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

December 14, 2016
6:00 PM

1. CALL TO ORDER

a. Roll Call

b. Declaration a Quorum Is Present

c. Pledge of Allegiance

d. Silent Reflection

e. Proclamation Recognizing City of Fond du Lac Election Officials

f. Proclamation Expressing Gratitude For The Solution Center's Support To The Homeless Community

g. Proclamation Recognizing Fond du Lac As A Well City

2. PUBLIC HEARINGS

3. CONSENT AGENDA

a. November 22, 2016 Regular Council Minutes

b. November 22, 2016 Closed Session Council Minutes

c. November 30, 2016 Special Council Minutes

d. List Of Claims Dated December 7, 2016

4. INPUT

a. Audience Comments

b. City Year In Review
Presented By: City Manager

5. ACTIONS

a. Class "B" Fermented Malt and "Class B" Intoxicating Liquor License
Limited Liability Co: 65 N Main Pub, LLC
Agent Name: Bryan Perl
Agent Address: 463 Cedar St., Fond du Lac, WI
d/b/a: 65 N Main St.
Location of Premises: 65 N Main St.
Introduction: City Clerk

b. Ordinance No. 3624
An Ordinance Amending Chapter 630, Vehicles And Traffic Of The Code Of The City Of Fond du Lac To Add No Parking On The East Side Of Prairie Road

Introduction: Paul DeVries

c. Ordinance No. 3625 and 3625-A

An Ordinance Amending Chapter 630, Vehicles And Traffic Of The Code Of The City Of Fond du Lac To Add A Loading Zone On Forest Avenue
Introduction: Paul DeVries

d. Resolution No. 8649

A Resolution Making Appointments To The Fond du Lac Library Board And Housing Authority Board
Introduction: City Manager

6. ADJOURN

a. 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:
Collective Bargaining Strategy for Negotiations with Police Local 12
This subject is exempt under Wisconsin Statutes Section 19.85 (1) (e)

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Proclamation Recognizing City of Fond du Lac Election Officials

Subject: Proclamation Recognizing City of Fond du Lac Election Officials

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Election_Officials_2016.pdf

City of Fond du Lac
First on the Lake

Proclamation

Whereas, *voting in the United States is one of our most important right and responsibilities as citizens; and*

Whereas, *the City of Fond du Lac has more than 23,000 registered voters who expect an orderly, pleasant, and convenient voting experience; and*

Whereas, *on November 8, 2016, Fond du Lac's citizen poll workers faithfully honored their duties as Election Officials by rendering equal service to all voters, with impartial and neutral respect to any candidate or political party; and*

Whereas, *the City of Fond du Lac wishes to thank its Election Officials for their fundamental role in allowing its citizens to choose their leaders freely and fairly.*

Now, Therefore, *I, Lee Ann Lorrigan, President of the Fond du Lac City Council, by my signature affixed, on behalf of our City and its residents, do hereby express our sincere appreciation to the 110 men and woman serving the community on Election Day for their commitment to the democratic process.*

_____

Lee Ann Lorrigan
City Council President

Dated: December 2016

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Proclamation Expressing Gratitude For The Solution Center's Contribution To The Homeless Community

Subject: Proclamation Expressing Gratitude For The Solution Center's Support To The Homeless Community

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Solutions_Center.pdf

City of Fond du Lac
First on the Lake

Proclamation

*W*hereas, *the Solutions Center identified a need to provide a warm bed and shelter to the homeless during the harsh winter conditions; and*

*W*hereas, *in 2009, the Solutions Center volunteered to operate a warming shelter as part of their mission to serve those in need in our community in partnership with St. Paul's Cathedral; and*

*W*hereas, *Solutions Center has provided this essential service to those individuals experiencing homelessness from November 1 to March 31; and*

*W*hereas, *through this partnership, the Solutions Center provided 20 individuals every night with a safe place to go, a warm bed to sleep in, a good meal, and supportive services as part of a community that cares for the well-being of all of its residents and citizens.*

*N*ow, *T*herefore, *I, Lee Ann Lorrigan, President of the Fond du Lac City Council, by my signature affixed, do, on behalf of the citizens of Fond du Lac and the men, women, and children that have visited the shelter, hereby express sincere gratitude and appreciation to the Solutions Center for their extraordinary kindness to our homeless community.*

*T*hank *Y*ou!

_____

Lee Ann Lorrigan
Fond du Lac City Council

Dated: November 2016

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Proclamation Recognizing Fond du Lac As A Well City

Subject: Proclamation Recognizing Fond du Lac As A Well City

Initiator:

Recommendation:

ATTACHMENTS:
File Name
Well_City_Designation.pdf

City of Fond du Lac
First on the Lake

Well City
Fond du Lac

Proclamation

*W*hereas, *Fond du Lac recognizes the importance of employee health and well-being as it relates to an employers' ability to attract and retain a skilled and productive workforce, and*

*W*hereas, *Fond du Lac employers understand that a comprehensive wellness program can increase the overall health and well-being of employees and their family members, and*

*W*hereas, *the Wellness Council of America and the Wellness Council of Wisconsin provide evidence based and best practice applications of tools and resources to improve personal health and well-being, and*

*W*hereas, *the Board of Directors of Fond Du Lac Area Businesses On Health (FABOH), determined that FABOH would lead an initiative to achieve Well City designation for Fond du Lac, and*

*W*hereas, *twenty-six Fond du Lac employers, representing more than 20% of the employee population, made a commitment to participate in the initiative and have achieved well workplace designation from the Wellness Council of Wisconsin, and*

*W*hereas, *the commitment of these employers, the passion of their wellness champions, and the determination of volunteers serving within the committee structure led to the achievement of the Well City designation.*

*N*ow, *T*herefore, *I, Lee Ann Lorrigan, do hereby recognize that the City of Fond du Lac has been designated a Well City by the Wellness Council of America and is celebrating that designation on December 15, 2016.*

Lee Ann Lorrigan
Fond du Lac City Council

Dated: December 2016

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: November 22, 2016 Regular Council Minutes

Subject: November 22, 2016 Regular Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:
File Name
Minutes_2016_11_22_Meeting(298).pdf

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

November 22, 2016
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
Deb Hoffmann, City Attorney
Chad Wade, Assistant City Attorney
Paul DeVries, City Engineer
John Redmond, Park Superintendent
Jon Mark Bolthouse, Library Director
Steve Klein, Asst. Police Chief of Operations
Peter O'Leary, Fire Chief
Lynn Gilles, Transit Manager
Dave Zittlow, IT Service Manager
Joey Kunde, Transit

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 Grande Cheese 75th Anniversary

President Lorrigan presented a proclamation to Wayne Matzke, President of Grande Cheese, in congratulations of the company's 75th Anniversary.

Proclamation Recognizing Fond du Lac A&W's 85th Anniversary

President Lorrigan presented a proclamation to Jim Brajdic, Owner and Operator of Fond du Lac A&W, in congratulations of its 85th Anniversary and in thanks of its contribution to the community.

Proclamation Recognizing Jim Rosenthal's Retirement

President Lorrigan presented a proclamation to Jim Rosenthal II on his retirement, recognizing his 32 years of dedicated service to the citizens of the City of Fond du Lac.

CONSENT AGENDA

November 9th, 2016 Regular Council Minutes

November 9th, 2016 Closed Session Minutes

List of Claims Dated November 16th, 2016

A Motion was made by Brian Kolstad to approve the Consent Agenda and seconded by Catherine Block, and the motion was **Passed.**
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

INPUT

Audience Comments

No audience comments were made at this meeting.

Park Update On Blue Bridge

An update was given by Paul DeVries, City Engineer, regarding the Blue Bridge at Lakeside Park.

Transit Update

An update of the Fond du Lac Area Transit was given by Lynn Gilles, Transit Manager.

ACTIONS

Ordinance No. 3623

2016-118

A Motion was made by Brian Kolstad to approve Ordinance No. 3623 amending chapter 556 - Solid Waste and Chapter 14 - Boards, Commissions and Committees of the Code of the City of Fond du Lac

and seconded by Karyn Merkel, 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 and Consider Employment, Promotion, Compensation Or Performance Evaluation Data Of Any Public Employee Over Which The Governmental Body Has Jurisdiction Or Exercises Responsibility.
The subjects of the closed session are:
Collective Bargaining Strategy for Negotiations with Police Local 12
Real Estate/Economic Development Opportunities
2017 City Manager Goals
These subjects are exempt under Wisconsin Statutes Section 19.85 (1) (c) (e)

A Motion was made by Derek TerBeest to adjourn to Closed Session at 6:45 PM and seconded by Greg Giles, 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: November 22, 2016 Closed Session Council Minutes

Subject: November 22, 2016 Closed Session Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:
File Name

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: November 30, 2016 Special Council Minutes

Subject: November 30, 2016 Special Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:
File Name
Minutes_2016_11_30_Meeting(299).pdf

CITY COUNCIL MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN
815 S Main Street
Fire Station No. 1

November 30, 2016
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
Deb Hoffmann, City Attorney
Jordan Skiff, Director of Public Works
John Redmond, Park Superintendent
Peter O'Leary, Fire Chief

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.

CONSENT AGENDA

INPUT

Update On Lakeside Park Master Plan

An update of the Lakeside Park Master Plan was presented by Jordan Skiff, Director of Public Works.

Audience Comments

Spoke in regards to Lakeside Park Master Plan

Dave Gerlach, 456 E Scott St, Fond du Lac
Patrick Mueller, 285 Linden St, Fond du Lac
Mary B Hayes, 285 Linden St, Fond du Lac
Laura DeGolier, 289 14th St, Fond du Lac
Dave Whealon, 99 Sallie Ave, Fond du Lac
Dave Lallier, 714 Lakeshore Dr, Fond du lac

Discussion/Possible Action On Lakeside Park Master Plan Issues

General discussion ensued on the location of a proposed new pavilion in Lakeside Park. No formal action was taken but general consensus was to build a new pavilion at the current site of the existing pavilion with a capacity size to be no bigger than 200 people and to possibly build a smaller shelter over by the playground area or Lakeside Park West in the future if the need dictates.

ACTIONS

ADJOURN

A Motion was made by Greg Giles to adjourn at 7:40 PM 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: List Of Claims Dated December 7, 2016

Subject: List Of Claims Dated December 7, 2016

Initiator:

Recommendation:

ATTACHMENTS:
File Name
List_of_Claims_12-7-16.pdf

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: December 7, 2016

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 November 12, 2016 through December 2, 2016 for all funds total $1,496,952.69. 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: City Year In Review

Subject: Presented By: City Manager

Initiator:

Recommendation:

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Class "B" Fermented Malt and "Class B" Intoxicating Liquor License

Subject: Limited Liability Co: 65 N Main Pub, LLC
Agent Name: Bryan Perl
Agent Address: 463 Cedar St., Fond du Lac, WI
d/b/a: 65 N Main St.
Location of Premises: 65 N Main St.
Introduction: City Clerk

Initiator:

Recommendation: Alcohol License Committee Recommendation: **Deny**

ATTACHMENTS:

File Name

Memo_-_ALC.final.pdf

Agenda_2016_11_28_Meeting(261).pdf

ALC_Minutes.pdf

Business_Plan_Submitted.pdf

criminalCaseDetails8810902189639996760.pdf

criminalCaseDetails6657710368892342828.pdf

criminalCaseDetails7439297056516190890_Redacted.pdf

Inspection_Report_65_N._Main_Street.pdf

Memo_outlining_law_and_motions_to_approve_or_deny.12.8.16.pdf

Alcohol_Licensing_Committee_Ordinance._400.pdf

2006_Denial_of_Liq._License_for_65_N_Main.pdf

CITY OF FOND DU LAC - Memorandum

Date: December 8, 2016

To: Joe Moore, City Manager

From: Deborah S.R. Hoffmann, City Attorney
William Lamb, Chief of Police
Dyann Benson, Community Development Director

Re: Alcohol Licensing Committee Recommendation- 65 N. Main Street

On November 28, 2016, the Alcohol Licensing Committee (ALC) met to review the request for a "Class B" Intoxicating Liquor and Class "B" Fermented Malt for the applicant Bryan Perl for the property at 65 N. Main Street. The ALC recommended denial of the liquor license. The ALC's deliberations and recommendation were informed by Section 125.12, Wis. Stats. and Fond du Lac Code Section 400-6. and focused on the factors for judging new license applications outlined below. (Copies of the pertinent code sections are attached)

(a) Character of applicant, agent, managerial personnel, and owners

At the time of the ALC meeting, Mr. Perl did not have confirmed information on any of the agents that may be part of the business or managerial personnel. Mr. Perl did acknowledge at the meeting that he did not intend to be involved in the day-to-day operations and would be an "absentee owner."

