

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

Legislative Chambers
160 S Macy Street

March 27, 2024
6:00 PM

1. CALL TO ORDER

- a. Roll Call
- b. Declaration a Quorum Is Present
- c. Pledge of Allegiance
- d. Silent Reflection
- e. Presentation To St. Mary's Springs Academy Hockey Team

2. PUBLIC HEARINGS

3. CONSENT AGENDA

- a. March 13, 2024 Minutes
- b. List Of Claims Dated March 20, 2024
- c. Denial of Claim - Briana Tobin

4. AUDIENCE COMMENTS (Agenda and Non-agenda items)

5. ACTION ITEMS

- a. Permit To Sell Fermented Malt Beverages On Park Property
Entity: American Cancer Society
Event: Relay for Life
Location: Lakeside Park Oven Island
Date: August 2, 2024
Introduction: City Clerk
- b. Resolution No. 9111
A Resolution Authorizing Waiver of the Prohibition Against Possession of Alcoholic Beverages on Specified Public Ways for Fondue Fest on September 7, 2024
Introduction: City Clerk
- c. Resolution No. 9112
A Resolution Authorizing Waiver Of The Prohibition Against Possession Of Alcoholic Beverages On Specified Public Ways For The DFP's Night Markets On June 27, 2024; July 11, 2024; July 25, 2024; August 8, 2024 and August 22, 2024
Introduction: City Clerk
- d. Resolution No. 9113
A Resolution Waiving The Prohibition Against Possession Of Alcoholic Beverages On Specified Public Ways For The Arbor Earth Day Festival On April 27, 2024
Introduction: City Clerk

- e. Resolution No. 9114
A Resolution Making Reappointments To The Advisory Park Board,
Board of Appeals, Historic Preservation Commission, Plan
Commission and Police & Fire Commission
Introduction: City Manager
- f. Resolution No. 9115
A Resolution Making Appointments To The Board of Appeals, Downtown
Architectural Review Board, Ethics Board, Fond du Lac Public
Library Board and Housing Authority Board
Introduction: City Manager
- g. Resolution No. 9116
A Resolution Approving The Application For A Urban Nonpoint Source
And Storm Water Management Grant To Help Fund A Future Storm Water
Quality Pond
Introduction: Director of Public Works
- h. Resolution No. 9117
A Resolution Authorizing A Development Agreement With Meyer
Property Group LLC For The Redevelopment Of 181-183 South Main
Street
Introduction: Community Development Director

6. PRESENTATION OF INPUT ITEMS

- a. Annual Stormwater Report
Presented By: Director of Public Works
- b. ARPA Project Plan Update
Presented By: Director of Administration
- c. Discussion On Amending Chapter 500-4 Loudspeakers And
Amplifying Systems
Presented By: City Attorney

7. ADJOURN

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

Title: Presentation To St. Mary's Springs Academy Hockey Team

Subject: Presentation To St. Mary's Springs Academy Hockey Team

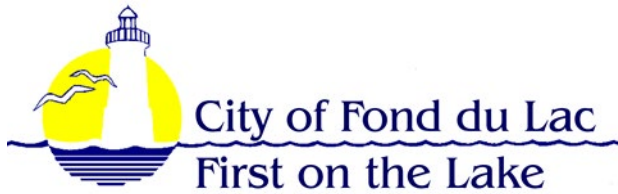
Initiator:

Recommendation:

ATTACHMENTS:

File Name

Rev_Springs_Hockey_Proclamation_2024.pdf



Proclamation

Whereas, on March 2, 2024, the St. Mary's Springs Academy High School hockey team defeated the top seed and defending champion New Richmond 6-2, thereby winning the WIAA Division 2 State Championship; and

Whereas, this was their fourth championship appearance and third championship win since 2020, resulting in their eighth overall state title; and

Whereas, the City wishes to recognize and celebrate the commitment, hard work, and determination required to accomplish these achievements.

Now, Therefore, I, Keith Heisler, President of the Fond du Lac City Council, on behalf of the citizens of Fond du Lac, do hereby congratulate the St. Mary's Springs Academy High School hockey team, coaches, and supporters on an outstanding season.

Congratulations!

Dated: March 2024

*Keith Heisler
Fond du Lac City Council*

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

Title: March 13, 2024 Minutes

Subject: March 13, 2024 Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2024_3_13_Meeting(1096)_ (1) .pdf

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

Legislative Chambers
160 S Macy Street

March 13, 2024
6:00 PM

CALL TO ORDER

Roll Call

Present

Tiffany Brault
Keith Heisler (virtual)
Patrick Mullen
Jane Ricchio
Thomas Schuessler (virtual)
Brett Zimmermann

—

Administrative Staff

Joseph Moore, City Manager
Dyann Benson, Community Development Director
Tricia Davi, Director of Administration
Deb Hoffmann, City Attorney
Paul De Vries, Director of Public Works
Aaron Goldstein, Chief of Police
Erick Gerritson, Fire Chief
Sam Sok, Deputy ITS Director
Jon Mark Bolthouse, Library Director

Declaration a Quorum Is Present

Vice President Brault declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

CONSENT AGENDA

February 28, 2024 Regular Council Minutes

February 28, 2024 Closed Session Council Minutes

List Of Claims Dated March 6, 2024

A Motion was made by Ken Cassaday to approve the consent agenda and seconded by Jane Ricchio, and the motion was **Passed**.
Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

AUDIENCE COMMENTS (Agenda and Non-agenda items)

Spoke In Opposition To Ordinance No. 3786:

Peggy Breister, 72 Wakawn Ave., Fond du Lac

Spoke In Regards To Ordinance No. 3786:

Ann Wagner, 64 Wakawn Ave., Fond du Lac

ACTION ITEMS

Change Of Agent "Class A" Intoxicating and Class "A" Fermented Malt License

A Motion was made by Patrick Mullen to approve change of agent for Walgreens Co. at 20 W Pioneer Road to Carol Howe for the "Class A" Intoxicating and Class "A" Fermented Malt License and seconded by Ken Cassaday, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

Class "B" Fermented Malt License & "Class C" Wine License

A Motion was made by Brett Zimmermann to approve the Class "B" Fermented Malt and "Class C" Wine license for TTAK LLC d/b/a Ang an Eddies at 7 14th Street and seconded by Jane Ricchio, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

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

A Motion was made by Jane Ricchio to approve the "Class A" Intoxicating Liquor and Class "A" Fermented Malt license for BALAJI LLC d/b/a Philly on 4th Street located at 321 4th Street and seconded by Brett Zimmermann, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

Class "B" Fermented Malt License

A Motion was made by Patrick Mullen to approve the Class "B" Fermented Malt License for Pub 23 LLC d/b/a Pub 23 located at 919 E Johnson Street with the following conditions: 1. The Class "B" licensed establishment must have a completely separate premises description from all other licensed establishments and comply with all relevant provisions of Wis. Stat. Chp. 125 and the Code of the City of Fond du Lac. Separate premises must include the following: a. The two businesses cannot be physically connected, other than by an emergency exit. b. The two businesses must be completely

walled off from one another. c. Customers cannot easily go back and forth between the two businesses while consuming alcohol. d. There are separate outside entrances to each of the two businesses. e. There are separate counters at each location that can specifically monitor the requirements of each separate license. 2. The applicant must submit a site plan to the City of Fond du Lac Inspections Department showing said separate premises descriptions. 3. The property must pass all inspections with the City of Fond du Lac Inspections and Fire Departments and Fond du Lac County Health Department (when applicable), and obtain an occupancy permit and seconded by Jane Ricchio, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

Resolution No. 9109

File No. 2024-53

A Motion was made by Patrick Mullen to approve Resolution No. 9109 Extending Tax Incremental District (TID) 10 to support affordable housing and seconded by Jane Ricchio, and the motion was **Passed**.

Ayes: Brault, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

Nays: Cassaday

Resolution No. 9110

File No. 2024-53

A Motion was made by Ken Cassaday to approve Resolution No. 9110 Tax Incremental District (TID) 10 termination and authorization to distribute excess increment to overlying taxing districts and seconded by Brett Zimmermann, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

Ordinance No. 3786

File No. 2024-54

A Motion was made by Patrick Mullen to approve Ordinance No. 3786 Amending Chapter 500-4, Loudspeakers and Amplifying Systems of the Code of the City of Fond du Lac and seconded by Jane Ricchio, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler, Zimmermann

PRESENTATION OF INPUT ITEMS

Development Agreement For 183 S Main Street

The Development Agreement for 183 S Main Street was presented by Community Development Director, Dyann Benson.

ADJOURN

A Motion was made by Brett Zimmermann to adjourn at 6:42 p.m. and

seconded by Patrick Mullen, and the motion was **Passed.**

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler,
Zimmermann

Margaret Hefter
City Clerk

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

Title: List Of Claims Dated March 20, 2024

Subject: List Of Claims Dated March 20, 2024

Initiator:

Recommendation:

ATTACHMENTS:

File Name

List_of_Claims_Memo_03-20-24.pdf

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: March 20, 2024

To: City Council

From: Tricia Davi, Director of Administration

Re: List of Claims

The list of claims for goods and services for the payment periods March 02, 2024 through March 15, 2024 for all funds total \$1,101,333.06. 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: Denial Of Claim

Subject: Denial of Claim - Briana Tobin

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Denial_of_Claim_Memo_Tobin_FINAL.pdf

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: March 21, 2024

To: City Council

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

Re: Denial of Claim
Claimant: Briana Tobin
Date of Incident: 12/7/2023

The Claimant has filed a claim with the City of Fond du Lac regarding a water main break on December 7, 2023 on South Main Street. Claimant is alleging that the City is at fault. The City's Insurance Adjuster has investigated this matter and is recommending denial of claim based on the investigation revealing that the City did not have prior actual or constructive notice of the condition which allegedly caused the water main break.

Accordingly, the City Attorney's Office recommends that this claim be denied. As this matter may become litigation, it is not appropriate to discuss the merits of this claim in open session.

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

Title: Permit To Sell Fermented Malt Beverages On Park Property

Subject: Entity: American Cancer Society
Event: Relay for Life
Location: Lakeside Park Oven Island
Date: August 2, 2024
Introduction: City Clerk

Initiator:

Recommendation:

ATTACHMENTS:

File Name

CC_M_Bev-Park.pdf

CITY OF FOND DU LAC - Memorandum

City Clerk's Office

Date: March 21, 2024

To: City Council

From: Maggie Hefter, City Clerk

Re: Permit to Sell Fermented Malt Beverages on City
Property

City Ordinance § 488-6 (E) requires a special permit be authorized by City Council to allow the sale of Fermented Malt Beverages on Park Property.

The following application is being submitted for your approval:

Entity:	American Cancer Society Inc
Event:	Relay for Life
Location:	Lakeside Park Oven Island
Date:	August 2, 2024

Please contact me should you have further questions regarding this special use request.

Thank you.

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

Title: Resolution No. 9111

Subject: A Resolution Authorizing Waiver of the Prohibition
Against Possession of Alcoholic Beverages on Specified
Public Ways for Fondue Fest on September 7, 2024
Introduction: City Clerk

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Resolution_9111_Open_Intoxicant_Waiver_DFP_Fondue_Fest_FINAL.pdf

fondue_fest_request.pdf

fondue_fest.pdf

RESOLUTION NO. 9111

A RESOLUTION AUTHORIZING WAIVER OF THE PROHIBITION AGAINST POSSESSION OF ALCOHOLIC BEVERAGES ON SPECIFIED PUBLIC WAYS FOR FONDUE FEST ON SEPTEMBER 7, 2024

WHEREAS, Fondue Fest will take place in the City of Fond du Lac on September 7, 2024 and the Downtown Fond du Lac Partnership requests the waiver of prohibition against possession of alcoholic beverages on specified streets; and

WHEREAS, Section 400-15, of the Code of the City of Fond du Lac, Wisconsin, allows the City Council to grant permission to waive the prohibition against public consumption of alcoholic beverages in City streets.

WHEREAS, the Downtown Fond du Lac Partnership is requesting the use on September 7, 2024 of the public streets indicated on the accompanying map for Fondue Fest and to waive the prohibition against public consumption contained in Code Section 400-15., between 9:00 a.m. and 5:00 p.m. on that date in the area bounded by the innermost sides of Fourth Street, Macy Street, Merrill Avenue, and Marr Street.

WHEREAS, the above-described waiver for Fondue Fest is contingent upon the Downtown Fond du Lac Partnership obtaining a Special Event permit pursuant to Chapter 562 of the Code of the City of Fond du Lac and complying with all regulations contained within and related to Chapter 562 for Special Events.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that prohibition against public consumption is hereby waived in the area and for the hours listed above and is contingent upon the Downtown Fond du Lac Partnership obtaining a Special Event permit pursuant to Chapter 562 of the Code of the City of Fond du Lac and complying with all regulations contained within and related to Chapter 562 for Special Events; and the same is hereby authorized and waived except as provided below.

BE IT FURTHER RESOLVED that notwithstanding anything in this Resolution, no glass containers or carry-ins are permitted in the area where the public consumption prohibition hereby waived would otherwise apply, meaning that the prohibition contained in Code Section 400-15., shall continue to apply to glass containers and carry-ins.

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

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM



BOARD OF DIRECTORS

Interim-President

J.J. Raflik, Fond du Lac Family YMCA

Vice President

Sam Meyer, State Farm Insurance & 18 Hands Ale Haus

Secretary

Tyler Gross, Ahern Gross Plumbing

Treasurer

Andy Kittelson, Fox Valley Savings Bank

Past President

Dave Hopper, Hopper's Silk Screening and All-Star Trophy

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Tracy Mathweg, Lillian's of Fond du Lac

Bekki Fishelson-Kuber, Blue Marble Botanicals

Monica Lara, Argentum et Aurum

Ashley Deiler, National Exchange Bank & Trust

David Buechel, Property Owner

EX-OFFICIO MEMBERS

Dyann Benson, City of Fond du Lac

Bernadette Ericksen, Envision Greater Fond du Lac

Captain Scott Krause, City of Fond du Lac Police Department

EXECUTIVE DIRECTOR

Amy Hansen

To: Fond du Lac City Council

From: Megan Sigrist, Director of Communications & Special Events

Date: February 1, 2024

Re: Open Intoxicants Waiver for Fondue Fest

The Downtown Fond du Lac Partnership (DFP) is requesting a Waiver of the Open Intoxicants Ordinance for the date of September 7, 2024 for the 18th Annual Fondue Fest. The festival runs from 9:00 a.m.—5:00 p.m. and we request the Waiver cover the time the festival is active.

For the festival, Main Street will be closed from Merrill Avenue to Western Avenue including side streets between Macy Street and Marr Street. The DFP requests the Waiver cover the entire festival area as reflected on the barricade map submitted to the City Clerk. Please see below for list of business.

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

Megan Sigrist

Director of Communications and Special Events

Expansion of premise to include sidewalks in front of the following businesses:

18 Hands Ale Haus & Biergarten, 18 W. Division

Brick House, 161 S. Main

Cellar District, 40 E. Division

Coliseum, 91 S. Main

Copper Cock Tavern, 30 N. Main

Craft City Bottle Shop & Taproom, 103 S. Main

El Jeffes, 65 N. Main

Fat Joe's Burgers & Brews, 15 W. Division

Hotel Retlaw, 1 N. Main

Joe's Fox Hut, 41 N. Main

Slim & Chubby's, 109 S. Main

Thelma Sadoff Center for the Arts, 51 Sheboygan

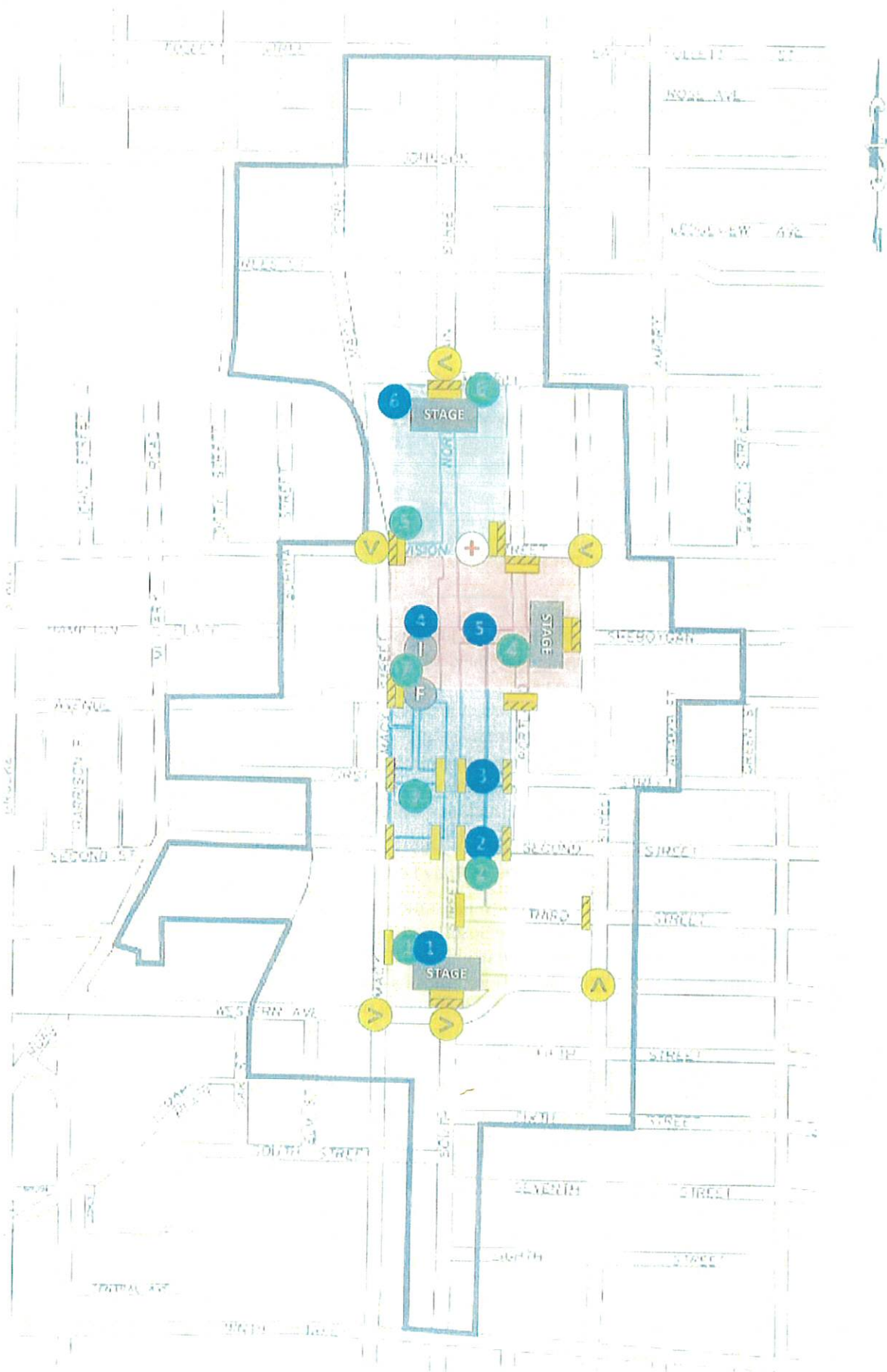
Theo's 24, 24 N. Main

Third & One, 2 N. Main

The Main Street Depot, 8 N. Main

Throwback Pockets, 123 S. Main

Top Shelf Bar & Grill, 90 S. Main



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

Title: Resolution No. 9112

Subject: A Resolution Authorizing Waiver Of The Prohibition
Against Possession Of Alcoholic Beverages On Specified
Public Ways For The DFP's Night Markets On June 27,
2024; July 11, 2024; July 25, 2024; August 8, 2024 and
August 22, 2024
Introduction: City Clerk

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Resolution_9112_Open_Intoxicant_Waiver_DFP_Night_Market_FINAL.pdf

Night_Market_request.pdf

night_market.pdf

RESOLUTION NO. 9112

A RESOLUTION AUTHORIZING WAIVER OF THE PROHIBITION AGAINST POSSESSION OF ALCOHOLIC BEVERAGES ON SPECIFIED PUBLIC WAYS FOR THE DFP'S NIGHT MARKETS ON JUNE 27, 2024; JULY 11, 2024; JULY 25, 2024; AUGUST 8, 2024; AND AUGUST 22, 2024

WHEREAS, The Downtown Fond du Lac Partnership would like to host several Night Markets in the City of Fond du Lac on June 27, 2024; July 11, 2024; July 25, 2024; August 8, 2024; and August 22, 2024. The Night Markets will host vendors, local artists, prepared food, live music and alcohol sales.

WHEREAS, The Downtown Fond du Lac Partnership requests the waiver of prohibition against possession of alcoholic beverages on specified streets from 5pm thru 8pm; and

WHEREAS, Section 400-15, of the Code of the City of Fond du Lac, Wisconsin, allows the City Council to grant permission to waive the prohibition against public consumption of alcoholic beverages in City streets.

WHEREAS, the Downtown Fond du Lac Partnership is requesting the use on the above dates, the public streets indicated on the accompanying map for the Night Markets and to waive the prohibition against public consumption contained in Code Section 400-15., between 5:00 p.m. and 8:00 p.m. on that dates in the area bounded by the innermost sides of Main Street from Division Street to Forest Avenue including Sheboygan Street through Portland Street.

WHEREAS, the above-described waiver for the Night Market events are contingent upon the Downtown Fond du Lac Partnership obtaining a Special Event permit pursuant to Chapter 562 of the Code of the City of Fond du Lac and complying with all regulations contained within and related to Chapter 562 for Special Events.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that prohibition against public consumption is hereby waived in the area and for the hours listed above and is contingent upon the Downtown Fond du Lac Partnership obtaining a Special Event permit pursuant to Chapter 562 of the Code of the City of Fond du Lac and complying with all regulations contained within and related to Chapter 562 for Special Events; and the same is hereby authorized and waived except as provided below.

BE IT FURTHER RESOLVED that notwithstanding anything in this Resolution, no glass containers or carry-ins are permitted in the area where the public consumption prohibition hereby waived would otherwise apply, meaning that the prohibition contained in Code Section 400-15., shall continue to apply to glass containers and carry-ins.

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

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 



BOARD OF DIRECTORS

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J.J. Rafflik, Fond du Lac Family YMCA

Vice President

Sam Meyer, State Farm Insurance & 18 Hands Ale Haus

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Bernadette Ericksen, Envision Greater Fond du Lac

Captain Scott Krause, City of Fond du Lac Police Department

EXECUTIVE DIRECTOR

Amy Hansen

To: Fond du Lac City Council

From: Megan Sigrist, Director of Communications & Special Events

Date: February 1, 2024

Re: Open Intoxicants Waiver for Night Market

The Downtown Fond du Lac Partnership (DFP) is requesting a Waiver of the Open Intoxicants Ordinance for the dates of June 27, July 11, July 25, August 8 and August 22, 2024 for the Downtown Night Market. The Night Market runs from 5:00 p.m.—8:00 p.m. and we request the Waiver cover the time the festival is active.

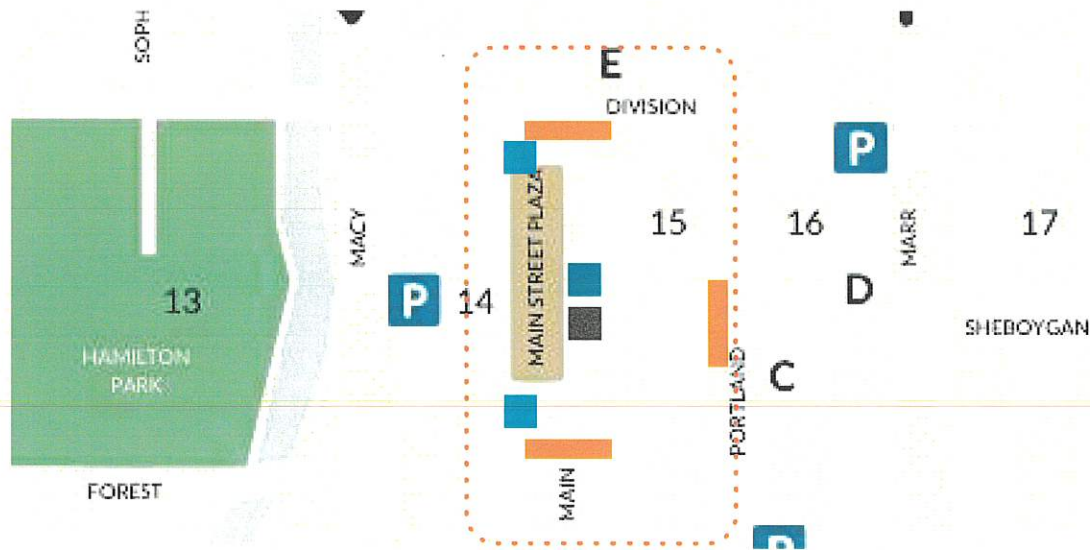
For the Night Market, Main Street will be closed from Division Street to Forest Avenue, including Sheboygan Street to Portland Street. The DFP requests the Waiver cover the entire festival area as reflected on the barricade map submitted to the City Clerk. The DFP thanks the City and the Council for their time in this matter.

Megan Sigrist

Director of Communications and Special Events

Downtown Fond du Lac Night Market

Event Map - 2024



Map Legend



Event Boundary



Barricade



Porta-Potty



DFP-Beer Tent



Music Stage

The DFP will provide all barricades and garbage receptacles needed for this event. As in prior years, the DFP will ask the City of Fond du Lac Community Service Officers to assist with setting up and taking down the barricades.

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Resolution No. 9113

Subject: A Resolution Waiving The Prohibition Against Possession
Of Alcoholic Beverages On Specified Public Ways For The
Arbor Earth Day Festival On April 27, 2024
Introduction: City Clerk

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Resolution_9113_Open_Intoxicant_Waiver_Arbor_Acres_Earth_Day_FINAL.pdf

arbor_acres.pdf

ARBOREARTHDAY2024.pdf

RESOLUTION NO. 9113

A RESOLUTION WAIVING THE PROHIBITION AGAINST POSSESSION OF ALCOHOLIC BEVERAGES ON SPECIFIED PUBLIC WAYS FOR THE ARBOR EARTH DAY FESTIVAL ON APRIL 27, 2024

WHEREAS, the Arbor Earth Day Festival will take place in downtown Fond du Lac on April 27, 2024; and

WHEREAS, Section 400-15, of the Code of the City of Fond du Lac, Wisconsin, allows the City Council to grant permission to waive the prohibition against public consumption of alcoholic beverages in City streets; and

WHEREAS, Arbor Acres LLC requests a waiver of the prohibition against public consumption on North Main Street from Merrill Street to Division Street on the following days and between the following hours:

Saturday, April 27, 2024 from 10:00 a.m. to 5:00 p.m.

WHEREAS, the above-described waiver for the Arbor Earth Day Festival is contingent upon event organizers obtaining a Special Event permit for the event pursuant to Chapter 562 of the Code of the City of Fond du Lac and complying with all regulations contained within and related to Chapter 562 for Special Events.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the prohibition against public consumption of alcoholic beverages in City streets for the dates and hours listed above are hereby waived and contingent upon Arbor Earth Day Festival event organizers obtaining a Special Event permit for the event pursuant to Chapter 562 of the Code of the City of Fond du Lac and complying with all regulations contained within and related to Chapter 562 for Special Events.

BE IT FURTHER RESOLVED that notwithstanding anything in this Resolution, no glass containers or carry-ins are permitted in the described street areas, meaning that the prohibition contained in Code Section 400-15., shall continue to apply to glass containers and carry-ins.

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

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM



ARBOR ACRES

920-933-6000
www.arboracresfdl.com
rachelr@arboracresfdl.com
45 N Main Street, Fond du lac




To: Fond du Lac City Council
From : Austin & Rachel Reader Owner Arbor Acres
Date : February 28th, 2024
Subject : Open Intoxicants Waiver for Arbor-Earth Day Festival

Fond du lac City Council,
Arbor Acres is requesting a Waiver of the Open Intoxicants Ordinance for April 27th, 2024 for the 2nd year of Arbor-Earth Day Festival. The festival will run from 10:00 a.m. – 5:00 p.m. We only request the waiver to cover the time of the festival.

For the festival, Main street will be closed from Division Street to Merrill avenue. We request that the waiver cover the entire festival area according to the map provided to the City Clerk. Below is a list of businesses

We thank you for your time and efforts regarding this matter!

Austin & Rachel Reader
Owner & Operator Arbor Acres

DO NOT BARRICADE		MERRILL					
		xxxxxxxxxxxxxxxxxxxxxxxxBARRICADE xxxxxxxxxxxxxxxxxxxxxxxxxxx					
MIX IT UP PARKING		EMPTY		MAIN STR		EMPTY/BAND PARKING	270 E
	268 W						269 E
	267 W						268 E
		xxxxxxxxxxxxxxxxxxxxxxxxBARRICADE xxxxxxxxxxxxxxxxxxxxxxxxxxx					267 E
MIX IT UP		NORTH STAGE					EL JEFFES
	264 W						264 E
	263 W						263 E
	262 W	PORTABLE RESTROOMS		MAIN STREET			262 E
	261 W			TRASH CAN			261 E
	260 W		x			DREAM CATCHERS CORNER	260 E
NAPA	259 W	BEER TENT SALUTE THE TROOPS	x				259 E
	258 W						258 E
	257 W		x				257 E
	256 W	BRAT FRY TROOP 702	x				256 E
	255 W						255 E
	254 W		x				254 E
	253 W	YARD GAMES/ASTRO TURF	x			x CUJAKS	253 E
	252 W		x			KELLY NORTHLEE	252 E
WG&R	251 W	GREEN THUMB GARDEN CLUB	x			x ARBOR ACRES	251 E
	250 W	JEROME YOUNG				x ARBOR ACRES	250 E
JEROME YOUNG	249 W	JEROME YOUNG				x ARBOR ACRES	249 E
	248 W	PRETTY IN PIECES				x LUNAR & LAKE	248 E
MIRROR BALL	247 W	RED BEARD ORIGINALS				x JOE'S FOX HUT	247 E
	246 W	SAM MEYER				x JOE'S FOX HUT	246 E
STATE FARM	245 W	SAM MEYER					245 E
	244 W			TRASH CAN			244 E
	243 W						243 E
	242 W	WOODS FLORAL					242 E
WOODS FLORAL	241 W	WOODS FLORAL					241 E
	240 W						240 E
	239 W	KIM'S CREATIONS					239 E
	238 W						238 E
	237 W	SMOKEY SCORPIO				JEDI WOODS& METALS	237 E
CUTTER VAC	236 W						236 E
	235 W	HENNA BY KELLY					235 E
	234 W						234 E
COPPER COCK	233 W					x FONDY AXE CO	233 E
	232 W	BLUE MARBLE				x FONDY AXE CO	232 E
BLUE MARBLE	231 W	BLUE MARBLE					231 E
	230 W			TRASH CAN		ART REPURPOSED BY CASEY	230 E
	229 W	THE PIGGY SHOPPE					229 E
	228 W						228 E
THEOS	227 W	SPELLBOUND SWEETS				COOKIE CRATE	227 E
	226 W					COOKIE CRATE	226 E
	225 W	SUDS & SUNSHINE					225 E
BESPOKE	224 W						224 E
	223 W						223 E
	222 W						222 E
	221 W						221 E
CHINA TOWN	220 W					DAY-LAKES COUNSEL OUTDOOR ETHICS	220 E
	219 W					x WONDER	219 E
	218 W					x WONDER	218 E
VICORIA'S	217 W						217 E
	216 W						216 E
PARK	215 W						215 E
	214 W						214 E
MAIN ST DEPOT	213 W						213 E
	212 W						212 E
JOHN HERRICK	211 W						211 E
	210 W						210 E
	209 W					HOTEL RETLAW	209 E
CENTRAL BARBER	208 W					HOTEL RETLAW	208 E
	207 W	GYR ACQUISITIONS					207 E
	206 W	GYR ACQUISITIONS		TRASH CAN			206 E
THIRD & ONE	205 W	GYR ACQUISITIONS					205 E
	204 W	xxxxxxxxxxxxxxxxxxxxxxxxBARRICADE xxxxxxxxxxxxxxxxxxxxxxxxxxx					204 E
DIVISION ST		DIVISION STREET					DIVISION ST

RESERVED
 PAID SPACE
 NON PROFIT
 DOWN TOWN SPACE
 X - PAID

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

Title: Resolution No. 9114

Subject: A Resolution Making Reappointments To The Advisory Park Board, Board of Appeals, Historic Preservation Commission, Plan Commission and Police & Fire Commission
Introduction: City Manager

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Resolution_9114_Multiple_Reappointments.pdf

Re-appointments_applications.pdf

RESOLUTION NO. 9114

A RESOLUTION MAKING REAPPOINTMENTS TO THE ADVISORY PARK BOARD, BOARD OF APPEALS, HISTORIC PRESERVATION COMMISSION AND PLAN COMMISSION

BE IT RESOLVED by the City Council of the City of Fond du Lac that the following reappointments by the City Manager to the Advisory Park Board, Board of Appeals, Historic Preservation Commission and Plan Commission are hereby confirmed:

<u>Advisory Park Board</u>	<u>Beginning</u>	<u>Ending</u>
Jim Misudeck (2 nd Term)	05/01/2024	04/30/2027
John Papenheim (2 nd Term)	05/01/2024	04/30/2027
Amy Schingen (2 nd Term)	05/01/2024	04/30/2027
 <u>Board of Appeals</u>		
David Vanden Avond (3 rd Term)	05/01/2024	04/30/2027
 <u>Historic Preservation Commission</u>		
Lisa Lefeber (3 rd Term)	05/01/2024	04/30/2027
 <u>Plan Commission</u>		
Craig Much (2 nd Term)	05/01/2024	04/30/2027
 <u>Police & Fire Commission</u>		
Theodore Miller MD (2 nd Term)	05/01/2024	04/30/2029

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed _____

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

Advisory Park Board

02/28/2024

Name of Board, Commission or Committee

Date

Jim Misudek

Full Name

Address

General Manager

Fond du Lac Dock Spiders

Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐ Home Phone Business Phone

E-Mail Address: Cellular Phone

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 3

Education: B.S. UW-La Crosse, Sport Management; Assoc. UW-Fond du Lac

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
Destination Lake Winnebago Region	3	Fond du Lac Noon Rotary	2
		Envision Greater FDL-Ambassador	2

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

-Will begin 18th season in baseball in 2024 after completing 14 years with MLB organizations.

-Worked for Baltimore Orioles, Atlanta Braves, Cincinnati Reds, Milwaukee Brewers.

-Native of Fond du Lac, began baseball career with the Wisconsin Timber Rattlers in 2006; returned to Fond du Lac in September 2021

BIO: <https://northwoodsleague.com/fond-du-lac-dock-spiders/front-office/>

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

If selected, I would bring my years of experience of my career in sports to enhance community use and involvement for city parks. I have gained valuable perspective in multiple areas through my career (marketing, public relations, messaging, facility management, bidding/ordering, etc.) - and look forward to bringing those ideas to help my hometown grow. Previous member of APB.

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**

Advisory Park Board

3/11/24

Name of Board, Commission or Committee

Date

John Papenheim

Full Name

Address

Signmaker/ business owner

Self Employed 34 years

Occupation

Employer

18 Years of Age or Older? Yes ☒ No ☐ Home Phone Business Phone

E-Mail Address: Cellular Phone

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 41

Education: Bachelor of Science, Career/ Technical Education, UW Stout

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
Advisory Park Board	2	Friends of Lakeside Park non profit	3
Historic Preservation Commission	2	Idea Studio Planning committee FdLPL	1
DFP Board of Directors, Chair/ member of various committees	8	Walleye Weekend Marketing Co-Chair	2

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

I am a long time resident, multiple city property owner and downtown small business owner. I believe I have made positive contributions to the Advisory Park Board.

I have visited every city park, meeting with neighbors and friends groups. Researched, analyzed and voted on the new Lighthouse Drive options.

With the board, assisted and advised city staff on the upcoming Recreation Plan. Researched, analyzed and voted on landscaping and synthetic rink options at McDermott Park.

As Vice President of the board, I have chaired a meeting in the president's absence. I have experience on various city boards, volunteer positions, classroom instructor, small businessman and father.

I have been the go-to member of the board for the media when looking for comment on APB issues. I have enjoyed my time on the board and would like to serve another term.

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

In my experience as an instructor, I know the importance of doing your homework. I arrive at board meetings prepared with background information and a list of questions if I need clarification.

I believe the community deserves citizen board members who take their job seriously. Attendance, preparation and participation are key ingredients to community service. I aim to continue this.

I will continue to reach out to the community and neighborhoods through personal interactions and media communication encouraging community ownership and involvement in our parks.

I will continue to seek consensus and sound decisions of the board through cooperation with its members. I would like to do my part to both preserve and appropriately improve park system.

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**

Advisory Park Board

3/8/2024

Name of Board, Commission or Committee

Date

Amy Lee Schingen

Full Name

Address

Sr. Office Manager

Occupation

Badger Liquor (30 Years)

Employer

18 Years of Age or Older? Yes ☒ No ☐ Home Phone _____ Business Phone _____

E-Mail Address: _____ Cellular Phone _____

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: _____ 50

Education: Lakeshore Technical College, Associates Degree, Paralegal

List potential conflicts of interest: Friends of Lakeside Park (Citizen Group) Keep Lakeside Park Public (fb Group)

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
Advisory Park Board	3		

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

I have had the honor to serve on the Advisory Park Board for the past 3 years. I would love the opportunity to serve another term.

See Attachment

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

During my last term on the Advisory Park Board, we visited our community parks and provided feedback to city staff with improvement ideas.

I really enjoyed this exercise and liked to see improvements made from our recommendations. I would like to see this continue in the future..

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.

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

I have a sincere interest in being a contributing member of the Advisory Park Board.

I value our parks as public spaces for everyone to enjoy. They give a sense of community and should never be taken for granted. They are an important part of our city, a place where everyone should feel as if they belong.

I grew up enjoying many of our community parks during various stages of my life.

I lived across the street from the Fond du Lac County Fairgrounds while growing up. I spent the majority of my summer days at the County Pool swimming with friends. My mom had a part-time job during the summer months cleaning the restrooms and picking up trash in the park. Many times she would bring me along with her to help. At the time, I would have much rather played on the swings, but this taught me early on to have a great respect for our parks.

Some other parks I frequented through the years were: Jefferson Park, where I would often ride my bike to meet up with friends. I played softball at Russell Park. I loved to go sledding at Buttermilk Creek Park and once I started to drive, I would meet up with friends to hang out in the parking lot. Listening to concerts at Music Under the Stars, has become a favorite to do on Wednesday nights during the summer. I would visit Playmore Park quite often for softball games. McDermott Park was always great for ice skating and attending picnics under the shelter. I love to go for walks and take a break at Lallier Park and Taylor Park is my go to for swimming on a hot summer day! I frequent Lakeside Park West for the Dog Park to play some catch with my pooch, Tater Tot.

Last but not least and always near and dear to my heart, is Lakeside Park.

Like so many others, I too have many fond memories here and continue to visit at least once a week. The simple drive through the park and circling the lighthouse loop remains one of my favorite things to do! I love to park by the lighthouse and take in the beautiful view of the lake which I find to be very therapeutic and peaceful. This is my opportunity to "get away from it all" I regularly utilize the walking paths which have been a great addition. Admiring the beautiful flower gardens in the summer and viewing the Christmas Lights over the holidays have become a tradition. Also a tradition, is the kicking off summer by attending Walleye Weekend, this is a must for me and I am so excited it will be returning this year!

Most recently over the past year, I served as a leading voice for the citizens in our community who wanted to "Let the People Decide" on the development at Lakeside Park. I feel I helped to create an awareness in our community which was not present before, of how important it is to have citizen involvement to ensure the parks serve the needs of all citizens. I am not anti-development and although I personally do not favor commercialization in our parks, I feel this is not a decision I get to make. It should be left up to citizens. I trust our city staff and feel they are completely capable of running and overseeing anything done in our parks.

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

If accepted to serve on the Advisory Park Board, I will listen to all of the people.

I feel communication with everyone in our community is the key component to success.

We need to make sure we are doing all we can to involve citizens and keep them engaged in our parks and community.

I would love the opportunity to collaborate with city leaders including organizations in the private sector to listen to all ideas on ways we can improve our city parks.

Over the past year, there have been so many wonderful ideas brought forward as to what people would like to see in our parks. I would like a common place where these ideas and future ones can be shared with our entire community.

I am proud to be a citizen of Fond du Lac and view our city as a destination.

I personally would like to see more unique festivals held at Lakeside Park throughout the year. I feel this will set us apart from other cities and offer that "something for everyone" atmosphere. Not only would more festivals be a wonderful opportunity to bring our community together, it would also bring those who don't live here a reason to visit.

As an avid boater, I grew up enjoying Lake Winnebago and have held a boat slip in the "Big Hole" for many years. I feel I would bring an added value to the Advisory Park Board as I have an understanding of the needs and responsibilities of boaters as they actively utilize Lakeside Park.

Over the past year, I have gained a considerable amount of knowledge on the history of Lakeside Park. I feel my knowledge would not only be an asset to the Advisory Park Board, but would also be able to use this knowledge to help educate our community.

If accepted to serve on this board, I look forward to working with others to learn more about the operation and uses of our park system.

I am excited for this opportunity and feel I would be a great fit for this board.

Thank you for your consideration.

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

Board of Appeals

2/27/24

Name of Board, Commission or Committee

Date

David Vanden Avond

[REDACTED]

Full Name

Address

Architect

Excel Engineering

Occupation

Employer

Please put an asterisk by which number is best for public posting.

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: 15

Education: UW-Milwaukee

List potential conflicts of interest: Excel Designs projects within the city every year.

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
Board of Appeals	6		

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

The duties of an architect require the ability to interpret the code and assess different solutions to a multi-faceted problem.

If selected, I would like to work towards bettering the community through my service in the following ways:
I will apply my experience as an architect, my knowledge of building design and construction as well as community development towards evaluating variance proposals.

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**

Historic Preservation Commission

02/27/2-24

Name of Board, Commission or Committee

Date

Lisa Lefebber

Full Name

Address

Vice President of Operations

Destination Lake Winnebago Region

Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐ Home Phone Business Phone E-Mail Address: Cellular Phone Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 57Education: Moraine Park Technical Institution, various conference and CAMP training on historic preservationList potential conflicts of interest: Any Fond du Lac County Historical Society issues I will abstain from voting

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
Historic Preservation Commission (HPC)	15	Fond du Lac County Historical Society (FCHS)	30
Downtown Architectural Review Board (DARB)	6	Several committees for the Downtown Fond du Lac Partnership (DFP)	17
		WI Assn of Historic Preservation Commissions Board (WAHPC)	6

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

WHS SHPO CAMP training; WHS Local History & Historic Preservation Conference as attendee and as presenter; WAHPC Board Treasurer (newsletter, website, conference and membership committees); WAHPC Conference sessions; Taylor Park Pavillon Restoration Committee; Chair of FDL HPC; former Chair of DARB; President and Curator of FCHS; Friend of the DFP 2015; past reenactor/coordinator for Civil War, Rendezvous, and SCA events

If selected, I would like to work towards bettering the community through my service in the following ways: Continuing in my efforts in historic preservation especially in education and outreach and to heighten awareness by making history easily accessible in a variety of ways. I advocate for the health and vibrancy of Fond du Lac and my 38 year career has been to serve and promote the community for both short and long-term success including heritage and cultural tourism.

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**

Plan Commission

02/27/2024

Name of Board, Commission or Committee

Date

Craig Much

Full Name

Address

Commercial Lender

Horicon Bank

Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐ Home Phone XXXXXXXXXX Business Phone XXXXXXXXXX

E-Mail Address: XXXXXXXXXX@XXXXXX.XXX Cellular Phone XXXXXXXXXX

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

Education: Bachelors Degree from UW-Whitewater

List potential conflicts of interest: I would abstain voting on items involving current Horicon Bank customers.

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
Plan Commission	2.75		

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 occupation as a commercial lender, I have been a part of financing development projects. Outside of my occupation, I own investment properties. In a prior occupation, I was a financial examiner for the Wisconsin Department of Financial Institutions. All of these aspects involve understanding rules and regulations

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

1. Developing a thorough understanding of applicable Fond du lac ordinances and codes.
2. Making sure that common sense is exemplified in any decision.
3. Promoting Fond du lac as an area that is open for development.

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**

Police & Fire Commission

September 11, 2020

Name of Board, Commission or Committee

Date

Theodore Miller MD

Full Name

Address

Physician

Fond du Lac Regional Clinic

Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐ Home Phone Business Phone

E-Mail Address: Cellular Phone

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 31

Education: BS (honors) Molecular Biology; UW Madison, MD (honors) Univ. of Nebraska

Political Affiliation: n/a

List potential conflicts of interest: None. I've met several police, firefighters and paramedics in the 31 years that I've lived here.

I have met both Chief Lamb and Chief O'Leary through Rotary and Walleye Weekend.

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
		FDL Morning Rotary board	24
		Morning Rotary Foundation board	15
ASTOP board	6	Agnesian Healthcare board	5

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

I have been involved in our community for years, donating over 100 hours of community service annually. I have chaired the Rotary Walleye Weekend concession for 12 years. I helped form Morning Rotary 30 years ago and helped form the Morning Rotary Foundation 15 years ago. I initiated and coordinated all of the Morning Rotary Habitat for Humanity builds. I have chaired the clinic building committee and the hospital cancer committee. I have served as clinic president.

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

I strongly believe in our system of commission oversight of police and fire department hiring and promotions. This system allows us to fill Chief vacancies with both local and national searches, not just limiting our choices to two candidates that choose to run in an election. I would like to see more city vacancies filled with qualified women and minority applicants.

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: Resolution No. 9115

Subject: A Resolution Making Appointments To The Board of
Appeals, Downtown Architectural Review Board, Ethics
Board, Fond du Lac Public Library Board and Housing
Authority Board
Introduction: City Manager

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Resolution_9115_Multiple_new_(003).pdf

New_board_applications.pdf

Osterholm_redacted.pdf

RESOLUTION NO. 9115

**A RESOLUTION MAKING APPOINTMENTS
TO THE BOARD OF APPEALS, DOWNTOWN ARCHITECTURAL REVIEW BOARD,
ETHICS BOARD, FOND DU LAC PUBLIC 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 Board of Appeals, Downtown Architectural Review Board, Ethics Board, Fond du Lac Public Library and Housing Authority Board are hereby confirmed:

<u>Board of Appeals</u> Jeffrey Uitenbroek	<u>Beginning</u> 03/28/2024	<u>Ending</u> 04/30/2026
<u>Downtown Architectural Review Board</u> Fr. Matthew James Kirk	03/28/2024	04/30/2026
<u>Ethics Board</u> Paul Wm Osterholm Sr.	03/28/2024	04/30/2026
<u>Fond du Lac Public Library</u> Emily Hayes	03/28/2024	04/30/2026
<u>Housing Authority Board</u> Ellen Buretta	03/28/2024	04/30/2028

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

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

Fond du Lac Public Library Board

February 20, 2024

Name of Board, Commission or Committee

Date

Emily Hayes

Full Name

Address

Associate Dean of General Education

Moraine Park Technical College

Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐ Home Phone Business Phone

E-Mail Address: Cellular Phone 920-204-4614*

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 17

Education: BSE Secondary English Education, MA English

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
		Fondy High Band Boosters - president	1
		Roberts Elementary PTO	3
		Marian University Preschool Parental Advisory Committee	2

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

My education and professional backgrounds align closely with the values of the library within the community. As a former high school English teacher and MPTC communications instructor, I offer an educator's perspective as well as a higher education lens to discussions of policy and innovation. My years as an English teacher have included many experiences with challenges to books and access to information. My expertise in written and oral communication and relationships can serve the board

If selected, I would like to work towards bettering the community through my service in the following ways: I am already impressed by the mission-driven work and continuous improvement embodied by the library. I would come to this work eager to put my skills and efforts to work in any way that serves the continued success of the FDL Public Library in our community.

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**

Housing Authority Board

03/08/2024

Name of Board, Commission or Committee

Date

Ellen Buretta

Full Name

Address

Club Manager

Gratitude Club, Inc.

Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐

Home Phone

Business Phone

E-Mail Address:

Cellular Phone

Are you currently a resident of Fond du Lac? Yes ☒ No ☐

No. of Years:

63

Education: Associate Degree -Mechanical Design

List potential conflicts of interest: None

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
None		Blue Line Club Board of Directors	4
		Gratitude Club Board of Directors	1.5
		Service League of FDL	6

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

As manager at the Gratitude Club I often witness individuals who have experienced financial hardship and emotional loss, many times leading to altered living arrangements. I would like the opportunity to better understand what the community has to offer to these individuals regarding housing and also address the problems public housing encounters.

If selected, I would like to work towards bettering the community through my service in the following ways: My goal initially would be to understand the challenges facing the Housing Authority and then to be fair and thoughtful in making decisions to aid both the staff and the residents.

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**

Ethics Board

January 30, 2024

Name of Board, Commission or Committee

Date

Paul Wm Osterholm Sr.

Address

Full Name

Retired

NA

Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐ Home Phone Business Phone

E-Mail Address: Cellular Phone

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

Education: Masters Leadersip, Marian University Fond du Lac, WI

List potential conflicts of interest: We live in Pipe, Fond du Lac County

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
Fond du Lac City Council	5	FDL Leadership Class of 2000	

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

I will be honest and independent when making informed decisions brought before the Ethics Board.

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

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: Resolution No. 9116

Subject: A Resolution Approving The Application For A Urban
Nonpoint Source And Storm Water Management Grant To Help
Fund A Future Storm Water Quality Pond
Introduction: Director of Public Works

Initiator:

Recommendation:

ATTACHMENTS:

File Name

9116_Res_authorizing_Grant_application_Storm_Water_Pond._02.pdf

UNPS_Grant_Memo_-_March_21__2024.pdf

RESOLUTION NO. 9116

A RESOLUTION APPROVING THE APPLICATION FOR A URBAN NONPOINT SOURCE AND STORM WATER MANAGEMENT GRANT TO HELP FUND A FUTURE STORM WATER QUALITY POND.

WHEREAS, the City of Fond du Lac is interested constructing a storm water pond to improve our Total Maximum Daily Load (TMDL) requirements from the Wisconsin Department of Natural Resources (DNR); and

WHEREAS, the pond is currently in the Capital Improvements Plan for construction in 2026; and

WHEREAS, the grant could pay up to \$150,000.- towards the cost of the work, and

WHEREAS, the City attests to the validity and veracity of the statements and representations contained in the DNR Grant application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the City will meet the financial obligations necessary to fully and satisfactorily complete the project;

BE IT FURTHER RESOLVED, that the City hereby authorizes the proper City officials to sign and submit the grant application, submit reimbursement claims and signed documents and to take any other necessary actions to undertake and complete the project.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: March 27, 2024

To: Joe Moore, City Manager

From: Christopher Johnson, P.E., City Engineer

Re: City Council Resolution – Urban Nonpoint Source Grant Application

The City Council is being asked to approve a resolution authorizing the City to apply for grant funding under the DNR's Urban Nonpoint Source & Storm Water Management Grant Program. Strand Associates is preparing the grant application on behalf of the City. If received, the grant will provide construction funding up to \$150,000. This grant would help fund the City's future Storm Water Quality Pond. The project is in the Capital Improvements Plan and scheduled for construction in 2026.

Grant applications are due no later than April 15, 2024 and final selections will be made by the DNR in the fall.

The Engineering and Traffic Division supports the submittal of the grant application to the DNR.

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

Title: Resolution No. 9117

Subject: A Resolution Authorizing A Development Agreement With
Meyer Property Group LLC For The Redevelopment Of 181-
183 South Main Street
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

CC_Memo_-_DA_Memo.pdf

Resolution_DA_Brickle_Building.pdf

Brickle_Rueping_DA_DRAFT.pdf

Rendering_WI_Main_Street.pdf

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: March 8, 2024

To: Joe Moore, City Manager

From: Dyann Benson, Community Development Director

Re: 183 South Main Street – City Investment & Development Agreement

The former Beernuts Bar/Brickle Building at 183 South Main Street has a proposed redevelopment into a mixed-use project with residential units and commercial space along the Main Street frontage. The developer is proposing four (4) residential units on the second floor and up to four (4) residential units on the first floor. The Main Street portion of the building would offer commercial space.

This historic building, constructed in 1880, has been underutilized for a number of years. The closure of the former Beernuts and the building going onto the market creates a unique opportunity to support reinvestment in the south end of Main Street. The additional residential units will not only add to a much-needed inventory of housing options within the community, but within the downtown.

The City Council has authorized the submittal of a Community Development Investment (CDI) grant through the Wisconsin Economic Development Corporation (WEDC) for \$250,000. The CDI grant program provides funding to projects that create a significant, positive impact in downtown areas. The City will be applying for a \$250,000 CDI grant, the maximum grant amount available under the program, to support the approximate \$1.4 million renovation.

The estimated cost of the renovation is \$1,4 million. The proposed renovation will restore the historic façade but will also include roofing, windows and significant upgrades to the plumbing, electrical and HVAC. This property is currently assessed at \$142,700. Given the proposed work scope of the renovation, the addition of residential units along with the commercial space, the estimated assessment could increase to \$800,000 to \$900,000. This is a significant increase in value for a building within the downtown. The increase in value will also enhance the BID assessment to support the work of the Downtown Fond du Lac Partnership.

The City is proposing to further facilitate this project through a \$200,000 forgivable loan. The funds would be secured through a subordinate mortgage (meaning behind the primary lender(s)). The loan would be forgiven based upon the following conditions: \$1000 per year for any professional or service type commercial tenant or \$2,000 for any experience based commercial tenant (restaurants, retails, activity based businesses). Up to \$6000 per year per residential unit could be forgiven as long as there were no extended vacancy periods.

Reinvestment in downtown properties poses a financial challenge due to the nature of these historic buildings; the uncertainty of what will be found once renovations start and the financial cost of capital for commercial projects. In addition, the size of these projects attract small-scale developers that often have higher costs of capital than large commercial developers that can leverage other equity.

The ratio of City investment to long term benefits to the overall tax base as well to the downtown demonstrates a worthy partnership. City staff supports the investment in the project and will be bringing a resolution authorizing a development agreement for this project to the March 28th City Council meeting.

RESOLUTION NO. 9117

**A RESOLUTION AUTHORIZING
A DEVELOPMENT AGREEMENT WITH MEYER PROPERTY
GROUP LLC FOR THE REDEVELOPMENT OF 181-183 SOUTH
MAIN STREET**

WHEREAS, Meyer Property Group, LLC has purchased the property at 181-183 South Main Street and proposes to redevelop the property into 6-8 residential units and commercial space along Main Street; and

WHEREAS, the redevelopment of this blighted and underutilized property will increase housing options, contribute to the tax base of the community and enhance the downtown environment; and

WHEREAS, the City of Fond du Lac wishes to help in making the project feasible through financial assistance to redevelop the property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the proper City officials are hereby authorized to negotiate and execute any necessary documents to effectuate an agreement with Meyer Property Group LLC similar in nature to the attached Development Agreement and to take all other necessary steps to accomplish this.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Reviewed

Margaret Hefter, City Clerk

**DEVELOPMENT AGREEMENT
(BRICKLE BUILDING/RUEPING BLOCK REDEVELOPMENT)**

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made as of the [_____] day of March, 2024 (the "Effective Date"), by and among the CITY OF FOND DU LAC, a Wisconsin municipal corporation (the "City"), and MEYER PROPERTY GROUP, LLC, a Wisconsin limited liability company (referred to herein as "Developer").

RECITALS

WHEREAS, Developer is the owner of certain real property in the City of Fond du Lac, County of Fond du Lac, State of Wisconsin, described on Exhibit A attached hereto (the "Property"), on which is built a commercial building, formerly known as the Brickle Building/former Beernuts; and

WHEREAS, Developer has proposed to renovate the Property and otherwise develop the Property as described on Exhibit B attached hereto (the "Proposal") and as otherwise set forth herein; and

WHEREAS, the City has authorized the submittal of a \$250,000 Community Development Investment (CDI) Grant through the Wisconsin Economic Development Corporation to support the redevelopment of the property into residential units and commercial space; and

WHEREAS, the City wants to facilitate the redevelopment of this property and further enhance the south end of the downtown by investing \$200,000 into its renovation, as hereinafter set forth, to permit development to proceed; and

WHEREAS, the Property is within the downtown, a focused area for City reinvestment; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the parties agree as follows:

1. Definitions. As used in this Agreement, the following terms shall have the following meanings:

- a. "Agreement" means this Development Agreement.
- b. "City" is defined in the introductory paragraph of this Agreement.
- c. "Default" is defined in Section 6 below.
- d. "Developer" is defined in the introductory paragraph of this Agreement.
- e. "Effective Date" is defined in the introductory paragraph of this Agreement.
- f. Experience Generator is defined as a business that contributes to the overall downtown experience, including restaurants, retail shops or experience-based businesses (such as, but not limited to: indoor archery, ceramic arts or other craft studios, golf simulators, cooking schools, etc.)

- g. "Grant" means a potential grant through the Grant Administrator's Community Development Investment grant program pursuant to the terms and conditions of the Grant Agreement. If awarded, and subject to the terms and conditions herein, the City will provide the Developer with all Grant funds to the extent received by the City.
- h. "Grant Administrator" means Wisconsin Economic Development Corporation.
- i. "Grant Agreement" means a Community Development Investment Grant Contract with respect to the Grant to be entered into between the City and Grant Administrator, as may be amended from time to time.
- j. "Loan" means a forgivable loan from City to the Developer and Grant proceeds for City-approved Project costs consistent with the Project Cost Breakdown. The Loan shall be evidenced by a promissory note (the "Note") and secured by a mortgage of the Property (the "Mortgage"). The Mortgage shall be subordinate only to a mortgage securing the Senior Debt. The Loan will be due in full if the Property is sold or if the Developer no longer has control of the Property. The Loan documents shall provide that the Loan shall be accelerated to the extent any repayment of the Loan or the claw back of the Grant is required of the Developer hereunder.
- k. "Note" means the instrument signed by Developer evidencing Developer's obligation to repay the Loan in the form attached hereto as Exhibit D.
- l. "PILOT Requirement" is defined in Section 2 below.
- m. "PILOT Requirement Expiration" means the later of January 31, 2045 and the date Developer pays in full all payments due under the PILOT Requirement.
- n. "Plans" means final detailed plans and specifications of the Project in form and substance acceptable to the City, which shall include, without limitation, the following: all improvements now located or to be located on the Property, the footprint of all improvements and the square footage of all improvements, all easements, pathways, exterior boundary lines, walkways, parking and circulation areas, adjoining public streets and alleys, utilities, exits and entrances, all signage, sidewalks, landscaping, all materials to be used in construction, all interior and exterior finishes, building sections, description of room and space sizes, plan arrangement of rooms and functional spaces, exterior elevations, the stacking of floors and all construction elements, a narrative description of all structural systems, mechanical systems, electrical systems and any specialty systems, and a landscaping plan and landscape maintenance plan
- o. "Professional Offices or Service Based Business" is defined as a new or expanding business that provides professional services, such as legal, accounting, insurance, design, financial or other related services. Service based business provides services like a hair salon, nail salon, health and wellness or other related services.

- p. "Project" means the redevelopment of the Property, as described with more particularity in the Proposal, including, but not limited to, the construction of all improvements as may be required in order to comply with applicable laws, rules, regulations, codes and ordinances in the use of the Property.
- q. "Project Commencement" means the date of actual Project construction commencement, as determined by the City in its reasonable discretion.
- r. "Project Commencement Deadline" means no later than September 30, 2024 .
- s. "Project Completion" means the substantial completion of the Project, as determined by the City in its reasonable discretion, including the occurrence of all of the following: (i) a certificate of occupancy is issued by the appropriate governmental authorities for Project, as applicable; and the (ii) the Project architect has issued a certificate stating that the Project has been substantially completed in accordance with the Plans.
- t. "Project Completion Deadline" means September 30, 2025.
- u. "Project Cost Breakdown" means a current cost breakdown of construction and non-construction cost items (i.e., a line-item budget), clearly identifying development, engineering, construction, furnishing, equipping, financing, contingency and all other direct and indirect costs of development, construction and installation of the Project in accordance with the Plans. The Project Cost Breakdown shall also include Developer's proposed source(s) of funds.
- v. "Property" is defined in the Recitals above. As used herein, the term "Property" shall also include all improvements and fixtures located on the real estate.
- w. "Proposal" is defined in the Recitals above, as may be amended and supplemented from time to time with the express approval of the City.
- x. "Senior Debt" means permanent financing for the Project as follows: (1) a permanent loan from Horicon Bank in a principal amount not to exceed \$884,000 and guaranteed by Meyer Property Group, LLC; and (ii) any forgiveness of the Loan under Section 3c. of this Agreement. In this definition of Senior Debt, a loan is "permanent" if the maturity date of the loan is at least 5 years following Project Completion.
2. Commitments of Developer. The City agrees and acknowledges that the Developer will construct, own and operate the Project. Developer agrees and covenants with the City as follows:
- a. *Construction and Operation of the Project.*
- i. Subject to the terms and conditions of this Agreement, Developer, at its cost and expense, agrees to construct, install, furnish, equip, maintain and continuously operate the Project as a mixed-use development – residential and commercial use(s) during the term of this Agreement. Developer will cause the

Project to be constructed in a good and workmanlike manner and substantially in accordance with the Plans.

- ii. Construction of the Project shall commence no later than the Project Commencement Deadline, and, upon commencement of the Project, Developer will continue construction of the Project diligently and shall achieve Project Completion substantially in accordance with the construction schedule approved by the City, and in no event later than the Project Completion Deadline.
- iii. Developer will conform and comply with, and will cause the Project to be in conformance and compliance with, all applicable federal, state, local and other laws, rules, regulations and ordinances, including without limitation, all zoning and land division laws, rules, regulations and ordinances, all building codes and ordinances of the City, and all environmental laws, rules, regulations and ordinances. Developer covenants that it will perform and observe the covenants contained in, and the Project will conform and comply with, the covenants, restrictions, documents or instruments governing the Property. Developer acknowledges that it has had sufficient opportunity to determine such covenants or restrictions through a title search and other due diligence.
- iv. Developer shall have in effect at all times, all permits, approvals and licenses as may be required by any governmental authority or non-governmental entity in connection with the development, construction, management and operation of the Project.
- v. Developer will not, without the City's prior written consent, materially change the scope of the Project, the Plans, or the uses of the Project. The development and operation of the Project shall be in substantial conformity with the Proposal.

b. *Grant Administration; Grant Claw-Back.*

- i. Developer agrees to be responsible for tracking all invoicing, draws, cancelled checks and other related documents required under the Grant Agreement or otherwise requested by the Grant Administrator for submittal and Grant reimbursement. Developer agrees to timely provide the necessary documentation to the City in order to submit the reimbursement request(s) for the Grant. Developer understands that failure to timely provide the required documentation may result in non-funding of the Grant.
- ii. Developer agrees to allow City or Grant Administrator, or their agents or assigns, timely access to all necessary records to comply with audit or grant administration requirements.
- iii. The provision of the Grant funds is subject to the terms and conditions of the Grant Agreement, including, without limitation, any claw-back (repayment) requirements in the event that the Project is not completed. In the event of any claw-back of the Grant, Developer shall immediately repay the City all Grant funds (or the required portion thereof).

c. *PILOT Requirement.*

- i. In the event the Property, or any part of it, becomes exempt or partially exempt from general property taxes prior to the PILOT Requirement Expiration, Developer agrees to make to the City a payment-in-lieu-of taxes equal to the difference between (A) the amount of taxes which would have been levied on the Property for said year by the City and other taxing jurisdictions if the Property was not exempt or partially exempt from general property taxes and (B) the actual amount of taxes levied on the Property for said year by the City and all other taxing jurisdictions. