

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

August 14, 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. Recognition Of Service To The City
- B. Proclamation Celebrating The 10 Year Anniversary Of Ruby's Pantry

**4. PUBLIC HEARINGS**

CONSENT AGENDA

5. **CONSENT AGENDA**

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

**A. APPROVAL OF MINUTES**

July 24, 2013 Regular City Council Meeting

July 24, 2013 Closed Session

**B. REPORTS OF OFFICERS**

**C. RESOLUTIONS**

REGULAR AGENDA

6. **AUDIENCE COMMENTS**

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

7. **PUBLIC COMMENT**

8. **ORAL PRESENTATIONS**

Tom Karman, Vice President, Schenck SC; Presentation Of Comprehensive Annual Financial Report (CAFR)

9. **REPORTS OF OFFICERS**

A. Director Of Administration, Dated August 7, 2013  
Subject: List Of Claims - Items Paid By The City

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

B. City Manager  
Subject: Parliamentary Procedure For Filling Council Positions

(Proposed Action: 1. Decide Whether To Fill The Vacant Position  
2. Approve Process To Fill Vacancy)

C. City Council  
Subject: Discuss Boards And Commission Assignments For Vacancies On The FDL County Hazardous Materials Executive Team, Alcohol Licensing Committee, Historic Preservation Commission, City-County Building Board, And SRO Advisory Board

D. City Manager  
Subject: Fire Pit Hours

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

10. **REPORTS OF COMMITTEES**

Introduction City Engineer  
Subject: Request To Connect West Second Street to South Brooke Street)

(Initiators: Terrance Kraus, FastBytes Wireless, Inc.)  
Andrea Montgomery, Micro Magic, Inc.)

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

11. **PETITIONS OR COMMUNICATIONS**

**12. RESOLUTIONS**

A. Introduction Community Development Director

Resolution No. 8417

Subject: Resolution Authorizing City Of Fond du Lac,  
Fond du Lac County, Wisconsin, Industrial  
Development Revenue Bonds (Thelma Sadoff Center For  
The Arts, Inc. Project) Windhover 2013 Bonds (The "Bonds")

(Effect: Authorize Industrial Revenue Bond Borrowing Of  
\$4,500,000)

(Initiator: Fond du Lac Arts Council

**13. ORDINANCES**

A. Introduction City Attorney/Human Resources Director

Ordinance No. 3523

Subject: An Ordinance Amending Chapters 12.02 And 12.03 Of The Code  
Of Ordinances Of The City Of Fond du Lac, Wisconsin,  
Relating To Licenses And Alcoholic Beverage Licensing

(Effect: Amend Chapters 12.02 And 12.03 Of The Code Of Ordinances  
Relating To Licenses And Alcoholic Beverage Licensing)

(Initiator: City Attorney)

(Alcohol Licensing Committee: **Approve**)

B. Introduction City Engineer

Ordinance No. 3524

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Request To Restrict Parking Limited Time Parking In  
Accordance With Code Of Ordinances Section 7.05 (5) And  
Schedule J (b) 30 Minutes, Between 9 A.M. To 7:00 P.M.,  
Monday Through Sunday)

(Location: **E. McWilliams Street**, South Side, From The East  
Right-of-Way Of North Main Street, East 70')

(Initiator: Tom Hardell, Tom's Gun Shop, 355 N. Main Street)

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

C. Introduction City Engineer

Ordinance No. 3525

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Request To Revise Parking, Stopping, Or Standing Prohibited From 7:30 A.M. To 4:30 P.M. School Days In Accordance With Code Of Ordinances Section 7.05 (3) And Schedule G To 7:45 A.M. to 8:45 A.M. And From 2:45 P.M. To 4:00 P.M. On School Days)

(Location: **Fourteenth Street**, Both Sides, From The East Back Of Walk To Vine Street, To 40' East, And From The West Back Of Walk Of Vine Street, To West 40')  
**Vine Street**, Both Sides, From The North Back Of Walk Of Fourteenth Street, To 40' North, And From The South Back Of Walk Of Fourteenth Street, to 40' South)

(Initiator: Laura DeGolier, 289 Fourteenth Street

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

D. Introduction City Engineer

Ordinance No. 3526

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Revise The School Safety Zone In Accordance With Code Of Ordinances Section 7.05 (13)

(Location: **Walker Street**, West Side From A Point 200 Feet From The South Right-of-Way Of Military Road, South 100')

(Effect: Add Bus Loading Zone In Accordance With Code Of Ordinances Section 7.05 (4) And Schedule I)

(Location: **Walker Street**, West Side, From A Point 300 Feet From The South Right-of-Way Of Military Road, South 200 Feet)

(Initiator: Marian Sheridan, Safety And Health Coordinator, Fond du Lac School District)

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

E. Introduction City Engineer

Ordinance No. 3527

Subject: An Ordinance Amending Chapter 7, Traffic Code

(Effect: Request To Remove Bus Loading Zone In Accordance With Code Of Ordinances Section 7.05 (4) And Schedule I)

(Location: **Ann Street**, East Side, From The South Right-of-Way Of Military Road, South 200 Feet)

(Effect: Request To Remove Parking Prohibited At Specific Times From 7:30 A.M. to 4:30 P.M. On School Days In Accordance With The Code Of Ordinances Section 7.05 (2) And Schedule F)

(Location: **Ann Street**, On The Side Of Franklin School)

(Initiator: Marian Sheridan, Safety And Health Coordinator, Fond du Lac School District)

(Advisory Parking & Traffic Board 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.

And

Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

And

Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

The subjects of the closed session are:

**Inter-Governmental Agreement  
And  
Economic Development Opportunity  
And  
Specific Employee Succession Planning**

The subjects are exempt under Wisconsin Statutes Section 19.85(1)(c)(e)(g).

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.



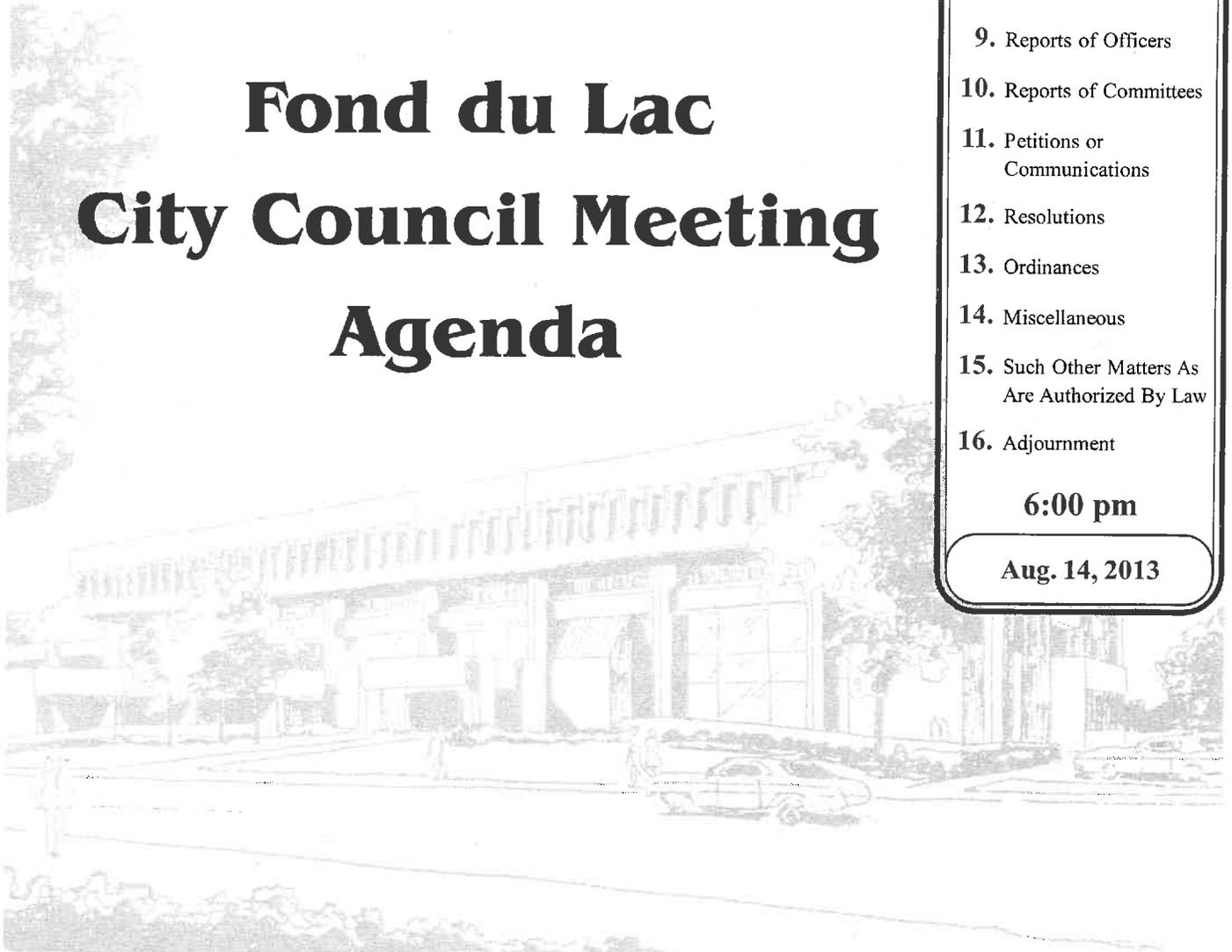
# Fond du Lac City Council Meeting Agenda

## 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**

**Aug. 14, 2013**



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

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

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

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

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

A. When Motion To Adjourn Is Pending

B. When Motion To Recess Is Pending

C. Point Of Privilege Is Pending

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

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

July 24, 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  
Tracy Salter, Dpty Comptroller/  
Treasurer  
Deb Hoffmann, City Attorney  
Chad Wade, Assistant City Attorney  
Jordan Skiff, Dir of Public Works  
Kathy Scharf, Water Operations Mgr  
Jon Mark Bolthouse, Library Dir  
Bill Lamb, Police Chief  
Steve Thiry, Asst. Police Chief of  
Administrations  
Peter O'Leary, Fire Chief

Council President Meyer declared a quorum present.

**PLEDGE OF ALLEGIANCE AND REFLECTION**

Pledge of Allegiance was recited.

A moment of silent was observed.

**CITY COUNCIL MINUTES**

July 24, 2013

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**COUNCIL PRESIDENT PRESENTATIONS**

President Meyer presented a proclamation to Frank Jozefowski recognizing Festival Foods for funding the City of Fond du Lac fireworks.

**PUBLIC HEARINGS**

Industrial Development Revenue Bond Financing Fond du Lac Arts Council, Inc.

President Meyer declared the Public Hearing open. With no appearances being made President Meyer declared the Public Hearing closed.

**CONSENT AGENDA**

**CONSENT AGENDA**

(A motion adopting the consent agenda finalizes the proposed action cited for the matter)

**APPROVAL OF MINUTES**

July 10, 2013 Regular City Council Meeting

Motion made by Councilperson Vande Zande to **approve** the Consent Agenda.

Seconded by Manning.

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

Nay - None

Carried.

**REGULAR AGENDA**

**PUBLIC COMMENT**

The Presiding Officer May Read The Citizen Comment Sheet Out Loud.

Citizens Name: Christina Umbreit & Logan Umbreit  
Citizens Address: 820 Keshena Ct., Fond du Lac

Expressed what a positive experience the BMX - Adelaide Park is for the family.

**CITY COUNCIL MINUTES**

July 24, 2013

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**REPORTS OF OFFICERS**

Director of Administration, Dated July 17, 2013  
Subject: List of Claims - Item Paid By The City

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

Motion made by Councilperson Lorrigan to **approve** the List of Claims dated July 17, 2013.

Seconded by Councilperson Miller.

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

Nay - None

Carried.

City Manager, Dated July 18, 2013  
Subject: Budget Update

City Clerk, Dated July 18, 2013  
Subject: Permit To Sell Fermented Malt Beverages On Park  
Property

Name: Fond du Lac County Labor Council  
Event: Labor Day Picnic  
Location: Lakeside Park Oven Island West Shelter  
Date: September 2, 2013

(Proposed Action: **Approve**)

Motion made by Councilperson Vande Zande to **approve** the permit to sell fermented malt beverages on park property for the Fond du Lac County Labor Council's picnic at Oven Island in Lakeside Park on September 2, 2013.

Seconded by Councilperson Lorrigan.

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

Nay - None

Carried.

Director Of Public Works, Dated July 18, 2013  
Subject: Authorize Purchase Of Property For Well Site

(Proposed Action: **Approve**)



**CITY COUNCIL MINUTES**

July 24, 2013

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

Carried.

Introduction Public Works Director

**Resolution No. 8416**

Subject:    A Resolution In Support Of A Department Of  
                 Transportation Plan To Erect A Park And Ride At The  
                 Intersection Of Hwy 151 And County V And Agreement To  
                 Maintain Same Fond du Lac, Wisconsin

(Effect:    Recommend Approval Of A Plan To Erect A Park And Ride  
                 At The Intersection Of Hwy 151 And County V)

(Initiator:    Public Works Director)

(File No. 2013-086

Motion made by Councilperson Vande Zande to **approve**  
Resolution No. 8416.

Seconded by Councilperson Lorrigan.

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

Nay - None

Carried.

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

At this time, Councilperson Vande Zande announced his  
resignation as City Council member.

**ADJOURN TO CLOSED SESSION**

The chair will entertain a motion to convene in closed session at  
the request of the city manager for the purpose of:

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

The subject of the Closed Session is:

**Labor Negotiations**

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



# *CITY OF FOND DU LAC - Memorandum*

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## **Department of Administration**

**To:** City Council

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

**Date:** August 8, 2013

**Subject:** 2012 Comprehensive Annual Financial Report and Audit

Included with the agenda for the August 14, 2013 City Council meeting is your copy of the City's Comprehensive Annual Financial Report (CAFR) with Single Audit for the year ended December 31, 2012. The 2012 Comprehensive Annual Financial Report has been placed on the August 14, 2013 City Council agenda under reports of officers from the Director of Administration.

The City's Comprehensive Annual Financial Report provides a wealth of information regarding the City's financial position and results of operations as measured by the financial activity of its various funds for the year ended December 31, 2012. The financial information is presented in both summary and detailed forms as well as various narrative explanations. I encourage you to review the report and familiarize yourself with the City's financial operations. You may find the letter of transmittal and the Management's Discussion and Analysis sections to be very helpful. I welcome any questions you may have regarding the CAFR, and I am available to meet with any Council member who would like further explanations or a greater understanding of the City's financial report.

The City's Comprehensive Annual Financial Report is presented in a spirit of openness and full disclosure. All disclosures necessary to enable the reader to gain maximum understanding of the City's financial affairs have been included. In addition to providing each City Council member with a copy of the report, copies are widely available for the public and all to see. The public may review the City's 2012 Comprehensive Annual Financial Report at the Fond du Lac Public Library, the City Clerk's office or on the City's website at [www.fdl.wi.gov](http://www.fdl.wi.gov). The report is also published and available nationally with the Municipal Securities Rulemaking Board through the Electronic Market Access (EMMA) System at [www.emma.msrb.org](http://www.emma.msrb.org).

The City's 2012 Financial Report was audited by Schenck, SC, Certified Public Accountants. Schenck issued an unqualified ("clean") opinion on the City of Fond du Lac's financial statements for the year ended December 31, 2012.

Thomas Karman, CPA, Vice President of Schenck will also attend the August 14, 2013 City Council meeting to give a brief presentation and answer questions you may have regarding his firm's audit of the City's 2012 financial statements.

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

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**Department of Administration**

**Date:** August 7, 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 July 13, 2013 through August 8, 2013 for all funds total \$1,742,960.95. 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

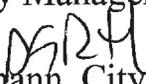
# ***CITY OF FOND DU LAC - Memorandum***

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**City Attorney/Human Resources Department**

**Date:** August 8, 2012

**To:** Joe Moore, City Manager

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

**Re:** Process to be used to fill the Vacancy on the Common Council

The Council must decide how to handle the current vacancy. This memo will provide the law that governs filling a vacancy, recommend a process for the Council to use and address some procedural issues arising from the filling of a vacancy.

The Wisconsin State Code makes some provision for filling vacancies in municipal offices. Our City Code has adopted this section by reference.

## **17.23. Vacancies in city offices; how filled**

(1) General and special charter cities. Vacancies in offices of cities operating under the general law or special charter shall be filled as follows:

(a) In cities of the 2nd, 3rd, or 4th class, in the office of mayor, except as provided in s. 9.10, by appointment by the common council for the residue of the unexpired term unless a special election is ordered by the common council, in which case the person appointed shall serve until his or her successor is elected and qualified. In the office of alderperson, by the common council, except as provided in s. 9.10. A person so appointed shall hold office until a successor is elected and qualified. Unless otherwise ordered by the common council, a successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday in April and before that day, then the successor shall be elected on the first Tuesday in April of the next ensuing year. The common council may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill a vacancy to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

August 8, 2013

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Section 17.23, Wis. Stats., does not set forth the specific process that must be followed. The League of Wisconsin Municipalities has provided this guidance on vacancies:

### **Method of Appointment**

Questions often arise concerning the method that a governing body must employ when appointing a person to fill a vacancy on the governing body. Although the statutes provide that vacancies on common councils and village boards can be filled by appointment by the governing bodies of the city or village, the statutes do not set forth a procedure by which the appointments must be made. Since no method of appointment is prescribed by statute, municipal governing bodies may determine their own procedure for nominating candidates and selecting a person to fill the vacancy.

### **Options**

As a result, the Council has three options.

1. Post an announcement, collect applications and have interviews, like filling a job opening.
2. Hold a Special Election.
3. Nominate someone and then vote to see if they are approved.

### **Pros and Cons**

Option 1 – The main advantages of Option 1 are that it opens up the process to the largest group of eligible citizens, and it is the easiest method administratively. This is also a familiar process to many people and is generally recognized as a valid method for finding good candidates. The Fond du Lac School District has used this method to fill vacancies on the school board. One disadvantage to this method is that the appointed member has not been elected by the citizens of Fond du Lac. It also means that if the member seeks election at the end of the term they do so as an incumbent even though they have never actually been through the election process.

Option 2 – The advantage of Option 2 is that the member is actually selected by the citizens of Fond du Lac in a traditional sense. However, there are significant costs involved in holding a special election when there are no other elections occurring. Further, Option 2 would cause fairly significant time delays in filling the vacancy.

Option 3 – Option 3 is very similar to Option 1 in that the Council appoint the new member. However, Option 3 is more restrictive because interested citizens would have to seek nomination from current Council members. Further, in order to comply with the open meeting requirements and give the public a chance to provide their input, you'd

August 8, 2013

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need to nominate people at one meeting, and vote on the nominations at a subsequent meeting. As a result, this process would be somewhat limiting, and less open to the general public.

### **Recommendation**

The City Attorney's office recommends Option 1. This is a generally accepted and cost effective method for filling vacancies.

### **Procedural Issues**

The Attorney General has opined that votes on a vacancy are to be done by open ballot.

The Open Meeting Law, 19.81 et seq. St.1975, § , mandates that a common council fill a vacancy on the council resulting from resignation by open rather than secret balloting. Op.Atty.Gen., July 30, 1976.

A related question concerns the number of votes necessary to fill a vacancy on the governing body. For village boards, sec. 17.24 specifies that vacancies in elective village offices may be filled by appointment by a majority of the members of the board. The statutes are silent with respect to the number of votes necessary to fill a vacancy on the common council. Section 17.23 merely provides that vacancies on the council shall be filled by appointment by the council.

The common law rule in Wisconsin is that in the absence of a statute, ordinance, or rule requiring the vote of a majority or greater number of the members of a governing body, a majority of a quorum is sufficient to elect.

Finally, when a person is elected to fill a vacancy on the governing body, the appointment is complete once the result of a sufficient vote is ascertained and announced, and no resolution declaring that person to be appointed is necessary. In addition, the weight of authority seems to be that once a governing body has appointed a person to fill a vacancy in a municipal office, the governing body cannot rescind its vote or reconsider its action and elect another person.

# ADVISORY PARKING & TRAFFIC BOARD MINUTES

July 18, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

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

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

## REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated July 3, 2013  
Subject: Request to connect W. Second Street to S. Brooke  
Street.

Effect: Connect W. Second Street to S. Brooke Street.  
Location: Intersection of W. Second St., and S. Brooke St.  
Initiators: Terrance Kraus, FastBytes Wireless, Inc., 135 S.  
Brooke Street  
Andrea Montgomery, Micro Magic, Inc., 135 S.  
Brooke Street

### Appeared in Support:

Terrance Kraus, 135 S. Brooke St., Fond du Lac, appeared as  
petitioner in support and to ask/answer questions.

Chairman Bonlander read into record a letter of opposition  
by Catherine Ziegelbauer, 136 S Brooke St., Fond du Lac.



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

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Engineering and Traffic Division

**Date:** July 12, 2013

**To:** Advisory Parking and Traffic Board

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

**Re:** Request to connect W. Second Street to S. Brooke Street.

This request is to connect West Second Street to South Brooke Street and is shown on Exhibit B.

Mr. Terrance Kraus and Ms. Andrea Montgomery, of 135 S. Brooke Street, initiated this request. The requestors both operate businesses at this address and indicate that vehicles drive through their private parking lot between S. Brooke Street and W. Second Street.

The history of West Second Street was researched and according to the information located by Engineering, the connection of W. Second Street to Brooke Street closed in 1976 or shortly thereafter. The City's historic aerial photo from 1974 indicates a connection was present. It appears that both W. Second Street and Ruggles Street (just to south) closed during the 1976 +/- reconstruction of S. Brooke Street. The City is unable to determine if this action was taken on behalf of the City or direction from the railroad. Until 1995, the railroad tracks were active along S. Brooke Street.

Input was sought from both the Police and Fire Departments. In general, a dead end street limits access for emergency services and both Departments would support the reopening of the street. Both Departments may provide additional information either at the APTB or Council meetings as appropriate.

From an Engineering and Traffic perspective, the reopening of West Second Street does not appear necessary. Here are a few highlights:

- Traffic in the area is limited to localized residents, the initiator's business, and an adjacent church.
- The traffic counts on W. Second Street averaged 300 vehicles per day, which is a low volume.

- If the street were opened, there likely would be an increase of traffic on W. Second Street. This would add another conflict point to the Brooke Street trail and although the intersection with S. Brooke Street would have adequate vision triangles, the intersection with Military Road does have some limitations looking north from W. Second Street.
- The initial cost estimate is \$25,000 and currently no funding is available. City Council would have to review and approve funding in an upcoming Capital Improvement Plan (CIP).

In conclusion, with access to Military Road and Forest Avenue reasonably close, this opening does not appear necessary. A possible solution for the businesses is to close one of their driveways and add some signage.

The Engineering and Traffic Division does not support this request.

# Exhibit B July 18, 2013

Advisory Parking & Traffic Board

**REQUEST TO CONNECT  
SECOND ST. TO BROOKE ST.**

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

N  
1 in = 0.05 miles  
1 inch = 269 feet

Printing Date: 7/3/2013  
Prepared by:  
City of Fond du Lac  
Engineering Division  
Mapped Template By: A. Dorn



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

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

March 20, 2013

Re: Proposed One Way Alley

To Whom It May Concern:

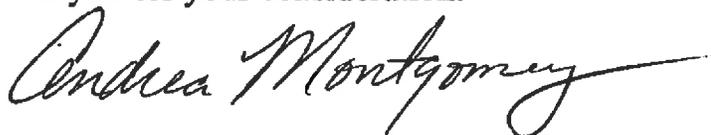
We request that you reconnect 2<sup>nd</sup> Street to Brooke St. Your proposed changes to make the alley one way guarantees an increase in through traffic traversing our parking lot.

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

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

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

Thank-you for your consideration.

A handwritten signature in black ink that reads "Andrea Montgomery". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

***FastBytes Wireless, Inc.***

135 S. Brooke St.

Fond du Lac, WI 54935

920 924-6820

March 20, 2013

Re: Proposed One Way Alley

To Whom It May Concern:

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

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

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

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

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

Thank-you for your consideration.

*Terence McKeown*

## Hefter, Margaret

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**From:** Catherine Ziegelbauer <zieghvac@att.net>  
**Sent:** Wednesday, July 17, 2013 9:14 AM  
**To:** Hefter, Margaret  
**Subject:** Advisory Parking & Traffic Board

RE: Request to connect W. Second Street with Brooke St.

We own and occupy the building located at 136 S. Brooke - Ziegelbauer HVAC Inc. . This is directly across from FastBytes/Micro Magic.

We only have access to street parking - 4 parking spaces on the east side of Brooke St. and 2 parking spaces on the west side of Brooke St.

We have 6 full time employees that need to park on the street.

We also have customers that need to park on the street.

By extending Second Street to Brooke Street, we will lose at least 2 parking spaces.

The lot just to the north of our building is owned by Chis Hughs, he is building a plumbing shop on the site in the near future. He will need to use the parking spaces in the front of his lot.

We can not park on the north side of our building. This alley way needs to be open for emergency access to the back of our property and Chis Hughs property.

The building to the south of ours is occupied by Wesley Heating and Re-Store. They have a parking lot, that is often full and their customers will park in front of our building.

Is it possible for FastBytes/Mico Magic to install a chain from their building to the adjacent property to the south to stop the access from Brooke Street.

Their customers would be able to access their parking lot from Second Street.

Their customer entrance is on Second Street.

Sincerely,  
Cathy Ziegelbauer

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-21-038-00	W4060 ASPEN COURT	FOND DU LAC	WI	54935	110 S BROOKE ST
FDL-15-17-15-21-011-00	143 W 2ND ST	FOND DU LAC	WI	54935	143 W 2ND ST
FDL-15-17-15-21-049-00	158 S MILITARY RD	FOND DU LAC	WI	54935	174 W 2ND ST
FDL-15-17-15-21-055-00	158 S MILITARY RD	FOND DU LAC	WI	54935	138 W 2ND ST
FDL-15-17-15-21-058-00	158 S MILITARY RD	FOND DU LAC	WI	54935	158 S MILITARY RD
FDL-15-17-15-21-010-00	139 W 2ND ST	FOND DU LAC	WI	54935	139 W 2ND ST
FDL-15-17-15-21-036-00	105 S BROOKE ST	FOND DU LAC	WI	54935	105 S BROOKE ST
FDL-15-17-15-21-035-00	101 WINNEBAGO STREET	N FOND DU LAC	WI	54937	177 W 2ND ST
FDL-15-17-15-21-048-00	135 S BROOKE ST	FOND DU LAC	WI	54935	135 S BROOKE ST
FDL-15-17-15-21-012-00	157 3RD ST	FOND DU LAC	WI	54935	147 W 2ND ST
FDL-15-17-15-21-063-00	1571 SLEEPY HOLLOW CT	GREEN BAY	WI	54311	160 S BROOKE ST
FDL-15-17-15-21-013-00	PO BOX 78	BUTTE DES MORTS	WI	54927	149 W 2ND ST
FDL-15-17-15-21-034-00	475 W SCOTT ST	FOND DU LAC	WI	54935	126 HARRISON PL
FDL-15-17-15-21-046-00	136 S BROOKE ST	FOND DU LAC	WI	54935	136 S BROOKE ST
FDL-15-17-15-21-009-00	471 MORRIS ST	FOND DU LAC	WI	54935	124 S MILITARY RD

RESOLUTION No. 8417

RESOLUTION AUTHORIZING CITY OF FOND DU LAC,  
FOND DU LAC COUNTY, WISCONSIN,  
INDUSTRIAL DEVELOPMENT REVENUE BONDS  
(THELMA SADOFF CENTER FOR THE ARTS, INC. PROJECT)  
WINDHOVER 2013 BONDS (THE "BONDS")

WHEREAS, in a resolution adopted June 12, 2013, by the City Council of the City of Fond du Lac, Fond du Lac County, Wisconsin (sometimes herein called the "City" or "Issuer"), the Issuer expressed its intent, and authorized and directed its officers, to work toward the consummation of a financing agreement with the Thelma Sadoff Center for the Arts, Inc. (f/k/a Fond du Lac Arts Council Inc.) as the Eligible Participant, pursuant to which the City would issue its industrial development revenue bonds pursuant to Section 66.1103, Wisconsin Statutes, as amended (the "Act"), in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) for the purpose of financing costs related to the acquisition, construction, improvement, and equipping of a center for the arts which constitutes a recreational facility under Wis. Stat. 66.1103(2)(k) 11 in the City for the benefit of the Eligible Participant; and

WHEREAS, in reliance upon such resolution, the Eligible Participant has commenced such acquisition, construction, improvement, and equipping and the payment of related costs, has entered into negotiations with the initial purchaser (the "Purchaser") for purchase of the Bonds to be so issued, and has caused to be prepared and herewith submitted to this City Council forms of the following documents:

(a) Mortgage, Loan and Revenue Agreement between the Issuer and the Eligible Participant pursuant to which the Issuer agrees to loan the proceeds of the Bonds to the Eligible Participant to finance the Project and related costs, together with the Eligible Participant's Note containing its promise to repay such loan with interest as set forth therein referred to herein as the "Mortgage, Loan and Revenue Agreement" and "Note", respectively; and

(b) Indenture of Trust between the Issuer and National Exchange Bank & Trust, Fond du Lac, Wisconsin, as Servicer, referred to herein as the "Indenture"; and

(c) Project Financing Agreement among the Issuer, the Eligible Participant and the National Exchange Bank & Trust, as the Purchaser, referred to as the "Project Financing Agreement";

WHEREAS, the issuance of the Bonds by the Issuer, the creation of a security interest in the Pledged Property, as defined in the Mortgage, Loan and Revenue Agreement, and the pledge of the Mortgage, Loan and Revenue Agreement and its revenues to the Servicer under the Indenture, as herein recited and provided, in the judgment of this City Council, will serve the intended accomplishments and in all respects conform to the provisions and requirements of the Act; and

WHEREAS, the Eligible Participant has made representations to the Issuer (to be supported by appropriate documentation) that the estimated cost of acquisition, construction, improvement and equipping of the Project, together with related costs, is an amount which will be at least Four Million Five Hundred Thousand Dollars (\$4,500,000) and that the average weighted useful life of the Project is generally estimated to be at least twenty-five (25) years; and

WHEREAS, the Eligible Participant represents and agrees that it will enter into the Mortgage, Loan and Revenue Agreement with respect to the Project as described above, issue the Note, pay all expenses with respect thereto, and comply with all the terms and provisions of the Note and Mortgage, Loan and Revenue Agreement so that full debt service will be provided in order to meet payments of principal of and interest on the Bonds and the Eligible Participant agrees that its representations have been expressly relied upon by the Issuer in the adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOND DU LAC, WISCONSIN THAT:

1. Definitions. The terms "Windhover 2013 Bonds," "Bondholder," "Pledged Property," "Project," "Project Fund," and "Servicer" shall have the same meanings as defined in the Indenture. The term "Bonds" when used herein shall refer to the Windhover 2013 Bonds, unless the context otherwise requires.

2. Determination. This City Council hereby finds and determines that:

(a) the estimated cost of the Project as more particularly defined in the Indenture including all costs in connection therewith permitted to be financed with the Bonds under the Act is at least Four Million Five Hundred Thousand Dollars (\$4,500,000);

(b) the average weighted useful life of the Project is generally not less than twenty-five (25) years;

(c) the loan payments to be made in each year as specified in Section 3.8 of the Mortgage, Loan and Revenue Agreement are sufficient to pay the principal of and interest on the Bonds; and

(d) no reserve fund need be established in connection with the retirement of the Bonds or maintenance of the Project or the Pledged Property;

(e) the Project qualifies to be financed with Industrial Development Revenue Bonds pursuant to Wisconsin Statute 66.1103(2)(k)11.

3. Issue of Windhover 2013 Bonds. The Issuer shall issue its Bonds in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000) for the purpose of financing the Project. The Bonds shall be sold to the Purchaser in accordance with the terms and conditions set forth in the Project Financing Agreement. The Bonds shall be issued pursuant to the Act, shall be designated, dated, in the form, and have the maturities and bear interest as provided in the Indenture. All details pertaining to the Bonds as provided in the Indenture are hereby adopted as and for the details approved by this Issuer. THE BONDS SHALL NOT BE A GENERAL OBLIGATION OR INDEBTEDNESS OF THE ISSUER WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND SHALL NOT CONSTITUTE NOR GIVE RISE TO A PECUNIARY LIABILITY OF THE ISSUER OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS, BUT SHALL BE PAYABLE SOLELY FROM THE PAYMENTS AND OTHER REVENUES THAT MAY BE AVAILABLE THEREFOR FROM THE MORTGAGE, LOAN AND REVENUE AGREEMENT AND NOTE OR IN THE EVENT OF DEFAULT THEREON AS OTHERWISE PROVIDED HEREIN OR IN THE INDENTURE AND PERMITTED BY LAW, AND IN NO EVENT SHALL THE BONDS OR THE INTEREST THEREON OR ANY OTHER COSTS OR EXPENSES IN CONNECTION THEREWITH OR WITH THE PROJECT EVER BE PAYABLE FROM ANY FUNDS OF THE ISSUER OTHER THAN THE PAYMENTS AND OTHER REVENUES TO BE RECEIVED BY THE ISSUER UNDER THE MORTGAGE, LOAN AND REVENUE AGREEMENT AND NOTE. The payments when paid by the Eligible Participant, pursuant to the Mortgage, Loan and Revenue Agreement and Note, shall be paid directly to the Servicer for the account of the Issuer so long as any of the Bonds shall be outstanding and unpaid. The Bonds shall be executed on behalf of the Issuer by its City Council President and its Clerk or their authorized deputies in their absence and shall have its corporate seal impressed or imprinted thereon.

4. Approval and Execution of Documents. Subject to such changes or revisions therein as Nelson & Schmeling as Bond Counsel ("Bond Counsel") or Counsel for the Issuer may approve, the Indenture, Note, Mortgage, Loan and Revenue Agreement, and Project Financing Agreement, in substantially their respective forms presented to this meeting are hereby approved. The City Council President and the Clerk or any of their authorized deputies if necessary, are authorized on behalf of the Issuer to endorse the Note to the Servicer and to execute and deliver the Indenture, Mortgage, Loan and Revenue Agreement, and Project Financing Agreement, with such revisions, changes, or deletions as may be approved by the signatories thereto, which approval shall be conclusively proved by their execution of such documents. Said City Council President and Clerk and their authorized deputies and other officials of the Issuer are hereby authorized to prepare or to have prepared and to execute, file and deliver, as appropriate all such documents, financing statements, opinions, certificates, affidavits, and closing or post-closing instruments (including but not limited to amendments of the Indenture and Mortgage, Loan and Revenue Agreement not requiring the consent of the Bondholders pursuant to Sections X-1 and IX-1 of the Indenture) as may be required by this resolution or deemed necessary by said officials or by Bond Counsel.

5. Appointment of Servicer; Project Funds; Pledge of Payments. National Exchange Bank & Trust, Fond du Lac, Wisconsin, is hereby designated as Servicer under the Indenture. There is hereby created by the Issuer and ordered established with the Servicer the Project Fund as described in Section III-2 of the Indenture to be used solely to pay costs of the Project and such other costs as are provided to be paid therefrom in the Indenture. The Issuer hereby authorizes and directs the Servicer to withdraw sufficient funds from said Project Fund to make the aforesaid payments as the same become due and payable.

The Bondholders shall have a first lien on the payments in connection with the Project required to be paid by the Eligible Participant for the payment of principal and interest on the Bonds under the Mortgage, Loan and Revenue Agreement, Note, and Indenture. Said payments received under the Mortgage, Loan and Revenue Agreement and Note with respect to the Project are hereby irrevocably pledged for the payment of the Bonds and interest thereon.

The Issuer authorizes and directs the Servicer to invest and reinvest monies, if any, in the Project Fund as set forth in Article III of the Indenture.

6. Additional Security. The Bonds and the interest thereon shall be additionally secured by a security interest covering the Pledged Property to the extent provided in the Mortgage, Loan and Revenue Agreement and Indenture.

7. Certain Provisions of the Mortgage, Loan and Revenue Agreement. The Mortgage, Loan and Revenue Agreement provides, inter alia, that:

(a) The maintenance and repair costs of the Project and the Pledged Property, taxes in connection therewith, if any, and other charges and insurance with respect to the Project and the Pledged Property will be taken out, assumed and paid by the Eligible Participant. The Issuer has no obligation with respect thereto. The proceeds of any recovery under the foregoing insurance policies shall be used and disposed of in the manner provided in the Mortgage, Loan and Revenue Agreement and the Indenture.

(b) The Eligible Participant shall make payments pursuant to the Note and Mortgage, Loan and Revenue Agreement (directly to the Servicer for the account of the Issuer) in the amounts sufficient for payment, when due, of the principal and interest on the Bonds.

8. Covenants Binding Upon Issuer. All covenants, stipulations, obligations and agreements of the Issuer contained in this resolution and in the Bonds, the Mortgage, Loan and Revenue Agreement, the Indenture, and the Project Financing Agreement shall be deemed to be the covenants, stipulations, obligations and agreements of the Issuer to the full extent authorized or permitted by law, and such covenants, stipulations, obligations, and agreements shall be binding upon the Issuer and its successors from time to time and upon any body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the Issuer or the officers thereof by the provisions of the resolution, the Bonds, the Mortgage, Loan and Revenue Agreement, the Indenture, or Project Financing Agreement shall be exercised or performed by the Issuer or by such officers, board or body as may be required by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation, or agreement herein contained or contained in the Bonds, the Mortgage, Loan and Revenue Agreement, the Indenture, or the Project Financing Agreement shall be deemed to be a covenant, stipulation, obligation, or agreement of any officer, agent or employee of the Issuer or of this City Council in his or her individual capacity and neither the members of this City Council nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

9. Public Approval Requirement. The Bonds will be used to help finance the Project. The Project will include an expansion of the Eligible Participant's existing facility into a major regional arts destination. The expansion will include approximately 17,760 sq. ft. of space, making the total facility approximately 37,200 sq. ft. of space. The facility is located at 45/51 Sheboygan Street in the City. The Project will allow for outdoor live entertainment, increased accessibility to the arts, expanded classrooms, a dynamic new art gallery featuring local and national exhibits, state-of-the-art facility for corporate events, audio-visual upgrades, premier wedding destination, improved guest amenities, storage and office space. This Resolution constitutes public approval by the City Council, which is an elected legislative body of the City as referred to in Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), after a public hearing held on July 24, 2013 following reasonable public notice.

10. Designation of Bonds. The Windhover 2013 Bonds have been designated as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(B) of the Code for 2013 by the Eligible Participant pursuant to Section 265(b)(3)(G) of the Code to the extent such designation is required for the Bonds to be treated as if they were acquired on August 7, 1986 pursuant to Section 265(b)(3)(A) of the Internal Revenue Code of 1986, as amended.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Samuel Meyer, President  
Fond du Lac City Council

Attest:

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

City Attorney:

Reviewed \_\_\_\_\_

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

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## **Department of Community Development**

**Date:** August 5, 2013

**To:** Joe Moore, City Manager

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

**Re:** Arts Council Bond Issue

The City Council agenda for August 14 includes a Final Resolution for the issuance of an Industrial Revenue Bond (IRB) for the Thelma Arts Center project. This is the third and final step in the IRB approval process. Council passed a Preliminary Resolution on June 12 and held a Public Hearing on July 24.

*Industrial Revenue Bonds don't cost the City anything. They are not a loan from the City. They are an economic development tool authorized under state and federal law to finance projects at below-market interest rates. Although the bond is issued in the name of the City of Fond du Lac, it would not represent a liability to the City and would not count against the City's debt. The City would not be responsible for the bond or for any payments. There would be no cost to the City.*

The use of an IRB for the project was suggested by National Exchange Bank. The IRB allows the project to utilize a tax-exempt bond sold at a lower interest rate, thus lowering the overall financing cost. Up to \$4.5 million would be financed in this fashion to be repaid with already committed pledges. The City Council recently authorized a similar IRB for the YMCA project. Another recent IRB was authorized for McNeilus Steel.

Approval of the IRB and completion of the expansion of the Thelma is clearly in the best interests of the City of Fond du Lac. The expanded facility will result in additional events and activity in downtown and will stimulate additional economic activity. I recommend approval.

**ORDINANCE NO. 3523**

**AN ORDINANCE AMENDING CHAPTERS 12.02 AND 12.03 OF THE CODE OF ORDINANCES OF THE CITY OF FOND DU LAC, WISCONSIN, RELATING TO ALL LICENSES AND ALCOHOLIC BEVERAGE LICENSING**

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

**Section 1.** That Chapter 12, **LICENSES AND PERMITS**, Section 12.02 **REGULATIONS APPLYING TO ALL LICENSES AND PERMITS** through 12.03 **INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES (6.2) DEMERIT POINT SYSTEM** of the Code of Ordinances of the City of Fond du Lac, Wisconsin, is hereby amended to read as follows:

**12.02 REGULATIONS APPLYING TO ALL LICENSES AND PERMITS.** Unless otherwise specifically provided by this Code or Wisconsin Statutes, licenses and permits under this chapter may be granted and issued by the City Clerk after proper application has been made. Proper application shall include payment of any other outstanding indebtedness by the applicant to the City.

(1) **APPLICATIONS.** Applications for all licenses and permits required by this chapter shall be made in writing to the City Clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of City officials in the issuing of the permit or license applied for.

(2) **PERSON SUBJECT TO LICENSE.** Whenever in this chapter a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee, partner or contractual agreement he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of the business or occupation in the City.

(3) **FORMS.** All application, license and permit forms shall be kept on file and available from the City Clerk.

(4) **SIGNATURE.** Each license or permit issued shall bear the signature of the City Clerk in the absence of any provision to the contrary.

(5) **DELINQUENT TAXES, ASSESSMENTS AND CLAIMS.** No license under this chapter shall be granted to any person or the premises owned by said person 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.

(6) **INVESTIGATIONS.** Upon the receipt of an application for a license or permit where ordinances of the City necessitate an inspection before the issuance of such permit or license, the City Clerk shall refer such application to the proper officer for making such investigation and the officer charged with the duty of making the investigation or inspection shall make a report thereof.

(7) FEES AND BONDS. In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application is made to the City Clerk. As a condition of issuing any license under this chapter the City Council may require the posting of a bond in such amount as the Council determines sufficient to ensure payment of any violation.

(8) TERMINATION OF LICENSES. All annual licenses shall terminate on June 30 following the issuance thereof where no provision to the contrary is made. The City Clerk shall mail to all licensees of the City a statement of the time of expiration of the license held by the licensee, if an annual, 3 weeks prior to the date of such expiration, provided that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license or a renewal thereof, nor shall it be a defense in an action for operation without a license.

(9) BUILDING AND PREMISES. No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the City. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the City Zoning Code.

(10) CHANGE OF LOCATION. The location of any licensed business or occupation or of any permitted act may be changed, provided 10 days notice is given to the City Clerk, in the absence of any provision to the contrary.

(11) INSPECTIONS. (a) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, the licensee or the person in charge of the premises to be inspected shall admit for the purpose of making the inspection any officer or employee of the City authorized or directed to make the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, the licensee whose business is governed by such provision shall give to any authorized officer or employee of the City requesting the same sufficient samples of such material or commodity for such analysis upon request.

(b) In addition to any other penalty which may be provided, the City Manager may revoke the license of the proprietor of any licensed business in the City who refuses to permit any officer or employee who is authorized to make inspection or take a sample to make the inspection or take an adequate sample of the commodity, or who interferes with an officer or employee while in the performance of his duty in making such inspection. No license shall be revoked for cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the City, stating that the inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(12) REVOCATION. Any license or permit for a limited time may be revoked by the City Manager at any time during the life of the license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any forfeiture imposed.

**(13) POSTING LICENSE.** Every person conducting a licensed business in the City shall keep his license posted in a prominent place on the premises used for such business so that it may be seen at all times.

**12.03 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.** (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., defining, describing and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. Violation of any such provisions shall constitute a violation of this section. Penalties for violations by or relating to sale, procurement, dispensing or transfer to underage persons shall strictly conform to the penalties imposed for violations of identical offenses defined and described in Ch. 125, Wis. Stats.

(2) THIS SECTION CONTROLLING. This section is in addition to State law and a prosecution under State law shall not preclude City prosecution hereunder.

(3) CONSENT TO AMENDMENT. By filing his application for a Class "A" or "B" license, the applicant consents that the Council may make any rule or regulation, or alteration or amendment, to this section at any time during the period for which such license is granted.

(4) QUOTAS FOR THE ISSUANCE OF LICENSES. (a) One Class A fermented malt beverage license shall be granted for each 1,000 residents of the City.

(b) One Class A retail intoxicating liquor license shall be granted for each 2,000 residents of the City.

(c) One Class "B" intoxicating liquor license or Class "B" fermented malt beverage license shall be granted for each 500 residents of the City. No person shall hold more than one Class "B" intoxicating liquor and/or fermented malt beverage license in the City.

(d) One Wholesaler's License shall be granted for each 7,000 residents of the City.

~~(5) DELINQUENT TAXES, ASSESSMENTS AND CLAIMS. 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.~~

(5) INSPECTION. (a) The City Clerk shall notify the Chief of Police, Health Officer, Fire Chief and Building Inspector of each application; and those officials shall inspect or cause to be inspected each application and the premises, together with any other investigations, accompanied by a recommendation as to whether a license should be granted or refused.

(b) In determining the suitability of any applicant, consideration shall be given to the financial responsibility of the applicant, the appropriateness of the location and the premises proposed and, generally, the applicant's fitness for the trust to be reposed.

(c) No license shall be renewed without a reinspection of the premises and reports as originally required.

**(6.4) ISSUANCE OF LICENSES.** (a) Application. This Ordinance applies only to Class “A”, Class “B”, (including combination Class “B” and Class “B”, and reserve Class “B”) and Class “C” licenses, and does not apply to operator’s licenses, or temporary licenses or permits of any kind, or any other license or permit described in Wisconsin Statutes Chapter 125, except as stated above.

(b) Policy and Application. The City of Fond du Lac wishes to establish a policy for the issuance of licenses for the sale and alcoholic beverages which reflects the values of the community and which serves to protect the public health, safety, general welfare, and property values. To this end, licenses to sell or serve alcoholic beverages shall receive a high level of review.

(c) Alcohol Licensing Committee. There is hereby created an Alcohol Licensing Committee, which shall be advisory to the City Council, and shall review all applications for new licenses as well as all disciplinary procedures, and issues as to whether a licensee has abandoned the licensed business with the meaning of Section 12.03(7)(b). In addition, the Alcohol Licensing Committee shall perform such other duties as may be assigned to it from time to time by the City Council. The Alcohol Licensing Committee shall be made up of five members, of which one shall be a member of the City Council. The other four members shall be adult residents of the City of Fond du Lac. The four resident members of the Committee shall be recommended by the City Manager and appointed by the City Council. Resident member terms shall be for three years, with a limit of three consecutive terms; except that the initial four resident members shall have terms as follows: one member for one-year; one member for two-years; and two members for three years, as designated by the City Council. The Council member shall be appointed by the City Council, with the initial term of the first City Council person so appointed continuing until the next organizational meeting. Thereafter, the City Council member of the committee shall be appointed annually at the City Council organizational meeting, with no limit on the number of consecutive terms a Council member may serve. Staff assistance shall be provided to the Committee by City staff as designated by the City Manager. Staff shall provide a recommendation to the Committee as to the disposition of all applications for new licenses and disciplinary cases as well as issues of abandonment of licensed businesses.

(d) Applications – New Licenses. The Alcohol Licensing Committee and the City Council shall consider a number of factors in reviewing and judging the adequacy of applications, including but not limited to the character, background, and experience of the applicant; the nature of the proposed use; the condition of the building; compatibility with the neighborhood; safety at the proposed location; economic development considerations; zoning and land use; and any other fact or that the Committee or the Council find germane to the proposal. Without limiting the generality of the foregoing, applications for new liquor licenses shall include consideration of the factors below.

Appropriate City staff shall include the City Manager, the Development Department, the City Clerk’s office, the City Attorney’s office and other staff as deemed necessary or desirable. It is not necessary that all of the foregoing participate in any particular recommendation. Rather, it is the intent that the make up of staff involved be flexible to meet the needs of the particular situation. The Committee shall take the recommendation and the factors into account and formulate a recommendation to the City Council.

**1. FACTORS FOR JUDGING NEW LICENSE APPLICATIONS.**

- (a) Character of applicant, agent, managerial personnel, and owners.
- (b) Experience of applicant and manager in operating a licensed establishment.
- (c) History of applicant and manager in operation of licenses establishments.

- (d) History of premises.
- (e) Design, type, and size of the proposed establishment.
- (f) Proximity to other licensed establishments.
- (g) Proximity to residential buildings or areas.
- (h) Ability of Police Department to ensure public safety at this location.
- (i) Condition of building/premises.
- (j) Compatibility of proposed used with neighborhood.
- (k) Zoning and land use considerations.
- (l) Likely impact on Property values.
- (m) Economic development considerations.
- (n) Other considerations.

2. RANKING APPLICATIONS. (a) When judging between applications, those applications shall be kept on a waiting list. Time on the list shall not create any preference. As licenses become available, applications on the list will be reviewed by the Committee, and the Committee shall recommend which applications, in order of priority, should be granted.

3. APPLICATION FOR CORPORATE LICENSE. All applications for corporate licenses shall contain the following information, as stated in the last annual report of the corporation:

- a. A copy of the Articles of Incorporation, unless such application is for renewal of existing license, and a copy of any amendments to the Articles of Incorporation that have been filed with the Secretary of State and have not previously been filed with the City Clerk.
- b. A list of the officers and directors of the corporation with their residences.
- c. A list of the stockholders of the corporation together with the extent of their ownership, and their residences.
- d. A statement by the applicant showing whether any corporate officers, directors or stockholders of the applicant hold any office or stock in a corporation holding a Class A or Class B beer or liquor license in any part of the State of Wisconsin.

4. APPLICATION FOR LIMITED LIABILITY COMPANY LICENSE. All applications for limited liability company licenses shall contain the following information:

- a. A copy of the Articles of Organization, unless such application is for renewal of an existing license, and a copy of any amendments to the Articles of Organization that have not previously been filed with the City Clerk.
- b. A list, kept in alphabetical order, of each past and present member and, if applicable, manager. The list shall include the full name and last-known mailing and residence address of each member or manager, the date on which the person became a member or manager and the date, if applicable, on which the person ceased to be a member or manager.
- c. A copy of the operating agreement and all amendments to the operating agreement.

d. Unless set forth in the operating agreement, the value of each member's contribution to the limited liability company as determined under Wis. Stat. §183.0501(2).

e. A statement by the applicant showing whether any members or managers of the applicant hold any office or stock in a corporation or limited liability company or are members or managers of any limited liability company holding a Class A or Class B beer or liquor license in any part of the State of Wisconsin.

f. For purposes of this subparagraph, the term manager is defined as in Wis. Stat. §183.0102.

(e) Reserve Licenses. Application for reserve licenses shall be considered in the same manner as regular licenses, but reserve licenses shall only be issued after all regular licenses are issued. The initial reserve license fee shall be \$10,000 as prescribed by State law, and shall be retained by the City to help defray costs of the City's alcohol licensing and enforcement efforts, including, without limitation, any license hearings, educational courses for license holders and their employees and the like. This initial fee is in addition to all other fees as required by law.

(f) Renewing Licenses. Renewal of existing licenses shall be handled by the City Council and the Committee shall have no role in that process, unless requested by the City Council.

(g) Abandonment of Business. In determining whether or not a license holder has abandoned the licensed business within the meaning of Section 12.03(7), the Alcohol Licensing Committee shall examine the facts and circumstances, and shall report its findings along with any recommendations to the City Council. In making its determination and any recommendation, the Alcohol Licensing Committee shall consider, in addition to any other factors it deems relevant, the recommendation of staff and the following factors. It is not intended that these factors limit the discretion of the Alcohol Licensing Committee; rather that they provide guidelines in making a determination and recommendation.

1. FACTORS OF INTEREST IF THE BUSINESS HAS NEVER OPENED.

- (a) Period of time since the City Council granted the license.
- (b) Reason for not opening.
- (c) If new construction or remodeling, the anticipated construction or remodeling, the anticipated construction or remodeling period.
- (d) Unanticipated or intervening circumstances since granting of license.
- (e) Progress or lack thereof toward opening.
- (f) Updated business plan and anticipated timelines from since granting of license.
- (g) Such other facts and/or circumstances that are deemed relevant.

2. Factors of Interest if the Business Has Ceased or Suspended Operations.

- (a) Period of time since cessation or suspension of business.
- (b) Reason for suspension or cessation of business.
- (c) Current business plan of licensee and licensee's anticipated timeline for action.
- (d) Progress or lack thereof toward anticipated action.
- (e) Such other factors and/or circumstances that are deemed relevant.

(7.) 6-2) DEMERIT POINT SYSTEM. (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 licensee 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 is hereby assigned the following demerit points for each type of violation:

**Section 2.** That Chapter 12, **LICENSES AND PERMITS**, Section 12.03 (7.) DEMERIT POINT SYSTEM of the Code of Ordinances of the City of Fond du Lac, Wisconsin, is hereby amended to read as follows:

**Add Thereto:**

<b><u>TYPES OF VIOLATIONS</u></b>	<b><u>ORD #</u></b>	<b><u>DEMERIT POINTS (per incident)</u></b>
delinquent taxes, assessments	Sec. 12.03(5)	150

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

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

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

**ADOPTED:**

\_\_\_\_\_  
Samuel Meyer, President  
Fond du Lac City Council

City Attorney:

Reviewed DSRM

Attest:

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

# Memo

To: City Council and Joe Moore, City Manager  
From: Deb Hoffmann, <sup>DERM</sup> City Attorney  
Date: August 8, 2013  
Re: Proposed Ordinance changes – Renewal of Liquor licenses

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## INTRODUCTION

In May and June of this year, the Fond du Lac Alcohol Licensing Committee (ALC) and the Fond du Lac City Council discussed several liquor licenses and whether the licenses should be renewed. Questions arose regarding the meaning of City Ordinance 12.03 that requires license applicants must pay delinquent taxes, assessments or other claims to the City prior to obtaining or renewing their license. The City Council directed the ALC to review the proposed ordinance revisions and make recommendations. The proposed new wording is shown as highlighted.

## ORDINANCE 3523

The Proposed Ordinance 3523 does the following:

1. Moves the requirement of paying delinquent taxes, assessments and claims to the general license section of our Code. It also clarifies that the requirement only applies to the license holder.
2. Makes it clear that the City may suspend or revoke a license if the license holder no longer meets the necessary requirements, at any time during the term of the license.
3. It adds a requirement that additional information be provided from corporations and LLCs.
4. Provides that demerits can be assessed if a liquor license holder becomes delinquent on taxes, assessments or claims.

## SUMMARY OF RELEVANT WISCONSIN LAW

A municipality may refuse to renew a retail license on the same basis it may suspend or revoke a license under Section 125.12(2)(ag),(3), Wis. Stats. The law sets out the following 6 reasons for suspending or revoking a license:

1. The licensee has violated state statutes or local ordinances related to alcohol beverages;
2. The licensee keeps or maintains a disorderly or riotous, indecent, or improper house;
3. The licensee has sold or given away alcohol beverages to known habitual drunkards;
4. The licensee does not possess the qualifications required to hold the license;
5. The licensee has been convicted of certain controlled-substances (drug) violations or has knowingly allowed others to commit controlled-substance violations on the licensed premises; or
6. The licensee has benefited from unauthorized sales from beer wholesalers.

The License holder's interest in renewal of a retail license is a "property interest" for purposes of the 14<sup>th</sup> Amendment Due Process clause. Section 125.12, Wis. Stats. contains the minimum due process requirements that city officials must follow in denying renewal of, suspending or revoking a retail license. These statutory procedures include notice, a full hearing and the right to judicial review.

**ORDINANCE NO. 3524**

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

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

**Section 1.** That Chapter 7, TRAFFIC CODE, Section 7.05, **PARKING, STOPPING AND STANDING REGULATED.**, at Subsection (5) LIMITED TIME PARKING., Schedule J., (b) 30 Minutes, is hereby amended as follows:

**Add Thereto:**

9. Between 9 a.m. to 7 p.m. Monday through Sunday

**McWilliams St.** East, south side from the east right-of-way of N. Main St., east 70’.

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

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

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

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

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

City Attorney:

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Sue L. Strands, City Clerk

Reviewed OSM

# ADVISORY PARKING & TRAFFIC BOARD MINUTES

July 18, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

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

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

## REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated July 3, 2013

Subject: Request to restrict parking "Limited Time Parking" in accordance with Code of Ordinances Section 7.05(5) and Schedule "J", (b) 30 minutes, 9. Between 8 a.m. to 6 p.m., Monday through Friday.

Effect: Create "Limited Time Parking" between 8 a.m. to 6 p.m. Monday through Friday

Location: E. McWilliams St., south side, from the east right-of-way of N. Main St., east 70'.

Initiator: Tom Hardell, Tom's Gun Shop, 355 N. Main Street

### Appeared in Support:

Tom Hardell, 355 N Main St., Fond du Lac, appeared as petitioner in support and to ask/answer questions.



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

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Engineering and Traffic Division

**Date:** July 12, 2013

**To:** Advisory Parking and Traffic Board

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

**Re:** **Request to add “Limited Time Parking – 30 Minutes, 8 a.m. to 6 p.m., Monday through Friday”; McWilliams St., E., South sides, from the east right-of-way of N. Main St., east 70 feet.**

This request is to add the parking restriction designated as “Limited Time Parking” in accordance with Code of Ordinances Section 7.05(5) and Schedule “J”, (b) 30 Minutes, 9. Between 8 a.m. to 6 p.m., Monday through Friday, at the subject location and as shown on Exhibit A.

Tom Hardell of Tom’s Gun Shop, 355 N. Main Street, initiated this request. Mr. Hardell indicates that since the recent removal of parking restrictions on the south side of E. McWilliams, he is in need of some limited time parking for his customer’s and delivery trucks. This request affects in front of the initiator’s property only and is proposed for just business hours during the week.

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

# Exhibit A July 18, 2013

Advisory Parking & Traffic Board

**EXISTING PARKING  
PROHIBITED  
AT ALL TIMES**

**ADD 30 MINUTE LIMITED  
TERM PARKING**

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

N  
1 in = 0.03 miles  
1 inch = 134 feet

Printing Date: 7/3/2013  
Prepared by:  
City of Fond du Lac  
Engineering Division  
Mapped Template By: A. Dorn



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

Attn. Paul DeVries

I am Tom Wardell of Tom's Gun Shop  
355 N main St. and I am asking you  
if you could put up a 30 min. parking  
sign up in front of my shop on  
McWilliams st.

They sold the 3 houses next to me  
on main st. and I will have a problem  
with the parking in front of my shop  
like I had in the past for there will be no  
room for my delivery trucks and my  
customers.

I only asking a small space from  
5 feet from the corner sidewalk to 5 feet  
from the edge of my driveway just  
enough for the UPS truck and 1 car.  
width is about 34 feet.

Thank you

9230205

Tom Wardell

10 July  
RECEIVED BY CITY CLERK  
7-12-13

Dear Mrs Stronach

Received your letter regarding: "request to restrict parking - limited time parking" in accordance with code of Ordinances"

The parking in area marked "Restrict" is ridiculous. That area is essential for guests attending any Lakeside Park functions. The parking for such events is little enough.

I can not imagine that Mr. Hardell, and his Gun Shop. Shipments are such he needs multiple semi trucks to deliver his guns - if this is the case - we have a much bigger matter.

The few families that live on this street are in need of street parking in the winter - how would that work?

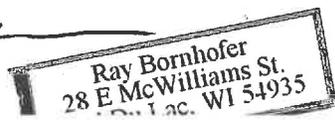
We sometimes have family functions that require street parking for our visitors.

It does not make sense for our families to be deprived parking.

I also doubt Mr. Haddell has such business that his customers fill the streets. I believe this request is selfish, as ~~he~~ probably is upset with dealing with Lakeside Park guests.

Sincerely

Bob



Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-10-11-122-00	24 E SCOTT ST	FOND DU LAC	WI	54935	371 N MAIN ST
FDL-15-17-10-11-129-00	502 MUSTANG LN	FOND DU LAC	WI	54935	384 MARQUETTE ST
FDL-15-17-10-11-131-00	34 E MCWILLIAMS ST	FOND DU LAC	WI	54935	34 E MC WILLIAMS ST
FDL-15-17-10-11-132-00	318 W DIVISION ST	FOND DU LAC	WI	54935	28 E MC WILLIAMS ST
FDL-15-17-10-11-135-00	355 N MAIN ST	FOND DU LAC	WI	54935	355 N MAIN ST
FDL-15-17-10-11-134-00	18 E MC WILLIAMS ST	FOND DU LAC	WI	54935	18 E MC WILLIAMS ST
FDL-15-17-10-11-130-00	84 BRYN MAWR CIR	FOND DU LAC	WI	54935	40 E MC WILLIAMS ST
FDL-15-17-10-11-138-00	148 E MAIN ST	CAMPBELLSPORT	WI	53010	343 N MAIN ST
FDL-15-17-10-11-139-00	N85 W15990 APPLETON AVE	MENOMONEE FALLS	WI	53051	339 N MAIN ST
FDL-15-17-10-12-327-00	130 S MAIN ST	FOND DU LAC	WI	54935	346 N MAIN ST
FDL-15-17-10-11-133-00	22 E MC WILLIAMS ST	FOND DU LAC	WI	54935	22 E MC WILLIAMS ST

**ORDINANCE NO. 3525**

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

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

**Section 1.** That Chapter 7, TRAFFIC CODE, Section 7.05, **PARKING, STOPPING AND STANDING REGULATED.**, at Subsection (3) PARKING, STOPPING OR STANDING PROHIBITED, Schedule G., PARKING, STOPPING OR STANDING, is hereby amended as follows:

**Delete Therefrom:**

7:30 a.m. to 4:30 p.m. School Days

**Fourteenth St.**, both sides, from the east back of walk to Vine St., to 40' east, and from the west back of walk of Vine St., to west 40'.

**Vine St.**, both sides, from the north back of walk of Fourteenth St., to 40' north, and from the south back of walk of Fourteenth St., to 40' south.

**Add Thereto:**

7:45 a.m. to 8:45 a.m. and from 2:45 p.m. to 4:00 p.m. on School Days

**Fourteenth St.**, both sides, from the east back of walk to Vine St., to 40' east, and from the west back of walk of Vine St., to west 40'.

**Vine St.**, both sides, from the north back of walk of Fourteenth St., to 40' north, and from the south back of walk of Fourteenth St., to 40' south.

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

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

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

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

**ADOPTED:**

---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

---

Sue L. Strands, City Clerk

City Attorney:  
Reviewed *DSM*

# ADVISORY PARKING & TRAFFIC BOARD MINUTES

July 18, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

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

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

## REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated July 3, 2013

Subject: Request to revise the timing of "Parking, Stopping, or Standing Prohibited from 7:30 a.m. to 4:30 p.m. on School Days" in accordance with Code of Ordinances Section 7.05(3) and Schedule "G" to from "7:45 a.m. to 8:45 a.m. and from 2:45 p.m. to 3:45 p.m. on School Days"

Effect: Revise "Parking, Stopping, or Standing Prohibited from 7:30 a.m. to 4:30 p.m. on School Days" to 7:45 a.m. to 8:45 a.m. and from 2:45 p.m. to 3:45 p.m. on School Days"

Location: **Fourteenth St.**, both sides, from the east back of walk to Vine St., to 40' east, and from the west back of walk of Vine St., to west 40'.

**ADVISORY PARKING & TRAFFIC BOARD MINUTES**

July 18, 2013

Page 2

Vine St., both sides, from the north back of walk of Fourteenth St., to 40' north, and from the south back of walk of Fourteenth St., to 40' south.

Initiator: Laura DeGolier, 289 Fourteenth St (114 S. Main St.)

Appeared in Support:

Laura DeGolier, 289 Fourteenth St., Fond du Lac, appeared as petitioner in support and to ask/answer questions.

Motion made by Miller to **amend** recommendation to City Council to revise "Parking, Stopping, or Standing Prohibited **from** 7:30 a.m. to 4:30 p.m. School Days" **to** 7:45 to 8:45 a.m. and from 2:45 p.m. to 4:00 p.m. on School Days" on Fourteenth St., both sides, from the east back of walk to Vine St., to 40' east, and from the west back of walk of Vine St., to west 40'. Vine St., both sides, from the north back of walk of Fourteenth St., to 40' north, and from the south back of walk of Fourteenth St., to 40' south.

Seconded by Williams.

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

Nay - None

Carried.

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

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

---

Engineering and Traffic Division

**Date:** July 12, 2013

**To:** Advisory Parking and Traffic Board

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

**Re:** Request to revise the timing of “Parking, Stopping, or Standing Prohibited from 7:30 a.m. to 4:30 p.m. on School Days” in accordance with Code of Ordinances Section 7.05(3) and Schedule “G” to from “7:45 a.m. to 8:45 a.m. and from 2:45 p.m. to 3:45 p.m. on School Days” at the intersection of Fourteenth St. and Vine St.

This request is to revise an existing parking restriction to “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” at the subject location and as shown on Exhibit C.

Ms. Laura DeGolier, of 289 Fourteenth St., initiated this request. Ms. DeGolier indicates that she operates a business out of the Fourteenth St. property. She has clients, some that are elderly, that have to walk a distance to access the home and that creates some difficulty, especially in winter.

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

# Exhibit C

July 18, 2013

Advisory Parking & Traffic Board



**REVISE TIMES FOR NO  
PARKING RESTRICTION  
ON SCHOOL DAYS**

City of Fond du Lac  
Municipal Boundary

Waterbody

Waterway

Building

Building (Proposed  
Approx Location)

Road Right of Way

Vacated RdROW

Parcel

Parks

1 in = 0.03 miles  
1 inch = 134 feet

Printing Date: 7/3/2013

Prepared by:  
City of Fond du Lac  
Engineering Division

Mapped Template By: A. Dorn



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

June 16, 2013

To: City of Fond du Lac Advisory Parking & Traffic Board

Re: Restrictive parking signs time limits

A number of years ago Waters School requested and it was approved to put restrictive parking signs on the streets near several schools. The reason for the signs is sensible as children cross the street on the way to school and parked cars too near the intersection makes visibility difficult.

I have an insurance business in my home located on 14<sup>th</sup> and Vine and have the signs on two sides of the street around my office/home. Clients often find they have to walk and for those who are elderly this can be a problem particularly in winter months.

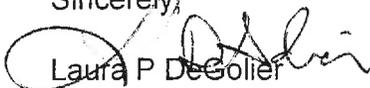
When I saw the request for limited restrictive parking which has just been granted for Amory St., I felt I needed to ask if the same more limited hours could be placed on the 14<sup>th</sup> and Vine intersection as well.

Allowing clients to park in front of or on the street on the side of my office/home during most of the daytime hours would be a real benefit to the clients who come directly to my office.

I am asking that the current signs that restrict parking from 7:30 a.m. to 4:30 p.m. be changed to the time frames used on Amory St., 7:45 a.m. to 8:45 a.m. and from 2:45 p.m. to 3:45 p.m. on School Days only, etc.

Thank you for your consideration of my request.

Sincerely,



Laura P. DeGolier  
DeGolier Insurance Services, LLC



Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-14-34-887-00	290 E 14TH ST	FOND DU LAC	WI	54935	290 14TH ST
FDL-15-17-14-33-577-00	480 N PIONEER RD	FOND DU LAC	WI	54937	269 14TH ST
FDL-15-17-14-33-576-00	275 14TH ST	FOND DU LAC	WI	54935	275 14TH ST
FDL-15-17-14-33-580-00	16 CEDAR CREEK RD	PLAINS	MT	59859	259 14TH ST
FDL-15-17-14-33-575-00	524 VINE ST	FOND DU LAC	WI	54935	524 VINE ST
FDL-15-17-14-33-578-00	267 14TH ST	FOND DU LAC	WI	54935	267 14TH ST
FDL-15-17-14-34-845-00	114 S MAIN ST #301	FOND DU LAC	WI	54935	289 14TH ST
FDL-15-17-14-33-621-00	264 14TH ST	FOND DU LAC	WI	54935	264 14TH ST
FDL-15-17-14-33-620-00	258 14TH ST	FOND DU LAC	WI	54935	258 14TH ST
FDL-15-17-14-34-885-00	294 14TH ST	FOND DU LAC	WI	54935	294 14TH ST
FDL-15-17-14-34-847-00	266 S SEYMOUR ST	FOND DU LAC	WI	54935	293 14TH ST
FDL-15-17-14-33-624-00	564 VINE ST	FOND DU LAC	WI	54935	564 VINE ST
FDL-15-17-14-34-849-00	297 14TH ST	FOND DU LAC	WI	54935	297 14TH ST
FDL-15-17-14-34-886-00	292 14TH ST	FOND DU LAC	WI	54935	292 14TH ST
FDL-15-17-14-34-844-00	82 EASTBROOK LANE	FOND DU LAC	WI	54935	521 VINE ST
FDL-15-17-14-34-850-00	299 14TH ST	FOND DU LAC	WI	54935	299 14TH ST
FDL-15-17-14-34-889-00	565 VINE ST	FOND DU LAC	WI	54935	565 VINE ST
FDL-15-17-14-34-884-00	298 14TH ST	FOND DU LAC	WI	54935	298 14TH ST
FDL-15-17-14-33-579-00	1166 RIENZI RD	FOND DU LAC	WI	54935	263 14TH ST
FDL-15-17-14-33-623-00	560 VINE ST	FOND DU LAC	WI	54935	560 VINE ST
FDL-15-17-14-34-848-00	295 14TH ST	FOND DU LAC	WI	54935	295 14TH ST
FDL-15-17-14-33-622-00	268 14TH ST	FOND DU LAC	WI	54935	268 14TH ST
FDL-15-17-14-34-846-00	291 14TH ST	FOND DU LAC	WI	54935	291 14TH ST
FDL-15-17-14-33-619-00	254 14TH ST	FOND DU LAC	WI	54935	254 14TH ST
FDL-15-17-14-34-888-00	559 VINE ST	FOND DU LAC	WI	54935	559 VINE ST

**ORDINANCE NO. 3526**

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

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

**Section 1.** That Chapter 7, TRAFFIC CODE, Section 7.05 (13), SCHOOL SAFETY ZONES, is hereby amended as follows:

**Delete Therefrom:**

**Walker St.,** West side, from a point 200' from the S. right-of-way of Military Rd. south 150'.

**Add Thereto:**

**Walker St.,** West side, from a point 200' from the S. right-of-way of Military Rd., south 100'.

**Section 2.** That Chapter 7, TRAFFIC CODE, Section 7.05 (4), NO PARKING, EXCEPT FOR AUTHORIZED VEHICLES, subsection (d) At any curb or other area marked as a bus or taxi stop or standing as listed in Schedule I, **BUS LOADING ZONES,** is hereby amended as follows:

**Add Thereto:**

**Walker St.,** west side, from a point 300' from the south right-of-way of Military Road, south 200'.

**Section 3.** Any person violating the provisions of this Ordinance shall be subject to the penalty provided by the penalty section of the Traffic Code.

**Section 4.** The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

**Section 5.** All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 6.** This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

**ADOPTED:**

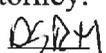
---

Samuel Meyer, President  
Fond du Lac City Council

Attest:

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Sue L. Strands, City Clerk

City Attorney:  
Reviewed 

# ADVISORY PARKING & TRAFFIC BOARD MINUTES

July 18, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

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

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

## REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated July 3, 2013

Subject: Remove a "Bus Loading Zone" in accordance with Code of Ordinances Section 7.05(4) and Schedule "I".

Effect: Remove "Bus Loading Zone"

Location: Ann St., east side, from the south right-of-way of Military Road, south 200 feet.

Subject: Remove "Parking Prohibited at Specific Times from 7:30 a.m. to 4:30 p.m. on School Days" in accordance with Code of Ordinances Section 7.05(2) and Schedule "F".

Effect: Remove "Parking Prohibited at Specific Times on School Days"

Location: Ann St., on side of Franklin School.

**ADVISORY PARKING & TRAFFIC BOARD MINUTES**

July 18, 2013

Page 2

Subject: Revise the "School Safety Zone" in accordance with Code of Ordinances Section 7.05(13).

Effect: Revise the "School Safety Zone"

Location: Walker St., west side, from a point 200 feet from the south right-of-way of Military Road, south 100 feet.

Subject: Add a "Bus Loading Zone" in accordance with Code of Ordinances Section 7.05(4) and Schedule "I".

Effect: Add a "Bus Loading Zone"

Location: Walker St., west side, from a point 300 feet from the south right-of-way of Military Road, south 200 feet.

Initiator: Marian Sheridan, Safety and Health Coordinator, Fond du Lac School District

Appeared in Support:

Marian Sheridan, N5373 County Rd V., Fond du Lac, appeared as petitioner in support and to ask/answer questions.

Appeared in Opposition:

Charlotte Nelson, 377 Walker St., Fond du Lac

Motion made by Carey to recommend to the City Council to remove "Bus Loading Zone" on Ann St., east side, from the south right-of-way of Military Road, south 200 feet. Remove "Parking Prohibited at Specific Times from 7:30 a.m. to 4:30 p.m. on School Days" on Ann St., on the side of Franklin School. Revise the "School Safety Zone" on Walker St., west side, from a point 200 feet from the south right-of-way of Military Road, south right-of-way of Military Road, south 100 feet. Add a "Bus Loading Zone" on Walker St., west side, from a point 300 feet from the south right-of-way of Military Road, south 200 feet.

Seconded by Wagner.

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

Nay - None

Carried.

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

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

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Engineering and Traffic Division

**Date:** July 12, 2012

**To:** Advisory Parking and Traffic Board

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

**Re:** **Request to revise parking restrictions for the STEM school at Franklin School, 401 S. Military Road.**

This memo and Exhibit D cover all four agenda items list under “D” for the Advisory Parking & Traffic Board’s July 18, 2013 meeting:

1. Remove a “Bus Loading Zone” in accordance with Code of Ordinances Section 7.05(4) and Schedule “I”.
  - Location: Ann Street, East side, from the south right-of-way of Military Road, south 200 feet
2. Remove Parking “Parking Prohibited at Specific Times from 7:30 a.m to 4:30 p.m. on School Days” in accordance with Code of Ordinances Section 7.05(2) and Schedule “F”.
  - Location: Ann Street, on the side of Franklin School
3. Revise a “School Safety Zone” in accordance with Code of Ordinances Section 7.05(13).
  - Location: Walker Street, West side, from a point 200 feet from the south right-of-way of Military Road, south 100 feet
4. Add a “Bus Loading Zone” in accordance with Code of Ordinances Section 7.05(4) and Schedule “I”.
  - Location: Walker Street, West side, from a point 300 feet from the south right-of-way of Military Road, south 200 feet

Marian Sheridan, Safety and Health Coordinator, FDL School District initiated the requests for the STEM (Science, Technology, Engineering, and Math) Academy located at the Franklin School at 401 S. Military Road.

City staff met with School District staff to discuss the addition of about 100 more students to the STEM Academy for the 2013-2014 school year. Last year, we made a number of changes to accommodate the first year of STEM and after review and consideration of the additional students; the School District would

like to make some further changes. They propose to move the bus loading zone to Walker Street and make an inside drop-off from Ann Street and have additional area on Ann Street for drop-off/pick-up. The summary of proposed changes to City Ordinances is as follows:

- Remove bus-loading zone on Ann Street and add the bus-loading zone to Walker Street.
- Remove school day limited time parking restriction on Ann Street.
- Revise School Safety Zone on Walker Street to accommodate the bus-loading zone.

One item to note is that these four proposed changes should be reviewed as a whole because they are all related. They should all be either approved or all denied together.

The Engineering and Traffic Division supports the proposed changes.

# Exhibit D July 18, 2013

Advisory Parking & Traffic Board



 City of Fond du Lac  
Municipal Boundary

 Waterbody

 Waterway

 Building

 Building (Proposed  
Approx Location)

 Road Right of Way

 Vacated RdROW

 Parcel

 Parks

 1 in = 0.04 miles  
1 inch = 194 feet

Printing Date: 7/3/2013

Prepared by:  
City of Fond du Lac  
Engineering Division

Mapped Template By: A. Dorn



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

# Fond du Lac School District

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Marian Sheridan  
Coordinator of School Health & Safety,  
Transportation & Attendance Programs

72 W. Ninth St. • Fond du Lac, WI 54935  
Phone: (920) 906-6548 • Fax: (920) 906-6563

July 1, 2013

Paul De Vries, P.E.  
City Engineer  
160 S. Macy  
Fond du Lac, Wisconsin 54935

Dear Mr. De Vries,

Please accept this letter as a request from the Fond du Lac School District for to reduce the School Safety Zone on Walker Street to 100' and add a Bus Zone just south of the School Safety Zone for total of 200' or at a distance adequate for the bus traffic at Franklin School.

In addition please eliminate the current Bus Zone on Ann Street

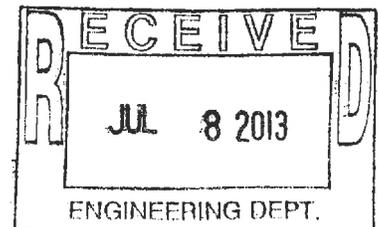
The revision is requested to improve safety, between vehicles, buses and pedestrians in the area.

Thank you for your consideration.

Sincerely,



Marian Sheridan  
Health and Safety Coordinator  
Fond du Lac School District



*The mission of the Fond du Lac School District, in partnership with the family and the community, is to promote high achievement and foster the continuous growth of the whole child, so that each becomes a creative, contributing citizen in a global society by providing personalized learning opportunities in a safe, nurturing environment.*

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Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-32-357-00	1142 FOND DU LAC AVE	FOND DU LAC	WI	54935	432 WALKER ST
FDL-15-17-15-32-372-00	419 WALKER ST	FOND DU LAC	WI	54935	419 WALKER ST
FDL-15-17-15-32-371-00	691 JAMES RD	PICKETT	WI	54964	425 WALKER ST
FDL-15-17-15-32-368-00	443 WALKER ST	FOND DU LAC	WI	54935	443 WALKER ST
FDL-15-17-15-32-355-00	116 N BUTLER ST	FOND DU LAC	WI	54935	420 WALKER ST
FDL-15-17-15-32-378-00	304 OAKDALE DR	BROWNSVILLE	WI	53006	383 WALKER ST
FDL-15-17-15-32-358-00	438 WALKER ST	FOND DU LAC	WI	54935	438 WALKER ST
FDL-15-17-15-32-370-00	429 WALKER ST	FOND DU LAC	WI	54935	429 WALKER ST
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FDL-15-17-15-32-343-00	429 ANN ST	FOND DU LAC	WI	54935	429 ANN ST
FDL-15-17-15-32-344-00	429 ANN ST	FOND DU LAC	WI	54935	425 ANN ST
FDL-15-17-15-32-360-00	450 WALKER ST	FOND DU LAC	WI	54935	450 WALKER ST
FDL-15-17-15-32-380-00	371 WALKER ST	FOND DU LAC	WI	54935	371 WALKER ST
FDL-15-17-15-32-348-00	10342 STATE HIGHWAY 70 E	LONG LAKE	WI	54542	401 ANN ST
FDL-15-17-15-32-352-00	402 WALKER ST	FOND DU LAC	WI	54935	402 WALKER ST
FDL-15-17-15-32-382-00	P O BOX 306	RIPON	WI	54971	288 W 9TH ST
FDL-15-17-15-32-374-00	407 WALKER ST	FOND DU LAC	WI	54935	407 WALKER ST
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FDL-15-17-15-32-373-00	%MICHAEL & LINDA HAASE	FOND DU LAC	WI	54935	411 WALKER ST
FDL-15-17-15-32-379-00	377 WALKER ST	FOND DU LAC	WI	54935	377 WALKER ST
FDL-15-17-15-32-377-00	389 WALKER ST	FOND DU LAC	WI	54935	389 WALKER ST
FDL-15-17-15-32-369-00	437 WALKER ST	FOND DU LAC	WI	54935	437 WALKER ST
FDL-15-17-15-32-346-00	411 ANN ST	FOND DU LAC	WI	54935	411 ANN ST
FDL-15-17-15-32-347-00	411 ANN ST	FOND DU LAC	WI	54935	407 ANN ST
FDL-15-17-15-32-356-00	481 PROSPECT AVE	BROWNSVILLE	WI	53006	426 WALKER ST
FDL-15-17-15-32-345-00	419 ANN ST	FOND DU LAC	WI	54935	419 ANN ST
FDL-15-17-15-32-375-00	401 WALKER ST	FOND DU LAC	WI	54935	401 WALKER ST
FDL-15-17-15-32-367-00	% ALLIANCE REAL ESTATE	SAN DIEGO	CA	92192	449 WALKER ST
FDL-15-17-15-32-341-00	317 W 11TH ST	FOND DU LAC	WI	54935	317 W 11TH ST
FDL-15-17-15-32-359-00	444 WALKER ST	FOND DU LAC	WI	54935	444 WALKER ST
FDL-15-17-15-32-354-00	414 WALKER ST	FOND DU LAC	WI	54935	414 WALKER ST

**ORDINANCE NO. 3527**

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

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

**Section 1.** That Chapter 7, TRAFFIC CODE, Section 7.05 (4), NO PARKING, EXCEPT FOR AUTHORIZED VEHICLES, subsection (d) At any curb or other area marked as a bus or taxi stop or standing as listed in Schedule I, BUS LOADING ZONES, is hereby amended as follows:

**Delete Therefrom:**

ANN ST., East side, from the south right-of-way of Military Rd. south 200'.

**Section 2.** That Chapter 7, TRAFFIC CODE, Section 7.05, PARKING, STOPPING AND STANDING REGULATED., at Subsection (2) PARKING PROHIBITED DURING CERTAIN PERIODS, Schedule F., NO PARKING AT SPECIFIED TIMES 7:30 a.m. to 4:30 p.m. on School Days, is hereby amended to read as follows:

**Delete Therefrom:**

ANN ST., on side of Franklin School.

**Section 3.** Any person violating the provisions of this Ordinance shall be subject to the penalty provided by the penalty section of the Traffic Code.

**Section 4.** The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

**Section 5.** All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 6.** 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:

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Sue L. Strands, City Clerk

Reviewed ASAM

# ADVISORY PARKING & TRAFFIC BOARD MINUTES

July 18, 2013  
1:30 P.M.

Meeting Rooms D&E  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## CALL TO ORDER

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

Absent: - None

Administrative Staff - Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
Mat Mueller, Police Captain

Chairman Bonlander declared a quorum present.

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

## REPORTS OF OFFICERS

Paul De Vries, City Engineer, dated July 3, 2013

Subject: Remove a "Bus Loading Zone" in accordance with Code of Ordinances Section 7.05(4) and Schedule "I".

Effect: Remove "Bus Loading Zone"

Location: Ann St., east side, from the south right-of-way of Military Road, south 200 feet.

Subject: Remove "Parking Prohibited at Specific Times from 7:30 a.m. to 4:30 p.m. on School Days" in accordance with Code of Ordinances Section 7.05(2) and Schedule "F".

Effect: Remove "Parking Prohibited at Specific Times on School Days"

Location: Ann St., on side of Franklin School.

**ADVISORY PARKING & TRAFFIC BOARD MINUTES**

July 18, 2013

Page 2

Subject: Revise the "School Safety Zone" in accordance with Code of Ordinances Section 7.05(13).

Effect: Revise the "School Safety Zone"

Location: Walker St., west side, from a point 200 feet from the south right-of-way of Military Road, south 100 feet.

Subject: Add a "Bus Loading Zone" in accordance with Code of Ordinances Section 7.05(4) and Schedule "I".

Effect: Add a "Bus Loading Zone"

Location: Walker St., west side, from a point 300 feet from the south right-of-way of Military Road, south 200 feet.

Initiator: Marian Sheridan, Safety and Health Coordinator, Fond du Lac School District

Appeared in Support:

Marian Sheridan, N5373 County Rd V., Fond du Lac, appeared as petitioner in support and to ask/answer questions.

Appeared in Opposition:

Charlotte Nelson, 377 Walker St., Fond du Lac

Motion made by Carey to recommend to the City Council to remove "Bus Loading Zone" on Ann St., east side, from the south right-of-way of Military Road, south 200 feet. Remove "Parking Prohibited at Specific Times from 7:30 a.m. to 4:30 p.m. on School Days" on Ann St., on the side of Franklin School. Revise the "School Safety Zone" on Walker St., west side, from a point 200 feet from the south right-of-way of Military Road, south right-of-way of Military Road, south 100 feet. Add a "Bus Loading Zone" on Walker St., west side, from a point 300 feet from the south right-of-way of Military Road, south 200 feet.

Seconded by Wagner.

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

Nay - None

Carried.

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

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

---

Engineering and Traffic Division

**Date:** July 12, 2012

**To:** Advisory Parking and Traffic Board

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

**Re:** **Request to revise parking restrictions for the STEM school at Franklin School, 401 S. Military Road.**

This memo and Exhibit D cover all four agenda items list under “D” for the Advisory Parking & Traffic Board’s July 18, 2013 meeting:

1. Remove a “Bus Loading Zone” in accordance with Code of Ordinances Section 7.05(4) and Schedule “I”.
  - Location: Ann Street, East side, from the south right-of-way of Military Road, south 200 feet
2. Remove Parking “Parking Prohibited at Specific Times from 7:30 a.m to 4:30 p.m. on School Days” in accordance with Code of Ordinances Section 7.05(2) and Schedule “F”.
  - Location: Ann Street, on the side of Franklin School
3. Revise a “School Safety Zone” in accordance with Code of Ordinances Section 7.05(13).
  - Location: Walker Street, West side, from a point 200 feet from the south right-of-way of Military Road, south 100 feet
4. Add a “Bus Loading Zone” in accordance with Code of Ordinances Section 7.05(4) and Schedule “I”.
  - Location: Walker Street, West side, from a point 300 feet from the south right-of-way of Military Road, south 200 feet

Marian Sheridan, Safety and Health Coordinator, FDL School District initiated the requests for the STEM (Science, Technology, Engineering, and Math) Academy located at the Franklin School at 401 S. Military Road.

City staff met with School District staff to discuss the addition of about 100 more students to the STEM Academy for the 2013-2014 school year. Last year, we made a number of changes to accommodate the first year of STEM and after review and consideration of the additional students; the School District would

like to make some further changes. They propose to move the bus loading zone to Walker Street and make an inside drop-off from Ann Street and have additional area on Ann Street for drop-off/pick-up. The summary of proposed changes to City Ordinances is as follows:

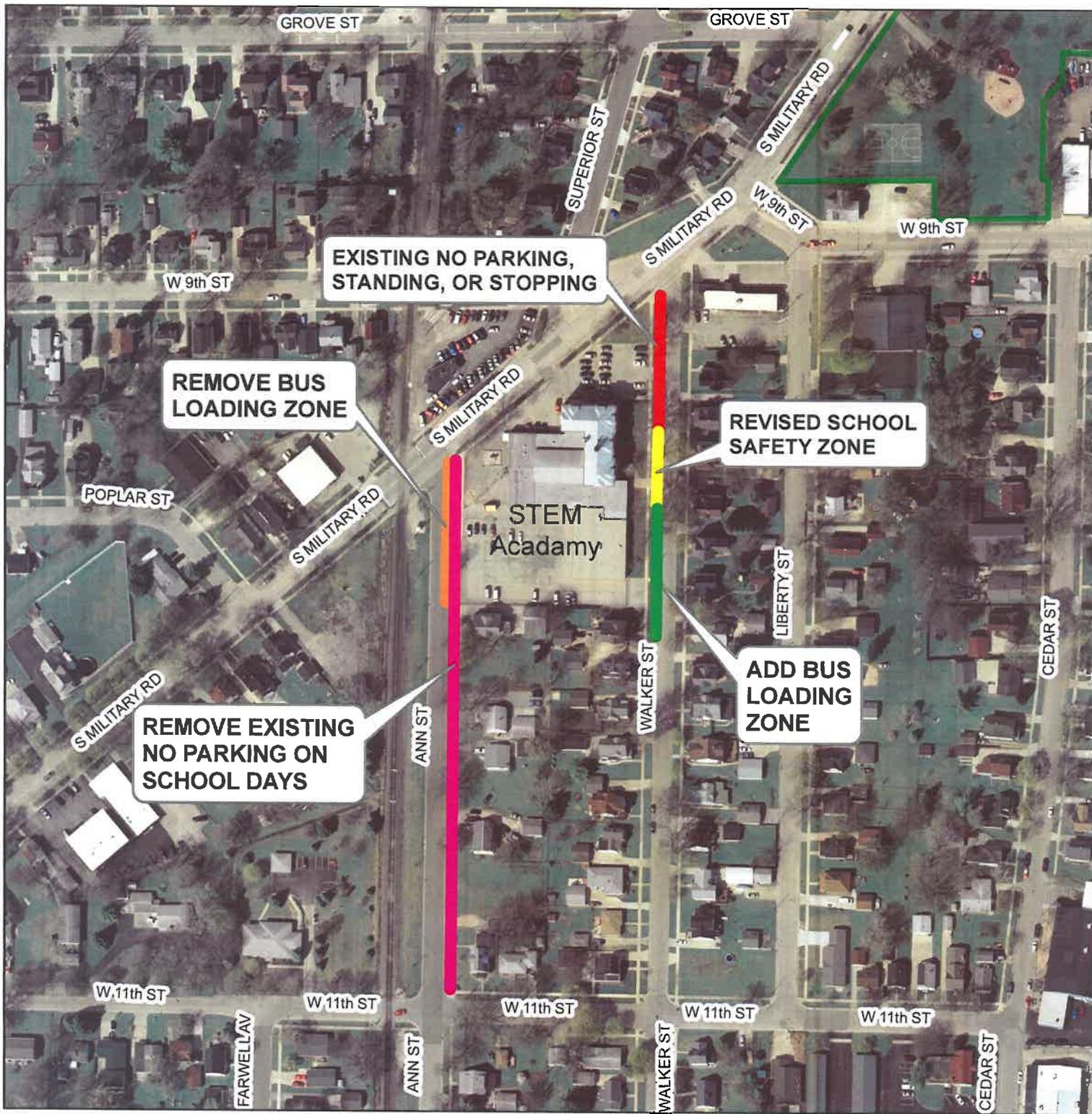
- Remove bus-loading zone on Ann Street and add the bus-loading zone to Walker Street.
- Remove school day limited time parking restriction on Ann Street.
- Revise School Safety Zone on Walker Street to accommodate the bus-loading zone.

One item to note is that these four proposed changes should be reviewed as a whole because they are all related. They should all be either approved or all denied together.

The Engineering and Traffic Division supports the proposed changes.

# Exhibit D July 18, 2013

Advisory Parking & Traffic Board



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

N  
1 in = 0.04 miles  
1 inch = 194 feet

Printing Date: 7/3/2013  
Prepared by:  
City of Fond du Lac  
Engineering Division  
Mapped Template By: A. Dorn



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

# Fond du Lac School District

---

Marian Sheridan  
Coordinator of School Health & Safety,  
Transportation & Attendance Programs

72 W. Ninth St. • Fond du Lac, WI 54935  
Phone: (920) 906-6548 • Fax: (920) 906-6563

July 1, 2013

Paul De Vries, P.E.  
City Engineer  
160 S. Macy  
Fond du Lac, Wisconsin 54935

Dear Mr. De Vries,

Please accept this letter as a request from the Fond du Lac School District for to reduce the School Safety Zone on Walker Street to 100' and add a Bus Zone just south of the School Safety Zone for total of 200' or at a distance adequate for the bus traffic at Franklin School.

In addition please eliminate the current Bus Zone on Ann Street

The revision is requested to improve safety, between vehicles, buses and pedestrians in the area.

Thank you for your consideration.

Sincerely,



Marian Sheridan  
Health and Safety Coordinator  
Fond du Lac School District



*The mission of the Fond du Lac School District, in partnership with the family and the community, is to promote high achievement and foster the continuous growth of the whole child, so that each becomes a creative, contributing citizen in a global society by providing personalized learning opportunities in a safe, nurturing environment.*

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Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
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FDL-15-17-15-32-379-00	377 WALKER ST	FOND DU LAC	WI	54935	377 WALKER ST
FDL-15-17-15-32-377-00	389 WALKER ST	FOND DU LAC	WI	54935	389 WALKER ST
FDL-15-17-15-32-369-00	437 WALKER ST	FOND DU LAC	WI	54935	437 WALKER ST
FDL-15-17-15-32-346-00	411 ANN ST	FOND DU LAC	WI	54935	411 ANN ST
FDL-15-17-15-32-347-00	411 ANN ST	FOND DU LAC	WI	54935	407 ANN ST
FDL-15-17-15-32-356-00	481 PROSPECT AVE	BROWNSVILLE	WI	53006	426 WALKER ST
FDL-15-17-15-32-345-00	419 ANN ST	FOND DU LAC	WI	54935	419 ANN ST
FDL-15-17-15-32-375-00	401 WALKER ST	FOND DU LAC	WI	54935	401 WALKER ST
FDL-15-17-15-32-367-00	% ALLIANCE REAL ESTATE	SAN DIEGO	CA	92192	449 WALKER ST
FDL-15-17-15-32-341-00	317 W 11TH ST	FOND DU LAC	WI	54935	317 W 11TH ST
FDL-15-17-15-32-359-00	444 WALKER ST	FOND DU LAC	WI	54935	444 WALKER ST
FDL-15-17-15-32-354-00	414 WALKER ST	FOND DU LAC	WI	54935	414 WALKER ST