(b) Experience of applicant and manager in operating a licensed establishment &
(c) History of applicant and manager in operation of licensed establishments

Mr. Perl currently owns and operates two other licensed establishments in Wisconsin, Saturday's Bar in Beaver Dam and Perl's at Road America (seasonal). In addition, Mr. Perl is the former operator of the Firehouse Bar & Grill (now Annie's Fountain City Café) and Perl's Country Inn in St. Peter.

In 2011, Mr. Perl was denied an intoxicating liquor license for a relocation of the Firehouse Bar & Grill after the Police Department indicated several concerns with the original Firehouse operations including: patrons being served up to closing time; complaints from neighbors; increased police patrols; illegal signage; and erecting a tent over Main Street without proper City approvals for street closures or tent installation.

Asst. Chief Klein contacted the Beaver Dam Police Department regarding the operation of Saturday's by the applicant. Beaver Dam Police Department reported several issues and concerns related to the operation of the business.

These are outlined in attached police department memos.

(d) History of premises

The property at 65 N. Main Street was formerly JRs Bar & Grill; it has also operated in the past as Lucky's. The large size of the building, approximately 9,000 square feet, poses both opportunities and challenges. In 2006, an application for a liquor license from a different person was denied due to concerns about the size of the establishment and the ability of the police to adequately respond. A copy of the 2006 application, memos and meeting minutes is attached.

(e) Design, type, and size of the proposed establishment

The property at 65 N. Main Street is approximately 9,000 square feet in size. At the time of the ALC meeting, the applicant did not have a definitive plan or concept for the proposed establishment, such as sports bar, dance club, restaurant, etc. Subsequently, the applicant has completed a business plan. A copy of the plan is attached.

(f) Proximity to other licensed establishments

The property at 65 N. Main Street is in close proximity to Backstage Bar and Grill at 101 N. Main Street.

(g) Proximity to residential buildings or areas.

The property is adjacent second story residential units to the south and the Portland Square Apartments to the east. There is also residential to the northeast (along Merrill Avenue from Portland Street to Marquette Street). Additional housing is planned in the near future.

A Special Use Permit is required for Amplified Sound when adjacent to residential uses. At the time of the ALC meeting, it was not clear whether the applicant intended to have live bands, DJ, or similar type of amplified sound to determine whether the Special Use Permit is required. In the business plan that the applicant provided on 12/7/2016, it does say that they want to apply for a Special Use Permit for Amplified Sound and would like to have live bands.

(h) Ability of Police Department to ensure public safety at this location

Due to the size of the building, there were concerns in 2006 about the Police Department's ability to ensure public safety.

(i) Condition of building/premises

The property, formerly known as JR's, has been vacant for a period of time. The property will require an occupancy permit prior to opening the business which is issued by Building Inspection and Fire Department.

The building cannot be issued an occupancy permit at this time. The applicant's architect is working with the Chief Building Inspector to address some code violations and concerns. Depending upon the timeframe for completion of the required work items to meet building code compliance, occupancy could be granted in early 2017.

The Chief Building Inspector, Doug Hoerth, has indicated that the following are outstanding:

*Occupancy permit is required to be obtained
*Bring the ceiling to a Class B fire rating or better including patching all the openings
*Provide a letter from the Architect to verify the structure is sound. The concern is a several cracked attic trusses, a homemade hanger fix on the Southwest side of the building and the wall on the southeast end of the building is leaning out.
*Correct all the electrical issues such as open electrical boxes, etc.
*Clean and inspect the kitchen hood

The fire inspector also has conditions that need to be resolved before an occupancy permit can be issued. A copy of his report is attached.

(j) Compatibility of proposed use with neighborhood

At the time of the ALC meeting, the applicant did not have a definitive plan or concept for the proposed establishment, such as sports bar, dance club, restaurant, etc. The ALC was unable to determine if the use was compatible with the neighborhood.

The applicant has now supplied a business plan that indicates it will primarily be a restaurant, though they do want a special use permit for amplified music and to host live music, which implies a dance club.

(k) Zoning and land use considerations

The property at 65 N. Main Street is located within the C-1 Zoning District. The C-1 Zoning Districts accommodates a variety of retail and entertainment uses. However, there are a small number of uses that fall within the entertainment area that are either not permitted within the C-1 Zoning District or require a Special Use Permit.

Staff prefers to work with a property owner in advance of their proposed occupancy as it relates to their proposed use than try to obtain compliance after a business has opened in cases where the actual use is not consistent with the C-1 Zoning.

At the time of the ALC meeting, there was insufficient information to determine compliance with zoning requirements. Based on the business plan that was received on 12/2/16, the proposed establishment appears consistent with zoning regulations for C-1.

(l) Likely impact on property values & (m) Economic development considerations

A vacant building that has minimal reinvestment can have a negative impact on property value. However, an occupied building that creates a nuisance can also negatively impact property values. The ALC was unable to make a determination of a positive impact on property values or economic development given the lack of information on managerial personnel as well as a definitive concept for the property.

(n) Other considerations

In conversations with the applicant prior to the ALC meeting and at the ALC meeting, staff asked the applicant if he would defer his application to the next meeting to allow time to refine his concept, provide additional details and work with staff so that staff could support the application for the intoxicating liquor license. Mr. Perl opted not to defer and requested the ALC move forward with their deliberation.

Prior City Councils have denied a liquor license request to this applicant in 2011 and denied a liquor license to the premises in 2006. The documents from these prior denials are attached.

Fond du Lac City Police Department

Memo

To: City Manager Moore

From: Chief Lamb

Date: 11-22-16

Re: Proposed Class B Combination License for 65 N Main Pub LLC. 65 N. Main Street

On November 22, 2016, Assistant Chief Klein, Building Inspector Doug Hoerth representing Community Development, and Amy Hansen from the DFP met with the listed applicant Bryan Perl who is seeking the requested license to open a bar at 65 N. Main Street which is the former sight of JR's Sports Bar and Grill.

Mr. Perl currently owns and operates two other licensed establishments in Wisconsin, Saturday's Bar in Beaver Dam and Perl's at Road America which is a seasonal operation. Mr. Perl stated that he was looking for an opportunity to expand his business to the Fond du Lac area. Mr. Perl has purchased the building at 65 N Main Street and has already been working on sanding the hardwood floors and updating the painting throughout the building.

Mr. Perl stated that he plans to move slowly with the proposed business, starting out with a smaller menu of sandwiches and pizza. He talked about possibly bringing in live bands and providing a dance floor for entertainment. He also talked about the possibility of creating an Ale House theme with a large variety of tap beers. Mr. Perl stated that initially he plans on being open Wednesday thru Sunday from 2p.m. to closing time. The lack of a specific plan for this establishment does create concern on how their potential operations will impact the City and police resources.

Mr. Perl was asked how he would characterize his working relationship with the Beaver Dam Police Department and he stated that it was a good working relationship. He stated that he did receive some demerit points last year for a person who was underage that came into his bar allegedly with a fake ID. He stated he worked with Police and the City Attorney's office in Beaver Dam and did get his demerit points back. He stated that his license has never been suspended or not renewed.

In talking with Deputy Chief Dan Schubert of the Beaver Dam Police Department, he stated that their Department has had a rocky relationship with Perl's operations in their city. He characterized Mr. Perl as an absentee owner and that Mr. Perl opened his Beaver Dam operation as a dance and night club where they brought in outside entertainment acts. Deputy Chief Schubert was able to provide me with a list of the demerit points on their record.

Mr. Perl will serve as the licensed agent for this location and has 17 years of experience in owning or managing licensed establishments including the former Fire House Bar in Fond du Lac which was located at 72 S Main St. at the time. Mr. Perl did apply for an alcohol license in February 2011 in which a number of concerns were raised at the time (see memo dated 02-14-2011) which would still apply today. Assistant Chief Klein discussed with the applicant the City's expectations of being a license holder and the importance of being a "good neighbor."

Background checks were performed on Mr. Perl, both in-house and NCIC/CIB, while there is nothing in his background that would preclude him from obtaining the requested license, staff would recommend denial based upon the concerns noted.

Fond du Lac City Police Department

Memo

To: City Manager Herre

From: Chief Barthuly

Date: 02-14-2011

Re: Proposed Class B Intoxicating Liquor and Fermented Malt Beverage New Home of Firehouse Bar & Grill, LLC, 15 W. Division Street

On February 14, 2011, Chief O'Leary, Deputy Chief Lemke, City Clerk Sue Strands, Community Development Director Wayne Rollin, Amy Hansen from the DFP and Joe Reitemeir from the Association of Commerce met with the listed applicant, Bryan Perl, to discuss his application for the proposed license for The New Home of Firehouse Bar & Grill, 15 W. Division Street. The proposed location is the site of the former Pier 15. Mr. Perl last had a Class B Intoxicating Liquor and Fermented Malt Beverage license at the former Firehouse Bar & Grill located at 72 S. Main Street. Mr. Perl ceased operations at that location on or about August 20, 2010.

Mr. Perl's plans for this location include a bar, restaurant, area for pool and darts, and a dance floor. Mr. Perl intends to remove the existing bar and floor surrounding the bar and replace with a new floor and bar. Mr. Perl believes it will take three months to do the remodeling.

Mr. Perl currently owns and operates Perl's Country Inn in St. Peter. Mr. Perl said he would personally manage the facility at 15 W. Division Street.

Staff discussed with the applicant the City's grave concerns if applicant is granted a license. Concerns include;

Closing time issues with patrons being served right up to closing time.

Problems in rear alley from patrons smoking, urinating, vomiting and littering.

Complaints from neighbors about noise including a trash fire at the rear entrance that was not called in to public safety.

Police having to increase patrols in area.

Illegal sign installed on outside of building in violation of code.

Mislead City Staff on Halloween Dance in which a tent was erected over Main Street.

No water available to a urinal for over a week and half.

Civil disagreements between Mr. Perl and the owner of the building at 72 S. Main Street when Mr. Perl ceased operations. This caused the police to have to intervene several times.

Mr. Perl appeared before the ALC on May 26, 2009. Several concerns were made to the ALC reference improper handling of alcohol at a winter festival on Lake Winnebago and renovations made at his tavern in the town of Taycheedah in violation of code. Fond du Lac Police at the time had concerns about the applicant's ability to work within the rules and codes that he must follow.

Background checks were performed on Bryan Perl, both in-house and NCIC/CIB. There is nothing in the applicant's background that would preclude him from obtaining the requested license. The Police Department and staff present at today's meeting have objections to the approval of the proposed license request and do recommend denial.

Demerit Points Assessed To Date

Establishment	Location		Licensee	Total Points	Offense Date
SATURDAY'S BAR	208 FRONT ST.		BRYAN PERL	150	2/28/2015
SATURDAY'S BAR	208 FRONT ST.		BRYAN PERL	80	11/26/2015
SATURDAY'S BAR	208 FRONT ST.		Guilty in Mun Ct Appealed to Cir. Ct. Dismis by City Att.	80 replaced	8/17/2016
SATURDAY'S BAR	208 FRONT ST.		BRYAN PERL	150	6/26/2016
SATURDAY'S BAR	208 FRONT ST.		3 conflicting written statements	150 replaced	8/17/2016

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning December 15 20 16
ending June 30 20 17

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☑ City of Fond du lac

County of Fond du lac Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's WI Seller's Permit No.:	FEIN Number:

LICENSE REQUESTED ▶

TYPE	FEE
☐ Class A beer	$
☒ Class B beer	$
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☒ Class B liquor	$
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$ 55
TOTAL FEE	$ 405

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): ▶ 65 N Main Pub LLC

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

Title	Name	Home Address	Post Office & Zip Code
President/Member	Bryan Perl	463 Cedar st	Fdl WI 54935
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶	Bryan Perl	463 Cedar St	Fdl WI 54935
Directors/Managers			

3. Trade Name ▶ 65 N Main St Business Phone Number 920-286-1979
4. Address of Premises ▶ 65 N Main street Post Office & Zip Code ▶ Fdl 54935
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 11-1-16 of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☒ Yes ☐ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☒ Yes ☐ No

   (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) coolers, backroom, storage room
10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
    (b) If yes, under what name was license issued? _____
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 4 day of November, 20 16

Alex McC
(Clerk/Notary Public)

My commission expires 3-23-19

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

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

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
11-4-16	12-19-16		
Date license granted	**Date license issued**	**License number issued**	

#5 will take or renew responsible Bar Server Course

#8 I have Multiple LLC's

I have 3 other Liq License in Wisconsin

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)*	*(last name)*	*(first name)*	*(middle name)*
	Perl	Perl	Jerome

Home Address *(street/route)*	Post Office	City	State	Zip Code
463 Cedar St		FdL	WI	54935

Home Phone Number: [redacted]

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

- ☐ Applying for an alcohol beverage license as an **individual**.
- ☒ Bryan Perl *(Officer/Director/Member/Manager/Agent)* of 65 n Main Pub LLC *(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? 37 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☒ Yes ☐ No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
   wholesaleing with out Lic. 10-16-09
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. Perls in Beaver Dam WI, Perls ant Road america town of Plymouth Beer Lic. *(Name, Location and Type of License/Permit)*
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
   If yes, identify.
   (Name of Wholesale Licensee or Permittee) *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Sargento Foods	Plymouth WI	1999	2001

Employer's Name	Employer's Address	Employed From	To

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 4 day of November, 20 16

(Clerk/Notary Public)

My commission expires

(Signature of Named Individual)

Printed on Recycled Paper

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

Submit to municipal clerk.

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

To the governing body of: ☐ Town ☐ Village ☑ City of FOND DU LAC County of FOND DU LAC

The undersigned duly authorized officer(s)/members/managers of 65 N Main Pub LLC
(registered name of corporation/organization or limited liability company)

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

TBD at Later date
(trade name)

located at 65 n Main st Fond du lac WI 54935

appoints Bryan Perl
(name of appointed agent)

463 Cedar street Fond du lac WI 54935
(home address of appointed agent)

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

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

Perks in City of Beaver Dam, Perks in the town of Plymouth

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 37 years

Place of residence last year Wisconsin

For: 65 N Main Pub LLC
(name of corporation/organization/limited liability company)

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

And:
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Bryan Perl, 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]
(signature of agent)

(date)

Agent's age [redacted]

(home address of agent)

Date of birth [redacted]

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

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

Approved on (date) by (signature of proper local official) Title (town chair, village president, police chief)

65 N MAIN PUB LLC
65 N Main Street, Fond du lac
Wisconsin
54935

November 1, 2016

Executive Summary

The Goals and Objectives

Our goal is to provide Downtown Fond du lac with a venue that provides unique food and beverage options.

The Product

Our company shall provide a unique food and beverage menu; giving our customers options with anything from wings to specialty sandwiches or coffee to alcoholic beverages.

Marketing Plan

The Target Market
We as a company strive to provide an appealing environment for our customers to enjoy in Downtown Fond du lac.

Pricing
Our pricing will remain affordable for everything we serve.

Advertising
Our goal is to provide affordable prices with an appealing environment.

Operation

Hours of Operation

Our hours of operation are planned to be Wednesday-Saturday 2pm-2am.

Staffing
We as a company plan to hire top notch staff; to provide our customers with the best service possible making is a welcoming environment.

The Company

Business Sector

The owners would like to start a business in the food and accommodation services sector.

Company Goals and Objectives

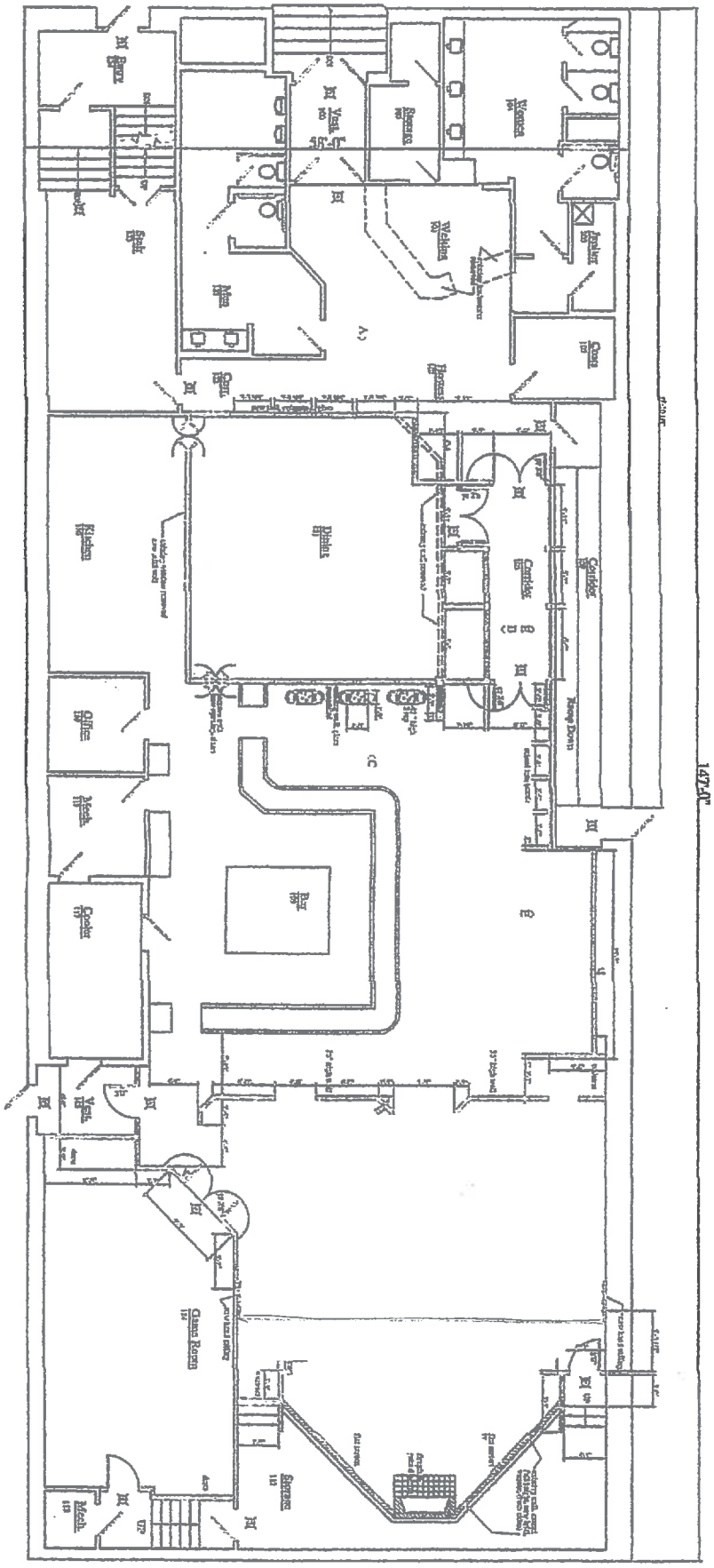
Our goal is to provide Downtown Fond du lac with a venue that provides unique food and beverage options.

The Ownership

The company will be structured as a limited liability company (LLC).

Ownership Background

As an owner of several other successful restaurants/businesses, I plan to bring my skills and talented staff to Downtown Fond du lac.



Field Verify Layouts & Conditions All Dimensions w/Owner Prior to Any & All Construction.

Proposed
Floor Plan
Scale: 1/4"=1'-0"

0 4 8 16 32 Feet

North

PRELIMINARY

PRELIMINARY

1 of 2008.05

Remodeling for
JR's Sports Bar & Grille
65 N. Main St.
Fond du Lac, WI 54935

TOM W. MEIKLEJOHN, III AIA
ARCHITECT
113 South Main Street
Fond du Lac, WI 54935
p (920) 923-3163
f (920) 923-5211

03.19.2008

ALCOHOL LICENSE COMMITTEE
MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN
Meeting Room D
160 S Macy Street

November 28, 2016
4:00 PM

ROLL CALL

Attendance

Present
Shawn Anhalt
Peter Doll
Brian Kolstad
Mark Otterstatter

Absent
Jacob Lehman
Kerry Strupp
Travis VanDynHoven

Administrative Staff
Deb Hoffman, City Attorney
Dyann Benson, Director of Community Development
Steve Klein, Police Chief of Operations
Doug Hoerth, Inspections

Declaration Quorum Present

Chairperson Shawn Anhalt declared a quorum present.

CONSENT AGENDA

May 23, 2016 Minutes

A Motion was made by Brian Kolstad to approve the May 23rd, 2016 Minutes and seconded by Mark Otterstatter, and the motion was **Passed.**

Ayes: Anhalt, Doll, Kolstad, Otterstatter

Absent: Lehman, Strupp, VanDynHoven

INPUT

Audience Comments

Presiding officer shall limit comments to items noticed only on

the agenda.

Attorney Bill Everson and Bryan Perl spoke in support of the request for a "Class B" Intoxicating Liquor and "Class B" Fermented Malt License at 65 S Main Street.

ACTIONS

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

Limited Liability Co: 65 N Main Pub, LLC
Agent Name: Bryan Perl
Agent Address: 463 Cedar St, Fond du Lac, WI 54935
d/b/a: 65 N Main St
Location of Premises: 65 N Main St

A Motion was made by Shawn Anhalt to deny application for "Class B" Intoxicating Liquor and "Class B" Fermented Malt License and seconded by Peter Doll, and the motion was **Passed.**

Ayes: Anhalt, Doll, Kolstad, Otterstatter

Absent: Lehman, Strupp, VanDynHoven

ADJOURN

A Motion was made by Peter Doll to adjourn at 4:53 PM and seconded by Shawn Anhalt, and the motion was **Passed.**

Ayes: Anhalt, Doll, Kolstad, Otterstatter

Absent: Lehman, Strupp, VanDynHoven

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.

Two Bucks Grill & Ale House

65 North Main Street

Fond du Lac, WI

Menu

Appetizers

1. Brochette
2. Mozzarella Sticks
3. Cheese Nuggets
4. French Fries
5. Mini Corndogs
6. Garlic Bread
7. Cheese Bread
8. Mac & Cheese Bites

Wings (Boneless & Traditional)

1. Hot
2. Medium
3. Mild
4. Thai Chile
5. General Tso
6. BBQ
7. Honey BBQ
8. Still to Come
9. Still to Come
10. Still to Come

Sandwiches

1. Hamburger
2. Cheeseburger
3. Bacon Cheeseburger
4. Brochette Burger
5. Mac Attach Burger
6. Grilled Cheese
7. Chicken Sandwich
8. Cajun Chicken Sandwich

9. Chicken Cordon Blue Sandwich
10. Brochette Chicken Sandwich (open face)
11. Tenderloin Steak Sandwich
12. Ham Sandwich
13. BLT
14. Mushroom Swiss Burger
15. Fish Sandwich
16. Still to Come

Kids

1. Corn Dog & French Fries
2. Pizza
3. Grilled Cheese
4. Boneless Chicken Bites & French Fries

French Bread Pizza

1. Pepperoni
2. Sausage
3. Pepperoni & Sausage
4. Deluxe
5. Chicken & Bacon

Fish Fry

1. Perch
2. Haddock
3. French Fries
4. Slaw & Bread
5. Potato Salad

Fish Fry Combos

1. Perch, French Fries, Slaw & Bread
2. Haddock, French Fries, Slaw & Bread
3. Poor man's, French Fries, Slaw & Bread
4. Perch, Haddock, Poor man's, French Fries, Slaw & Bread

Soup & Salad

1. Sample Soup (5 soups daily)
2. Side Salad
3. Grilled Chicken Salad

Sec. 183.0202
Wis. Stats.

State of Wisconsin
Department of Financial Institutions

ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY

Executed by the undersigned for the purpose of forming a Wisconsin Limited Liability Company under Chapter 183 of the Wisconsin Statutes:

Article 1. **Name of the limited liability company:**

65 N Main Pub LLC

Article 2. **The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.**

Article 3. **Name of the initial registered agent:**

BRYAN PERL

Article 4. **Street address of the initial registered office:**

463 CEDAR STREET
FOND DU LAC, WI 54935
United States of America

Article 5. **Management of the limited liability company shall be vested in:**

A manager or managers

Article 6. **Name and complete address of each organizer:**

BRYAN PERL
463 CEDAR STREET
FOND DU LAC, WI 54935
United States of America

Other Information. **This document was drafted by:**

BRYAN PERL

Organizer Signature:

BRYAN PERL

Date & Time of Receipt:
11/1/2016 9:42:09 AM

Order Number:
201611015036596

ARTICLES OF ORGANIZATION - Limited Liability Company(Ch. 183)

Filing Fee: $130.00
Total Fee: $130.00

ENDORSEMENT

State of Wisconsin
Department of Financial Institutions

EFFECTIVE DATE	
11/1/2016	

FILED 11/1/2016	Entity ID Number [redacted]

Form **SS-4** (Rev. January 2010)

Department of the Treasury
Internal Revenue Service

Application for Employer Identification Number

(For use by employers, corporations, partnerships, trusts, estates, churches, government agencies, Indian tribal entities, certain individuals, and others.)

▶ See separate instructions for each line. ▶ Keep a copy for your records.

OMB No. 1545-0003

EIN [redacted]

Type or print clearly.

1 Legal name of entity (or individual) for whom the EIN is being requested
65 N MAIN PUB LLC

2 Trade name of business (if different from name on line 1)

3 Executor, administrator, trustee, "care of" name

4a Mailing address (room, apt., suite no. and street, or P.O. box)
463 CEDAR STREET

5a Street address (if different) (Do not enter a P.O. box.)
65 N MAIN STREET

4b City, state, and ZIP code (if foreign, see instructions)
FOND DU LAC Wisconsin 54935

5b City, state, and ZIP code (if foreign, see instructions)
FOND DU LAC Wisconsin 54935

6 County and state where principal business is located

7a Name of responsible party
BRYAN PERL

7b SSN, ITIN, or EIN [redacted]

8a Is this application for a limited liability company (LLC) (or a foreign equivalent)? ☑ Yes ☐ No

8b If 8a is "Yes," enter the number of LLC members ▶ 1

8c If 8a is "Yes," was the LLC organized in the United States? ☑ Yes ☐ No

9a Type of entity (check only one box). **Caution.** If 8a is "Yes," see the instructions for the correct box to check.

- ☑ Sole proprietor (SSN) [redacted]
- ☐ Partnership
- ☐ Corporation (enter form number to be filed) ▶
- ☐ Personal service corporation
- ☐ Church or church-controlled organization
- ☐ Other nonprofit organization (specify) ▶
- ☐ Other (specify) ▶
- ☐ Estate (SSN of decedent)
- ☐ Plan administrator (TIN)
- ☐ Trust (TIN of grantor)
- ☐ National Guard ☐ State/local government
- ☐ Farmers' cooperative ☐ Federal government/military
- ☐ REMIC ☐ Indian tribal governments/enterprises

Group Exemption Number (GEN) if any ▶

9b If a corporation, name the state or foreign country (if applicable) where incorporated — State: — Foreign country:

10 Reason for applying (check only one box)

- ☑ Started new business (specify type) ▶ Food Service
- ☐ Hired employees (Check the box and see line 13.)
- ☐ Compliance with IRS withholding regulations
- ☐ Other (specify) ▶
- ☐ Banking purpose (specify purpose) ▶
- ☐ Changed type of organization (specify new type) ▶
- ☐ Purchased going business
- ☐ Created a trust (specify type) ▶
- ☐ Created a pension plan (specify type) ▶

11 Date business started or acquired (month, day, year). See instructions.
11/01/2016

12 Closing month of accounting year: December

13 Highest number of employees expected in the next 12 months (enter -0- if none).
If no employees expected, skip line 14.

Agricultural	Household	Other
0	0	10

14 If you expect your employment tax liability to be $1,000 or less in a full calendar year and want to file Form 944 annually instead of Forms 941 quarterly, check here. (Your employment tax liability generally will be $1,000 or less if you expect to pay $4,000 or less in total wages.) If you do not check this box, you must file Form 941 for every quarter. ☐

15 First date wages or annuities were paid (month, day, year). **Note.** If applicant is a withholding agent, enter date income will first be paid to nonresident alien (month, day, year) ▶ 12/01/2016

16 Check one box that best describes the principal activity of your business.

☐ Construction ☐ Rental & leasing ☐ Transportation & warehousing ☐ Health care & social assistance ☐ Accommodation & food service ☐ Wholesale-agent/broker ☐ Wholesale-other ☐ Retail ☐ Real estate ☐ Manufacturing ☐ Finance & insurance ☐ Other (specify)

17 Indicate principal line of merchandise sold, specific construction work done, products produced, or services provided.
FOOD, BEVERAGES, ALCOHOL

18 Has the applicant entity shown on line 1 ever applied for and received an EIN? ☐ Yes ☑ No
If "Yes," write previous EIN here ▶

Third Party Designee

Complete this section **only** if you want to authorize the named individual to receive the entity's EIN and answer questions about the completion of this form.

Designee's name — Designee's telephone number (include area code) ( )

Address and ZIP code — Designee's fax number (include area code) ( )

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

Name and title (type or print clearly) ▶ BRYAN PERL, Managing Member/Owner

Applicant's telephone number (include area code) (920) 286-1979

Signature ▶ Date ▶ 11/01/2016

Applicant's fax number (include area code) ( )

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions. Cat. No. 16055N Form **SS-4** (Rev. 1-2010)

OPERATING AGREEMENT
OF
65 N MAIN PUB, LLC
dba Two Bucks Grill & Ale House

THIS AGREEMENT (this "Agreement") between the undersigned Bryan Perl the sole member ("Member") of 65 N Main Pub, LLC dba Two Bucks Grill & Ale House a Wisconsin limited liability company (the "Company"), for the purposes set forth below, and Bryan Perl, (the "Organizer"), solely for the purpose of making the acknowledgment at the end of this Agreement, is effective as of November 1, 2016.

RECITALS

The Members has formed the Company by having the Organizer file with the Wisconsin Department of Financial Institutions Articles of Organization, a copy of which is attached to this Agreement and incorporated by this reference, as provided in the Wisconsin Limited Liability Company Law (the "WLLCL"); and

The Members affirms their membership in the Company, acknowledges the contributions and the values of the contributions made, and assents to the operation of the Company under the WLLCL.

NOW, THEREFORE, in consideration of the promises made in this Agreement, the Member agrees as follows:

Section 1. Members Contribution. The Members have contributed the property described on the Property Schedule attached to this Agreement, which contribution the Members have valued as set forth on the Property Schedule attached to this Agreement as required by section 183.0501 of the WLLCL. The Members have not agreed to make any additional contributions to the Company.

Section 2. Term. The Company shall continue indefinitely until the Company is dissolved pursuant to Section 3 hereof.

Section 3. Company Dissolution. The Company is to be dissolved and its business wound up as provided in the WLLCL.

Section 4. Member Management. The provisions of the WLLCL relating to a limited liability company the management of which has been vested in its members shall apply with full force and effect without amendment to the Company's operations and management, except as otherwise specifically provided in this Agreement.

Section 5. No Withdrawal; No Distribution in Redemption on Dissociation. No Member may voluntarily withdraw or resign from the Company, and the dissociation of a Member from the Company, within the meaning of section 183.0802 of the WLLCL, to the extent it does not cause a dissolution of the Company pursuant to section 183.0901 of the WLLCL, will not entitle the dissociating member to receive a distribution in complete redemption of the fair value of the Member's interest in the Company.

Dated: November 1, 2016.

Signature **Address**

_____ 463 Cedar St. Fond du Lac, WI 54935

Bryan Perl

ACKNOWLEDGMENT

THE UNDERSIGNED acknowledges that Exhibit A contains a true and correct copy of the Articles of Organization filed by me with the Wisconsin Department of Financial Institutions to organize the Company.

_____

Bryan Perl, Organizer

Property Schedule

Member	**Market Value**
Bryan Perl	

COMMERCIAL LEASE

AGREEMENT, made this 1st day of December 1, 2016, by and between, MFBT, LLC by agent Bryan Perl, ("Landlord") and 65 N Main Pub, LLC dba Two Bucks Grill & Ale House by agent Bryan Perl ("Tenant").

EXPLANATION OF AGREEMENT

The Landlord desires to lease to the Tenant and the Tenant desires to lease from the Landlord part of the property generally known as 65 North Main Street, Fond du Lac, Wisconsin, on the terms and conditions set forth in this agreement. That is the purpose of this agreement.

AGREEMENT

NOW, THEREFORE, IT IS AGREED:

1. **LEASE**: The Landlord hereby leases to the Tenants and the Tenants hereby lease from the Landlord the property located at 65 North Main Street, Fond du Lac, Wisconsin. The property has been improved as a bar and restaurant building and parking lot, which are included in this lease as part of the property. Tenant has inspected same and, by the execution of this agreement, accepts the property in its present condition, subject to the improvements agreed upon herein.

2. **TERM**: The term of this lease shall be for a period of five years, beginning on the first day of December 1, 2016, and ending on November 30, 2021.

3. **RENT**: The rent for this lease shall be Three-Thousand Five Hundred Dollars $3,500.00 per month. Rent shall be paid in advance on the first day of each month during the term of the lease, with the first payment due on January 1, 2017.

4. **SECURITY DEPOSIT**: Security Deposit will be equal to one month's rent which will be due January 1, 2017, along with the first month's rent.

5. **UTILITIES**: Tenant shall pay all utilities including heat, electricity and water.

6. **RESPONSIBILITY OF PARTIES**: The parties to this agreement shall have the following responsibilities:

EXPLANATION		LANDLORD	TENANT
A.	Real Estate Taxes		X
B.	Heat		X
C.	Electricity		X
D.	Water		X
E.	Structural Repairs		X
F.	Major Plumbing Repairs		X
G.	Major HVAC Repairs		X
H.	Minor Interior Repairs		X
I.	Public Liability Insurance		X
J.	Insurance on Contents		X
K.	Recycling and Trash Removal		X
L.	Janitorial Services		X
M.	Snow Removal: Sidewalks or Walkways		X
N.	Salt and slip prevention		X
O.	Appliances/Equipment		X

7. **INSURANCE CERTIFICATE**: Any insurance required of the Tenant shall be evidenced by a certificate of insurance which shall be filed with the Landlord annually, commencing December 14, 2016. Landlord shall be named on the insurance policies as an additional insured. Landlord shall require not less than $1,000,000.00 worth of insurance.

8. **WAIVER OF SUBROGATION**: Provided the insurance required to be maintained by the Landlord and Tenant is in full force and effect and remains so, each of the parties hereto releases and discharges the other from all claims or demands whatsoever which either party may have in the future arising out of damage to or destruction to the property occasioned by fire or extended coverage risks, whether such claim or demand may arise because of the negligence of the party, its agents or employees or otherwise, and the other party agrees to look to the insurance coverage only in the event of such loss.

9. **USE**: The Tenants agree to use the property as bar and restaurant. Landlord shall transfer current liquor licensing or assist in the gaining of liquor license for the Tenant. Tenant also agrees to refrain from any and all illegal activity in the possession of the Tenant.

10. **ASSIGNMENT OR SUBLEASE**: The Tenants may not assign or sublease their interest in this lease without the written permission of the Landlord which shall not be unreasonably withheld.

11. **TRADE FIXTURES**: Landlord and Tenants agree that all improvements made subsequent to the execution of this lease in the leased premises shall become the property of the Landlord and may not be removed by the Tenants at the end of the term of the lease or from time to time during the lease.

12. **SURRENDER**: Upon the expiration or earlier termination of this lease, the Tenants shall surrender the property to the Landlord in good order and condition, except for ordinary wear and tear. Tenants shall remove from the property on or prior to such expiration or earlier termination all of its property situated thereon and shall repair any damage caused by such removal. Property not removed shall become the property of the Landlord.

13. **AMENDMENT**: This lease may not be amended, modified or terminated, nor may any obligation hereunder be waived orally, and no such amendment, modification, termination or waiver shall be effective for any purpose unless it is in writing, signed by the party against whom enforcement thereof is sought.

14. **BINDING EFFECT**: This lease shall be binding upon and inure to the benefit of and be enforceable by the respective successors and assigns of the parties hereto.

15. **COUNTERPARTS**: This lease will be simultaneously executed in counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

16. **PROPERTY DAMAGE AND DESTRUCTION**: If the Premises or any part thereof are damaged or destroyed by any casualty or any other cause of any kind or nature, ordinary or extraordinary, foreseen or unforeseen, insured or uninsured, Tenant shall give Landlord immediate notice thereof, and Tenant shall promptly repair, restore or rehabilitate the Premises at Tenant's own expense, to an extent that, upon the completion of such repairs, restoration or rehabilitation, the value and rental value of the Building and other Improvements shall be substantially equal to the value and rental value of the Building and other Improvements immediately prior to the happening of such casualty.

17. **COURT COSTS AND ATTORNEYS FEES**: In any action or legal proceeding to enforce any part of this Agreement, the prevailing party shall recover reasonable attorneys' fees and court costs.

18. **TIME IS OF THE ESSENCE**: Time is of the essence with respect to every provision of this Lease.

19. **ENTIRE AGREEMENT**: This document and any Attachments constitute the entire Agreement between the parties, and no promises or representations, other than those contained here and those implied by law, have been made by Landlord or Tenant. Any modifications to this Agreement must be in writing and signed by Landlord and Tenant.

20. **GOVERNING LAW**: This lease shall be governed by and construed in accordance with the laws of the State of Wisconsin.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year stated above.

_____ Date:_____

MFBT, LLC
LANDLORD

_____ Date: _____

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

Sec. 183.0202
Wis. Stats.

State of Wisconsin
Department of Financial Institutions

ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY

Executed by the undersigned for the purpose of forming a Wisconsin Limited Liability Company under Chapter 183 of the Wisconsin Statutes:

Article 1. **Name of the limited liability company:**

MFBT LLC

Article 2. **The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.**

Article 3. **Name of the initial registered agent:**

BRYAN PERL

Article 4. **Street address of the initial registered office:**

463 CEDAR STREET
FOND DU LAC, WI 54935
United States of America

Article 5. **Management of the limited liability company shall be vested in:**

A manager or managers

Article 6. **Name and complete address of each organizer:**

BRYAN PERL
463 CEDAR STREET
FOND DU LAC, WI 54935
United States of America

Other Information. **This document was drafted by:**

BRYAN PERL

Organizer Signature:

BRYAN PERL

Date & Time of Receipt:
10/18/2016 4:07:13 PM

Order Number:
201610185016157

ARTICLES OF ORGANIZATION - Limited Liability Company(Ch. 183)

Filing Fee: $130.00
Total Fee: $130.00

ENDORSEMENT

State of Wisconsin
Department of Financial Institutions

EFFECTIVE DATE	
10/18/2016	

FILED 10/18/2016	Entity ID Number [redacted]

IRS DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 11-01-2016

Employer Identification Number: [redacted]

Form: SS-4

Number of this notice: CP 575 G

MFBT LLC
BRYAN PERL SOLE MBR
463 CEDAR ST
FOND DU LAC, WI 54935

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 81-4295632. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.

* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.

* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is MFBT. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

OPERATING AGREEMENT
OF
MFBT, LLC

THIS AGREEMENT (this "Agreement") between the undersigned Bryan Perl the sole member ("Member") of MFBT, LLC a Wisconsin limited liability company (the "Company"), for the purposes set forth below, and Bryan Perl, (the "Organizer"), solely for the purpose of making the acknowledgment at the end of this Agreement, is effective as of November 1, 2016.

RECITALS

The Members has formed the Company by having the Organizer file with the Wisconsin Department of Financial Institutions Articles of Organization, a copy of which is attached to this Agreement and incorporated by this reference, as provided in the Wisconsin Limited Liability Company Law (the "WLLCL"); and

The Members affirms their membership in the Company, acknowledges the contributions and the values of the contributions made, and assents to the operation of the Company under the WLLCL.

NOW, THEREFORE, in consideration of the promises made in this Agreement, the Member agrees as follows:

Section 1. Members Contribution. The Members have contributed the property described on the Property Schedule attached to this Agreement, which contribution the Members have valued as set forth on the Property Schedule attached to this Agreement as required by section 183.0501 of the WLLCL. The Members have not agreed to make any additional contributions to the Company.

Section 2. Term. The Company shall continue indefinitely until the Company is dissolved pursuant to Section 3 hereof.

Section 3. Company Dissolution. The Company is to be dissolved and its business wound up as provided in the WLLCL.

Section 4. Member Management. The provisions of the WLLCL relating to a limited liability company the management of which has been vested in its members shall apply with full force and effect without amendment to the Company's operations and management, except as otherwise specifically provided in this Agreement.

Section 5. No Withdrawal; No Distribution in Redemption on Dissociation. No Member may voluntarily withdraw or resign from the Company, and the dissociation of a Member from the Company, within the meaning of section 183.0802 of the WLLCL, to the extent it does not cause a dissolution of the Company pursuant to section 183.0901 of the WLLCL, will not entitle the dissociating member to receive a distribution in complete redemption of the fair value of the Member's interest in the Company.

Dated: November 1, 2016.

Signature **Address**

_____ 463 Cedar St. Fond du Lac, WI 54935

Bryan Perl

ACKNOWLEDGMENT

THE UNDERSIGNED acknowledges that Exhibit A contains a true and correct copy of the Articles of Organization filed by me with the Wisconsin Department of Financial Institutions to organize the Company.

_____

Bryan Perl, Organizer

Property Schedule

Member	**Market Value**
Bryan Perl	

DOC # 1076261
Recorded November 02, 2016 at 09:14 AM
SHAWN KELLY, REGISTER OF DEEDS
FOND DU LAC COUNTY, WI
Fee Amount: $30.00
Transfer Fee: $300.00

Returned to: Guaranty Title Services, Inc.
This document has been electronically recorded.

State Bar of Wisconsin Form 2-2003
WARRANTY DEED

Document Number | Document Name

THIS DEED, made between National Exchange Bank and Trust, ("Grantor," whether one or more), and MFBT LLC, a Wisconsin limited liability company, ("Grantee," whether one or more).
Grantor, for a valuable consideration, conveys and warrants to Grantee, the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Fond du Lac County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Property described on Exhibit A, attached hereto

Exceptions to warranties: All easements and restrictions of record

Recording Area

Name and Return Address 2-159618
MFBT LLC
463 Cedar St.
Fond du Lac, WI 54935

FDL-15-17-10-44-820-00
Parcel Identification Number (PIN)

This Is Not homestead property.

Dated: October 31, 2016

National Exchange Bank and Trust

* _____ (SEAL)

* By: Jeff Hayes, VP (SEAL)

* _____ (SEAL)

* _____ (SEAL)

AUTHENTICATION

Signature(s)

authenticated on _____.

* _____
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:
Sara B. Andrew
Andrew Law Offices, S.C.

ACKNOWLEDGMENT

STATE OF WI)
) ss.
Fond du Lac COUNTY)

Personally came before me on October 31, 2016
the above-named Jeff Hayes

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

* _____

Notary Public, State of WI

My commission (is permanent) (expires:) 9-5-17

RYAN M. BASLER NOTARY PUBLIC STATE OF WISCONSIN

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

EXHIBIT "A"

Lot Twenty-Three (23) and Lot Two (2) of Block Three (3) of Van Renselaer's Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin, excepting a strip of land Eight (8) inches wide off the North side thereof, and except a strip of land Eight (8) inches wide off the South side thereof, and except also that part of said Lot Two (2) described as follows:

Commencing at the Northeast corner of said Lot Two (2), thence West along the North line of said Lot 2, about 90 feet more or less to within 12 inches of the East wall of the Coliseum building, thence South within the same distance of said wall 60 feet to the South line of said Lot 2, thence East along the South line of said Lot 2 to Portland Street, thence North 60 feet to the place of beginning.

FOND DU LAC					
Establishment	**Location**	**Violation**	**Defense**	**Offense Date**	**Points**
Firehouse	72 S. Main St.	Closing Time issues with patrons being served right up to closing	Patrons may have been on the premises until 2:29 a.m. Patrons do not have to be out till 2:30 a.m.		0
Firehouse	72 S. Main St.	Problems in rear alley from patrons smoking, urinating, vomiting and littering	Not certain those were necessarily patrons of Mr. Perl's establishment; back door was for deliveries and emergency exit only. Not sure who was in back alley - multiple businesses in the area.		0
Firehouse	72 S. Main St.	Complaints from neighbors about noise including a trash fire at the rear entrance that was called in to public safety.	Not certain those were necessarily patrons of Mr. Perl's establishment; back door was for deliveries and emergency exit only. Not sure who was in back alley - multiple businesses in the area. Smoke was noticed in the back alley and firemen who were in the establishment at the time went out and stomped the fire out and returned back to the establishment.		0
Firehouse	72 S. Main St.	Police having to increase patrols in area.	Not sure why patrol was increased as no violations were given. Possibly, due to flow of traffic, yet nothing happened to warrant increased patrols.		0
Firehouse	72 S. Main St.	Illegal sign installed on outside of building in violation of code	Alcohol sign was hung outside the premises indicating bar specials – Was informed it not meet Code and it was removed immediately		0
Firehouse	72 S. Main St.	Mislead City Staff on Halloween Dance in which a tent was erected over Main Street	Mr. Perl only sponsored the event and did not have anything to do with the event. Event was run and organized by two other individuals and Mr. Perl was asked to sponsor and gave money for advertising.		0
Firehouse	72 S. Main St.	No water available to a urinal for over a week and a half.	Flush valve broke and new parts were on order.		0

Firehouse	72 S. Main St.	Civil disagreements between Mr. Perl and the owner of the building at 72 S. Main Street when Mr. Perl ceased operations. This caused the police to have to intervene several times.	Owner of building wasn't keeping up with repairs on building and made a claim Mr. Perl stole $50,000 worth of equipment from him. With that claim he wrote a police report and was paid $50,000 from his insurance company. The insurance co. then came after Mr. Perl for payment; Mr. Perl had to get an attorney. The atty. showed Mr. Perl purchased equipment from building owner and had written contracts with him. The building owner then sued Mr. Perl for $140,000 for remainder of lease that was broke and $50,000 the building owner was going to give back to the insurance co. if he won. Next 3 months of legal litigation, building owner's attorney paid Mr. Perl's atty. $10,000 to drop counter suit and all charges were dropped against Mr. Perl.		0
Firehouse	72 S. Main St.	Mr. Perl appeared before the ALC on May 26, 2009. Several concerns were made to the ALC reference improper handling of alcohol at a winter festival on Lake Winnebago and renovations made at this tavern in the town of Taycheedah in violation of code. Fond du Lac Police at the time had concerns about the applicant's ability to work within the rules and codes that he must follow.	Helped run event called Winterfest along with Calumet Cty. Fire Dept. Who pulled a beer permit for the weekend to sell beer and have bands, Mr. Perl contacted distributors to have beer delivered, when beer was delivered, it was delivered with Mr. Perl's name and not the Fire Dept. Rec'd citation for wholesaling beer without wholesale license. Beer was not paid for by Mr. Perl, Mr. Perl simply ordered it for Fire Dept. who had legit license.		0

BEAVER DAM					
Establishment	**Location**	**Violation**	**Defense**	**Offense Date**	**Points**
Saturday's Bar (1)	208 Front St.	Underage	Individual was not drinking, was simply on the premises	2/28/2015	150
Saturday's Bar (1)	208 Front St.	Underage on premises - Dismissed by City Attorney		8/17/2016	150 (returned)
Saturday's Bar (2)	208 Front St.	Stayed open after 2 a.m. on a Wednesday	Mr. Perl was under the impression closing time was 2:30 a.m. Not a normal night of operation thought it was weekend hours. This bar is normally open only on Saturdays.	11/26/2015	80
Saturday's Bar (3)	208 Front St.	Underage on premises	Individual was not drinking, was simply on the premises	6/26/2016	150
Saturday's Bar (3)	208 Front St.	Underage on premises – Dismissed by City Attorney	Dismissed – 3 conflicting written statements	8/17/16	150 (returned)

Wisconsin Circuit Court Access (WCCA)

State vs Bryan J. Perl

Calumet County Case Number 1998CF000051

The defendant Bryan J. Perl was found guilty of the following charge(s) in this case.

- Resisting or Obstructing an Officer, a class A misdemeanor, Wisconsin Statutes 946.41(1).

Notice to employers: It may be a violation of state law to discriminate against a job applicant because of an arrest or conviction record. Generally speaking, an employer may refuse to hire an applicant on the basis of a conviction only if the circumstances of the conviction substantially relate to the particular job. For more information, see Wisconsin Statute 111.335 and the Department of Workforce Development's Arrest and Conviction Records under the Law publication.

Wisconsin Circuit Court Access (WCCA)

State of Wisconsin vs. Bryan J. Perl

Fond du Lac County Case Number 2009CM000695

The defendant Bryan J. Perl was found guilty of the following charge(s) in this case.

- Alcohol-Fail/Obtain Appropriate License, an unclassified misdemeanor, Wisconsin Statutes 125.04(1).
- Retailer Receipt/Beer on Consignment. This is not a criminal offense and results only in a money penalty for this offense.

Notice to employers: It may be a violation of state law to discriminate against a job applicant because of an arrest or conviction record. Generally speaking, an employer may refuse to hire an applicant on the basis of a conviction only if the circumstances of the conviction substantially relate to the particular job. For more information, see Wisconsin Statute 111.335 and the Department of Workforce Development's Arrest and Conviction Records under the Law publication.

Wisconsin Circuit Court Access (WCCA)

State of Wisconsin vs. Bryan J. Perl

Fond du Lac County Case Number 2009CM000695

What is RSS?

Filing Date	Case Type	Case Status
10-16-2009	Criminal	Closed

Defendant Date of Birth	Address
[redacted]	[redacted]

Branch Id	DA Case Number
5	2009FL001592

Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	125.04(1)	Alcohol-Fail/Obtain Appropriate License	Misd. U	Found Guilty at Jury Trial
2	125.33(7)(a)2	Retailer Receipt/Beer on Consignment	Forf. U	Found Guilty at Court Trial

Defendant Owes the Court: $ 0.00

Responsible Official	Prosecuting Agency	Prosecuting Attorney	Defense Attorney
Wirtz, Robert J.	District Attorney	Kaminsky, Daniel	

Defendant

Defendant Name	Date of Birth	Sex	Race[1]
Perl, Bryan J.	[redacted]	Male	Caucasian

Address	Address Updated On
[redacted]	10-19-2009

JUSTIS ID	Finger Print ID
	WI 777902

Charge(s)/Sentence(s)

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	125.04(1)	Alcohol-Fail/Obtain Appropriate License	Misd. U	02-21-2009	Not Guilty on 11-03-2009

On 12-29-2009 there was a finding of:

Action	Court Official
Found Guilty at Jury Trial	Wirtz, Robert J.

On 12-29-2009 the following was ordered:

Sentence	Time	Begin Date	Notes
Forfeiture / Fine			Defendant to serve 1 day of jail for every $50.00 of unpaid fine and court costs.

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
2	125.33(7)(a)2	Retailer Receipt/Beer on Consignment	Forf. U	02-20-2009	Not Guilty on 11-03-2009

On 12-29-2009 there was a finding of:

Action	Court Official
Found Guilty at Court Trial	Wirtz, Robert J.

On 12-29-2009 the following was ordered:

Sentence	Time	Begin Date	Notes
Forfeiture / Fine			

Total Receivables

Court Assessments	Adjustments [3]	Paid to the Court	Probation/Other Agency Amount[4]	Balance Due to Court	Due Date [5]
$ 3,512.00	$ 0.00	$ 3,512.00	$ 0.00	$ 0.00	

1 The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

2 Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

3 Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.

4 Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.

5 For cases with multiple assessments, the due date represents the assessment with the latest date.

FOND DU LAC FIRE / RESCUE

Inspection Field Report

Inspected Date: 7/21/2016

Inspected By: TROY HAASE

VACANT

Occupancy ID: 1486

Location: 65 N MAIN ST
FOND DU LAC, WI 54935

Bus. Phone:

Contact Information

Name: NATIONAL EXCHANGE BANK

Cell: (920) 921-7700

Email:

Work:

Inspection Type: Inspection General

Violation Code	Days to Correct	Violation/Notes		Location
EXITS 04	1	Exit Light Obstructed / Out	EXIT LIGHT IN AUXILLARY EXIT (SOUTH) MUST BE CLEAR FOR ACCESS	
ELECTRICITY 03	1	Open Electrical Box	ALL ELECTRICAL WIRES AND BOXES NEED TO BE TERMINATED IN A JUNCTION BOX	
ELECTRICITY 03	1	Open Electrical Box	ALL ELECTRICAL WIRING & PANELS NEED TO BE INSPECTED BY A LICENSED ELECTRICIAN	
EXITS 04	1	Exit Light Obstructed / Out	EXIT LIGHT MUST BE REPAIRED	
WALLS / CEILINGS 02	14	Openings in Ceiling	OPENINGS IN CEILING NEED TO BE CLOSED	
EXITS 05	24	Emergency Lights Inoperative	EMERGENCY LIGHTS NEED TO BE OPERABLE	

Occupant Notes

VIOLATIONS CONTINUE - VACANT BUILDING

Mail, Fax or E-Mail violation corrections to Fond Du Lac Fire Department, 815 S. Main St., Fond Du Lac, WI 54935, Fax (920) 322-3801, Email fireinspections@fdl.wi.gov, Inspection Dept. (920) 322-3807

Owner/Representative:	
Inspector:	

VIOLATIONS REQUIRING CORRECTIVE ACTIONS ARE MARKED ABOVE (City of Fond Du Lac Ordinance Fire Protection Chapter 5 Adopts SPS 314 Wis. Adm. Code, Adopts NFPA 1, Fire Prevention Code - 2009, subject to the modifications specified in SPS 314 Wis. Adm. Code. All references above contain the citation/ chapter to the applicable section of the Administrative Code and / or the citation/chapter to NFPA 1, Fire Prevention Code - 2009

City Attorney/Department of Human Resources
City of Fond du Lac

Memo

To: City Council, City Manager

From: Deb Hoffmann, City Attorney

Date: December 8, 2016

Re: Legal Guidance on Alcohol Licensing

The City Council has broad discretion in determining whether or not to grant a new alcohol license. A good discussion of this discretion is covered in a League of Wisconsin Municipalities article, "Municipal Licensing and Regulation of Alcoholic Beverages," a portion of which is set forth below:

> Municipal governing bodies have broad discretion regarding whether to issue a license to a particular applicant for a particular location. The courts have held that state law does not confer upon a qualified applicant an absolute right to a license. If a governing body conducts a proper review of the application, considers public sentiment and local concerns, and has a rational basis for denial, the courts will likely not interfere with the municipality's decision to deny. When a governing body decides not to issue a new alcohol beverage license it must notify the applicant in writing and set forth the reasons for the denial. Valid reasons for denial of a retail license are based on concern for the public health, safety, and welfare of the community. Possible reasons for denial include:
>
> 1. adverse impact on traffic;
>
> 2. adverse impact on the peace, quiet and cleanliness of the neighborhood where the establishment is located;
>
> 3. insufficient parking for patrons;
>
> 4. proximity to other licensed establishments, residential areas, schools, churches, or hospitals;
>
> 5. ability or inability of the police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability of the police to provide law enforcement services to the balance of the community at all times.
>
> Once a license has been issued, however, a municipality may only refuse to renew the license if there are violations of chapter 125 or local regulations enacted under the authority of sec. 125.10 or violations that fit within the causes identified in sec. 125.12(2)(ag). A municipality

that decides not to renew a license must follow the procedure set forth in sec. 125.12(3) and notify the licensee in writing that it intends not to renew the license and state the reasons why. The municipality has to provide the licensee with an opportunity for a hearing.

A motion to approve or grant the license, if carried, grants the license. If the motion to approve is defeated, the license is denied.

If it is Council's judgement to approve, the approval could be made with appropriate conditions, like completing all necessary repair work and not operating as a dance club, for example.

A motion to deny, if carried, also is a denial of the license. However, a motion to deny which does not carry is not the equivalent of an approval. In the event a motion to deny does not carry, a motion to approve would be appropriate.

If it is Council's judgment to deny, it should be done applying the concepts described above. Specific facts and circumstances should be considered and a record made. An example of a motion to deny which comports to these standards is as follows:

> "I move that the application for the alcohol license be denied because it is against the public health, safety and welfare of the City for the reasons previously discussed at this meeting and for the reasons outlined in the supporting memos contained in the agenda packet; and that the City Clerk notify the applicant in writing of this decision to deny their application and the reasons for this decision."

If the application is denied by the City Council, such denial may be appealed to the Circuit Court. The applicant may also reapply for license at any time.

Please call if you have any questions on any of this.

Section 400-6 (c), Fond du Lac City Code

C. Alcohol Licensing Committee. There is hereby created an Alcohol Licensing Committee, which shall be advisory to the City Council and shall review all applications for new licenses as well as all disciplinary procedures and issues as to whether a licensee has abandoned the licensed business within the meaning of § 400-9B. …

D. Applications for new licenses. The Alcohol Licensing Committee and the City Council shall consider a number of factors in reviewing and judging the adequacy of applications, including but not limited to the character, background, and experience of the applicant; the nature of the proposed use; the condition of the building; compatibility with the neighborhood; safety at the proposed location; economic development considerations; zoning and land use; and any other factor that the Committee or the Council finds germane to the proposal. Without limiting the generality of the forgoing, applications for new liquor licenses shall include consideration of the factors below. Appropriate City staff shall include the City Manager, the Community Development Department, the City Clerk's office, the City Attorney's office and other staff as deemed necessary or desirable. It is not necessary that all of the foregoing participate in any particular recommendation. Rather, it is the intent that the makeup of staff involved be flexible to meet the needs of the particular situation. The Committee shall take the recommendation and the factors into account and formulate a recommendation to the City Council.[4]

(1) Factors for judging new license applications:

(a) Character of applicant, agent, managerial personnel, and owners.

(b) Experience of applicant and manager in operating a licensed establishment.

(c) History of applicant and manager in operation of licensed establishments.

(d) History of premises.

(e) Design, type, and size of the proposed establishment.

(f) Proximity to other licensed establishments.

(g) Proximity to residential buildings or areas.

(h) Ability of Police Department to ensure public safety at this location.

(i) Condition of building/premises.

(j) Compatibility of proposed use with neighborhood.

(k) Zoning and land use considerations.

(l) Likely impact on property values.

(m) Economic development considerations.

(n) Other considerations.

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1st 20 06 ;
ending June 30th 20 07

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☒ City of Fondulac

County of Fondulac Aldermanic Dist. No. ____ (if required by ordinance)

Applicant's Wisconsin Seller's Permit Number: 024-0004604991-01	
Federal Employer Identification Number (FEIN): 39-1302245	
LICENSE REQUESTED ▶	
TYPE	**FEE**
☐ Class A beer	$
☒ Class B beer	$ 58-
☐ Wholesale beer	$
☐ Class C wine	$
☐ Class A liquor	$
☒ Class B liquor	$ 292-
☐ Reserve Class B liquor	$
Publication fee	$ 55-
TOTAL FEE	$ 405-

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): ▶ Paul's Pubs Inc

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	President	Paul D. Salzwedel	W2102 Hwy 44 Markesan, WI 53946
Vice President/Member	None		
Secretary/Member	None		
Treasurer/Member	None		
Agent ▶	SAME AS ABOVE		
Directors/Managers	None		

3. Trade Name ▶ TALL PAULS Business Phone Number None yet • FAX# 920 348 81
4. Address of Premises ▶ 65 N. main St. Post Office & Zip Code ▶ Fondulac 54935
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☒ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 1978 of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☒ Yes ☐ No

   (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 65 N. main St. Fondulac WI
10. Legal description (omit if street address is given above): —
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No
    (b) If yes, under what name was license issued? Lucky's
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] ☒ Yes ☐ No
14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) 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 28 day of November, 20 06

Tommy R. Knuth
(Clerk/Notary Public)

My commission expires 11-7-2010

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

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

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 11-28-06	Date reported to council/board 12-13-06	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

AT-106 (R. 1-05) Wisconsin Department of Revenue

New 1740
REC# 71523

CITY COUNCIL MINUTES

December 13, 2006
7:00 P.M.

Legislative Chambers
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

REGULAR AGENDA

CALL TO ORDER

ROLL CALL: Present - Sal Curcurio
Mark Jurgella
Lindee Kimball
Tim Lakin
Jim Nintzel
Jim Sabel
Jeremy Thiesfeldt

Absent - None

Administrative Staff - Thomas Herre, City Manager
Wayne Rollin, Director of Comm Dev
Hal Wortman, Director of Admin
Rodney Pasch, Director of HR
Mark Lentz, Director of PW
Rick Goding, City Engineer
Tony Barthuly, Chief of Police
Joseph Clow, Fire Chief
Jim Flader, City Attorney
Steve Klein, Police Lieutenant
Dennis Fortunato, Police Major
Ken Hall, Library Director

Council President Jurgella declared a quorum present.

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

REPORTS OF OFFICERS

City Clerk, dated December 6, 2006
Subject: 2006 - 2007 Combination "Class B" Intoxicating Liquor License and Class "B" Fermented Malt Beverage License Application

Corporation:	Pauls Pubs Inc.
Agent:	Paul Salzwedel
Home Address:	W2102 Hwy 44 Markesan, WI
d/b/a:	Tall Pauls
Location:	65 N Main Street

(Proposed Action: **Deny**)

Motion made by Councilperson Sabel to **deny** the application for liquor license because it is against the public health, safety and welfare of the City for the reasons described in the memos relating to the application contained in the agenda packet and for the reasons described at this meeting; and that the City Clerk notify the applicant in writing of this decision not to issue the license and the reason for this decision."
Seconded by Councilperson Thiesfeldt.
ROLL CALL VOTE: Aye - Lakin, Sabel, Kimball, Jurgella, Thiesfeldt, Curcurio, Nintzel

Carried.

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

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: December 6, 2006

To: Tom Herre, City Manager

From: Wayne Rollin, Community Development Director

Re: Liquor License Application - Paul's Pub's

We have an application for a liquor license application from Paul Salzwedel of Paul's Pubs, Inc. to reopen the premises formerly known as Lucky's at 65 North Main Street. Salzwedel does not own or operate a club in Fond du Lac, but has extensive experience in the industry, presently operating four establishments in towns to the west and southwest.

Salzwedel proposes to open a club at the former Lucky's location which is substantially similar to Lucky's. It would offer about the same environment that Lucky's did. In spite of proactive work by the Police Department and by the owner of Lucky's, that establishment caused a fair amount of trouble in downtown Fond du Lac, primarily due to its large size. Lucky's had a capacity of 384 patrons. When such a large number of patrons would exit the establishment at bar time, it would cause great strain on available Police resources. Fights, vandalism, and other similar problems were common. A number of Officers had to be assigned to this location on Thursday, Friday, and Saturday evenings on a regular basis. Nothing in the present proposal would address this issue. The establishment would still be too big for our Police Department to handle while carrying out their other responsibilities at the same time.

I recommend denial of the application at the present capacity of the facility.

The situation might be different if Salzwedel and the building owner could find a way to substantially reduce the capacity of the establishment. Adding permanent seating areas, more restaurant space, or properly constructed billiards areas, for example, could reduce the capacity of the establishment and reduce the problems presented at closing time. Getting the capacity down to 275 or less would perhaps help to address the problem.

Fond du Lac City Police Department

Memo

To: City Manager Herre

From: Chief Barthuly

Date: 12-05-06

Re: Proposed Class B Fermented Malt Beverage & Intoxicating Liquor
Tall Paul's, 65 N Main St.

On December 1, 2006, Major Fortunato, Lt. Klein, Community Development Director Wayne Rollin, Fire Chief Joe Clow, Fire Inspector Tom Wendt, City Clerk Sue Strands and I met with Paul Salzwedel who is the listed applicant for the proposed license at 65 N Main Street (formerly Lucky's) and Tom Knecht who is the former owner of Lucky's.

Mr. Salzwedel stated he currently owns taverns in Fairwater, Kingston, Waupun, and Manchester and that he is interested in opening an operation in Fond du Lac. Mr. Salzwedel stated that neither he nor the general manager of the proposed site would reside in the Fond du Lac community, but that he would put a "key person" in place that does reside within the city. Mr. Salzwedel expressed that he would work closely with the city to address any concerns that may come up.

Mr. Salzwedel stated he would keep the general floor design the same as the former Lucky's and would operate in a similar manner. He stated that he would offer food, pool and dart leagues, live band entertainment and television viewing for sporting events.

The Police Department has expended large amounts of police resources at this location in the past. Officers had to be assigned outside the tavern every weekend night to keep the peace with the large volume of people leaving the establishment at bar time. Night shift commanders report this did have a negative impact on the Police Department to provide law enforcement services to the community. Since the close of business in May of this year at 65 N. Main Street, night shift commanders have reported a significant decrease in the amount of manpower hours devoted to this area. This has allowed them to focus their community policing efforts in other areas of the city.

Background checks were conducted on Mr. Salzwedel and nothing of significance was noted in his background. Members of the Fond du Lac County Law Enforcement Executives Committee expressed some concerns regarding the operation of Mr. Salzwedel's taverns in their jurisdictions. We do feel the proposal would negatively impact the ability of the Police Department to provide law enforcement services to the community. Based upon the concerns noted, the Police Department does have objections to approval of this license request.

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Ordinance No. 3624

Subject: An Ordinance Amending Chapter 630, Vehicles And Traffic Of The Code Of The City Of Fond du Lac To Add No Parking On The East Side Of Prairie Road
Introduction: Paul DeVries

Initiator:

Recommendation: Advisory Parking & Traffic Recommendation: **Approve**

ATTACHMENTS:

File Name

3624_Ordinance_No_parking_Zoning.pdf

PRAIRIE_RD.pdf

11.17.16_Item_B_Mailing_List.pdf

11-17-16_APT_Minutes_-_Mariearl_Ln.pdf

ORDINANCE NO. 3624

AN ORDINANCE AMENDING CHAPTER 630, VEHICLES AND TRAFFIC OF THE CODE OF THE CITY OF FOND DU LAC TO ADD NO PARKING ON THE EAST SIDE OF PRAIRIE ROAD

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

Section 1. That Section 630-39., Schedule E, No Parking Zones., is hereby amended as follows:

Add Thereto:

Name of Street	***Side***	***Location***
Prairie Road	East	From a point 60' south of the south right-of-way of Mariearl Lane, north 170'

Section 2. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

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

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

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

ADOPTED:

_____

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

_____

Margaret Hefter, City Clerk

City Attorney:

Reviewed DSH

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: November 11, 2016

To: Advisory Parking and Traffic Board

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

Re: **Request to add parking restriction on Prairie Road at the intersection with Mariearl Lane**

This memo and Exhibit "B" covers agenda item listed as "B" for the Advisory Parking & Traffic Board's November 17, 2016 meeting:

> Request to add parking restrictions "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 630-6 and Section 630-39, Schedule "E".
>
> > Location: Prairie Road, East Side; From a point 60' south of the south right-of-way of Mariearl Lane, north 170'.

The City Engineer initiated this request after inquiries from an adjacent school and nearby property owners. In my review of the area, there are not any existing parking restrictions on Prairie Road or Mariearl Lane. The concern is vehicles are parking on Prairie Road close to Mariearl Lane and limiting the visibility for those trying to turn onto Prairie Road. The vehicles likely belong to renters of apartments on the west side of Prairie Road. At various times of the day, there are 15-20 vehicles parked on both sides of Prairie Road near Mariearl Lane and unfortunately, they have chosen to park right up to the south side of Mariearl Lane, creating the vision problem. Prairie Road has a steady volume of cars during AM peak times with all the area schools, including Woodworth Middle School, Marian University, Faith Lutheran School (K-8), MPTC, UW-FDL, and Fondy High. The Police Department reported there have two reportable accidents at this intersection in the past 5 years.

The City has a Vision Triangle in our Code of Ordinances that measures 80 feet along both streets' centerlines and then the triangle completes the line of sight required to remain clear. I started with applying this vision triangle on the east side of Prairie Road and it would have removed about two stalls each north and

south. However, given the heavier northbound traffic and observed speeds during the AM, I am proposing to extend the no parking one more stall for a total of about 60' to increase the visibility. This will match the open vision to the north due to a driveway acting as a pseudo no parking zone. The loss of these five stalls is easily made up by parking either further south or north or possibly on the west side, all of which looked to have ample room without the likelihood of creating parking or visibility problems.

The Engineering and Traffic Division supports this no parking request.



N

1 IN = 167 FT

AGENDA ITEM B

DRAWN BY: PDEVRIES DATE: 11/3/2016

ADVISORY PARKING & TRAFFIC BOARD

PRAIRIE ROAD - NO PARKING REQUEST - NOV 2016

Advisory Parking Traffic
Prairie Road

Parcel Number	Site Address	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip
FDL-15-17-12-43-500-00	55 N PRAIRIE RD	55 NORTH PRAIRIE RD		FOND DU LAC	WI	54935
FDL-15-17-12-42-255-00	89 N PRAIRIE RD	89 NORTH PRAIRIE RD		FOND DU LAC	WI	54935
FDL-15-17-12-31-078-00	90 N PRAIRIE RD	%NIEBLER PROPERTIES	12545 W BURLEIGH RD SUITE #6	BROOKFIELD	WI	53005
FDL-15-17-12-34-750-00	70 N PRAIRIE RD	%NIEBLER PROPERTIES	12545 W BURLEIGH RD SUITE #6	BROOKFIELD	WI	53005
T09-15-17-12-14-012-00	W5085 MARIEARL LA	W5085 MARIEARL LA		FOND DU LAC	WI	54935
FDL-15-17-12-42-254-00	105 N PRAIRIE RD	977 HONEYSUCKLE LA		FOND DU LAC	WI	54935

ADVISORY PARKING AND TRAFFIC MINUTES

November 17, 2016

1:30 PM

Meeting Room D 160 S Macy Street

City-County Government Center Fond du Lac, Wisconsin

ROLL CALL

Attendance

Present:
Ned Derksen
Lawrence Foster
Andrew Klemp
Derek TerBeest

Absent:
Renee Wagner
Troy Goebel
Brent Schumacher

Administrative Staff:
Paul De Vries, City Engineer

Declaration Quorum Present

Chairperson Andrew Klemp declared a quorum present.

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

ACTIONS

This proposed Ordinance change would add parking restrictions on Prairie Road near Mariearl Lane.

Request to add parking restriction “Parking Prohibited at All Times” in accordance with Code of Ordinances Section 630-6 and Section 630-39, Schedule “E”.

Location: Prairie Road, East Side; From a point 60’ south of the south right-of-way of Mariearl Lane, north 170’.

Initiator: City Engineer

A Motion was made by Ned Derksen to approve request to add parking restriction "Parking Prohibited at All Times" in accordance with Code of Ordinances Section 630-6 and Section 630-39, Schedule "E" and seconded by Derek TerBeest, and the motion was **Passed.**

Ayes: Derksen, Foster, Klemp, TerBeest

Absent: Goebel, Schumacher, Wagner

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

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Ordinance No. 3625 and 3625-A

Subject: An Ordinance Amending Chapter 630, Vehicles And Traffic Of The Code Of The City Of Fond du Lac To Add A Loading Zone On Forest Avenue
Introduction: Paul DeVries

Initiator:

Recommendation: Advisory Parking & Traffic Recommendation: **Approve Amendment**

ATTACHMENTS:

File Name

3625_Ordinance_Loading_Zone.docx

3625A_Ordinance_Loading_Zone_as_recommended_by_APT.docx

FOREST_AVE.pdf

11.17.16_Item_C_Mailing_List.pdf

11-17-16_APT_Minutes_-_Forest_Ave2.pdf

ORDINANCE NO. 3625

AN ORDINANCE AMENDING CHAPTER 630, VEHICLES AND TRAFFIC OF THE CODE OF THE CITY OF FOND DU LAC TO ADD A LOADING ZONE ON FOREST AVENUE

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

Section 1. That Section 630-42., Schedule H, Loading Zones, is hereby amended as follows:

Add Thereto:

Name of Street	***Side***	***Location***
Forest Avenue	South	From a point 50' west of the west right-of-way of South Main Street, west 20'

Section 2. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

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

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

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

ADOPTED:

_____
Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

_____
Margaret Hefter, City Clerk

City Attorney:

Reviewed DSRM

ORDINANCE NO. 3625A
(As recommended by the Advisory Parking and Traffic Board)

AN ORDINANCE AMENDING CHAPTER 630, VEHICLES AND TRAFFIC OF THE CODE OF THE CITY OF FOND DU LAC TO ADD A LOADING ZONE ON FOREST AVENUE

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

Section 1. That Section 630-42., Schedule H, Loading Zones, is hereby amended as follows:

Add Thereto:

Name of Street	***Side***	***Location***
Forest Avenue	South	From a point 30' west of the west right-of-way of South Main Street, west 20'

Section 2. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

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

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

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

ADOPTED:

_____
Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

_____
Margaret Hefter, City Clerk

City Attorney:

Reviewed DSRM

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: November 11, 2016

To: Advisory Parking and Traffic Board

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

Re: **Request to add a Loading Zone on Forest Avenue for National Exchange Bank and Trust**

This memo and Exhibit "C" covers agenda item listed as "C" for the Advisory Parking & Traffic Board's November 17, 2016 meeting:

> Request to add parking restrictions "No Parking except for Authorized Vehicles" in accordance with Code of Ordinances Section 630-9, A(1). "No person shall park a motor vehicle in any loading zone as listed in Schedule H" and in accordance with Section 630-42, Schedule H, Loading Zones.
>
> > Location: Forest Avenue; South side; From a point 50 feet west of the west right of way of South Main Street west 20 feet.

National Exchange Bank & Trust, at 10 Forest Avenue, initiated this request. At the September meeting, the APTB tabled this item to allow for further research and available options. Additional information obtained from the bank outlines that using the alleyway has not been an option due to traffic from other buildings, including apartments. The bank has also pursued a parking spot in the private lot north of Forest Avenue but has learned there is currently a waiting list for the spots. Lastly, the vehicles that will use this loading zone are standard size vehicles for their couriers and maintenance staff. The bank fleet currently includes a compact car, minivan, and an SUV and when those are not available, an employee's personal vehicle is used. Larger single unit trucks, like UPS and FedEx, are not used for this courier service. The bank asks for reconsideration and approval of this loading zone.

The Engineering and Traffic Division does not object to adding this loading zone.



ADVISORY PARKING & TRAFFIC BOARD

FOREST AVE. - ADD LOADING ZONE - NOV 2016

AGENDA ITEM C

DRAWN BY: PDEVRIES DATE: 11/3/2016

1 IN = 50 FT

Advisory Parking Traffic
Forest Avenue

Parcel Number	Site Address	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip
FDL-15-17-15-12-315-00	18 FOREST AVE	18 FOREST AVE		FOND DU LAC	WI	54935
FDL-15-17-10-43-617-00	17 FOREST AVE	% DAVE DECKER	250 N SUNNYSLOPE RD STE 290	BROOKFIELD	WI	53005
FDL-15-17-15-12-316-00	20 FOREST AVE	20 FOREST AVE SUITE 110		FOND DU LAC	WI	54935
FDL-15-17-10-43-618-01	0 S MAIN ST	121 W MAIN ST		EDEN	WI	53019
FDL-15-17-15-12-314-00	66 S MAIN ST	121 W MAIN ST		EDEN	WI	53019

ADVISORY PARKING AND TRAFFIC MINUTES

November 17, 2016

1:30 PM

Meeting Room D 160 S Macy Street

City-County Government Center Fond du Lac, Wisconsin

ROLL CALL

Attendance

Present:
Ned Derksen
Lawrence Foster
Andrew Klemp
Derek TerBeest

Absent:
Renee Wagner
Troy Goebel
Brent Schumacher

Administrative Staff:
Paul De Vries, City Engineer

Declaration Quorum Present

Chairperson Andrew Klemp declared a quorum present.

*****

Amended location: Forest Avenue; South side: from a point of 30 feet west of the west right of South Main Street west 20 feet to Forest Avenue and seconded by Lawrence Foster, and the motion was **Passed.**

Ayes: Derksen, Foster, Klemp, TerBeest
Absent: Goebel, Schumacher, Wagner

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

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Resolution No. 8649

Subject: A Resolution Making Appointments To The Fond du Lac Library Board And Housing Authority Board
Introduction: City Manager

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Resolution_8649.pdf

Board_Applications.pdf

RESOLUTION NO. 8649

A RESOLUTION MAKING APPOINTMENTS TO THE LIBRARY BOARD AND HOUSING AUTHORITY BOARD

BE IT RESOLVED by the City Council of the City of Fond du Lac that the following appointments by the City Manager to the Library Board and Housing Authority are hereby confirmed:

Fond du Lac Public Library Board	Beginning	Ending
Jeffrey D Morrell	12/15/2016	6/30/2017
Housing Authority Board		
Marcella Blodgett	12/15/2016	11/10/2020

ADOPTED:

_____
Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

_____
Margaret Hefter, City Clerk

City Attorney:

Reviewed _____

CITY OF FOND DU LAC
APPLICATION FOR APPOINTMENT TO
CITY BOARDS, COMMISSIONS, AND COMMITTEES

Housing Authority — Name of Board, Commission or Committee

Oct. 31, 2016 — Date

Marcella Blodgett — Full Name

[redacted] — Address

Office Manager — Occupation

Habitat for Humanity of Fond du Lac County — Employer

18 Years of Age or Older? Yes ☑ No ☐ Home Phone _____ Business Phone [redacted]

E-Mail Address: [redacted] Cellular Phone [redacted]

Are you currently a resident of Fond du Lac? Yes ☑ No ☐ No. of Years: 49

Education: Bachelor of Science Degree Accounting and Management

List potential conflicts of interest: _____

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
		CWV Aux Post 1329	20

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

Through my education and life experiences I have the knowledge and understanding of rental housing management, basic residential financial management & accounting. With my current work at Habitat for Humanity of Fond du Lac county I have an understanding of the construction spectrum. My interest is to help those facing the issue of finding safe and decent housing for themselves and their families.

If selected, I would like to work towards bettering the community through my service in the following ways:

of providing more safe and decent housing to low income families. I also would like to help those that are already in housing units and are ready to transition to the next stage of safe and decent housing. Thus making more units available to more lower income families.

Please note: By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

CITY OF FOND DU LAC
APPLICATION FOR APPOINTMENT TO
CITY BOARDS, COMMISSIONS, AND COMMITTEES

Library Board — Name of Board, Commission or Committee

11/10/2016 — Date

Jeffrey D. Morrell — Full Name

[redacted] — Address

Attorney — Occupation

Hetzel Law Office, LLC — Employer

18 Years of Age or Older? Yes ☐ No ☐ Home Phone [redacted] Business Phone [redacted]

E-Mail Address [redacted] Cellular Phone [redacted]

Are you currently a resident of Fond du Lac? Yes ☐ No ☐ No. of Years: 2

Education: JD, BA

List potential conflicts of interest:

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
		Life of Hope Board Member	1

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

As an active member of the community and local attorney I can promote the library and it's goals to ensure its success. I am interested in ensuring the library is run effectively and that tax dollars are being used in a responsible way. Also of importance to me is that library policies be set in line with community standards and community desires while maintaining focus on the library's essential functions.

If selected, I would like to work towards bettering the community through my service in the following ways:

I would like to see the library grow and expand in Fond du Lac, especially as the role of libraries in our communities fluctuates in light of technological change. Focused and purpose-driven leadership can make our libraries a feature of our town and a reason people want to live here, and I would be honored to be a part of that.

Please note: By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Adjourn To Closed Session

Subject: 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:
Collective Bargaining Strategy for Negotiations with Police Local 12
This subject is exempt under Wisconsin Statutes Section 19.85 (1) (e)

Initiator: Community Development Director

Recommendation: