

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN
Legislative Chambers
160 S Macy Street

February 22, 2017
6:00 PM

1. CALL TO ORDER

- a. Roll Call
- b. Declaration a Quorum Is Present
- c. Pledge of Allegiance
- d. Silent Reflection
- e. A Proclamation Recognizing Stephen Endries Retirement

2. PUBLIC HEARINGS

- a. Public Hearing - A Final Resolution Regarding The Construction of Curb and Gutter for Fifth St, Seventh St., Ellis St., North Military Road and Tompkins St.
Curb and Gutter

Fifth Street- from S. Marr Street to S. Park Avenue
Seventh Street - from S. Main Street to S. Park Avenue
Ellis Street from - 4th Street to 8th Street (North Leg)
North Military Road - from the W. Follett Street to W. Scott Street
Tompkins Street - from Superior Street west to Termini

3. CONSENT AGENDA

- a. February 8, 2017 Regular City Council Minutes
- b. February 8, 2017 Closed Session Minutes
- c. List Of Claims Dated February 15, 2017

4. INPUT

- a. Audience Comments
- b. Debt Issues
Presentation By Paul Thompson, Senior Vice President, Hutchinson, Shockey, Erley & Co.

--2017 CIP Debt Issue Preliminary Interest Rates and Debt Repayment Schedules

5. ACTIONS

- a. Class "A" Fermented Malt Beverage Change Of Agent
Corporation: Kwik Tip Inc.
Agent: Kelly Moore

Agent Address: 37 Woodside St., Rosendale, WI
d/b/a: Kwik Trip #606
Location of Premises: 471 N Park Ave
Introduction: City Clerk

- b. "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage

Corporation: Kwik Trip, Inc.
Agent Name: Mary Reiter
Agent Address: 684 Prairie Pkwy., Fond du Lac, WI
d/b/a Kwik Trip #579
Location of Premises: 665 W Scott Street
Introduction: City Clerk

- c. Resolution No. 8656

A Resolution Granting A Special Use Permit To Kwik Trip To Replace Underground Fuel Tanks and Aboveground Fuel Dispensers At 471 N Park Avenue
Introduction: Community Development Director

- d. Resolution No. 8657

A Resolution Granting A Special Use Permit To Bryan Perl DBA Two Bucks & Ale House To Allow Indoor Amplified Music/Sound As Part Of The Business Operations At 65 N Main Street
Introduction: Community Development Director

- e. Resolution No. 8658

A Final Resolution Regarding The Construction Of Curb And Gutter For Fifth Street, Seventh Street, Ellis Street, North Military Road and Tompkins Street
Introduction: Public Works Director

- f. Resolution No. 8659

A Preliminary Resolution To Levy Special Assessments For Private Lead Water Service Line Replacement In The Areas Of Fifth Street, Seventh Street, Ellis Street, North Military Road, Tompkins Street And In Any Areas Where Emergency Repairs Are Unknown At This Time
Introduction: Public Works Director

6. ADJOURN

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

Title: A Proclamation Recognizing Stephen Endries Retirement

Subject: A Proclamation Recognizing Stephen Endries Retirement

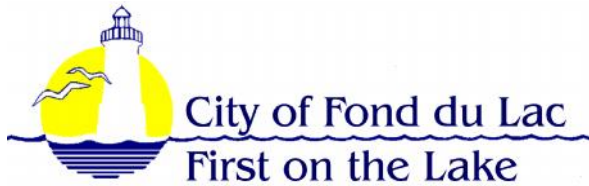
Initiator:

Recommendation:

ATTACHMENTS:

File Name

EndriesS_Retirement.pdf



Proclamation

Whereas, Stephen Endries is retiring from the Fond du Lac Police Department on March 1, 2017; and

Whereas, Stephen has been a valued member of the Police Department for more than 27 years, dedicating his career as a Patrol Officer since June 1, 1989; and

Whereas, Stephen has faithfully served his community by protecting the citizens of Fond du Lac whenever and wherever he was needed, with honor, integrity, and professionalism in a variety of specialized capacities as a Bike Patrol Officer, SWAT Officer, a member of the Tactical Unit, K9 Officer, and Honor Guard, and now retiring as Senior Patrol Officer; and

Whereas, the City wishes to thank Stephen for being part of the team of officers dedicated to making Fond du Lac a safe place to live, learn, work, and play.

Now, Therefore, I, Lee Ann Lorrigan, President of the Fond du Lac City Council, by my signature affixed, do hereby recognize Stephen Endries for 27 years and nine months of dedicated service to the citizens of the City of Fond du Lac and extend the City's best wishes for a long and prosperous retirement.

Dated: February 2017

*Lee Ann Lorrigan
City Council President*

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

Title: Public Hearing - A Final Resolution Regarding The
Construction of Curb and Gutter for Fifth St, Seventh
St., Ellis St., North Military Road and Tompkins St.

Subject: Curb and Gutter

Fifth Street- from S. Marr Street to S. Park Avenue

Seventh Street - from S. Main Street to S. Park Avenue

Ellis Street from - 4th Street to 8th Street (North Leg)

North Military Road - from the W. Follett Street to W.
Scott Street

Tompkins Street - from Superior Street west to Termini

Initiator:

Recommendation:

ATTACHMENTS:

File Name

2017_Public_Hearing_Notice-FDL_Reporter.pdf

NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS

PLEASE TAKE NOTICE THAT the City Council of the City of Fond du Lac has declared its intention to exercise its police power in accordance with sec. 66.0703 (1)(a) Wis. Stats. to levy special assessments upon property within the following proposed assessment districts consisting of all property fronting upon both sides of the following streets, for benefits conferred upon the property by the improvements.

CURB AND GUTTER

On 5th Street from S. Marr Street to S. Park Avenue
On 7th Street from S. Main Street to S. Park Avenue
On Ellis Street from 4th Street to 8th Street (North Leg)
On N. Military Road from the W. Follett Street to W. Scott Street
On Tompkins Street from Superior Street west to Termini

The report of the Director of Public Works estimated cost of improvements and proposed assessments is on file in the City Clerk's Office and may be inspected there during any business day between the hours of 7:45 a.m. and 4:30 p.m.

You are hereby notified that the City Council will hear all interested persons, concerning matters contained in the final resolution authorizing the assessments and the report of the City Council at 6:00 p.m., on the 22nd day of February, 2017 in the Legislative Chambers of the City-County Government Center, 160 South Macy Street. All objections will be considered at this hearing and thereafter the amount of the assessments will be finally determined.

Dated this 8th day of February, 2017

Margaret Hefter
City Clerk

Publish: February 12th, 2017

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

Title: February 8, 2017 Regular City Council Minutes

Subject: February 8, 2017 Regular City Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2017_2_8_Meeting(318).pdf

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

Legislative Chambers
160 S Macy Street

February 8, 2017
6:00 PM

CALL TO ORDER

Roll Call

Present

Catherine Block
Brian Kolstad
Lee Ann Lorrigan
Greg Giles
Karyn Merkel
Derek TerBeest
Kay Miller

Absent

None

Administrative Staff

Joe Moore, City Manager
Dyann Benson, Director of Community Development
Tracy Salter, Director of Administration
Tricia Davi, Deputy Comptroller/Treasurer
Eileen Baus, Senior Accountant
Deb Hoffmann, City Attorney
Jordan Skiff, Director of Public Works
Pete Hartz, Water Operations Manager
Travis Kloetzke, Water Utility Supervisor
Jon Mark Bolthouse, Library Director
Bill Lamb, Chief of Police
Steve Beer, Assistant Chief, Fire
Autumn Fischer, Wastewater Supervisor
Cody Schoepke, Wastewater Operations Leader

Declaration a Quorum Is Present

President Lorrigan declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

Proclamation Recognizing Utility Of The Future

President Lorrigan presented a proclamation recognizing the
Wastewater Treatment Plant staff for their forward-thinking

performance in providing sustainable, efficient, and value-added service for the City of Fond du Lac.

CONSENT AGENDA

January 25, 2017 Regular Council Minutes

January 25, 2017 Closed Session Minutes

List of Claims Dated February 1, 2017

A Motion was made by Derek TerBeest to approve the Consent Agenda and seconded by Greg Giles, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

INPUT

Downtown Exploratory Committee Final Report

Downtown Exploratory Committee Members Sam Meyer (Chairperson), Deborah Doll and Mandi Hatch presented the committee's final report, listing recommendations for possible improvements of Downtown Fond du Lac.

Audience Comments

Spoke in opposition of Action Item B, Ordinance No. 3629

Douglas Duitman, 1229 Primrose Ln, Fond du Lac

Spoke on the topic of Action Item B, Ordinance No. 3629

William Turner, 406 S Park Ave, Fond du Lac

ACTIONS

Resolution No. 8655

2017-035

A Motion was made by Catherine Block to approve Resolution No. 8655, authorizing a memorandum of understanding and/or lease between The City and Brooke Industries and The Miracle League of Fond du Lac for a Miracle League Chapter and baseball diamond located in Playmore Park and seconded by Brian Kolstad, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Ordinance No. 3629

2017-036

A Motion was made by Brian Kolstad to approve Ordinance No. 3629,

an ordinance amending Chapter 642, Water, of The Code of Fond du Lac Relating to Private Lead Water Service Line Replacment and seconded by Derek TerBeest, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Ordinance No. 3630

2016-037

A Motion was made by Karyn Merkel to approve Ordinance No. 3630, amending Chapter 639, Wastewater Collection and Treatment System, in Reference to Renaming the Wastewater Treatment Plant to Fond du Lac Regional Wastewater Treatment and Resource Recovery Facility and seconded by Catherine Block, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

ADJOURN

Adjourn To Closed Session

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:

Economic Development Opportunity

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

A Motion was made by Brian Kolstad to adjourn to closed session at 8:35 am and seconded by Kay Miller, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Margaret Hefter
City Clerk

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

Title: February 8, 2017 Closed Session Minutes

Subject: February 8, 2017 Closed Session Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

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

Title: List Of Claims Dated February 15, 2017

Subject: List Of Claims Dated February 15, 2017

Initiator:

Recommendation:

ATTACHMENTS:

File Name

List_of_Claims_2-15-17.pdf

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: February 15, 2017

To: City Council

From: Tracy Salter, Director of Administration

Re: List of Claims

The list of claims for goods and services for the payment periods January 28, 2017 through February 10, 2017 for all funds total \$1,249,894.22. 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 COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Audience Comments

Subject:

Initiator:

Recommendation:

CITY OF FOND DU LAC - Memorandum

Department of Administration

To: Joe Moore, City Manager
City Council

From: Tracy Salter, Director of Administration

Date: February 15, 2017

Subject: 2017 Debt Issues

The February 22 and March 8, 2017 City Council meeting agendas will include discussion and action regarding a general obligation (G.O.) debt issue to finance 2017 capital improvement projects (CIP).

A new debt issue of \$5,025,000 will fund the 2017 general capital projects. This debt issue will have a 10 year repayment schedule and an estimated net interest cost of 2.58%.

Mr. Paul Thompson of Hutchinson, Shockey, Erley & Co. will present information regarding the anticipated interest rates and repayment schedules for the debt issues at the February 22, 2017 City Council meeting. Resolutions to approve the debt issues will be placed on the March 8, 2017 City Council meeting agenda. Mr. Thompson will provide the final interest rates and debt service principal and interest payment schedules at that time.

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

Title: Class "A" Fermented Malt Beverage Change Of Agent

Subject: Corporation: Kwik Trip Inc.
Agent: Kelly Moore
Agent Address: 37 Woodside St., Rosendale, WI
d/b/a: Kwik Trip #606
Location of Premises: 471 N Park Ave
Introduction: City Clerk

Initiator: Kwik Trip Inc.

Recommendation: (Proposed Action: Approve)

ATTACHMENTS:

File Name

Kwik_Trip_change_of_agent.pdf

Fond du Lac Police Department

MEMO



To: City Manager Joe Moore
From: Chief Lamb
RE: Change of Agent Request for Kwik Trip Store
#606 471 N. Park Ave
Date: 02-14-17

Kwik Trip Incorporated has notified the City regarding a Change of Agent request for the following store location in the City of Fond du Lac: Store #606 located at 471 N. Park Avenue. Kelly J Moore will be the new licensed agent for this establishment. Background checks conducted on Ms. Moore, both in-house and NCIC/CIB, indicate no prior criminal history that would preclude the issuance of the change of agent request. The Police Department has no objections to the change of agent request.

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Kwik Trip, Inc.
(registered name of corporation/organization or limited liability company)

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

Kwik Trip 606
(trade name)
located at 471 N. Park Ave., Fond du Lac, WI 54935

appoints Kelly J. Moore
(name of appointed agent)
307 Woodside St., Rosendale, WI 54974
(home address of appointed agent)

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

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

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No All my life
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin?

Place of residence last year 307 Woodside St., Rosendale, WI 54974

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

ACCEPTANCE BY AGENT

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

[Signature] 1-20-17 Agent's age [Redacted]
(signature of agent) (date)
307 Woodside St., Rosendale, WI 54974 Date of birth [Redacted]
(home address of agent)

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

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

Approved on 02/14/17 by [Signature] Title ASST. POLICE CHIEF
(date) (signature of proper local official) (town chair, village president, police chief)

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

Title: "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage

Subject: Corporation: Kwik Trip, Inc.
Agent Name: Mary Reiter
Agent Address: 684 Prairie Pkwy., Fond du Lac, WI
d/b/a Kwik Trip #579
Location of Premises: 665 W Scott Street
Introduction: City Clerk

Initiator: Kwik Trip Inc.

Recommendation: Alcohol License Committee Recommendation: **Approve**

ATTACHMENTS:

File Name

KWIK_TRIP_Redacted.pdf

Excerpt_-_ALC_02-20-17.pdf

Fond du Lac City Police Department



Memo

To: City Manager Moore

From: Chief Lamb

Date: 02-15-17

Re: Proposed Class A Combination License for Kwik Trip Store (#579) 665 W Scott Street (former Scott St. Shell)

On February 15, 2017, Assistant Chief Klein, met with the listed applicant Mary Reiter who is the Manager of the new Kwik Trip Store located at 665 W Scott St regarding their request for a Class A Intoxicating Liquor and Fermented Malt Beverage license for the above location.

Kwik Trip Inc. will be opening a new store location at the end of February at the site of the former Scott St Shell. This license request will allow Kwik Trip to sell a selection of fermented malt beverages for carry out purposes.

Kwik Trip Inc. has operated six other stores in the City of Fond du Lac for many years with no concerns noted by law enforcement. Ms. Reiter stated that all of their registers will have ID scanning software to ensure those who are purchasing alcohol are age 21 or over. In addition, the "beer cave cooler" where the licensed products will be sold, have built in timers that automatically lock between the hours of 9 p.m. and 8 a.m. and the registers have built in timers that automatically will not permit alcohol sales to take place between the hours of 9 p.m. and 8 a.m. which is the time frame that Class A establishments are prohibited from selling alcohol beverages in accordance with Fond du Lac City Ordinance. In addition, the corporation also conducts its own ID spot checks of its stores every 2-months.

Ms. Reiter will be the listed agent for this location. She has been a licensed agent at other Kwik Trip locations with no concerns noted.

Background checks were conducted on Ms. Reiter and the Officers of Kwik Trip Inc., both in-house and NCIC/CIB. There is nothing in the applicants' backgrounds that would preclude them from obtaining the requested license. The Police Department has no objections to the approval of the proposed license.



Legal

PHONE 608-781-8988

FAX 608-793-6120

VIA UPS

1626 Oak St., P.O. Box 2107

La Crosse, WI 54602

www.kwiktrip.com

January 4, 2017

Ms. Maggie Hefter, City Clerk
City of Fond du Lac
County Government Center
P.O. Box 150
Fond du Lac, WI 54936-0150

RE: Kwik Trip 579
665 W. Scott St.

Dear Maggie:

We purchased the Scott Street Shell Station and are remodeling the building. Construction began October 31, 2016 and is scheduled to be completed February 17, 2017 with the store to open the following week.

We would like to apply for off-sale beer, liquor, cigarette, loud speaker and soda permits for this store location. Enclosed please find completed application forms and accompanying documentation. Also enclosed is a check to cover the license and publication fees. I respectfully request that you put this on the agenda of your City Council meeting for consideration.

I will call you in a couple of days to confirm that you have everything you need. Please contact me at (608) 793-6262 or dhafner@kwiktrip.com if you require anything in the meantime. Thank you in advance for your assistance with this matter.

Yours truly,

Deanna Hafner
Licensing Agent

Enclosures

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning FEBRUARY 20, 20 17
ending JUNE 30, 20 17

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

County of FOND DU LAC Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ LIMITED LIABILITY COMPANY
☒ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): KWIK TRIP, INC.

1626 OAK ST., PO BOX 2107, LA CROSSE, WI 54602-2107

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

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>PRESIDENT</u>	<u>DONALD P. ZIETLOW</u>	<u>2802 BERGAMOT PL. ONALASKA, WI 54650</u>
Vice President/Member			
Secretary/Member	<u>ASST SEC</u>	<u>MARK S. ZIETLOW</u>	<u>1301 7TH ST. SW ROCHESTER, MN 55902</u>
Treasurer/Member	<u>ASST SEC</u>	<u>JEFFREY J. WROBEL</u>	<u>3633 BENTWOOD PL. LA CROSSE, WI 54601</u>
Agent	<u>AGENT</u>	<u>MARY J. REITER</u>	<u>684 PRAIRIE PKWY. FOND DU LAC, WI 52270</u>
Directors/Managers	<u>DONALD P. ZIETLOW AND STEVEN D. ZIETLOW</u>		

3. Trade Name KWIK TRIP 579 Business Phone Number 920-923-0773
4. Address of Premises 665 W. SCOTT ST. Post Office & Zip Code FOND DU LAC, 54937

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☒ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) Corporate/limited liability company applicants only: Insert state WISCONSIN and date 10/07/64 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Please see enclosed list ☒ Yes ☐ No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) ONE-STORY FRAME CONSTRUCTION WITH STORAGE IN LOCKABLE
10. Legal description (omit if street address is given above): WALK-IN COOLER AND CABINET.
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
(b) If yes, under what name was license issued?
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

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

SUBSCRIBED AND SWORN TO BEFORE ME

this 4th day of January, 20 17
Marianne Harkes
(Clerk/Notary Public)

My commission expires 1-9-18

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>01/10/17</u>	Date reported to council/board <u>02/22/17</u>	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Kwik Trip, Inc.
(registered name of corporation/organization or limited liability company)

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

Kwik Trip 579

(trade name)

located at 665 W. Scott St., Fond du Lac, WI 54937

appoints Mary J. Reiter
(name of appointed agent)

684 Prairie Pkwy., Fond du Lac, WI 52270

(home address of appointed agent)

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

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

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No Since 2003
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin?

Place of residence last year 684 Prairie Pkwy., Fond du Lac, WI 52270

For: Kwik Trip, Inc.
(name of corporation/organization/limited liability company)

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

And: [Signature]
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Mary J. Reiter, hereby accept this appointment as agent for the
(print/type agent's name)

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

684 Prairie Pkwy., Fond du Lac, WI 52270

(home address of agent)

12/21/16
(date)

Agent's age

Date of birth

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

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

Approved on 02/15/17 by [Signature] Title ASST. POLICE CHIEF
(date) (signature of proper local official) (town chair, village president, police chief)

**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

WI Dr. Lic. # Z340-1953-4444-01

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Zietlow		Donald		Paul	
Home Address (street/route)		Post Office		City	State Zip Code
2802 Bergamot Pl.		Onalaska			WI 54650
Home Phone Number		Age	Date of Birth	Place of Birth	

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

- ☐ Applying for an alcohol beverage license as an individual.
- ☐ A member of a partnership which is making application for an alcohol beverage license.
- ☒ **President** of **Kwik Trip, Inc.**
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? **All my life.**
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☒ Yes ☐ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
Please see reverse
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
If yes, identify. (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name Kwik Trip, Inc.	Employer's Address 1626 Oak St., La Crosse, WI 54601	Employed From 9/1/89	To Present
Employer's Name Gateway Foods	Employer's Address La Crosse, WI	Employed From 1963	To 1989

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 4th day of January, 2017
Rebecca Haffke
(Clerk/Notary Public)

My commission expires 1-9-18

Donald Paul
(Signature of Named Individual)



**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

MN Dr. Lic. #X242-7278-4606

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Zietlow		Mark		Scott	
Home Address (street/route) 1301 7 th St. SW		Post Office		City Rochester	State MN
				Zip Code 55902	
Home Phone Number		Age	Date of Birth	Place of Birth	

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

- ☐ Applying for an alcohol beverage license as an individual.
- ☐ A member of a partnership which is making application for an alcohol beverage license.
- ☒ **Assistant Secretary** of **Kwik Trip, Inc.**
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

N/A

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

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

Employer's Name Mayo Clinic	Employer's Address 200 1 st St. SW, Rochester, MN 55905	Employed From June 2008	To July 2008
Employer's Name MN State Referee Committee	Employer's Address National Sports Center, Blaine, MN 55449	Employed From June 2004	To August 2006

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

Notary Public this 5th day of January, 2014

(Clark/Notary Public)

My commission expires 1-9-18

Mark S. Zietlow



WI Dr. Lic. #W614-4306-0256-09

Individual's Full Name (please print)		(last name)		(first name)		(middle name)	
Wrobel		Jeffrey		James			
Home Address (street/route)		Post Office		City		State	Zip Code
3633 Bentwood Pl.				La Crosse		WI	54601
Home Phone Number		Age		Date of Birth		Place of Birth	

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

1. How long have you continuously resided in Wisconsin prior to this date? All my life

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No

If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No

If yes, describe status of charges pending.

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No

If yes, identify.

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify.

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

Employer's Name	Employer's Address	Employed From	To
Rau Corporation	600 Sumner, La Crosse, WI 54601	1983	1988
Employer's Name	Employer's Address	Employed From	To

Subscribed and sworn to before me
 this 14th day of January, 2017

 (Clerk/Notary Public)



Printed on
Recycled Paper

**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

WI Dr. Lic. #R360-5906-1181-01

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Reiter		Mary		Jo	
Home Address (street/route) 684 Prairie Pkwy.		Post Office Fond du Lac	City	State WI	Zip Code 52270
Home Phone Number		Age	Date of Birth	Place of Birth	

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

- ☐ Applying for an alcohol beverage license as an **individual**.
- ☐ A member of a **partnership** which is making application for an alcohol beverage license.
- ☒ **Agent** of **Kwik Trip, Inc.**
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? **Since 2003**
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
If yes, identify. (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)
6. Named individual must list in chronological order last two employers.

Employer's Name Coach House-Gold Crown Hallmark	Employer's Address 835 W Johnson St, Fond du Lac, WI	Employed From 10/11	To 5/12
Employer's Name The Knitting Room	Employer's Address 28 N Main St, Fond du Lac, WI	Employed From 3/06	To 10/11

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 29 day of December, 2016
Timothy M Muelkenbach
(Clerk/Notary Public)

My commission expires 12/29/2017

Mary J. Reiter
(Signature of Named Individual)

Mary J. Reiter



Wisconsin Department of Revenue





WISCONSIN DEPARTMENT OF REVENUE
PO BOX 8902
MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
MADISON, WI 53708-8902
ph: 608-266-2776 fax: 608-264-6884
email: DORBusinessTax@wisconsin.gov
website: revenue.wi.gov

Letter ID L0390977760

ATTN DEANNA HAFNER
KWIK TRIP, INC.
PO BOX 2107
LA CROSSE WI 54602-2107

Wisconsin Department of Revenue Seller's Permit

Legal/real name: KWIK TRIP, INC.
Business name: KWIK TRIP 579
665 W SCOTT ST
FOND DU LAC WI 54937-2006

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type	Account Type	Account Number
Sales & Use Tax	Seller's Permit	456-0000287614-03

ALCOHOL LICENSE COMMITTEE MEETING MINUTES

CITY OF FOND DU LAC, WISCONSIN
160 S Macy Street
Meeting Room D
February 20, 2017
4:00 PM

ROLL CALL

Attendance

Present

Shawn Anhalt
Peter Doll
Brian Kolstad
Kerry Ann Strupp
Mark Otterstatter

Absent

Jacob Lehman
Travis Vandynhoven

Declaration Quorum Present

Chairperson Shawn Anhalt declared a quorum present.

*****OTHER BUSINESS*****

ACTIONS

"Class A" Intoxicating Liquor and Class "A" Fermented Malt License

Limited Liability: Kwik Trip, Inc

Agent: Mary J Reiter

Agents Address: 684 Prairie Pkwy, Fond du Lac, WI 54935

d/b/a: Kwik Trip 579

Location of Premises: 665 W Scott Street

A Motion was made by Kerry Strupp to approve a "Class A" Intoxicating Liquor and Class "A" Fermented Malt License for Kwik Trip #579 located at 665 W Scott St and seconded by Mark Otterstatter, and the motion was **Passed.**

Ayes: Anhalt, Doll, Kolstad, Otterstatter, Strupp

Absent: Lehman, VanDynHoven

*****OTHER BUSINESS*****

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

Title: Resolution No. 8656

Subject: A Resolution Granting A Special Use Permit To Kwik Trip
To Replace Underground Fuel Tanks and Aboveground Fuel
Dispensers At 471 N Park Avenue
Introduction: Community Development Director

Initiator:

Recommendation: Plan Commission Recommendation: **Approve**

ATTACHMENTS:

File Name

8656_SUP_Kwik_Trip.docx

SUP_Kwik_Trip.pdf

PC_Excerpt_-_SUP_Kwik_Trip.pdf

RESOLUTION NO. 8656

A RESOLUTION GRANTING A SPECIAL USE PERMIT TO KWIK TRIP TO REPLACE UNDERGROUND FUEL TANKS AND ABOVEGROUND FUEL DISPENSERS AT 471 NORTH PARK AVENUE

WHEREAS, Kwik Trip has petitioned for a special use permit to replace underground fuel tanks and aboveground fuel dispensers at 471 North Park Avenue; and

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

WHEREAS, the City Plan Commission recommended the issuance of the requested special use permit at its meeting on February 13, 2017 with the following conditions:

1. The installation, use, and maintenance of underground fuel tanks and fuel dispensers shall comply with requirements of the Wellhead Protection Overlay District and appropriate requirements of the City of Fond du Lac Water Utility.
2. Underground fuel tanks shall provide proper containment (double-wall tank or spill containment area). Proof of compliance with this requirement shall be provided to the Building Inspector in conjunction with required plans for review and approval of a building permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that a special use permit subject to the conditions specified above, be granted to allow Kwik Trip to replace underground fuel tanks and aboveground fuel dispensers at 471 North Park Avenue.

ADOPTED:

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

City of Fond du Lac

SPECIAL USE PERMIT

Application

PROPERTY LOCATION: Kwik Trip #606 471 N. Park Ave Fond Du Lac, WI

Tax Key Number (Vacant Land): FDL-____-____-____-____

Project Applicant			
Name Matt Franzini			
Mailing Address 1626 Oak St. PO Box 2107	City La Crosse	State WI	ZIP Code 54601
Email Address [REDACTED]		Phone Number [REDACTED]	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name			
Mailing Address	City	State	ZIP Code
Email Address		Phone Number	
Landowner Certification			
If the person requesting the special use permit is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the special use permit application packet.			

Description of present use of property:

Convenience store with 3 underground fuel storage tanks and fuel pumps

Description of proposed use of property and/or proposed site development:

Convenience Store with underground fuel storage tanks and 6 fuel pumps. Replace existing 28 year old single wall tanks and underground piping with new double wall tanks and piping.

Time schedule for use and/or development of the property: March 2017

PROJECT APPLICANT SIGNATURE

 (Agent)



BUREAU OF WEIGHTS AND MEASURES
Storage Tank Regulation
P. O. Box 7837
Madison, Wisconsin 53707-7837
Phone: (608) 224-4949
<http://www.datcp.wi.us>
<http://www.wisconsin.gov>
Scott Walker, Governor
Ben Brancel, Secretary

January 20, 2017

Kwik Trip, Inc.
1626 Oak Street
La Crosse, WI 53929

Metco Midwest Electro Tech Corp
102 Enterprise Drive
Hillsboro, WI 54634-0448

RE: CONDITIONAL APPROVAL

PLAN APPROVAL EXPIRES: 1/20/2019

SITE:

Kwik Trip #606
471 N Park Ave
Fond du Lac, WI 54935
Fond du Lac County; 2009

Identification Numbers
Transaction ID : 18691
Site: 471 N Park Ave Fond du Lac, WI 54935
Please refer to both identification numbers, above, in all correspondence with the agency.

FOR:

Facility: Kwik Trip #606
471 N Park Ave
Fond du Lac, WI 54935

Regulated Object #'s 388532, 388533, and 388534

The submittal described above has been reviewed for conformance with applicable Wisconsin Administrative Codes and Wisconsin Statutes. The submittal has been **CONDITIONALLY APPROVED**. The owner, as defined in Wisconsin Administrative Code, ATCP 93.050(80), is responsible for compliance with all code requirements.

The CONDITIONAL APPROVAL for the above referenced site allows the closure and removal of Regulated Object #'s 388532, 388533 and 388534, and the installation of:

- One (1) 12,000 gallon UL 1316 double-wall fiberglass reinforced plastic (FRP) underground storage tank (UST) for retail sale of unleaded gasoline products.
- One (1) 12,000 gallon UL 1316 double-wall fiberglass reinforced plastic (FRP) underground storage tank (UST) for retail sale of unleaded plus gasoline products. This tank system has been reviewed and approved for the storage and dispensing of ethanol blended alternative motor fuel products.
- One (1) 12,000 gallon UL 1316 double-wall fiberglass reinforced plastic (FRP) underground storage tank (UST) for retail sale of unleaded premium gasoline products.
- New primary product piping will be Franklin Fueling Systems (FFS) APT, XP Series, 1.5" double-wall flexible underground product piping. Existing single-wall steel supply piping shall be removed.
- New vent piping will be 3" single-wall FRP underground and transitioned to three (3) new 3" steel aboveground risers.
- Tanks will have product compatible FE Petro submersible turbine pumps (STPs) for product delivery to dispensers.

- Existing Gilbarco Encore 300 NA2 MPD dispensers will be reused. Six (6) new Encore 300 Retrofit kits and new emergency shear valves will be installed on the existing dispensers.
- New tank and dispenser sumps with non-discriminating electronic interstitial leak detection sensors will be installed.
- New FFS Defender Series drop tubes with overfill prevention valve and FFS 5 gallon spill containment manholes will be installed. Gasoline systems will have Stage I vapor recovery installed.
- **Tank Leak Detection:** New Incon TS-5000 EVO with FMP-EIS non-discriminating interstitial sensors will monitor the annular space of the USTs and TSP-LL2 magnetostrictive tank inventory probes will be installed.
- **Pipeline Leak Detection:** FE Petro STPs compatible with each product will have new FFS ELLD TS-LS500 line leak detectors to provide 3.0 gph catastrophic monitoring and shut-down. TSP-ULS non-discriminating electronic interstitial tank and dispenser sump sensors will be installed to provide the 0.1/0.2 gph annual/monthly continuous electronic line leak detection monitoring.
- This submittal is reviewed for immediate and short term non-compatibility elements. The review and approval is reliant on the professional judgment of the contractor performing the system assessment and conversion to ethanol blended motor fuel or biodiesel. This review does not establish or assure that system integrity and motor fuel quality problems will not occur from product and system materials non compatibility or degradation.

The following conditions shall be met during construction or installation and prior to occupancy or use:

- **ATCP 93.560 Tank system closure.**

(1) **NOTIFICATION.** At least 5 business days before beginning permanent closure of a tank system, the owner or operator shall notify the authorized agent or the department of the intended closure, on form ERS-9198, except a shorter notification period is permitted where unexpected closure is commenced upon finding adverse conditions during a corrective action conducted under s. **ATCP 93.585.**

Note: Form ERS-9198 – ATCP 93 Notification Record is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-4942, or from the Bureau's Web site at http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx.

(2) **Closure Procedures.**

- (a) To permanently close an underground tank system, the owner or operator shall have the tank and piping emptied and cleaned, by removing all liquids and accumulated sludge, and shall remove the tank and piping from the site unless allowed otherwise under par. (e). Tanks that are removed shall be scrapped unless reused in accordance with s. **ATCP 93.350 (3) (i)** or **93.500 (3) (c)**.
 - (b) Tank cleaning processes shall comply with the appropriate national standard referenced in s. **ATCP 93.200.**
 - (c) Individuals cleaning tanks or removing tanks or portions of tank systems shall be certified in accordance with ss. **SPS 305.82 to 305.89.**
 - (d) When an underground tank is closed, or when a previously closed tank is removed under sub. (4), the owner shall have a revised tank registration, form ERS-7437, and part A of the department's tank-system service and closure assessment report, form ERS-8951, completed and submitted to the department within 21 business days of closure or removal.
- All tank systems and tank system components shall be installed per the current ATCP 93, NFPA, and PEI requirements as adopted.
 - All work and construction will be in accordance and meet the conditions and materials as shown in the attached approved Plan(s), Scope of Work, Materials Listed, and other correspondence or documents.
 - A copy of the approved plans, specifications and this letter shall be on-site during construction and open to inspection by authorized representatives of the Department, which may include local inspectors. All permits required by the state or the local municipality shall be obtained prior to commencement of construction, installation, or operation.

Inquiries concerning this correspondence may be made to me at the telephone number, or at the address listed below.

Any change in the initial installation, which deviates, from the original conditionally approved plans shall be submitted for review as a revision. *The Inspector shall be notified prior to, and shall review any proposed changes, prior to such changes, to ensure compliance with applicable standards.*

Conditionally approved plans may be subject to revocation if it is determined that the information originally submitted for approval does not accurately reflect the proposed site.

This correspondence serves as your receipt for fees received as of the date of this letter. Please reference the Transaction ID No. when contacting this office or the local program operator (LPO).

Sincerely,

Erik Otterson

Environmental Engineering Specialist

Wisconsin Department of Agriculture, Trade, and Consumer Protection

Division of Trade and Consumer Protection

Phone: 608-224-5158

erik.otterson@wisconsin.gov

Fee Required \$ 475.00 Fee Received \$ 475.00 Balance Due \$ 0.00

cc: Fire Prevention Division, Fond du Lac Fire Department, (920) 322-3807

Robert Stobb, Petroleum Inspector, (920) 420-1149

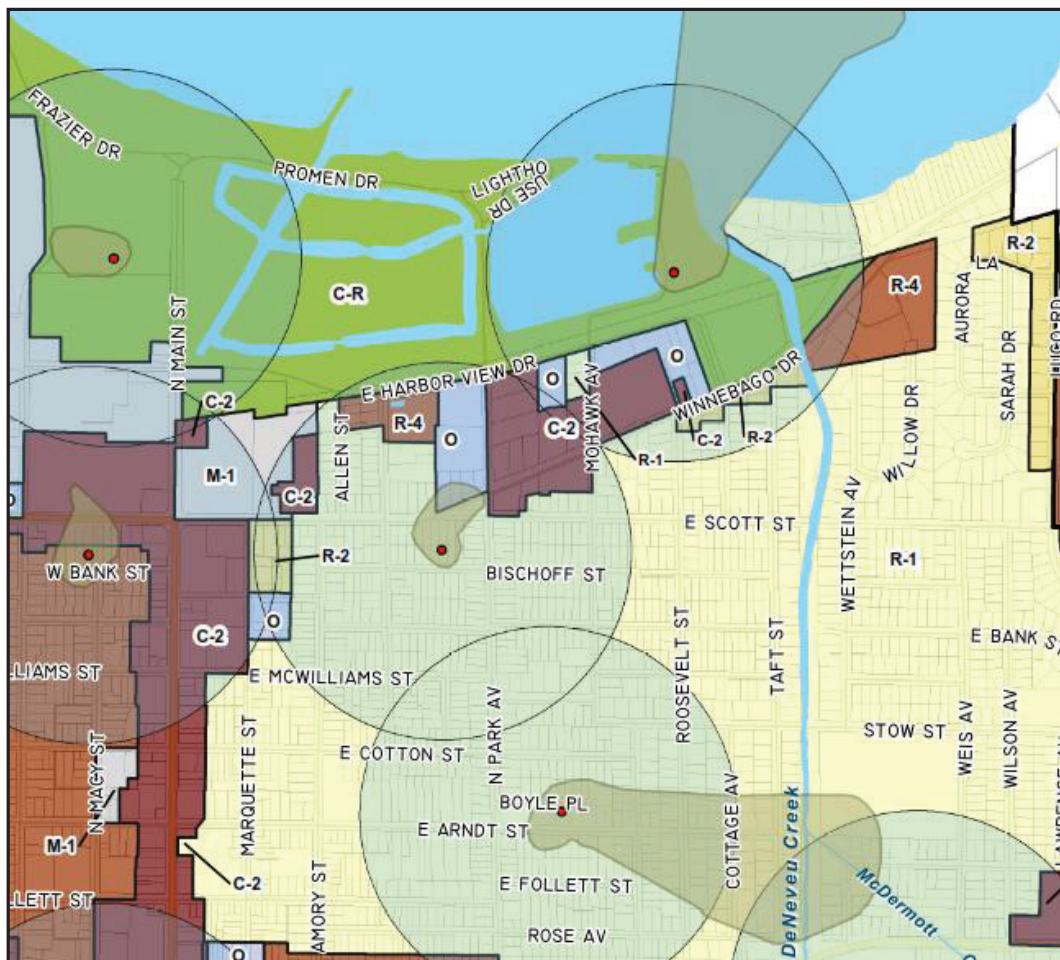
Bureau of Weights and Measures-Storage Tank Regulation, (608) 224-4942



CITY WELL #10

KWIK TRIP

ZONING MAP – WELLHEAD PROTECTION OVERLAY DISTRICT



KWIK TRIP

CITY WELL #10

Panoramic from corner of lot with view of fuel island and fills



View of fuel island with store in background

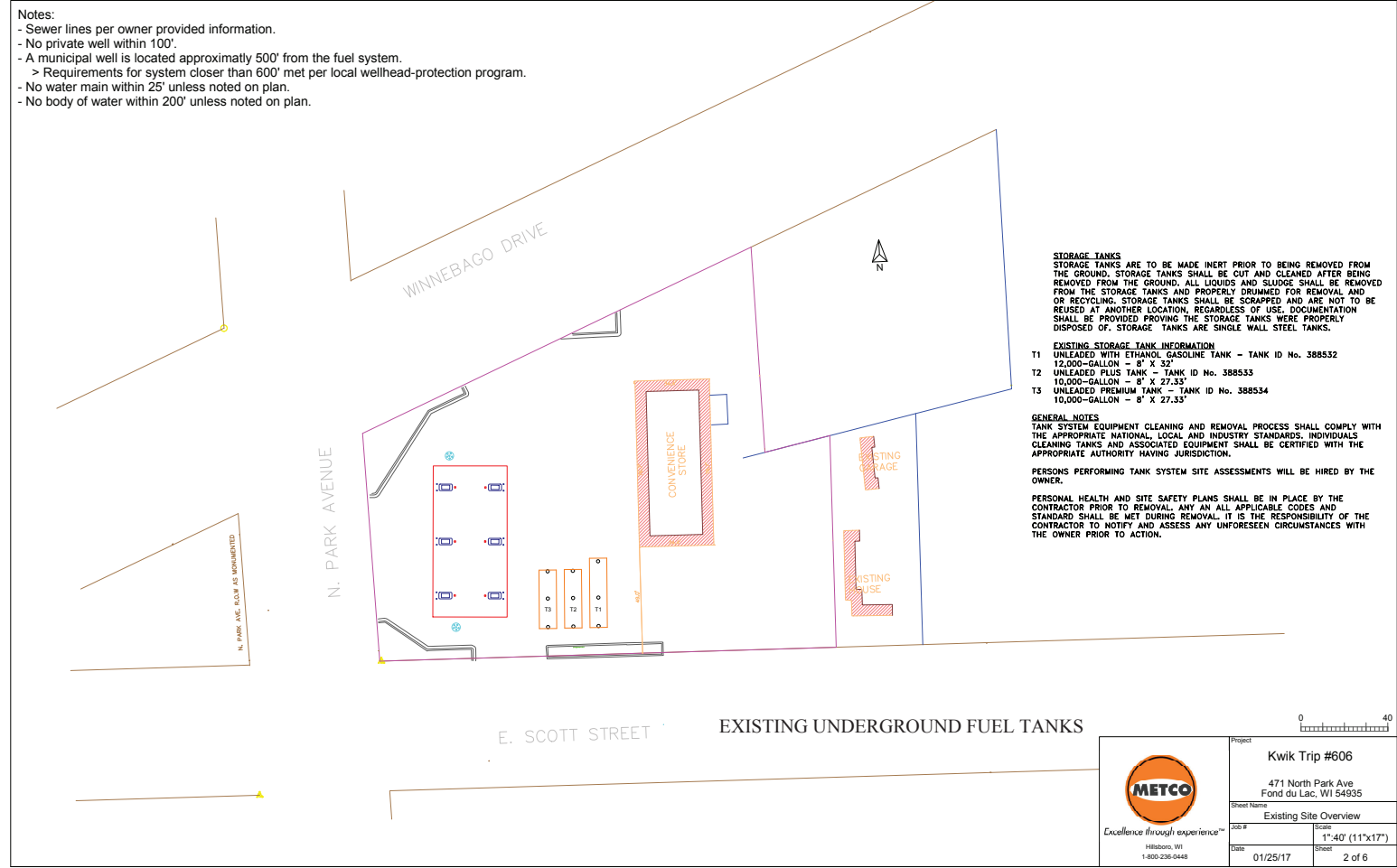



Panoramic from corner of lot with view of fuel island and fills





- Notes:
- Sewer lines per owner provided information.
 - No private well within 100'.
 - A municipal well is located approximately 500' from the fuel system.
 - > Requirements for system closer than 600' met per local wellhead-protection program.
 - No water main within 25' unless noted on plan.
 - No body of water within 200' unless noted on plan.

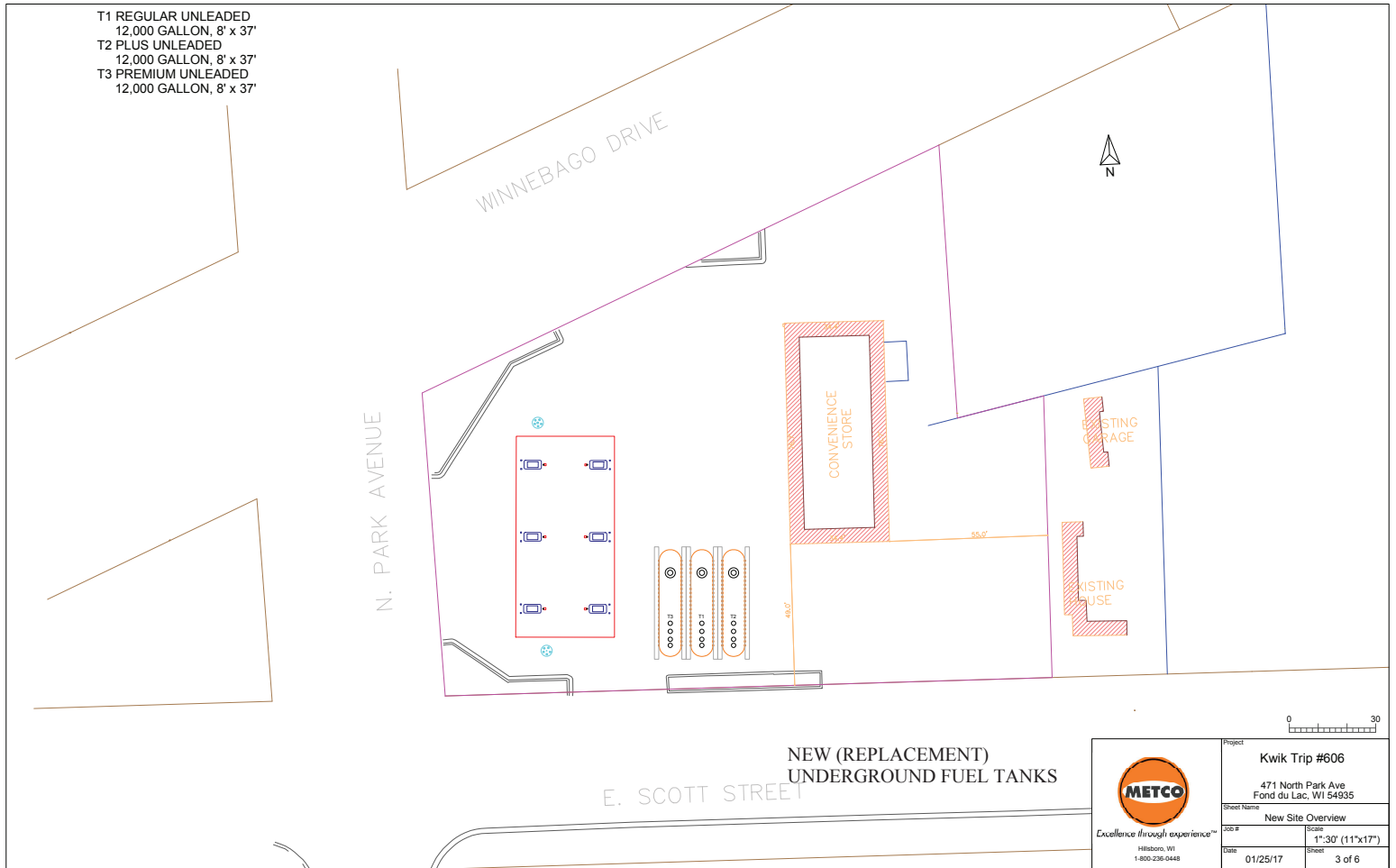





Excellence through experience™
Hillsboro, WI
1-800-236-0448

Project	
Kwik Trip #606	
471 North Park Ave Fond du Lac, WI 54935	
Sheet Name	
Existing Site Overview	
Job #	Scale
	1"=40' (11"x17")
Date	Sheet
01/25/17	2 of 6

T1 REGULAR UNLEADED
12,000 GALLON, 8' x 37'
T2 PLUS UNLEADED
12,000 GALLON, 8' x 37'
T3 PREMIUM UNLEADED
12,000 GALLON, 8' x 37'



NEW (REPLACEMENT)
UNDERGROUND FUEL TANKS

 Excellence through experience™ Hillsboro, WI 1-800-236-0448	Project	
	Kwik Trip #606	
	471 North Park Ave Fond du Lac, WI 54935	
	Sheet Name	
New Site Overview		
Job #	Scale	
	1"=30' (11"x17")	
Date	01/25/17	Sheet
		3 of 6

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 8, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Special Use Permit – **471 N Park Avenue**

Applicant: Kwik Trip

Request: Replace underground fuel tanks and aboveground fuel dispensers.

Zoning: Site: C-2 (General Business)
North: C-2
South: R-1 (Single Family Residential)
East: R-1
West: R-1

Land Use: Site: Kwik Trip
North: Salty's Restaurant
South: Residential
East: Residential
West: City of FDL Landscaped Area

Analysis

The Kwik Trip gas station and convenience store located on North Park Avenue at Scott Street was constructed in 1988; the development replaced an older service station previously located on the property. Several changes to the site are currently planned, including a small addition on the east side of the convenience store, reconfiguration of existing parking on the south/southeast side of the store, and the replacement of underground fuel storage tanks and aboveground fuel dispensers. The building addition and parking lot reconfiguration will be addressed through the administrative review of a site plan. The replacement of the underground fuel tanks requires approval of a special use permit due to the property's location within the Wellhead Protection Overlay District.

Three underground fuel tanks are currently located in the general site area between the fuel islands and the convenience store. The tanks feed six aboveground fuel pumps. Two of the tanks have a capacity of 10,000 gallons; one tank has a capacity of 12,000 gallons. The single-wall tanks are 28 years old. The new tanks are each 12,000 gallons and are double wall construction. After the tanks are removed from the ground, the tanks will be cleaned of

any liquid and sludge, which will be properly drummed for removal and/or recycling. The storage tanks will be scrapped and will not be used at another location.

The Wellhead Protection Overlay district (WHP-O) is intended to protect the municipal water supply and well fields. The boundaries of the WHP-O encompass a circular area having the municipal well as its center and extending outward in a 1200' radius. Each wellhead protection zone has two zones of protection: Zone A includes the wellhead, Zone B is the area within a 1200' radius of the well. The regulations of the district are based on the City of Fond du Lac Wellhead Protection Plan and apply in addition to other development regulations.

The Kwik Trip property is located approximately 500 feet northeast of a City well site. Well No. 10 is located on a City-owned property on Bischoff Street four lots west of Park Avenue. The Kwik Trip property is situated entirely within Zone B; no part of the property is within the area of Zone A. This situation is similar to Kwik Trip's site on North Main Street and Johnson Street, where that property is within 1200 feet of a City well and is situated in Zone B. In approving a special use permit for the North Main Street site special conditions were included to assure a safe use; the same conditions approved for the North Main site are recommended for the proposed project.

Recommendation

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

1. The installation, use, and maintenance of underground fuel tanks shall comply with requirements of the Wellhead Protection Overlay District and appropriate requirements of the City of Fond du Lac Water Utility.
2. Underground fuel tanks shall provide proper containment (double-wall tank or spill containment area). Proof of compliance with this requirement shall be provided to the Building Inspector in conjunction with required plans for review and approval of a building permit.

Special Use Permit
471 N Park Avenue

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-02-33-537-00	231 E SCOTT ST	231 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-259-00	453 N PARK AVE	453 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-02-33-512-00	0 N PARK AVE	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-11-22-264-00	454 N PARK AVE	454 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-02-33-523-00	235 WINNEBAGO DR	235 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-02-33-524-00	237 WINNEBAGO DR	235 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-11-22-258-00	230 E SCOTT ST	230 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-516-00	0 WINNEBAGO DR	5321 CORPORATE BLVD	BATON ROUGE	LA	70808
FDL-15-17-02-33-534-00	0 WINNEBAGO DR	5321 CORPORATE BLVD	BATON ROUGE	LA	70808
FDL-15-17-02-33-538-00	235 E SCOTT ST	235 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-522-00	503 N PARK AVE	503 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-257-00	234 E SCOTT ST	234 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-536-00	227 E SCOTT ST	1626 OAK ST	LA CROSSE	WI	54603
FDL-15-17-02-33-535-00	471 N PARK AVE	1626 OAK ST	LA CROSSE	WI	54601

PLAN COMMISSION MINUTES

February 13, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Dan Nielsen
Anne Pierce
Stan Ramaker
Derek Terbeest
Nicole Wiese

Absent

Hertha Longo
Sarah Van Buren
David Washkoviak

Administrative Staff

Joellyn Dahlin, Principal Planner
Paul DeVries, City Engineer
Jordan Skiff, Director of Public Works

Declaration Quorum Present

Nicole Wiese declared a quorum present.

*****OTHER BUSINESS*****

ACTION

Special Use Permit

Proposal: Replace underground fuel storage tanks and
aboveground fuel dispensers.

Applicant: Kwik Trip

Approval of the Special Use Permit is subject to the
following conditions:

1. The installation, use, and maintenance of underground fuel tank and fuel dispensers shall comply with requirements of the Wellhead Protection Overlay District and appropriate requirement of the City of Fond du Lac Water Utility.
2. Underground fuel tanks shall provide proper containment (double wall tank or spill containment area). Proof of

compliance with this requirement shall be provided to the Building Inspector in conjunction with required plans for review and approval of a building permit.

A Motion was made by Nicole Wiese to approve Action Item B, Special Use Permit for Kwik Trip at 471 N Park Avenue with conditions and seconded by Stan Ramaker, and the motion was **Passed.**

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese
Absent: Longo, Skiff, Van Buren, Washkoviak

*****OTHER BUSINESS*****

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

Title: Resolution No. 8657

Subject: A Resolution Granting A Special Use Permit To Bryan Perl
DBA Two Bucks & Ale House To Allow Indoor Amplified
Music/Sound As Part Of The Business Operations At 65 N
Main Street
Introduction: Community Development Director

Initiator:

Recommendation: Plan Commission Recommendation: **Approve**

ATTACHMENTS:

File Name

8657_SUP_Perl.docx

SUP--Perl.pdf

PC_Excerpt_-_SUP_Perl.doc

RESOLUTION NO. 8657

A RESOLUTION GRANTING A SPECIAL USE PERMIT TO BRYAN PERL DBA TWO BUCKS GRILL & ALE HOUSE TO ALLOW INDOOR AMPLIFIED MUSIC/SOUND AS PART OF THE BUSINESS OPERATIONS AT 65 NORTH MAIN STREET

WHEREAS, Bryan Perl d/b/a Two Bucks Grill & Ale House has petitioned for a special use permit to allow indoor amplified music/sound as part of the business operations at 65 North Main Street; and

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

WHEREAS, the City Plan Commission recommended the issuance of the requested special use permit at its meeting on February 13, 2017 with the following conditions:

1. An occupancy permit is required. A Certificate of Occupancy shall be issued by the Chief Building Inspector prior to the start of business operations.
2. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for the normal exit/entry of persons.
3. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.
4. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have been violated, or if the

use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that a special use permit subject to the conditions specified above be granted to allow indoor amplified music/sound as part of the business operations at 65 North Main Street.

ADOPTED:

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

City of Fond du Lac

SPECIAL USE PERMIT

Application

PROPERTY LOCATION: 65 N. Main Street, Fond du Lac, WI 54935

Tax Key Number (Vacant Land): FDL-15-17-10-44820-00

Project Applicant			
Name <u>65 N. Main Pub, LLC DBA: Two Bucks Grill & Ale House</u>			
Mailing Address <u>65 N. Main Street</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address		Phone Number	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name <u>MEBT, LLC</u>			
Mailing Address <u>463 Cedar Street</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address <u>[REDACTED]</u>		Phone Number <u>[REDACTED]</u>	
Landowner Certification			
If the person requesting the special use permit is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the special use permit application packet.			

Description of present use of property:

Vacant building/Restaurant/Bar

Description of proposed use of property and/or proposed site development:

Requesting an amplified music permit to allow amplified music on the premises.

Time schedule for use and/or development of the property: During business hours

PROJECT APPLICANT SIGNATURE

[Signature] Bryan Perl

65 N Main Pub, LLC
DBA: Two Bucks Grill & Ale House
65 North Main Street
Fond du Lac, WI

Executive Summary

1. 65 N Main Pub, LLC dba Two Bucks Grill & Ale House

Two Bucks Grill & Ale House considers itself first a restaurant and then an ale house. We estimate that seventy percent (70%) of our business will be made from food sales and thirty percent (30%) will be made up of drink sales.

The property is located at 65 North Main Street, Fond du Lac, Wisconsin, formerly JR's. Two Bucks Grill & Ale House will have the exact same footprint and layout of the former JR's. All the tables, chairs, televisions, kitchen, and equipment were purchased along with the building and will be used by Two Bucks Grill & Ale House.

Bryan Perl purchased this property after it had sat vacant for many years, it is his plan and passion to bring this property back to life and become a productive building in downtown Fond du Lac.

The property was purchased by Bryan Perl and titled under the name of MFBT, LLC, in which he is a single member. MFBT, LLC will lease the premises under a triple net lease to 65 N Main Pub, LLC dba Two Bucks Grill & Ale House which Bryan Perl also is a single member.

1.1 Objectives

Two Bucks Grill & Ale House's goal is to provide downtown Fond du Lac with unique dining experience with numerous beverage options.

1.2 Menu / Ale House

* Food: Two Bucks Grill & Ale House will open with a simplified menu, which has been attached to this Executive Summary.

* Drinks: Two Bucks Grill & Ale House will have twelve (12) ale's on tap each being from local or regional micro-brews. The ale selection will be based on the season and customer demands. There will also be dozens of unique bottled beers and wines to be selected from.

1.3 Keys to Success

The keys to success are to start simple and grow:

- In the beginning, start with a simple menu and deliver on the quality of the product.
- Use smart growth business planning.
- Expand the menu options as customer demand requires.
- Expand days per week open as customer demand requires.
- Expand hours open per day as customer demand requires.

1.4 Pricing

The prices will be comparable with similar eating establishments in the community (Backyard, Fat Joe's, etc.). We will offer nightly specials and Happy Hours similar to other establishments in the community.

1.5 Hours of Operation

Hours will be Wednesday through Saturday 2:00 p.m. to 2 a.m. The hours of operation may expand depending on success of the restaurant. If the restaurant is successful, then lunch service may be added and additional days may be added per week.

1.6 Public Safety/Conduct Code

Public Safety is of the utmost importance in providing our patrons a great experience. We will have a host/security on the floor at all times. We have installed a new 12 camera system for video surveillance. Inappropriate behavior will not be tolerated at any time, with a strict dress code after 9 p.m. We will also work with law enforcement to maintain the peace and if there are any issues or concerns on behalf of law enforcement, we shall take appropriate actions immediately. Every bartender is required to take a responsible beverage serving course.

1.7 Music and Bands:

We plan on applying for a amplified music permit with the City of Fond du Lac. The intent is to have a jukebox and the ability to have live band performances.

1.8 Dress Code:

For dinner services, normal everyday attire will be allowed.

After 9:00 p.m. no hats, hoodies, jerseys (except on game days) the attire is expected to be similar to the attire a person would wear to a wedding or other semi-formal gathering. The dress code shall be strictly enforced by the host/security.

1.9 Prior Code Violations:

When the property was purchased there were code violations that will need to be or have already been addressed prior to opening. We are committed to working with the City of Fond du Lac to remedy these code violations prior to opening our doors.

1.10 Parking:

There is one City of Fond du Lac parking lot adjacent to the premises that will be utilized by the patrons. The property was previously used in a similar capacity and parking was satisfactory to the patrons and City leaders then and will be again in the future.

1.11 Permits:

Two Bucks Grill & Ale House have received the following permits:

- Certified Food Manager License
- Health Inspection
- Fire Protection/Certified by JF. Ahern Fire Protection

2. Company Ownership and Structure

2.1 Owner: 65 N Main Pub, LLC dba Two Bucks Grill & Ale House is a single member limited liability company organized under the laws of the State of Wisconsin. Bryan Perl is the single member of the limited liability company. A copy of the Articles of Incorporation and Operating Agreement are attached to this Executive Summary.

2.2 General Manager: This person will oversee the day to day operations and have meetings weekly with Bryan Perl. Bryan Perl shall act as general manager until such a time when one can be hired that is acceptable by him. At the time a new general manager is hired a transfer of agent will be filed with the City of Fond du Lac to make the general manager the agent. The General Manager will directly oversee the food preparation and bar staff. This person shall also be responsible for enforcement of the rules and policies of the organization.

2.3 Chef: The Chef shall oversee the food preparation and wait staff. The duties of the Chef shall include ordering and maintaining of the fully functional kitchen and wait staff. The Chef shall report directly to the General Manager.

2.4 Bar Manager: The Bar Manager shall oversee the bartenders. The Bar Manager's duties shall include ordering and maintaining the fully functional bar and staffing of it. The Bar Manager shall report directly to the General Manager.

2.5 Employees: We will have a staff of approximately nine (9) employees (not including the managers) in the beginning. If additional staff is required, we will always maintain the proper staffing levels at all times.

3. Marketing Strategy

The marketing strategy will be a combination of local media (radio and print) along with social media (Facebook, Twitter, etc.).

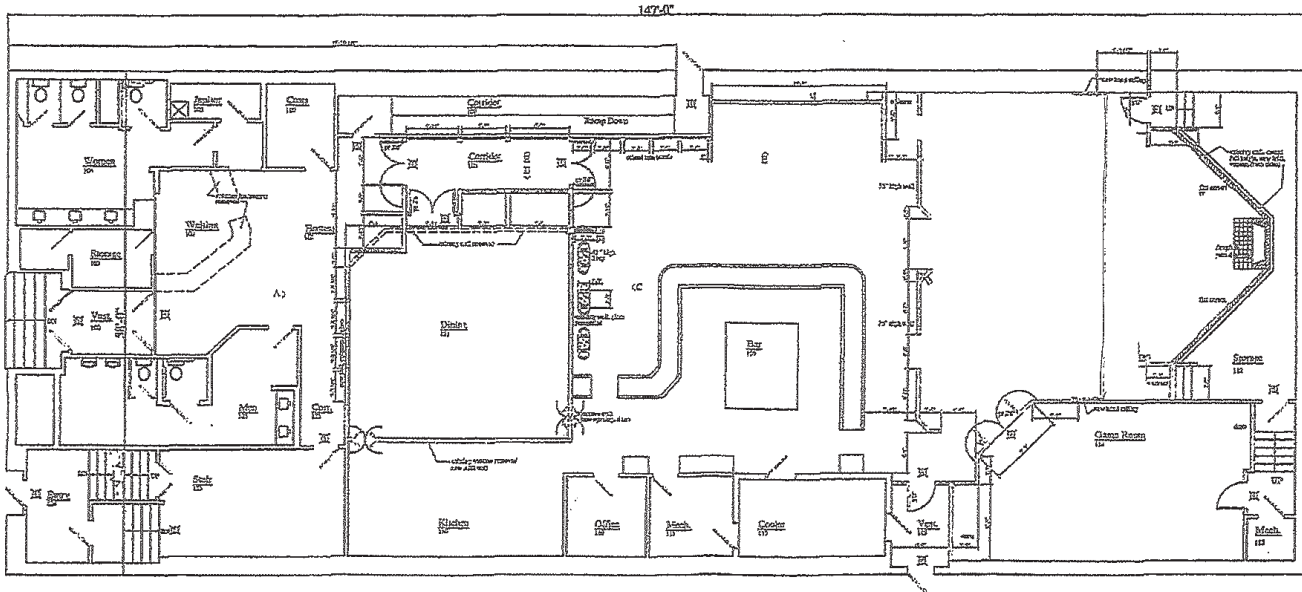
4. Financial Plan

Two Bucks Grill & Ale House is not dependent on conventional funding to start up or operate. This means that growth can be achieved quicker and easier than other organizations that are more dependent on debt service rather than customer service.

5. Prior History

Bryan Perl has been in food and drink industry for almost twenty-years having previously owned the Black Perl Restaurant & Hall of St. Peter and Fisherman's Cove and several other bars throughout the area. He is excited at the opportunity to bring his passion to downtown Fond du Lac.

Mistakes have been made in the past which can be discussed at length, but in each instance Bryan Perl has not run away from the issues, he will openly and honestly discuss them. Any demerit points issued were remedied and no restaurant or bar that he has owned has ever had their liquor licenses revoked. Attached to this Executive Summary is an explanation to the concerns raised by the Fond du Lac City Police.



Field Verify Legend &
Coordinate All Dimensions
w/Owner Prior to Any &
All Construction.

Proposed
Floor Plan
Scale: 1/8"=1'-0"
0 4 8 16 32 Feet

PRELIMINARY

PRELIMINARY

03.13.2008

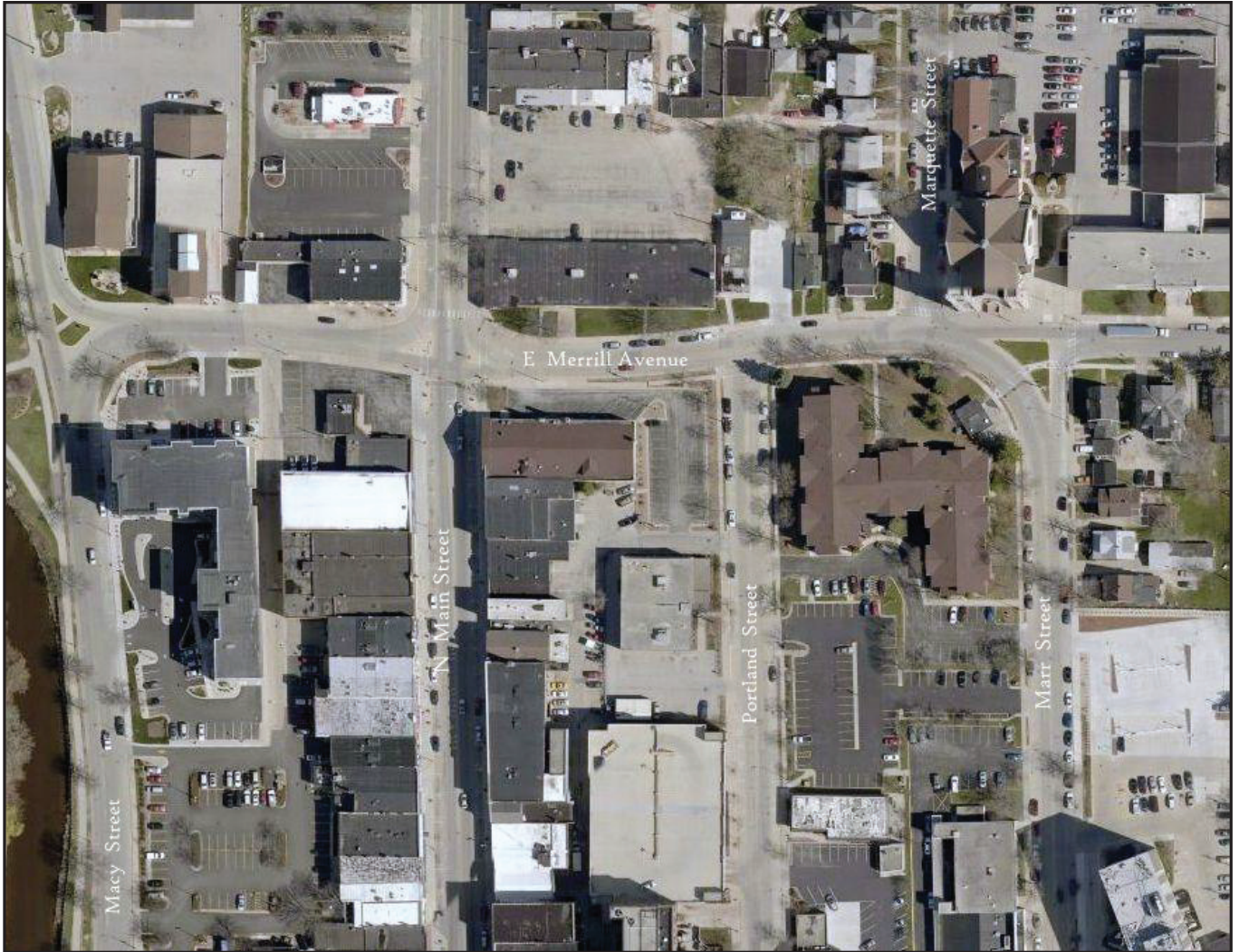
TOM W. MEHELEJOHN III AIA
A R C H I T E C T
P.O. Box 1113
103 South Main Street
Fond du Lac, WI 54601
P (920) 922-5311

Remodeling for
JR's Sports Bar & Grille
101 W. Main St.
Fond du Lac, WI 54601

2008.05

Sheet
of

SPECIAL USE PERMIT – 65 N MAIN STREET (PERL)



Dahlin, Joellyn

From: Benson, Dyann
Sent: Tuesday, January 31, 2017 3:51 PM
To: Dahlin, Joellyn
Subject: Fwd: Special use Permit for 65 N Main

For the Plan Commission

----- Original message -----

From: John Papenheim
Date: 1/31/17 3:49 PM (GMT-06:00)
To: Benson, Dyann
Subject: Special use Permit for 65 N Main

****SENT BY EXTERNAL SENDER****

Hi Dyann,

I am writing regarding the special use permit at 65 N Main. I own the building just south of that property (63 N Main). There is a residential apartment above the commercial 1st floor there. This is a large apartment that was re-done in the 1990's and has been maintained and updated since that time. There was no bar or sound systems at 65 N Main when I bought the building in 1992. I've generally had a very good rental history with this property, however, around 2000, a bar called Bases Loaded moved into the property at 65 N Main. They mounted speakers on the common wall with no sound-proofing and also had live music. The day after they opened, my apartment tenant contacted me- his exact words were: "the place shakes". He was correct. That tenant moved out soon after. For the next 10+ years, I had to keep the rent low and only rent with the caveat that you will hear the music at night. Since the building has been vacant, I have not had sound issues. There were also multiple safety related issues with Bases Loaded- over crowding, weapons, drunkenness, fights etc, some in my parking area. Also, there is a access door for 65 N Main that uses the same stairs that my tenant uses and into my parking area. At that time, Bases Loaded would leave that door open making the sound and safety issues worse. Subsequent establishments- including JR's were better, but there was still noise.

I am concerned that with the return of DJ music and live entertainment that it may affect my ability to rent the apartment at market rates and keep tenants. While I understand that downtown apartments inherently have higher noise levels, this property was designed with sleeping areas away from the noise of Main Street. The sleeping areas, however, are adjacent to the shared wall with 65 N Main. I believe provisions should be made so none of the sound from the entertainment or loudspeakers can be detected in the residential portion of my building. Also, the access door should be shut whenever there is entertainment or noise. I would also like the door not be used by patrons as an entrance/ exit.

I have only well wishes for our new neighbor Two Bucks Grill & Ale House. The success of this business is key to downtown redevelopment. I am willing to work with the owner and cooperate in any way I can. Because of the close quarters, shared walls, mixed uses and wide variety of business types, consideration and cooperation is required. A likewise key to downtown redevelopment has been the residential renaissance that has been occurring the last decade or so. Residential requires a safe and reasonably peaceful, quiet atmosphere.

Please feel free to contact me with questions or concerns.

Thanks.

-John Papenheim
Papenheim's Signcrafters
15 5th Street Fond du Lac, WI 54935

Dahlin, Joellyn

From: Hefter, Margaret
Sent: Thursday, February 02, 2017 11:30 AM
To: Dahlin, Joellyn; Benson, Dyann
Subject: FW: special use permit 65 N Main St

FYI

From: United Service Appraisals
Sent: Thursday, February 02, 2017 10:57 AM
To: Hefter, Margaret
Subject: special use permit 65 N Main St

****SENT BY EXTERNAL SENDER****

Hi Maggie, I wanted to drop you a note with my thoughts on this since I will be unable to make the meeting. I am fine with the request. The building has been a bar of some sort for decades and I believe that this request is well within reason. The neighbors know that they live next to a bar and property owners know they own a building next to a bar.

I have had conversations with Mr. Perl regarding efforts to keep the properties around his clean from debris etc from his customers and I believe he will be good to his word when it comes to doing just that.

Regards,

Brian Carter
United Service Appraisals

PROPERTY OWNER: 61 N MAIN

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 8, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Special Use Permit – **65 N Main Street**

Applicant: Bryan Perl dba *Two Bucks Grill & Ale House*

Request: Use indoor amplified music/sound as part of the business operations of a restaurant/bar located next to residential living units.

Zoning:

Site:	C-1 (Central Business District)
North:	C-1
South:	C-1
East:	C-1 and R-3 (Residential)
West:	C-1

Land Use:

Site:	Vacant Restaurant/Bar (Former JR's)
North:	Hoppers Silk Screening
South:	<i>What Not Shoppe</i> /Second Floor Apartment
East:	City Parking Lot #11/Portland Square Apartments
West:	Downtown Businesses/Riverside Senior Apartments

Analysis

The subject property is a commercial building situated in the downtown business district with a history of use for various bars. The most recent business (JR's) was discontinued more than five years ago and the building has stood vacant. The new property owner plans to repair the building and continue its tradition of use as a bar and grill. An operational summary of the proposed establishment – *Two Bucks Grill & Ale House* – is included with the special use permit request.

Taverns, bars and restaurants are permitted by the property's commercial zoning designation. A special use permit is required when amplified music or sound is used as a regular part of the business operations if the property is located adjacent to residential living units.

The petitioner describes the new establishment as primarily a restaurant and estimates that food will comprise 70% of the business sales activity, with beverage sales representing 30%. The planned hours of operation are Wednesday through Saturday, 2:00 p.m. to 2 a.m. Lunch service and additional days of operation may be added in the future. Amplified music

and sound would include the regular use of a jukebox, with the potential for live band performances.

The subject property is situated adjacent to a building with commercial space on the first floor and an apartment on the second floor. This property would be potentially affected by the use of amplified music and in fact has experienced the effects of extreme noise and sound vibration. The neighboring property owner's past experience and concerns are documented in correspondence submitted to the Plan Commission. Other residential uses are located in close proximity to the property, including the nearby Portland Square Apartments to the east across Portland Street. A residential neighborhood is northeast of the site; the Riverside senior apartments are located 200' west of the site.

The purpose of a special use permit for amplified music or sound is to assure compatibility between a commercial use and a residential use, and specifically protect the livability of residential housing in the downtown. The requirement for a special use permit and the zoning code regulations for the use of amplified music or sound were implemented as the direct result of the effects of sound and vibration generated by a former downtown business.

To address code violations and occupancy requirements, repair of the subject building is necessary. An occupancy permit is required before the business can open; the occupancy permit is issued by Building Inspection and the Fire Department. Although not an immediate code requirement for occupancy, the property owner may want to consider a proactive approach to offset potential noise issues and include sound mitigating features as part of the changes to the building for the new use.

As noted, the zoning code provides operational criteria for a sound-generating establishment to protect nearby residential uses. To ensure a clear understanding of code requirements and expectations for the use of amplified music and sound, it would be appropriate to include the zoning code regulations as conditions of the special use permit approval.

Recommendation

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

1. An occupancy permit is required. A Certificate of Occupancy shall be issued by the Chief Building Inspector prior to the start of business operations.
2. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for the normal exit/entry of persons.
3. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.

4. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have been violated, or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

Special Use Permit
65 N Main Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-10-44-827-00	39 N MAIN ST	PO BOX 114	SLINGER	WI	53086
FDL-15-17-10-44-822-00	61 N MAIN ST	106 E 12TH STREET	FOND DU LAC	WI	54935
FDL-15-17-10-44-819-00	71 N MAIN ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-44-817-00	0 N PORTLAND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-44-813-00	33 N PORTLAND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-42-290-00	93 N MACY ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-43-510-00	32A N MAIN ST	9551 NW 39TH CT	CORAL SPRINGS	FL	33065
FDL-15-17-10-43-511-00	32 N MAIN ST	9551 NW 39TH CT	CORAL SPRINGS	FL	33065
FDL-15-17-10-43-509-00	36 N MAIN ST	W3844 HILLCREST LN	FOND DU LAC	WI	54937
FDL-15-17-10-42-294-00	78 N MAIN ST	N3323 HICKORY DR	WAUPUN	WI	53963
FDL-15-17-10-44-818-00	48 N PORTLAND ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-503-00	54 N MAIN ST	421 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-504-00	50 N MAIN ST	421 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-505-00	48 N MAIN ST	421 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-163-00	77 N MAIN ST	77 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-164-00	25 E MERRILL AVE	25 E MERRILL AVE	FOND DU LAC	WI	54935
FDL-15-17-10-41-165-00	31 E MERRILL AVE	25 EAST MERRILL AVE	FOND DU LAC	WI	54935
FDL-15-17-10-43-502-00	56 N MAIN ST	926 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-10-41-168-00	92 MARQUETTE ST	92 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-166-00	33 E MERRILL AVE	33 E MERRILL AVE	FOND DU LAC	WI	54935
FDL-15-17-10-41-169-00	39 E MERRILL AVE	W7921 HABERKORN DR	FOND DU LAC	WI	54937
FDL-15-17-10-43-508-00	42 N MAIN ST	42 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-820-00	65 N MAIN ST	463 CEDAR ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-512-00	30 N MAIN ST	30 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-42-293-00	82 N MAIN ST	25 ALGOMA ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-821-00	63 N MAIN ST	15 5TH ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-506-00	46 N MAIN ST	521 VAN DYNE RD	FOND DU LAC	WI	54937
FDL-15-17-10-43-507-00	44 N MAIN ST	521 VAN DYNE RD	FOND DU LAC	WI	54937
FDL-15-17-10-43-529-01	57 N MACY ST	9 SHEBOYGAN ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-500-00	70 N MAIN ST	295 COTTAGE AVE	FOND DU LAC	WI	54935
FDL-15-17-10-44-826-00	41 N MAIN ST	41 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-825-00	45 N MAIN ST	641 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-161-00	99 N MAIN ST	310 HWY 67	KIEL	WI	53042
FDL-15-17-10-44-824-00	47 N MAIN ST	47 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-823-00	49 N MAIN ST	N5610 VALLEY CREEK RD	FOND DU LAC	WI	54937
FDL-15-17-10-42-292-00	84 N MAIN ST	PO BOX 60	ABERDEEN	SD	57402
FDL-15-17-10-44-811-00	55 N PORTLAND ST	2 E MIFFLIN ST SUITE 801	MADISON	WI	53703

PLAN COMMISSION MINUTES

February 13, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Dan Nielsen
Anne Pierce
Stan Ramaker
Derek Terbeest
Nicole Wiese

Absent

Hertha Longo
Sarah Van Buren
David Washkoviak

Administrative Staff

Joellyn Dahlin, Principal Planner
Paul DeVries, City Engineer
Jordan Skiff, Director of Public Works

Declaration Quorum Present

Nicole Wiese declared a quorum present.

*****OTHER BUSINESS*****

ACTION

Special Use Permit

Proposal: Use indoor amplified music as part of the
business operations of a bar and grill.

Location: 65 N Main Street

Initiator: Bryan Perl d/b/a Two Bucks Grill & Ale House

Approval of the Special Use Permit is subject to the
following conditions:

1. An occupancy permit is required. A Certificate of
Occupancy shall be issued by the Chief Building Inspector
prior to the start of business operations.
2. Exterior doors, and interior doors that open into a
common hallway, shall not be propped open and shall

remain closed except for the normal exit/entry of persons.

3. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.
4. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have been violated, or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

A Motion was made by Nicole Wiese to approve Action Item C, Special Use Permit for Two Bucks Grill & Ale House located at 65 N Main Street with conditions and seconded by Derek TerBeest, and the motion was **Passed**.

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese
Absent: Longo, Skiff, Van Buren, Washkoviak

*****OTHER BUSINESS*****

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

Title: Resolution No. 8658

Subject: A Final Resolution Regarding The Construction Of Curb
And Gutter For Fifth Street, Seventh Street, Ellis
Street, North Military Road and Tompkins Street
Introduction: Public Works Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

8658_Final_Construction_Curb_and_Gutter_Fifth_etc.pdf

Assessment_Memo_2-22-17_CC.pdf

curb_Redacted.pdf

8650_Prelim_Curb_and_Gutter_5th_7th_Ellis.pdf

Preliminary_Assessment_Memo_1-4-17.pdf

Excerpt_-_Plan_Commission_12-12-16.pdf

2017_Construction_Map.pdf

RESOLUTION NO. 8658

A FINAL RESOLUTION REGARDING THE CONSTRUCTION OF CURB AND GUTTER FOR FIFTH STREET, SEVENTH STREET, ELLIS STREET, NORTH MILITARY ROAD AND TOMPKINS STREET

WHEREAS, pursuant to a preliminary resolution adopted by the City Council, the Director of Public Works has filed reports pertaining to construction costs and recommended special assessments of the improvements; and

WHEREAS, a public hearing will be held on February 22, 2017 prior to the consideration by the City Council for the purpose of hearing all interested persons on the proposed public improvements listed below pursuant to Section 66.0703 of the Wisconsin Statutes; and

WHEREAS, the City Council deems the proposed construction of public improvements (specifically curbs and gutters on the above-listed streets) have merit and are necessary and in the best interest of the general public and constitute an exercise of the police power of the City of Fond du Lac.

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

1. That the report of the Director of Public Works pertaining to the following public improvements, including plans and specifications therefor, is hereby approved and adopted:

Curb and Gutter

Fifth Street- from S. Marr Street to S. Park Avenue

Seventh Street - from S. Main Street to S. Park Avenue

Ellis Street from - 4th Street to 8th Street (North Leg)

North Military Road - from the W. Follett Street to W. Scott Street

Tompkins Street - from Superior Street west to Termini

2. That payment for said improvements be made by assessing the cost of the properties benefitted, as indicated in said report.
3. That the proper City officials are ordered to carry out the construction of the improvements in accordance with the report.
4. That properties against which the assessments are proposed in the Director's report are deemed benefitted and are hereby approved; that this special assessment constitutes an exercise of the City of Fond du Lac's police power; and that the schedule(s) of the proposed assessments as shown on the Director's report is reasonable and is approved.
5. That the special assessments shall be paid in cash or collected in installments pursuant to Chapter 65 of the Code of the City of Fond du Lac, Wisconsin, together with any contractual agreements for recovery of costs not specially assessable if any.
6. That the City Clerk shall publish this Resolution in the official newspaper of the City and shall mail a copy to every property owner whose name appears on the assessment roll and whose post office address is known or can be ascertained by reasonable diligence.
7. That after publication of this final Resolution, any aggrieved person may appeal to the circuit court pursuant to 66.0703(12) of the Wisconsin Statutes.

ADOPTED:

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

CITY OF FOND DU LAC - Memorandum

Engineering & Traffic Division

Date: February 13, 2017

To: Joseph Moore, City Manager
Jordan Skiff, Director of Public Works

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

Re: 2017 Street & Utility Project & Assessment Policies

On the February 22 City Council agenda is a Public Hearing and Final Resolution for assessing the proposed Clearwater Reconstruction projects in 2017. A preliminary resolution was approved by the Council on January 11, 2017.

Below is a summary of current City policies on assessments.

For this Final Resolution on Assessments, current City Policy allows the City to assess 25% of the cost of the curb and gutter when performing underground utility construction that causes damage to a substantial portion of curb and gutter. The primary purpose of the Clearwater Reconstruction Project is replacing underground sanitary sewer and therefore, the cost of 25% of the curb and gutter is assessed on these projects. This usually costs property owners a few hundred dollars or less at a typical residence. This policy was approved by Council on 6-28-95.

Current City Code allows property owners to finance assessments over \$500.00. If the assessment is over \$500.00, owners can finance the payments over a 5-year period. If the assessment is over \$5,001.00, owners can finance the payments over a 10-year period. All financing options include an interest. The interest rate is determined by the City's borrowing rate plus 2.0% for a total 4.25% for recent assessments.

The total of curb assessments for the 2017 Clearwater projects is \$37,212.18, based on \$3.00 per linear foot of assessable frontage. The overall cost estimate for this year's street and utility project is about \$3.2 million.

The City of Oshkosh recently reviewed their assessment policies and gathered information from municipalities in the Fox Valley and around the State for comparison. In their information that they shared, they list communities that do not assess anything for their street and utility projects, such as Waukesha, Pleasant Prairie, Shorewood, Suamico, Waupun, and Eagle River. The main justification given was "all citizens benefit from any public works project." By comparison, there were many more communities that do assess for street reconstruction projects. Residential properties in Oshkosh, Neenah, Sheboygan, LaCrosse, Eau Claire, Appleton, and Green Bay pay an average of 60% of all the street costs. By comparison, Fond du Lac residents pay 25% of

only the curb and gutter costs, which in equated to about 1% of total street costs in 2017 estimates.

REPORT OF THE DIRECTOR OF PUBLIC WORKS:

For approving plans, specifications and assessing improvement costs for:

25% Cost Share Curb & Gutter Assessment

ON: 5th Street from S. Marr Street to S. Park Avenue

Filed in the City Clerk's Office: 02/08/17

TO THE CITY COUNCIL:

The City Council having directed the Director of Public Works to report on certain plans, specifications and estimated costs

ON: 5th Street from S. Marr Street to S. Park Avenue

The following is hereby respectfully submitted:

1. Preliminary plans and specifications are as shown on Exhibit "A" attached hereto and made a part hereof.
2. Pursuant to such plans and specifications, we have determined that the estimated cost of said work or improvements will be \$8,097.30.
3. A schedule of proposed assessments has been determined as shown on Exhibit "B" attached hereto and made a part hereof and that the property against which the assessments are proposed are individually benefited.
4. It is suggested that this project
 x PROCEED NOT PROCEED
as an exercise of the City's
 - a. Police Power x
 - b. Taxing power and/or by
Special Assessment
5. The schedule of assessments as shown is, in our opinion reasonable.

DATE: 02/08/17

Jordan Skiff
Director of Public Works

Parcel	Owner	Site Address	Frontage	Amount	Assessment
FDL-15-17-15-14-764-00		211 S MARR ST	90	\$3.00	\$270.00
FDL-15-17-15-14-789-00		221 S MARR ST	80	\$3.00	\$240.00
FDL-15-17-15-14-790-00		78 5TH ST	55	\$3.00	\$165.00
FDL-15-17-15-14-763-00		81 5TH ST	50	\$3.00	\$150.00
FDL-15-17-15-14-762-00		83 5TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-791-00		86 5TH ST	45	\$3.00	\$135.00
FDL-15-17-15-14-761-00		87 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-792-00		88 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-760-00		93 5TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-793-00		94 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-759-00		97 5TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-794-00		100 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-758-00		103 5TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-757-00		105 5TH ST	45	\$3.00	\$135.00
FDL-15-17-15-14-795-00		106 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-756-00		107 5TH ST	45	\$3.00	\$135.00
FDL-15-17-15-14-796-00		114 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-755-00		115 5TH ST	42	\$3.00	\$126.00
FDL-15-17-15-14-797-00		120 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-754-00		123 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-798-00		126 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-753-00		127 5TH ST	68	\$3.00	\$204.00
FDL-15-17-15-14-799-00		132 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-752-00		133 5TH ST	64	\$3.00	\$192.00
FDL-15-17-15-14-800-00		136 5TH ST	37	\$3.00	\$111.00
FDL-15-17-15-14-751-00		139 5TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-801-00		140 5TH ST	48	\$3.00	\$144.00
FDL-15-17-14-23-524-00		149 5TH ST	60.4	\$3.00	\$181.20
FDL-15-17-14-23-571-00		150 5TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-525-00		151 5TH ST	40.2	\$3.00	\$120.60
FDL-15-17-14-23-570-00		156 5TH ST	53	\$3.00	\$159.00
FDL-15-17-14-23-526-00		159 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-569-00		160 5TH ST	50	\$3.00	\$150.00
FDL-15-17-14-23-527-00		165 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-568-00		166 5TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-528-00		171 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-567-00		172 5TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-529-00		173 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-566-00		180 5TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-530-00		181 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-565-00		184 5TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-531-00		185 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-532-00		189 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-564-00		192 5TH ST	50	\$3.00	\$150.00
FDL-15-17-14-23-533-00		193 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-563-00		194 5TH ST	41.75	\$3.00	\$125.25
FDL-15-17-14-23-562-00		198 5TH ST	31.75	\$3.00	\$95.25
FDL-15-17-14-23-534-00		199 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-535-00		205 5TH ST	50.3	\$3.00	\$150.90
FDL-15-17-14-23-561-00		206 5TH ST	80	\$3.00	\$240.00

\$8,097.30

REPORT OF THE DIRECTOR OF PUBLIC WORKS:

For approving plans, specifications and assessing improvement costs for:

25% Cost Share Curb & Gutter Assessment

ON: 7th Street from S. Main Street to S. Park Avenue

Filed in the City Clerk's Office: 02/08/17

TO THE CITY COUNCIL:

The City Council having directed the Director of Public Works to report on certain plans, specifications and estimated costs

ON: 7th Street from S. Main Street to S. Park Avenue

The following is hereby respectfully submitted:

1. Preliminary plans and specifications are as shown on Exhibit "A" attached hereto and made a part hereof.
2. Pursuant to such plans and specifications, we have determined that the estimated cost of said work or improvements will be \$11,407.08.
3. A schedule of proposed assessments has been determined as shown on Exhibit "B" attached hereto and made a part hereof and that the property against which the assessments are proposed are individually benefited.
4. It is suggested that this project
☒ PROCEED ☐ NOT PROCEED
as an exercise of the City's
 - a. Police Power ☒
 - b. Taxing power and/or by
Special Assessment ☐
5. The schedule of assessments as shown is, in our opinion reasonable.

DATE: 02/08/17

Jordan Skiff

Director of Public Works

Parcel	Owner	Site Address	Frontage	Amount	Assessment
FDL-15-17-15-13-513-00		5 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-13-514-00		9 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-13-515-00		281 S MAIN ST	120	\$3.00	\$360.00
FDL-15-17-15-14-881-00		15 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-882-00		16 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-880-00		21 7TH ST	30	\$3.00	\$90.00
FDL-15-17-15-14-883-00		22 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-879-00		23 7TH ST	30	\$3.00	\$90.00
FDL-15-17-15-14-878-00		27 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-884-00		28 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-877-00		33 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-885-00		34 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-876-00		41 7TH ST	100	\$3.00	\$300.00
FDL-15-17-15-14-886-00		42 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-887-00		46 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-875-00		49 7TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-888-00		52 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-874-00		55 7TH ST	36	\$3.00	\$108.00
FDL-15-17-15-14-873-00		278 S MARR ST	64	\$3.00	\$192.00
FDL-15-17-15-14-889-00		286 S MARR ST	60	\$3.00	\$180.00
FDL-15-17-15-14-869-00		271 S MARR ST	67	\$3.00	\$201.00
FDL-15-17-15-14-891-00		285 S MARR ST	120	\$3.00	\$360.00
FDL-15-17-15-14-868-00		79 7TH ST	43	\$3.00	\$129.00
FDL-15-17-15-14-867-00		81 7TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-866-00		83 7TH ST	36	\$3.00	\$108.00
FDL-15-17-15-14-893-00		84 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-865-00		87 7TH ST	54	\$3.00	\$162.00
FDL-15-17-15-14-894-00		88 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-864-00		93 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-895-00		94 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-863-00		97 7TH ST	55	\$3.00	\$165.00
FDL-15-17-15-14-896-00		100 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-897-00		106 7TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-862-00		107 7TH ST	65	\$3.00	\$195.00
FDL-15-17-15-14-898-00		108 7TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-861-00		111 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-899-00		112 7TH ST	40	\$3.00	\$120.00
FDL-15-17-15-14-860-00		113 7TH ST	65	\$3.00	\$195.00
FDL-15-17-15-14-900-00		118 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-859-00		121 7TH ST	55	\$3.00	\$165.00
FDL-15-17-15-14-901-00		124 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-858-00		129 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-902-00		130 7TH ST	60	\$3.00	\$180.00
FDL-15-17-15-14-903-00		134 7TH ST	47.5	\$3.00	\$142.50
FDL-15-17-15-14-904-00		136 7TH ST	47.5	\$3.00	\$142.50
FDL-15-17-15-14-857-00		137 7TH ST	44	\$3.00	\$132.00
FDL-15-17-15-14-856-00		274 ELLIS ST	50	\$3.00	\$150.00
FDL-15-17-14-23-621-00		151 7TH ST	49.33	\$3.00	\$147.99
FDL-15-17-14-23-673-00		285 ELLIS ST	3	\$3.00	\$9.00
FDL-15-17-14-23-622-00		155 7TH ST	49.33	\$3.00	\$147.99
FDL-15-17-14-23-623-00		157 7TH ST	49.33	\$3.00	\$147.99
FDL-15-17-14-23-624-00		161 7TH ST	36.64	\$3.00	\$109.92
FDL-15-17-14-23-672-00		162 7TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-625-00		165 7TH ST	36.65	\$3.00	\$109.95
FDL-15-17-14-23-671-00		168 7TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-670-00		172 7TH ST	50	\$3.00	\$150.00
FDL-15-17-14-23-626-00		173 7TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-669-00		176 7TH ST	60	\$3.00	\$180.00
FDL-15-17-14-23-627-00		177 7TH ST	53.5	\$3.00	\$160.50
FDL-15-17-14-23-628-00		181 7TH ST	53.5	\$3.00	\$160.50

Parcel	Owner	Site Address	Frontage	Amount	Assessment
FDL-15-17-14-23-668-00		182 7TH ST	32.7	\$3.00	\$98.10
FDL-15-17-14-23-629-00		187 7TH ST	73	\$3.00	\$219.00
FDL-15-17-14-23-667-00		188 7TH ST	50	\$3.00	\$150.00
FDL-15-17-14-23-666-00		192 7TH ST	50	\$3.00	\$150.00
FDL-15-17-14-23-630-00		193 7TH ST	73	\$3.00	\$219.00
FDL-15-17-14-23-665-00		194 7TH ST	40.38	\$3.00	\$121.14
FDL-15-17-14-23-631-00		278 S PARK AVE	73	\$3.00	\$219.00
FDL-15-17-14-23-664-00		292 S PARK AVE	80	\$3.00	\$240.00

\$11,407.08

REPORT OF THE DIRECTOR OF PUBLIC WORKS:

For approving plans, specifications and assessing improvement costs for:

25% Cost Share Curb & Gutter Assessment

ON: Ellis Street from 4th Street to 8th Street (North Leg)

Filed in the City Clerk's Office: 02/08/17

TO THE CITY COUNCIL:

The City Council having directed the Director of Public Works to report on certain plans, specifications and estimated costs

ON: Ellis Street from 4th Street to 8th Street (North Leg)

The following is hereby respectfully submitted:

1. Preliminary plans and specifications are as shown on Exhibit "A" attached hereto and made a part hereof.
2. Pursuant to such plans and specifications, we have determined that the estimated cost of said work or improvements will be \$3,768.93.
3. A schedule of proposed assessments has been determined as shown on Exhibit "B" attached hereto and made a part hereof and that the property against which the assessments are proposed are individually benefited.
4. It is suggested that this project
 x PROCEED NOT PROCEED
as an exercise of the City's
 - a. Police Power x
 - b. Taxing power and/or by
Special Assessment
5. The schedule of assessments as shown is, in our opinion reasonable.

DATE: 02/08/17

Jordan Skiff

Director of Public Works

Parcel	Owner	Site Address	Frontage	Amount	Assessment
FDL-15-17-15-11-138-00		140 4TH ST	80	\$3.00	\$240.00
FDL-15-17-14-23-522-00		152 4TH ST	120	\$3.00	\$360.00
FDL-15-17-15-11-139-00		200 ELLIS ST	40	\$3.00	\$120.00
FDL-15-17-15-14-750-00		202 ELLIS ST	50	\$3.00	\$150.00
FDL-15-17-14-23-523-00		205 ELLIS ST	43.81	\$3.00	\$131.43
FDL-15-17-14-23-572-00		231 ELLIS ST	45	\$3.00	\$135.00
FDL-15-17-15-14-802-00		137 6TH ST	120	\$3.00	\$360.00
FDL-15-17-14-23-573-00		149 6TH ST	105	\$3.00	\$315.00
FDL-15-17-14-23-620-00		150 6TH ST	132.5	\$3.00	\$397.50
FDL-15-17-15-14-854-00		254 ELLIS ST	120	\$3.00	\$360.00
FDL-15-17-15-14-855-00		266 ELLIS ST	60	\$3.00	\$180.00
FDL-15-17-14-23-673-00		285 ELLIS ST	60	\$3.00	\$180.00
FDL-15-17-14-23-674-00		291 ELLIS ST	60	\$3.00	\$180.00
FDL-15-17-14-23-675-00		297 ELLIS ST	50	\$3.00	\$150.00
FDL-15-17-14-23-676-00		301 ELLIS ST	50	\$3.00	\$150.00
FDL-15-17-15-14-905-00		137 8TH ST	120	\$3.00	\$360.00

\$3,768.93

REPORT OF THE DIRECTOR OF PUBLIC WORKS:

For approving plans, specifications and assessing improvement costs for:

25% Cost Share Curb & Gutter Assessment

ON: N. Military Road from the W. Follett Street to W. Scott Street

Filed in the City Clerk's Office: 02/08/17

TO THE CITY COUNCIL:

The City Council having directed the Director of Public Works to report on certain plans, specifications and estimated costs

ON: N. Military Road from the W. Follett Street to W. Scott Street

The following is hereby respectfully submitted:

1. Preliminary plans and specifications are as shown on Exhibit "A" attached hereto and made a part hereof.
2. Pursuant to such plans and specifications, we have determined that the estimated cost of said work or improvements will be \$12,301.14.
3. A schedule of proposed assessments has been determined as shown on Exhibit "B" attached hereto and made a part hereof and that the property against which the assessments are proposed are individually benefited.
4. It is suggested that this project
 x PROCEED NOT PROCEED
as an exercise of the City's
 - a. Police Power x
 - b. Taxing power and/or by
Special Assessment
5. The schedule of assessments as shown is, in our opinion reasonable.

DATE: 02/08/17

Jordan Skiff

Director of Public Works

Parcel	Owner	Site Address	Frontage	Amount	Assessment
FDL-15-17-10-13-632-00		135 W FOLLETT ST	116	\$3.00	\$348.00
FDL-15-17-10-24-796-00		145 W FOLLETT ST	90	\$3.00	\$270.00
FDL-15-17-10-24-795-00		234 N MILITARY RD	42	\$3.00	\$126.00
FDL-15-17-10-13-626-00		237 N MILITARY RD	60	\$3.00	\$180.00
FDL-15-17-10-24-784-01		238 N MILITARY RD	50	\$3.00	\$150.00
FDL-15-17-10-13-623-00		241 N MILITARY RD	40	\$3.00	\$120.00
FDL-15-17-10-24-794-00		242 N MILITARY RD	50.14	\$3.00	\$150.42
FDL-15-17-10-13-624-00		245 N MILITARY RD	40	\$3.00	\$120.00
FDL-15-17-10-24-793-00		248 N MILITARY RD	76	\$3.00	\$228.00
FDL-15-17-10-13-584-00		136 W ARNDT ST	140	\$3.00	\$420.00
FDL-15-17-10-24-779-00		148 W ARNDT ST	110	\$3.00	\$330.00
FDL-15-17-10-13-583-00		135 W ARNDT ST	120	\$3.00	\$360.00
FDL-15-17-10-24-778-00		147 W ARNDT ST	186	\$3.00	\$558.00
FDL-15-17-10-13-582-00		289 N MILITARY RD	60	\$3.00	\$180.00
FDL-15-17-10-13-532-00		291 N MILITARY RD	40	\$3.00	\$120.00
FDL-15-17-10-13-531-00		295 N MILITARY RD	88	\$3.00	\$264.00
FDL-15-17-10-24-753-00		296 N MILITARY RD	41	\$3.00	\$123.00
FDL-15-17-10-24-752-00		298 N MILITARY RD	50	\$3.00	\$150.00
FDL-15-17-10-24-751-00		306 N MILITARY RD	88	\$3.00	\$264.00
FDL-15-17-10-24-750-00		310 N MILITARY RD	55	\$3.00	\$165.00
FDL-15-17-10-13-530-00		134 W COTTON ST	100	\$3.00	\$300.00
FDL-15-17-10-13-526-00		137 W COTTON ST	120	\$3.00	\$360.00
FDL-15-17-10-21-014-00		322 N MILITARY RD	143	\$3.00	\$429.00
FDL-15-17-10-12-384-00		331 N MILITARY RD	34	\$3.00	\$102.00
FDL-15-17-10-12-385-00		335 N MILITARY RD	34	\$3.00	\$102.00
FDL-15-17-10-21-013-00		336 N MILITARY RD	85	\$3.00	\$255.00
FDL-15-17-10-12-386-00		337 N MILITARY RD	32	\$3.00	\$96.00
FDL-15-17-10-12-387-00		343 N MILITARY RD	45.08	\$3.00	\$135.24
FDL-15-17-10-12-388-00		347 N MILITARY RD	40.58	\$3.00	\$121.74
FDL-15-17-10-12-389-00		351 N MILITARY RD	40.58	\$3.00	\$121.74
FDL-15-17-10-12-390-00		357 N MILITARY RD	54	\$3.00	\$162.00
FDL-15-17-10-21-016-00		154 W MC WILLIAMS ST	186	\$3.00	\$558.00
FDL-15-17-10-12-397-00		135 W MC WILLIAMS ST	75	\$3.00	\$225.00
FDL-15-17-10-21-012-00		147 W MC WILLIAMS ST	108	\$3.00	\$324.00
FDL-15-17-10-21-011-01		378 N MILITARY RD	78	\$3.00	\$234.00
FDL-15-17-10-12-398-00		379 N MILITARY RD	105	\$3.00	\$315.00
FDL-15-17-10-21-010-01		380 N MILITARY RD	56	\$3.00	\$168.00
FDL-15-17-10-12-399-00		383 N MILITARY RD	56	\$3.00	\$168.00
FDL-15-17-10-21-009-00		388 N MILITARY RD	60	\$3.00	\$180.00
FDL-15-17-10-12-400-00		389 N MILITARY RD	56	\$3.00	\$168.00
FDL-15-17-10-21-008-00		394 N MILITARY RD	59	\$3.00	\$177.00
FDL-15-17-10-12-401-00		395 N MILITARY RD	66	\$3.00	\$198.00
FDL-15-17-10-21-007-00		400 N MILITARY RD	59	\$3.00	\$177.00
FDL-15-17-10-12-402-00		401 N MILITARY RD	50	\$3.00	\$150.00
FDL-15-17-10-12-409-00		127 SIBLEY ST	90	\$3.00	\$270.00
FDL-15-17-10-21-006-00		424 N MILITARY RD	60	\$3.00	\$180.00
FDL-15-17-10-12-410-00		425 N MILITARY RD	44	\$3.00	\$132.00
FDL-15-17-10-21-005-00		428 N MILITARY RD	64	\$3.00	\$192.00
FDL-15-17-10-12-411-00		429 N MILITARY RD	44	\$3.00	\$132.00
FDL-15-17-10-21-004-00		432 N MILITARY RD	51	\$3.00	\$153.00
FDL-15-17-10-12-412-00		433 N MILITARY RD	50	\$3.00	\$150.00
FDL-15-17-10-21-003-00		434 N MILITARY RD	53	\$3.00	\$159.00
FDL-15-17-10-12-413-00		437 N MILITARY RD	60	\$3.00	\$180.00
FDL-15-17-10-21-001-00		438 N MILITARY RD	100	\$3.00	\$300.00
FDL-15-17-10-12-417-00		136 W SCOTT ST	120	\$3.00	\$360.00
FDL-15-17-10-21-026-00		160 W SCOTT ST	80	\$3.00	\$240.00

\$12,301.14

REPORT OF THE DIRECTOR OF PUBLIC WORKS:

For approving plans, specifications and assessing improvement costs for:

25% Cost Share Curb & Gutter Assessment

ON: Tompkins Street from Superior Street west to Termini

Filed in the City Clerk's Office: 02/08/17

TO THE CITY COUNCIL:

The City Council having directed the Director of Public Works to report on certain plans, specifications and estimated costs

ON: Tompkins Street from Superior Street west to Termini

The following is hereby respectfully submitted:

1. Preliminary plans and specifications are as shown on Exhibit "A" attached hereto and made a part hereof.
2. Pursuant to such plans and specifications, we have determined that the estimated cost of said work or improvements will be \$1,637.73.
3. A schedule of proposed assessments has been determined as shown on Exhibit "B" attached hereto and made a part hereof and that the property against which the assessments are proposed are individually benefited.
4. It is suggested that this project
 x PROCEED NOT PROCEED
as an exercise of the City's
 - a. Police Power x
 - b. Taxing power and/or by
Special Assessment
5. The schedule of assessments as shown is, in our opinion reasonable.

DATE: 02/08/17

Jordan Skiff
Director of Public Works

Parcel	Owner	Site_Address	Frontage	Amount	Assessment
FDL-15-17-15-23-530-00		294 SUPERIOR ST	120	\$3.00	\$360.00
FDL-15-17-15-23-550-00		302 SUPERIOR ST	120	\$3.00	\$360.00
FDL-15-17-15-23-531-00		301 TOMPKINS ST	60	\$3.00	\$180.00
FDL-15-17-15-23-549-00		302 TOMPKINS ST	65	\$3.00	\$195.00
FDL-15-17-15-23-532-00		307 TOMPKINS ST	100.91	\$3.00	\$302.73
FDL-15-17-15-23-548-00		310 TOMPKINS ST	80	\$3.00	\$240.00

\$1,637.73

RESOLUTION NO. 8650

A PRELIMINARY RESOLUTION REGARDING THE CONSTRUCTION OF CURB AND GUTTER IN THE AREAS OF FIFTH STREET, SEVENTH STREET, ELLIS STREET, NORTH MILITARY ROAD AND TOMPKINS STREET

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

Fifth Street- from S. Marr Street to S. Park Avenue
Seventh Street - from S. Main Street to S. Park Avenue
Ellis Street from - 4th Street to 8th Street (North Leg)
North Military Road - from the W. Follett Street to W. Scott Street
Tompkins Street - from Superior Street west to Termini

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

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

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

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

Curb and Gutter

Fifth Street- from S. Marr Street to S. Park Avenue
Seventh Street - from S. Main Street to S. Park Avenue
Ellis Street from - 4th Street to 8th Street (North Leg)
North Military Road - from the W. Follett Street to W. Scott Street
Tompkins Street - from Superior Street west to Termini

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

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

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

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

5. Any assessments levied may be paid for in cash or in annual installments as provided in Chapter 65, of the Code of the City of Fond du Lac, Wisconsin.

ADOPTED:

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

CITY OF FOND DU LAC - Memorandum

Engineering & Traffic Division

Date: January 4, 2017

To: Joseph Moore, City Manager
Jordan Skiff, Director of Public Works

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

Re: Street Assessment Resolution

On the January 11 City Council agenda is a preliminary resolution for assessing proposed Clearwater Reconstruction Projects in 2017. Favorable action on these resolutions is the first step in the construction process that gives Staff the approval to publicly bid the proposed projects. A Public Hearing and Final Resolution will come before the Council after a Public Informational Meeting and further design details are determined. The location for special assessment of curb and gutter are:

- On 5th Street from S. Marr Street to S. Park Avenue
- On 7th Street from S. Main Street to S. Park Avenue
- On Ellis Street from 4th Street to 8th Street (North Leg)
- On N. Military Road from the W. Follett Street to W. Scott Street
- On Tompkins Street from Superior Street west to Termini

Here is a summary of current City policies on assessments.

For this preliminary resolution, current City Policy under allows the City to assess 25% of the cost of the curb and gutter when performing underground utility construction that causes damage to a substantial portion of curb and gutter. The primary purpose of the Clearwater Reconstruction Project is replacing underground sanitary sewer and therefore, the cost of 25% of the curb and gutter is assessed on these projects. This usually costs property owners a few hundred dollars or less at a typical residence. This policy was approved by Council on 6-28-95.

Current City Code allows property owners to finance assessments over \$500.00. If the assessment is over \$500.00, owners can finance the payments over a 5 year period. If the assessment is over \$5001.00, owners can finance the payments over a 10 years period. All financing options include an interest at 2% plus the City's borrowing rate. The interest rate to owners has been 4.25% recently.

PLAN COMMISSION MINUTES

December 12, 2016

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present:

Hertha Longo
Derek Terbeest
Sarah Van Buren
David Washkoviak
Nicole Weise

Absent:

Dan Nielsen
Anne Pierce
Stan Ramaker
Jordan Skiff

Administrative Staff:

Joellyn Dahlin
Paul DeVries

Declaration Quorum Present

Chairperson Washkoviak declared a quorum present.

*****OTHER BUSINESS*****

ACTION

Construction Of Curb And Gutter

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

Locations:

5th Street from S. Marr Street to S. Park Avenue

7th Street from S. Main Street to S. Park Avenue

Ellis Street from 4th Street to 8th Street (North Leg)

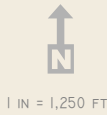
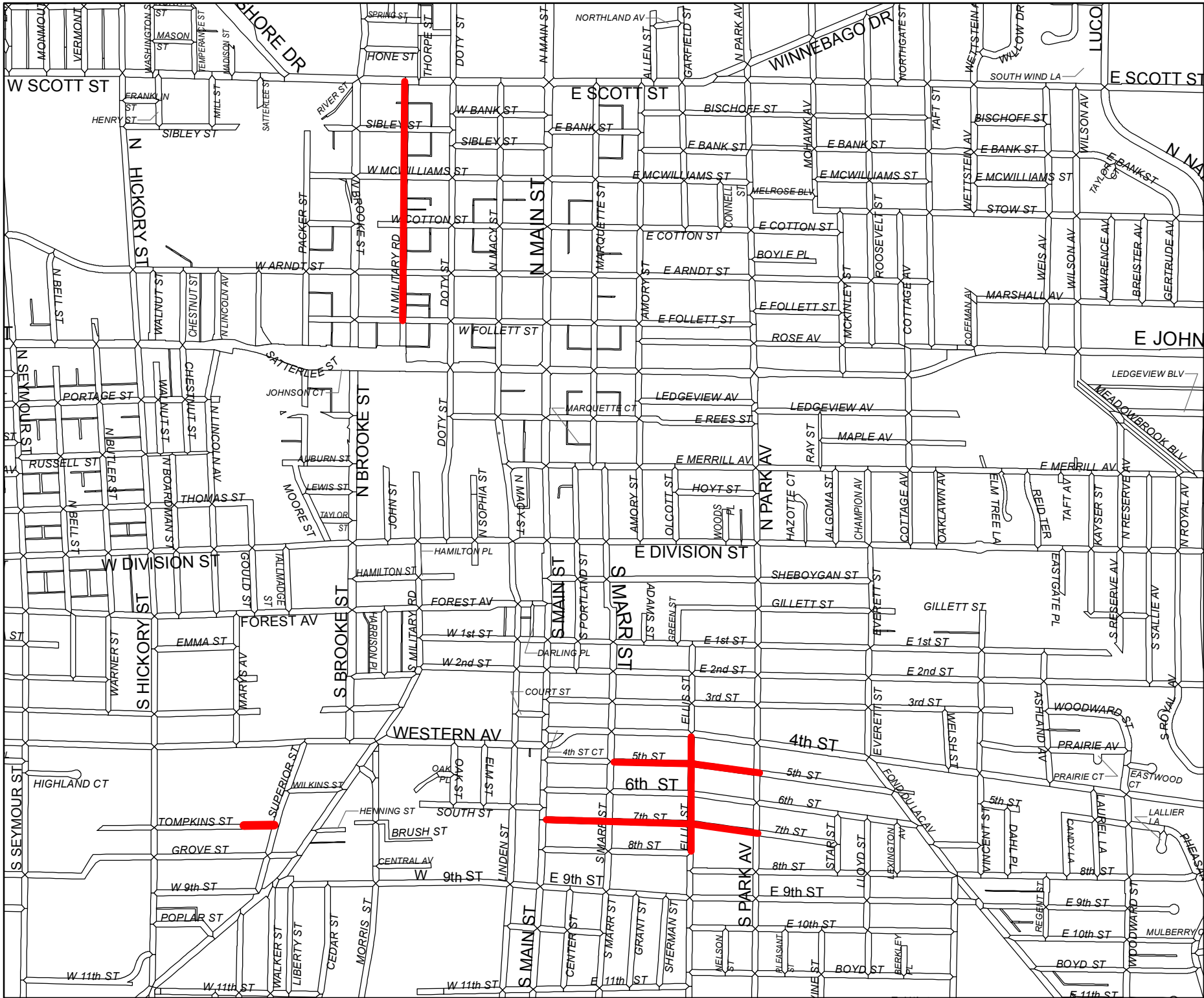
N. Military Road from the W. Follett Street to W. Scott Street

Tompkins Street from Superior Street west to Termini

A Motion was made by David Washkoviak to approve Action Item A, Construction of Curb and Gutter, initiating administrative action for the construction of and levying special assessments and seconded by Hertha Longo, and the motion was **Passed**.

Ayes: Longo, TerBeest, Van Buren, Washkoviak, Wiese

*****OTHER BUSINESS*****



Overall 2017 Construction Map



DRAWN BY: PDEVRIS DATE: 12/2/2016

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

Title: Resolution No. 8659

Subject: A Preliminary Resolution To Levy Special Assessments
For Private Lead Water Service Line Replacement In The
Areas Of Fifth Street, Seventh Street, Ellis Street,
North Military Road, Tompkins Street And In Any Areas
Where Emergency Repairs Are Unknown At This Time
Introduction: Public Works Director

Initiator:

Recommendation: Plan Commission Recommendation: **Approve**

ATTACHMENTS:

File Name

8659_Prelim_for_Private_Lead_Water_Service_Line.pdf

LSL_Assessment_Memo_2-22-17_CC.pdf

Public_Lead.pdf

PC_Excerpt_-_Lead_Service.doc

RESOLUTION NO. 8659

A PRELIMINARY RESOLUTION TO LEVY SPECIAL ASSESSMENTS FOR PRIVATE LEAD WATER SERVICE LINE REPLACEMENT IN THE AREAS OF FIFTH STREET, SEVENTH STREET, ELLIS STREET, NORTH MILITARY ROAD, TOMPKINS STREET AND IN ANY AREAS WHERE EMERGENCY REPAIRS ARE UNKNOWN AT THIS TIME

WHEREAS, Resolution No. 8650, A Preliminary Resolution regarding the construction of curb and gutter in the areas of Fifth Street, Seventh Street, Ellis Street, North Military Road and Tompkins street was approved on January 11, 2017; and

WHEREAS, in addition to the construction of curb and gutter, the City is requesting the replacement of private lead water service lines in the following areas:

Fifth Street- from S. Marr Street to S. Park Avenue

Seventh Street - from S. Main Street to S. Park Avenue

Ellis Street from - 4th Street to 8th Street (North Leg)

North Military Road - from the W. Follett Street to W. Scott Street

Tompkins Street - from Superior Street west to Termini

AND IN ANY AREAS WHERE EMERGENCY REPAIRS ARE UNKNOWN AT THIS TIME

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

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

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

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

PRIVATE LEAD WATER SERVICE LINE REPLACEMENT

Fifth Street- from S. Marr Street to S. Park Avenue

Seventh Street - from S. Main Street to S. Park Avenue

Ellis Street from - 4th Street to 8th Street (North Leg)

North Military Road - from the W. Follett Street to W. Scott Street

Tompkins Street - from Superior Street west to Termini

**AND IN ANY AREAS WHERE EMERGENCY REPAIRS ARE
UNKNOWN AT THIS TIME**

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

3. The Director of Public Works shall prepare a report pertaining to the construction of the public improvements identified above. Said report shall include the requirements of Sections 66.0703 (4) and (5), Wis. Stats.

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

5. Any assessments levied may be paid for in cash or in annual installments as provided in Chapter 65, of the Code of the City of Fond du Lac, Wisconsin.

ADOPTED:

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

CITY OF FOND DU LAC - Memorandum

Water Utility Division – Public Works

Date: February 16, 2017

To: Jordan Skiff, Director of Public Works

From: Peter Hartz, Water Utility Manager

Re: 2017 Private Lead Service Line Project & Assessment Policy

At the Planning Commission meeting on February 13th members proposed that City Council consider approval of preliminary resolution to assess for the private lead service line project that will work independently from the 2017 Streets and Utilities CIP improvements.

Below is a summary of assessments in Chapter 642 Water.

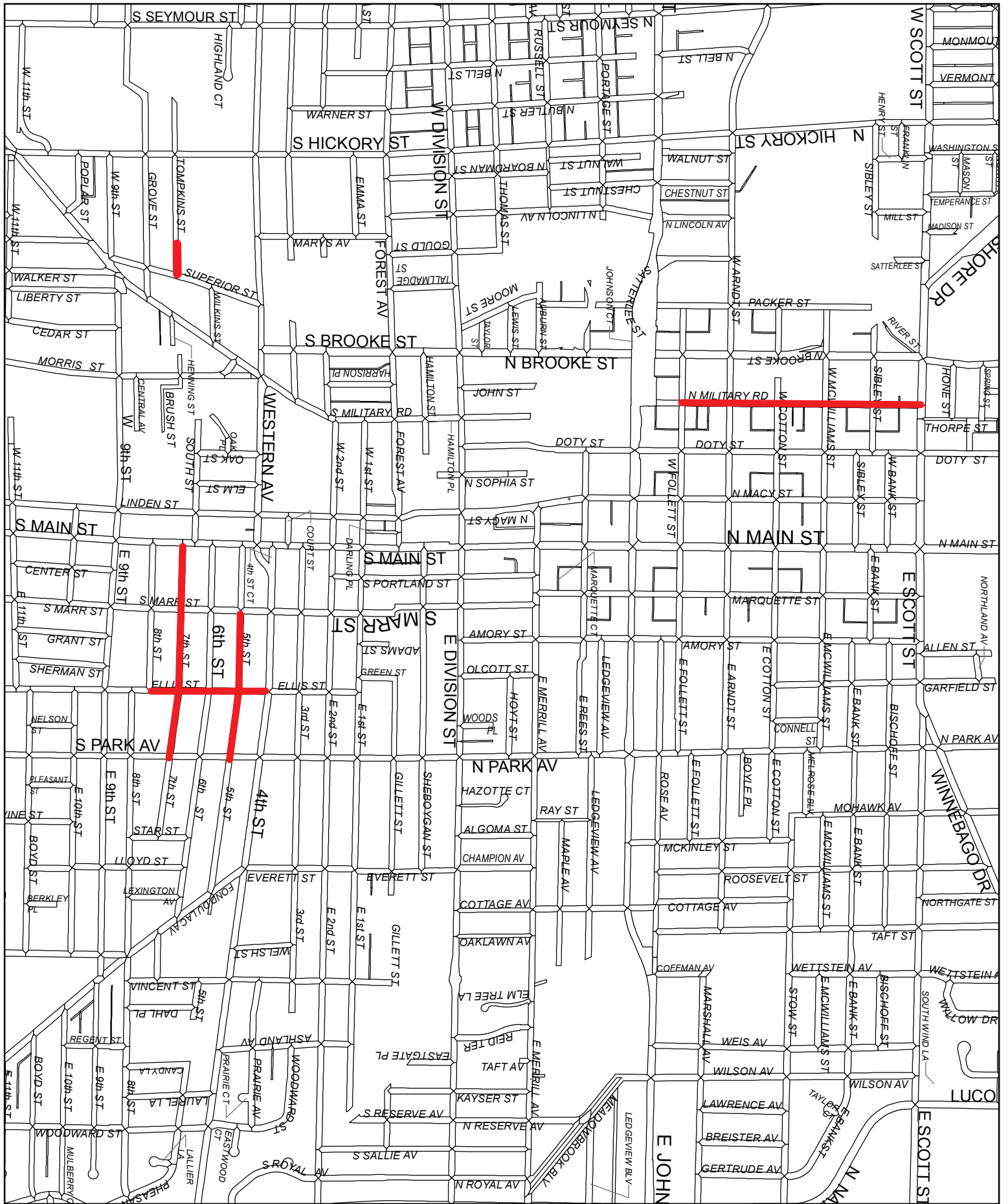
For this Preliminary Resolution on Assessments, current City Policy has not been used in the past since this is a new type of public improvement project. The primary purpose of the Private Lead Service Line Project is replacing underground lead water service lines and proposing to assess a percentage of the cost. The policy related to the Water Utility is referenced in §642-18 Special Assessment for water main, but does not reference private service lines.

Current City Code §65-4 Collection of taxes and special assessments allows property owners to finance over \$500.00. If the assessment is over \$500.00, owners can finance the payments over a 5-year period. If the assessment is over \$5,001.00, owners can finance the payments over a 10-year period. All financing options include an interest. The interest rate is determined by the City's borrowing rate plus 2.0% for a total 4.25% for recent assessments.

Project Timeline:

- March 3rd – 16th the Private Lead Service Line project bid design and bid documents are tentatively scheduled to be worked on and completed by engineering.
- March 17th & March 23rd are the tentative bid advertisement dates.
- April 4th is the expected bid award date.
- April 7th is the anticipated special assessment notice to property owners listing quantities of materials for each specific home.
- April 12th Special Assessment hearing/final resolution advertised.
- April 26th City Council agenda item - special assessment hearing/final resolution.
- May 30th Private Lead Service Line Project proposed start date.

A copy of my memo to the planning commission from February 13th is included.



ENGINEERING & TRAFFIC DIVISION

2017 STREET & UTILITY CONSTRUCTION

Overall 2017 Construction Map

DRAWN BY: PDEVRIES DATE: 12/2/2016



1 IN = 1,250 FT

CITY OF FOND DU LAC - Memorandum

Department of Public Works – Water Utility

Date: February 9, 2017

To: Plan Commission

From: Peter Hartz, Water Superintendent

Re: 2017 Construction of Public Improvements

The proposed public improvements include construction of new private water services replacing existing lead service lines. This work will be done on the properties located on the same streets as the annual Clearwater Elimination Program. Additional work may include emergency repairs that have lead services, or previously partially replaced lead service lines. The location for special assessment of private lead service line replacements are:

- 5th Street from S. Marr Street to S. Park Avenue
- 7th Street from S. Main Street to S. Park Avenue
- Ellis Street from 4th Street to 8th Street (North Leg)
- N. Military Road from the W. Follett Street to W. Scott Street
- Tompkins Street from Superior Street west to the R.R. tracks
- Emergency repairs unknown at this time

The public portion of the street and utilities will be reconstructed, including the public portion of the water service lateral. In accordance with the recently adopted Ordinance #3629 by City Council, the private portion of a lead service lateral is required to be replaced when the public portion is replaced or in emergency repair situations. The cost for the private portion of the lead service lateral is partially borne by the property owner and is subject to a special assessment as identified in Chapter 65: Finance and Taxation § 65-4 Collection of taxes and special assessments.

The Water Utility received a \$300,000 Safe Drinking Water Loan to offset some of the cost for the property owners. It is not know at this time how much cost share the Water Utility can provide as the private lead service line will be bid out as a separate contract with the City's Construction project.

Approval of a preliminary resolution is requested for work anticipated during the 2017 construction season.

Recommendation

Staff suggests a motion to recommend to the City Council approval of a preliminary resolution.

PLAN COMMISSION MINUTES

February 13, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Dan Nielsen
Anne Pierce
Stan Ramaker
Derek Terbeest
Nicole Wiese

Absent

Hertha Longo
Sarah Van Buren
David Washkoviak

Administrative Staff

Joellyn Dahlin, Principal Planner
Paul DeVries, City Engineer
Jordan Skiff, Director of Public Works

Declaration Quorum Present

Nicole Wiese declared a quorum present.

*****OTHER BUSINESS*****

ACTION

Construction Of Private Lead Service Lateral

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

Locations:

5th Street from S. Marr Street to S. Park Avenue
7th Street from S. Main Street to S. Park Avenue
Ellis Street from 4th Street to 8th Street (North leg)
N. Military Road from W. Follett Street to W. Scott Street
Tompkins Street from Superior Street west to Termini
Emergency repairs unknown at this time

A Motion was made by Derek TerBeest to approve Action Item D, Construction of Private Lead Service Lateral and seconded by Daniel Nielsen, Jr., and the motion was **Passed**.

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese
Absent: Longo, Skiff, Van Buren, Washkoviak

*****OTHER BUSINESS*****