monitoring <span style="float: right;"><input style="width: 50px; text-align: center;" type="text" value="20"/> % of system/year</span></p> <p>Smoke Testing <span style="float: right;"><input style="width: 50px; text-align: center;" type="text" value="0"/> % of system/year</span></p> <p>Sewer Line Televising <span style="float: right;"><input style="width: 50px; text-align: center;" type="text" value="5"/> % of system/year</span></p>	

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Sanitary Sewer Collection Systems (Continued)

Manhole Inspections	<input style="width: 50px;" type="text" value="25"/>	% of system/year
Lift Station O&M	<input style="width: 50px;" type="text" value="100"/>	# per L.S./year
Manhole Rehabilitation	<input style="width: 50px;" type="text" value="3"/>	% of manholes rehabed
Mainline Rehabilitation	<input style="width: 50px;" type="text" value="1"/>	% of sewer lines rehabed
Private Sewer Inspections	<input style="width: 50px;" type="text" value="1"/>	% of system/year
Private Sewer I/I Removal	<input style="width: 50px;" type="text" value="1"/>	% of private services
Please include additional comments about your sanitary sewer collection system below:		

**5. Provide the following collection system and flow information for the past year:**

<input style="width: 80px;" type="text" value="30.20"/>	Total Actual Amount of Precipitation Last Year
<input style="width: 80px;" type="text" value="30"/>	Annual Average Precipitation (for your location)
<input style="width: 80px;" type="text" value="197"/>	Miles of Sanitary Sewer
<input style="width: 80px;" type="text" value="17"/>	Number of Lift Stations
<input style="width: 80px;" type="text" value="0"/>	Number of Lift Station Failure
<input style="width: 80px;" type="text" value="0"/>	Number of Sewer Pipe Failures
<input style="width: 80px;" type="text" value="1"/>	Number of Basement Backup Occurrences
<input style="width: 80px;" type="text" value="1"/>	Number of Complaints
<input style="width: 80px;" type="text" value="6.959"/>	Average Daily Flow in MGD
<input style="width: 80px;" type="text" value="11.06"/>	Peak Monthly Flow in MGD(if available)



# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Sanitary Sewer Collection Systems (Continued)

NUMBER OF SANITARY SEWER OVERFLOWS (SSO) REPORTED (10 POINTS PER OCCURRENCE)					10
	Date	Location	Cause	Estimated Volume (MG)	
1.	5/6/2012 1:30:00 PM to 5/6/2012 2:15:00 PM	Intersection of Seymour St and Drury Pl.	Rain	0.0135	
<p>Were there SSOs that occurred last year that are not listed above?</p> <p style="margin-left: 20px;"> <input type="radio"/> Yes  <input checked="" type="radio"/> No                 </p> <p>If Yes, list the SSOs that occurred:</p> <div style="border: 1px solid black; height: 20px; width: 60%; margin-left: 20px;"></div>					
<b>PERFORMANCE INDICATORS</b>					
	0.00	Lift Station Failures(failures/ps/year)			
	0.00	Sewer Pipe Failures(pipe failures/sewer mile/yr)			
	0.01	Sanitary Sewer Overflows (number/sewer mile/yr)			
	0.01	Basement Backups(number/sewer mile)			
	0.01	Complaints (number/sewer mile)			
	1.6	Peaking Factor Ratio (Peak Monthly:Annual Daily Average)			
	0.0	Peaking Factor Ratio(Peak Hourly:Annual daily Average)			
6.	Was infiltration/inflow(I/I) significant in your community last year?				
	<p style="margin-left: 20px;"> <input checked="" type="radio"/> Yes  <input type="radio"/> No                 </p> <p>If Yes, please describe:</p> <div style="border: 1px solid black; padding: 5px; margin-left: 20px;">                     I/I observed in sewer TV program and rapid plant flow increases with rainfall. There is a \$1.7 million dollar annual budget for I/I elimination.                 </div>				
7.	Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?				
	<p style="margin-left: 20px;"> <input checked="" type="radio"/> Yes  <input type="radio"/> No                 </p> <p>If Yes, please describe:</p>				

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:  
6/14/2013

Reporting Year: 2012

## Sanitary Sewer Collection Systems (Continued)

	It contributed to SSO on May 6, 2012.	
8.	Explain any infiltration/inflow(I/I) changes this year from previous years?	
	I/I reduced thru reconstruction of sanitary mains and laterals and a new manhole rehabilitation program.	
9.	What is being done to address infiltration/inflow in your collection system?	
	\$1.7 million dollar I/I annual budget includes TV monitoring sewers, house to house illegal connection inspections, replacement/repair of badly leaking sewer mains and laterals, manhole inspection and rehab program, system metering and modeling.	

Total Points Generated	10
Score (100 - Total Points Generated)	90
Section Grade	B

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:

Reporting Year: 2012

WPDES No.0023990

GRADING SUMMARY				
SECTION	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Influent Loadings	A	4.0	3	12
Effluent Quality:BOD	A	4.0	10	40
Effluent Quality:TSS	B	3.0	5	15
Effluent Quality:Ammonia	A	4.0	5	20
Effluent Quality:P	C	2.0	3	6
Biosolids Mgt.	A	4.0	5	20
Prev.Maintenance.Staffing	A	4.0	1	4
Operator Certification	A	4.0	1	4
Financial Management	A	4.0	1	4
Collection Systems	B	3.0	3	9
<b>TOTALS</b>			<b>37</b>	<b>134</b>
<b>GRADE POINT AVERAGE(GPA)=3.62</b>		<b>3.62</b>		

**Notes:**

A = Voluntary Range

B = Voluntary Range

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Fond Du Lac Water Pollution Control Plant

Last Updated:

Reporting Year: 2012

Resolution or Owner's Statement

NAME OF GOVERNING BODY OR OWNER	DATE OF RESOLUTION OR ACTION TAKEN
RESOLUTION NUMBER	
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B, required for grade C, D, or F):	
<b>Influent Flow and Loadings: Grade=A</b>	
<b>Effluent Quality: BOD: Grade=A</b>	
<b>Effluent Quality: TSS: Grade=B</b>	
<b>Effluent Quality: Ammonia: Grade=A</b>	
<b>Effluent Quality: Phosphorus: Grade=C</b>	
<b>Biosolids Quality and Management: Grade=A</b>	
<b>Staffing: Grade=A</b>	
<b>Operator Certification: Grade=A</b>	
<b>Financial Management: Grade=A</b>	
<b>Collection Systems: Grade=B</b>	
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS (Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00) <b>G.P.A. = 3.62</b>	

**ORDINANCE NO. 3521**

**AN ORDINANCE ANNEXING PROPERTY  
TO THE CITY OF FOND DU LAC**

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

**Section 1. Property Annexed.** In accordance with Wisconsin Statutes Section 66.0217 and a Petition for Direct Annexation filed with the City Clerk's office signed by all of the electors residing in the territory proposed to be annexed and the owners of all of the real property in the territory proposed to be annexed, the following described territory, which is contiguous to the City of Fond du Lac, Fond du Lac County, Wisconsin, is hereby annexed to the City of Fond du Lac:

For lands located in part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4, Section 12, Town 15 North, Range 17 East, Town of Fond du Lac, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 12; thence North 88°37'16" West, along the North line of said Southeast 1/4, a distance of 982.89 feet to the Point of Beginning for this description; thence South 00°26'39" East, along the existing City Boundary, a distance of 563.58 feet to the Northeast corner of Certified Survey Map 2663, as recorded in Volume 14, Page 83 of Certified Survey Maps in the Fond du Lac County Register of Deeds Office; thence North 88°39'39" West, along the North lines of said Certified Survey Map 2663, unplatted lands recorded in Volume 443, Page 182 and Document 692704, as recorded in Records of said Register of Deeds Office, Certified Survey Map 6779, as recorded in Volume 47, Page 76 and Certified Survey Map 5577, as recorded in Volume 35, Page 71, both recorded in Certified Survey Maps of said Register of Deeds Office, and said City Boundary, a distance of 1669.18 feet to the West line of said Southeast 1/4 and the centerline of Prairie Road; thence North 00°23'39" West, along said West line and said City Boundary, a distance of 331.71 feet; thence South 88°58'16" East, along the South line of Lot 3 of Certified Survey Map 6790, as recorded in Volume 49, Page 76 of Certified Survey Maps in said Register of Deeds Office, its Westerly extension, and said City Boundary, a distance of 517.42 feet to the Southeast corner of said Lot 3; thence South 01°01'44" West, along the West line of Lot 4 of said Certified Survey Map 6790 and said City Boundary, a distance of 200.00 feet to the Southwest corner of said Lot 4; thence South 88°58'16" East, along the South line of said Lot 4 and said City Boundary, a distance of 448.63 feet to the Southeast corner of said Lot 4; thence North 06°23'16" West, along the East line of said Lot 4 and said City Boundary, a distance of 201.69 feet; thence North 07°36'46" West, along the East line of said Lot 4 and its Northerly extension and said City Boundary, a distance of 229.98 feet more or less to the North line of said Southeast 1/4; thence

South 88°37'16" East, along the North line of said Southeast 1/4 and said City Boundary, a distance of 757.46 feet more or less to the Point of Beginning. The lands described above contain 14.715 acres (640,982 square feet) of land more or less.

**Section 2. Effect of Annexation.** From and after the date of adoption of this Ordinance, the property described in Section 1 hereof shall be part of the City of Fond du Lac for any and all purposes provided by law, and all persons coming or residing within such property shall be subject to all ordinances, rules and regulations governing the City of Fond du Lac.

**Section 3. Ward Creation and Designation.** The property described in Section 1 is hereby designated as Ward 16 which is hereby created as an additional ward of the City of Fond du Lac, and the poll location for Ward 16 shall be Fond du Lac High School, 801 Campus Drive, Fond du Lac, Wisconsin, which shall be added to the list of official polling places for the City of Fond du Lac.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force upon its passage as provided by law.

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

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Sue L. Strands, City Clerk

Reviewed DSRH

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

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## **Department of Community Development**

**Date:** June 19, 2013

**To:** Joe Moore, City Manager

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

**Re:** Annexation Petition

We've received an annexation petition for 14.7 acres of land owned by the Halter Estate. Annexation is a process under state law for adding land to cities. The land in question is located along East Johnson Street (see attached aerial photo).

The property is located within a City Growth Area under our Intergovernmental Agreement with the surrounding Towns, meaning that it is intended to be annexed to the City. The land is bordered by lands within the City on three sides already. It is easily served with City water and sewer.

ICAP Development of Milwaukee has contracted to purchase the most easterly portion of the property in order to construct a "national retail pharmacy". The development company will construct Country Lane about 400 feet into the property entirely at its own expense. Country Lane will eventually extend eastward from there in order to serve the larger undeveloped property directly across Johnson Street from Festival Foods. ICAP will also pay part of the cost of a left turn lane on Johnson Street.

There will be at least two other developable sites on the Halter property, one bordering on Country Lane and one at the corner of Prairie and East Johnson Street. We would expect the old house and buildings at the corner to be removed fairly soon after the first land sale.

This is a great opportunity to annex developable land into the City and to also open up future development opportunities nearby. I recommend approval of the proposed annexation. Should you or members of Council have any questions on this matter, please contact me. Thank you.

# ANNEXATION – HALTER



AREA OF ANNEXATION (14.715 ACRES)



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 PM, June 17<sup>th</sup>, 2013 in meeting rooms D & E of the City-County Government Center, 160 South Macy Street, at the request of Richard Halter to zone property being annexed to B-5, Special Commercial District located at:

### ANNEXATION LEGAL DESCRIPTION

For lands located in part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4, Section 12, Town 15 North, Range 17 East, Town of Fond du Lac, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 12;  
thence North 88°37'16" West, along the North line of said Southeast 1/4, a distance of 982.89 feet to the Point of Beginning for this description;  
thence South 00°26'39" East, along the existing City Boundary, a distance of 563.58 feet to the Northeast corner of Certified Survey Map 2663, as recorded in Volume 14, Page 83 of Certified Survey Maps in the Fond du Lac County Register of Deeds Office;  
thence North 88°39'39" West, along the North lines of said Certified Survey Map 2663, unplatted lands recorded in Volume 443, Page 182 and Document 692704, as recorded in Records of said Register of Deeds Office, Certified Survey Map 6779, as recorded in Volume 47, Page 76 and Certified Survey Map 5577, as recorded in Volume 35, Page 71, both recorded in Certified Survey Maps of said Register of Deeds Office, and said City Boundary, a distance of 1669.18 feet to the West line of said Southeast 1/4 and the centerline of Prairie Road;  
thence North 00°23'39" West, along said West line and said City Boundary, a distance of 331.71 feet;  
thence South 88°58'16" East, along the South line of Lot 3 of Certified Survey Map 6790, as recorded in Volume 49, Page 76 of Certified Survey Maps in said Register of Deeds Office, its Westerly extension, and said City Boundary, a distance of 517.42 feet to the Southeast corner of said Lot 3;  
thence South 01°01'44" West, along the West line of Lot 4 of said Certified Survey Map 6790 and said City Boundary, a distance of 200.00 feet to the Southwest corner of said Lot 4;  
thence South 88°58'16" East, along the South line of said Lot 4 and said City Boundary, a distance of 448.63 feet to the Southeast corner of said Lot 4;  
thence North 06°23'16" West, along the East line of said Lot 4 and said City Boundary, a distance of 201.69 feet;  
thence North 07°36'46" West, along the East line of said Lot 4 and its Northerly extension and said City Boundary, a distance of 229.98 feet more or less to the North line of said Southeast 1/4;  
thence South 88°37'16" East, along the North line of said Southeast 1/4 and said City Boundary, a distance of 757.46 feet more or less to the Point of Beginning.

The lands described above contain 14.715 acres (640,982 square feet) of land more or less. End of Description.

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered.

Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this 4<sup>th</sup> day of June, 2013

Sue L. Strands  
City Clerk

Published: June 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup>, 2013

**PETITION FOR DIRECT ANNEXATION**

To: City Council  
City of Fond du Lac, Wisconsin

We, the undersigned electors and/or landowners, pursuant to Chapter 66 of the Wisconsin Statutes, respectfully petition the City of Fond du Lac for direct annexation to the City of Fond du Lac of the following described territory which is presently in the Town of Fond du Lac, Fond du Lac County, Wisconsin.

Legal Description of Territory to be Annexed

See Exhibit B

A scale map of the territory to be annexed is attached hereto and marked Exhibit A.

In support of this petition, the petitioners say to the City Council:

1. The total number of residents in the territory proposed to be annexed is 0.
2. Your petitioners constitute the owners of all of the land in area within such territory, and in assessed value.
3. There is 0 dwelling unit(s) on the property being annexed.
4. The area will be located in the 16 Ward of the City upon annexation.

We, the undersigned, elect that this annexation shall take affect to the full extent consistent with outstanding priorities of other annexations, incorporation or consolidation proceedings, if any.

We, the petitioners herein, do affirm that we have filed a copy of this petition with the Town Clerk of the town in which this territory is located, together with a scale map of such territory and that within five (5) days of the filing of this petition we will mail a copy of said scale map and description of such territory to be annexed to the State of Wisconsin Department of Administration.

We further respectfully request that the subject property be zoned B-5.

**RECEIVED BY CITY CLERK**  
5-31-2013

SIGNATURE

DATE

OWNER

ELECTOR

Richard L. Halth

May 17 2013 X

NAME

1001 WHPPOOR WILLY LN

ADDRESS

Fond du Lac WI 54935

CITY, STATE, ZIP CODE

Jean Kedingen

May 16, 2013 X

NAME

N6555 Townline Rd

ADDRESS

Fond du Lac, WI

CITY, STATE, ZIP CODE

54937

Kathleen A. Hatcher

May 14, 2013 X

NAME

3256 RADIANCE RD

ADDRESS

Louisville, Ky 40220

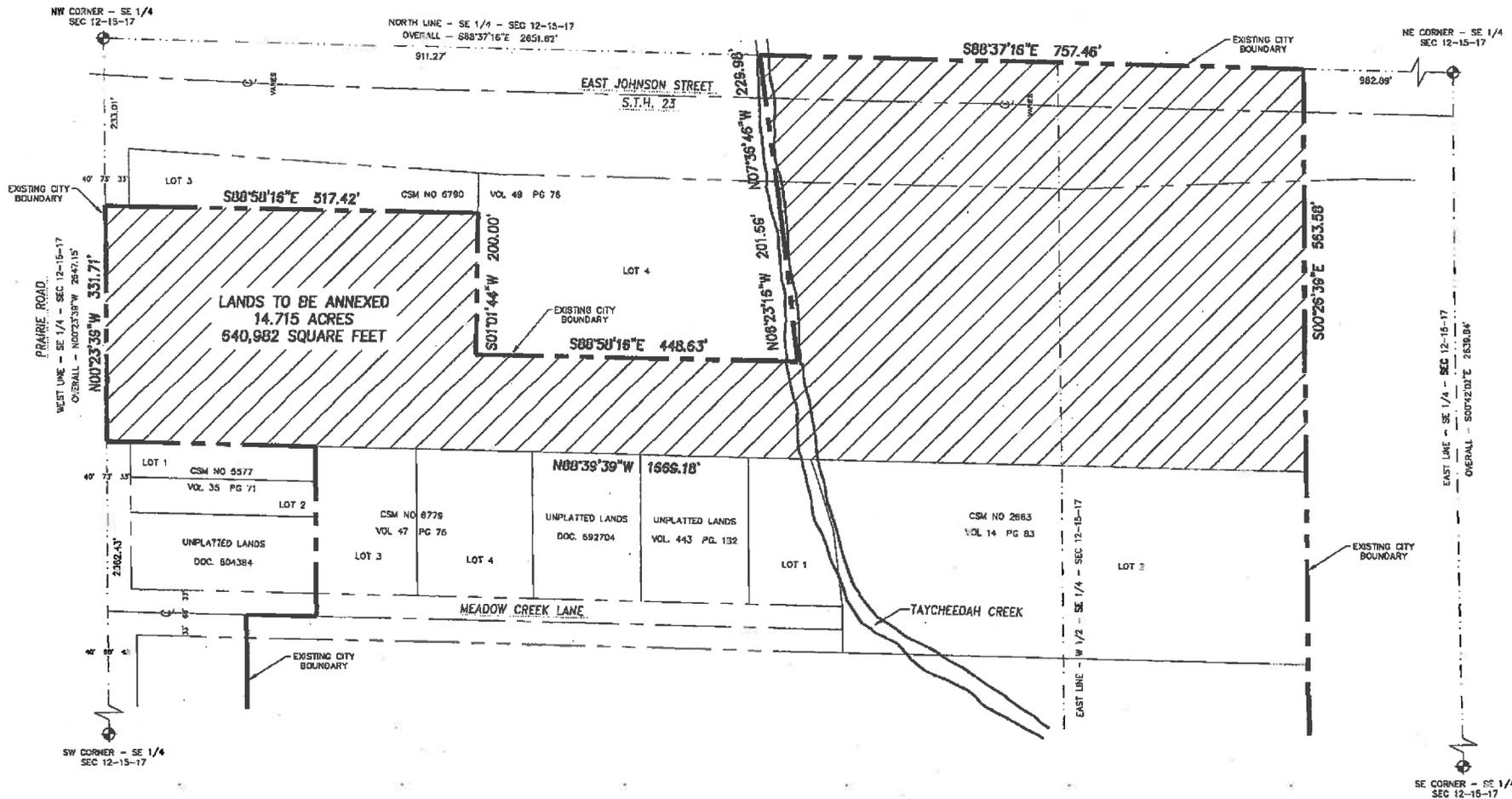
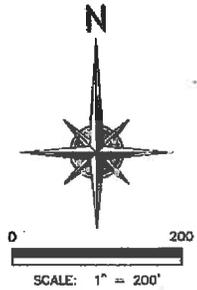
CITY, STATE, ZIP CODE

Jdrive/annex/petition

# EXHIBIT "A"

## ANNEXATION MAP

FOR LANDS LOCATED IN PART OF THE NE 1/4 OF THE SE 1/4  
AND THE NW 1/4 OF THE SE 1/4,  
SECTION 12, TOWN 15 NORTH, RANGE 17 EAST,  
TOWN OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN



## ANNEXATION LEGAL DESCRIPTION

For lands located in part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4, Section 12, Town 15 North, Range 17 East, Town of Fond du Lac, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 12;  
thence North 88°37'16" West, along the North line of said Southeast 1/4, a distance of 982.89 feet to the Point of Beginning for this description;  
thence South 00°26'39" East, along the existing City Boundary, a distance of 563.58 feet to the Northeast corner of Certified Survey Map 2663, as recorded in Volume 14, Page 83 of Certified Survey Maps in the Fond du Lac County Register of Deeds Office;  
thence North 88°39'39" West, along the North lines of said Certified Survey Map 2663, unplatted lands recorded in Volume 443, Page 182 and Document 692704, as recorded in Records of said Register of Deeds Office, Certified Survey Map 6779, as recorded in Volume 47, Page 76 and Certified Survey Map 5577, as recorded in Volume 35, Page 71, both recorded in Certified Survey Maps of said Register of Deeds Office, and said City Boundary, a distance of 1669.18 feet to the West line of said Southeast 1/4 and the centerline of Prairie Road;  
thence North 00°23'39" West, along said West line and said City Boundary, a distance of 331.71 feet;  
thence South 88°58'16" East, along the South line of Lot 3 of Certified Survey Map 6790, as recorded in Volume 49, Page 76 of Certified Survey Maps in said Register of Deeds Office, its Westerly extension, and said City Boundary, a distance of 517.42 feet to the Southeast corner of said Lot 3;  
thence South 01°01'44" West, along the West line of Lot 4 of said Certified Survey Map 6790 and said City Boundary, a distance of 200.00 feet to the Southwest corner of said Lot 4;  
thence South 88°58'16" East, along the South line of said Lot 4 and said City Boundary, a distance of 448.63 feet to the Southeast corner of said Lot 4;  
thence North 06°23'16" West, along the East line of said Lot 4 and said City Boundary, a distance of 201.69 feet;  
thence North 07°36'46" West, along the East line of said Lot 4 and its Northerly extension and said City Boundary, a distance of 229.98 feet more or less to the North line of said Southeast 1/4;  
thence South 88°37'16" East, along the North line of said Southeast 1/4 and said City Boundary, a distance of 757.46 feet more or less to the Point of Beginning.

The lands described above contain 14.715 acres (640,982 square feet) of land more or less.

End of Description.

**RESOLUTION NO. 8413**

**A RESOLUTION APPROVING A CERTIFIED  
SURVEY MAP AND ACCEPTING A PUBLIC DEDICATION**

**WHEREAS**, the attached certified survey map and public dedication has been approved by the Plan Commission with the following conditions:

1. Technical revisions to the certified survey map to meet requirements of the subdivision ordinance shall be completed prior to recordation.
2. The design of the new street, construction sequencing and responsibility for payment of public improvements shall be detailed in a developer's agreement prepared by City staff and accepted by all parties prior to approval of any permits for the development of Lot 1.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that the attached certified survey map and public dedication for Richard Halter with the conditions specified above be approved.

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

---

Sue L. Strands, City Clerk

Reviewed CPW

# PLAN COMMISSION MINUTES

June 17, 2013

5:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## OPENING CEREMONIES

### Attendance

ROLL CALL: Present - Jordan Skiff  
Brent Schumacher  
Paul Smedberg  
David Washkoviak  
Marilyn Zangl  
Stan Ramaker  
Hertha Longo

Absent - David Erickson (excused)  
Lee Ann Lorrigan (excused)

Administrative Staff - Joellyn Dahlin, Principal Planner  
Kolin Erickson, Planning Intern

Chairman Smedberg declared a quorum present.

\* \* \* \* \* Other Business \* \* \* \* \*

### CERTIFIED SURVEY MAP

Effect: Dedicated public right-of-way for a portion of Prairie Road and for the extension of Country Lane south from STH 23

Location: Prairie Road/East Johnson Street

Initiator: Richard Halter

Motion made by Commissioner Skiff to recommend to the City Council acceptance of the public dedication and approval of the Certified Survey map, subject to the following conditions:

1. Technical revisions to the certified survey map to meet requirements of the subdivision ordinance shall be completed prior to recordation.



# CERTIFIED SURVEY MAP – HALTER



AREA OF ANNEXATION (14.715 ACRES)



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

FOR  
**HALTER IRREVOCABLE TRUST FOR THE BENEFIT OF  
 RICHARD & KATHLEEN HALTER, & JEAN KEDINGER**

PART OF THE NE 1/4 OF THE SE 1/4, & THE NW 1/4 OF  
 THE SE 1/4, SECTION 12, T. 15 N.-R. 17 E.,  
 CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN

CERTIFIED SURVEY MAP # \_\_\_\_\_ VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_ SHEET 1 OF 3 SHEETS

**LEGEND**

- IRON PIPE FOUND IN PLACE
- ✂ CUT CROSS FOUND
- 1" X 18" (O.D.) IRON PIPE SET WEIGHING 1.13 LBS. PER LINEAL FOOT
- ▲ REBAR FOUND IN PLACE
- ◻ MAG NAIL FOUND IN PLACE
- ◻ 2" IRON PIPE FOUND IN PLACE
- RECORDED INFORMATION
- ( ) UTILITY EASEMENT



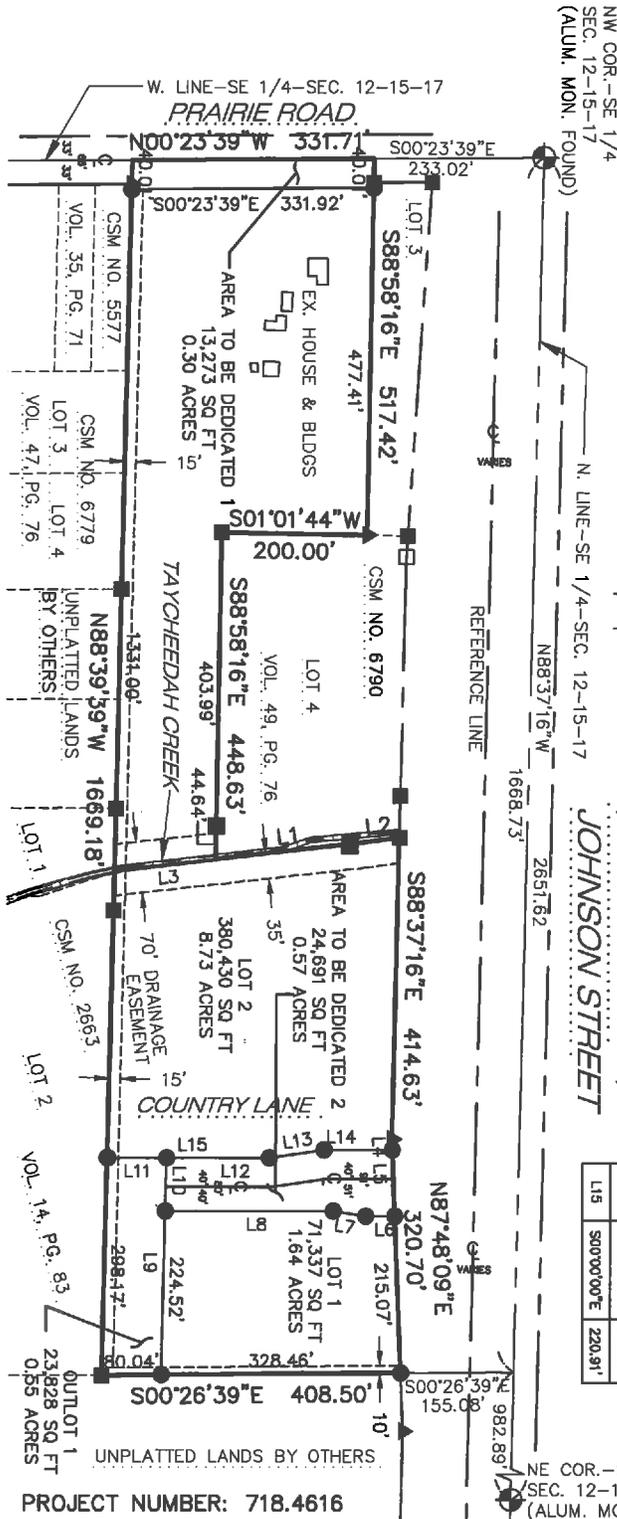
NORTH POINT REFERENCED TO THE N. LINE  
 OF THE SE 1/4, SECTION 12-15-17  
 RECORDED AS S88-37-16 PER FOND  
 DU LAC COUNTY COORDINATE SYSTEM

NOTE: NO ACCESS WILL BE ALLOWED TO JOHNSON  
 STREET FROM LOT 1 OR 2 OTHER THAN VIA COUNTRY  
 LANE

TOTAL AREA  
 513,559 SQ FT  
 11.79 ACRES

(A.K.A. S.T.H. "23")  
**JOHNSON STREET**

Line #	Direction	Length
L1	N06°23'16"W	201.69'
L2	N07°36'46"W	52.80'
L3	S08°23'16"E	138.04'
L4	S07°48'08"W	14.56'
L5	S07°48'08"W	91.07'
L6	S00°00'00"E	40.21'
L7	S08°57'31"W	44.95'
L8	S00°00'00"E	230.34'
L9	S88°39'39"E	297.54'
L10	S88°39'39"E	73.02'
L11	S00°00'00"E	80.02'
L12	S00°00'00"E	140.88'
L13	S08°20'35"E	75.80'
L14	S00°00'00"E	83.88'
L15	S00°00'00"E	220.91'



PROJECT NUMBER: 718.4616

REVISED: JUNE 7, 2013  
 MAY 30, 2013

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

**PART OF THE NE 1/4 OF THE SE 1/4, AND THE NW 1/4 OF THE SE 1/4,  
SECTION 12, T. 15 N.-R. 17 E.,  
CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN**

**SURVEYOR'S CERTIFICATE**

I, Eric R. Otte, Registered Land Surveyor, hereby certify:

That I have surveyed, divided, and mapped a parcel of land described below.

That I have made such Certified Survey by the direction of the Halter Irrevocable Trust for the Benefit of Richard and Kathleen Halter and Jean Keding, bounded and described as follows:

Part of the Northeast 1/4 of the Southeast 1/4, and the Northwest 1/4 of the Southeast 1/4, Section 12, T. 15 N.-R. 17 E., City of Fond du Lac, Fond du Lac County, Wisconsin, and more particularly described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 12; thence North 88°-37'-16" West along the North line of the Southeast 1/4 of said Section 12, 982.89 feet; thence South 00°-26'-39" East, 155.08 feet to the point of beginning; thence continuing South 00°-26'-39" East, 408.50 feet to the Northeast corner of Lot 2, Certified Survey Map No. 2663, recorded in Volume 14, Page 83, Certified Survey Maps, Fond du Lac County Register of Deeds Office; thence North 88°-39'-39" West along the North line of said Lot 2 and its extension Westerly, 1669.18 feet to a point on the West line of the Southeast 1/4 of said Section 12 and the centerline of Prairie Road; thence North 00°-23'-39" West along said West line and said centerline, 331.71 feet; thence South 88°-58'-16" East along the South line of Lot 3, Certified Survey Map No. 6790, recorded in Volume 49, Page 76, Certified Survey Maps, Fond du Lac County Register of Deeds Office and its extension Westerly, 517.42 feet to the Southeast corner of said Lot 3; thence South 01°-01'-44" West along the West line of Lot 4 of said Certified Survey Map No. 6790, 200.00 feet to the Southwest corner of said Lot 4; thence South 88°-58'-16" East along the South line of said Lot 4, 448.63 feet to the Southeast corner of said Lot 4; thence North 06°-23'-16" West along the East line of said Lot 4, 201.69 feet; thence North 07°-36'-46" West along the East line of said Lot 4, 52.80 feet to the Northeast corner of said Lot 4 and to a point on the South right of way line of Johnson Street; thence South 88°-37'-16" East along said South right of way line, 414.63 feet; thence North 87°-48'-09" East along said South right of way line, 320.70 feet to the point of beginning and containing 11.79 acres (513,559 sq. ft.) of land, more or less.

That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and the Subdivision Ordinance of the City of Fond du Lac in surveying, dividing, and mapping the same.

Eric R. Otte, R.L.S No. S-2440  
**J.E. Arthur and Associates, Inc.**  
Fond du Lac, Wisconsin 54935

Dated this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, 2013

Project No. 718.4616  
Field Notes: Volume 139, Page 41

D. T. Hitsman, Field Asst.

**CITY OF FOND DU LAC APPROVAL CERTIFICATE**

Approved in accordance with the Subdivision Ordinance of the City of Fond du Lac this

\_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Paul DeVries, City Engineer

CERTIFIED SURVEY MAP # \_\_\_\_\_

VOLUME \_\_\_\_\_

PAGE \_\_\_\_\_

SHEET 2 OF 4 SHEETS

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

PART OF THE NE 1/4 OF THE SE 1/4, AND THE NW 1/4 OF THE SE 1/4,  
SECTION 12, T. 15 N.-R. 17 E.,  
CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN

**OWNER'S CERTIFICATE OF DEDICATION**

As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

- 1. City of Fond du Lac

WITNESS the hand and seal of said owner this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

In the presence of:

\_\_\_\_\_  
Richard Halter

\_\_\_\_\_  
Kathleen Halter

\_\_\_\_\_  
Jean Keding

STATE OF WISCONSIN)  
FOND DU LAC COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 the above named Richard and Kathleen Halter and Jean Keding to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ Wis.

My Commission Expires: \_\_\_\_\_

**UTILITY EASEMENT PROVISIONS**

An easement for electric, gas, and communication service is hereby granted by Richard and Kathleen Halter, and Jean Keding, Grantor, to Alliant Energies, AT&T, and Charter Communications, the Grantees, their respective successor and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of gas, electricity and electric energy for such purposes as the same is now or may hereafter be used and for sound and signals, all in, over, under, across, along and upon the property shown with those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and or above ground gas, electric facilities, or communication facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heir, successors and assigns of all parties hereto.

CERTIFIED SURVEY MAP # \_\_\_\_\_

VOLUME \_\_\_\_\_

PAGE \_\_\_\_\_

SHEET 3 OF 4 SHEETS

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

PART OF THE NE 1/4 OF THE SE 1/4, AND THE NW 1/4 OF THE SE 1/4,  
SECTION 12, T. 15 N.-R. 17 E.,  
CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN

**PLAN COMMISSION CERTIFICATE**

STATE OF WISCONSIN )  
FOND DU LAC COUNTY) SS

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

FOND DU LAC PLAN COMMISSION

\_\_\_\_\_  
Chairman

**COMMON COUNCIL RESOLUTION**

Resolved, that this Certified Survey Map, in the City of Fond du Lac, Wisconsin, Richard and  
Kathleen Halter and Jean Kedinger, owners, be and the same is hereby approved by the Common Council.

\_\_\_\_\_  
President of the Common Council

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Common Council of the  
City of Fond du Lac, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk

CERTIFIED SURVEY MAP # \_\_\_\_\_

VOLUME \_\_\_\_\_

PAGE \_\_\_\_\_

SHEET 4 OF 4 SHEETS

# plan commission memorandum

**Date:** June 12, 2013  
**To:** Plan Commission  
**From:** Joellyn Dahlin, Principal Planner  
Paul DeVries, City Engineer  
**RE:** Certified Survey Map – Halter

---

The area affected by the certified survey map is 11.79 acres of land on Prairie Road and East Johnson Street. An unused dwelling and miscellaneous out-buildings are located on a portion of the property that fronts on Prairie Road and situated west of Taycheedah Creek. All of the buildings will eventually be removed from the property. Land on the east side of Taycheedah Creek which fronts on East Johnson Street is undeveloped.

The certified survey map will reconfigure existing property area to create two lots and an outlot, and dedicate public right-of-way in two locations. The dedication of right-of-way requires City Council approval.

The certified survey map is a companion to a proposal to zone the property for commercial use. The certified survey map and the zoning upon annexation are separate items for action by the Plan Commission at its June 17<sup>th</sup> meeting.

Lot 1 of the certified survey map is 1.64 acres in size. Lot 1 will accommodate an unnamed commercial use. Lot 2 is 8.73 acres in size and encompasses the area of the existing dwelling and buildings on Prairie Road and extends east across Taycheedah Creek to the future extension of Country Lane. Development plans for Lot 2 have not been formulated.

The certified survey map provides for the dedication of public right-of-way in two locations. Area along the property frontage on Prairie Road will be dedicated to match the area of existing right-of-way for the street. Right-of-way will also be dedicated along the west side of Lot 1 to provide for the extension of Country Lane south from Johnson Street. Outlot 1 is located at

the southerly end of the proposed area of Country Lane and abuts the southerly property line of Lot 1. The purpose of the outlot is to provide for the future extension of Country Lane east to adjacent lands, if deemed necessary. An area of wetlands could constrict the future extension of Country Lane southerly of the planned location.

The certified survey map provides a 70'-wide drainage easement along Taycheedah Creek. The easement covers both sides of the creek within the area of the subject property. The easement will provide access for flood control and maintenance of the creek as well as opportunity for future open space use.

The construction of Country Lane in the near future will provide access for Lot 1. Johnson Street access to Lot 1 will not be permitted. The design of the new street, construction sequencing and responsibility for payment of public improvements will be addressed in construction plans and permit approvals, and also detailed in a developer's agreement. The developer's agreement is an administrative tool to implement details of a site plan for the development of Lot 1.

<b>Recommendation</b>
-----------------------

Community Development and Engineering staff suggests the Plan Commission recommend to the City Council acceptance of the public dedication and approval of the Certified Survey Map, subject to the following conditions:

1. Technical revisions to the certified survey map to meet requirements of the subdivision ordinance shall be completed prior to recordation.
2. The design of the new street, construction sequencing and responsibility for payment of public improvements shall be detailed in a developer's agreement prepared by City staff and accepted by all parties prior to approval of any permits for the development of Lot 1.

**ORDINANCE NO. 3522**

**A ZONING ORDINANCE**

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

**Section 1.** Chapter 11, CITY ZONING, Section 11.03, DISTRICT AND DISTRICT MAPS, of the Revised Zoning Code of the City of Fond du Lac is hereby amended by zoning the following parcel of land in the City of Fond du Lac to B-5 Special Commercial District:

Prairie Road/East Johnson Street as shown on the attached Exhibit A incorporated herein by reference.

**Section 2.** 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 DSRH

# PLAN COMMISSION MINUTES

June 17, 2013  
5:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## OPENING CEREMONIES

### Attendance

ROLL CALL: Present - Jordan Skiff  
Brent Schumacher  
Paul Smedberg  
David Washkoviak  
Marilyn Zangl  
Stan Ramaker  
Hertha Longo

Absent - David Erickson (excused)  
Lee Ann Lorrigan (excused)

Administrative Staff - Joellyn Dahlin, Principal Planner  
Kolin Erickson, Planning Intern

Chairman Smedberg declared a quorum present.

\* \* \* \* \* Other Business \* \* \* \* \*

## PUBLIC HEARING

### ZONING

Effect: Zone annexed property B-5 (Special Commercial)  
Location: Prairie Road/East Johnson Street  
Initiator: Richard Halter

Chairman Smedberg declared the Public Hearing open.

Appeared in Support and to Ask/Answer Questions:  
Brian Adamson, 2016 W St. Paul Ave., Waukesha, WI

With no further appearances being made Chairman Smedberg  
declared the Public Hearing closed.



# ANNEXATION – HALTER



AREA OF ANNEXATION (14.715 ACRES)



**PETITION FOR DIRECT ANNEXATION**

To: City Council  
City of Fond du Lac, Wisconsin

We, the undersigned electors and/or landowners, pursuant to Chapter 66 of the Wisconsin Statutes, respectfully petition the City of Fond du Lac for direct annexation to the City of Fond du Lac of the following described territory which is presently in the Town of Fond du Lac, Fond du Lac County, Wisconsin.

Legal Description of Territory to be Annexed

See Exhibit B

A scale map of the territory to be annexed is attached hereto and marked Exhibit A.

In support of this petition, the petitioners say to the City Council:

1. The total number of residents in the territory proposed to be annexed is 0.
2. Your petitioners constitute the owners of all of the land in area within such territory, and in assessed value.
3. There is 0 dwelling unit(s) on the property being annexed.
4. The area will be located in the 16 Ward of the City upon annexation.

We, the undersigned, elect that this annexation shall take affect to the full extent consistent with outstanding priorities of other annexations, incorporation or consolidation proceedings, if any.

We, the petitioners herein, do affirm that we have filed a copy of this petition with the Town Clerk of the town in which this territory is located, together with a scale map of such territory and that within five (5) days of the filing of this petition we will mail a copy of said scale map and description of such territory to be annexed to the State of Wisconsin Department of Administration.

We further respectfully request that the subject property be zoned B-5.

**RECEIVED BY CITY CLERK**  
5-31-2013

SIGNATURE

DATE

OWNER

ELECTOR

Richard L. Halth  
NAME

May 17 2013 X

1001 WHIPPOORWILL LN  
ADDRESS

Fond du Lac WI 54935  
CITY, STATE, ZIP CODE

Jean Kedingen  
NAME

May 16, 2013 X

N6555 Townline Rd  
ADDRESS

Fond du Lac, WI  
CITY, STATE, ZIP CODE 54937

Kathleen A. Hahn  
NAME

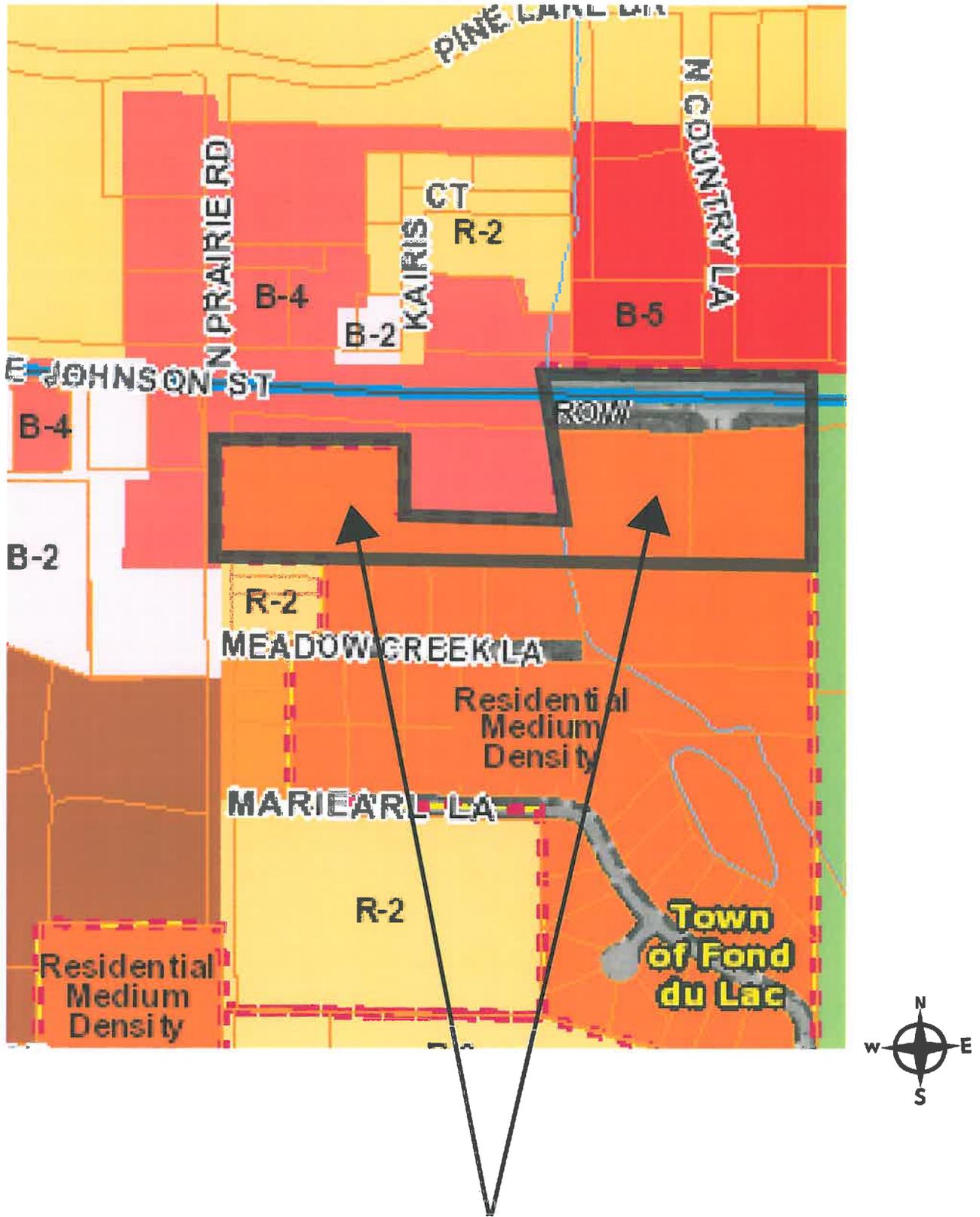
May 14, 2013 X

3256 RADIANCE RD  
ADDRESS

Louisville, Ky 40270  
CITY, STATE, ZIP CODE

Jdrive/annex/petition

# ZONING UPON ANNEXATION – HALTER



AREA TO BE ZONED B – 5 (SPECIAL COMMERCIAL)

# plan commission memorandum

**Date:** June 12, 2013  
**To:** Plan Commission  
**From:** Joellyn Dahlin, Principal Planner  
**RE:** Zoning Upon Annexation – Halter

---

**Location:** Prairie Road/East Johnson Street

**Applicant:** Richard Halter

**Request:** Zone land to be annexed B-5 (Special Commercial)

**Zoning:**

Site:	Residential Medium Density (Town of FDL)
North:	B-4 (Service Commercial) and B-5 (Special Commercial)
South:	R-2 (Single Family Residential) and Residential Medium Density (Town of FDL)
East:	A-T (Agricultural Transition)
West:	B-4

**Land Use:**

Site:	Unused Dwelling /Undeveloped Land
North:	Commercial Development
South:	Single Family Homes & Undeveloped Land
East:	Farmland/Undeveloped Land
West:	Commercial Development

**Comprehensive Plan:** Calls for commercial land use.

## Analysis

The property to be annexed is 14.715 acres of land on Prairie Road and East Johnson Street. The issue of annexation does not fall within the purview of the Plan Commission. The Plan Commission is charged with the task of

determining appropriate zoning for the property. A designation of B-5 (Special Commercial) is proposed upon annexation.

An unused dwelling and miscellaneous out-buildings are located on a portion of the property that fronts on Prairie Road and situated west of Taycheedah Creek. All of the buildings will eventually be removed from the property. Land on the east side of Taycheedah Creek which fronts on East Johnson Street is undeveloped.

The proposed commercial zoning considers the property's location, existing commercial development on East Johnson and on Prairie Road, existing commercial zoning on East Johnson and on Prairie Road, and future development plans of the general area.

A Certified Survey Map to dedicate land for the extension of Country Lane will be reviewed by the Plan Commission at its June 17<sup>th</sup> meeting. Future site development and regulatory issues such as building placement, landscaping, lighting, drainage, stormwater management, on-site parking and access will be addressed by the Site Plan Review Committee in the administrative approval of a site plan for the property. Future site development will be sensitive to residential neighbors to assure land use compatibility.

The proposed zoning designation reflects similar zoning of adjacent properties already in the City and it reflects long term development plans of the Comprehensive Plan.

<b>Recommendation</b>
-----------------------

Community Development staff suggests that the Plan Commission recommend to the City Council a zoning designation of B-5 upon annexation of the subject property.

## PUBLIC NOTIFICATION Zoning Upon Annexation - Halter

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State
FDL-15-17-12-42-251-01	141 N PRAIRIE RD	141 NORTH PRAIRIE RD	FOND DU LAC	WI
FDL-15-17-12-24-752-00	889 E JOHNSON ST	PO BOX 1006	FOND DU LAC	WI
FDL-15-17-12-31-002-00	892 E JOHNSON ST	W7443 WESTBROOK LANE	FOND DU LAC	WI
FDL-15-17-12-42-251-00	137 N PRAIRIE RD	137 PRAIRIE RD	FOND DU LAC	WI
T09-15-17-12-14-003-00	W5051 MEADOW CREEK LA	W5051 MEADOW CREEK LA	FOND DU LAC	WI
T09-15-17-12-14-001-00	N6675 PRAIRIE RD	1001 WHIPPOORWILL LA	FOND DU LAC	WI
T09-15-17-12-14-004-00	W5043 MEADOW CREEK LA	W5043 MEADOW CREEK LA	FOND DU LAC	WI
FDL-15-17-12-13-504-00	919 E JOHNSON ST	PO BOX 789	FOND DU LAC	WI
T09-15-17-12-14-002-01		W5061 MEADOW CREEK LANE	FOND DU LAC	WI
T09-15-17-12-14-002-02	W5061 MEADOW CREEK LA	W5061 MEADOW CREEK LANE	FOND DU LAC	WI
FDL-15-17-12-31-001-00	170 N PRAIRIE RD	170 NORTH PRAIRIE RD	FOND DU LAC	WI
FDL-15-17-12-13-505-00	929 E JOHNSON ST	18 JEWELERS PARK DR STE 100	NEENAH	WI
FDL-15-17-12-13-505-01	949 E JOHNSON ST	W7473 WESTBROOK LN	FOND DU LAC	WI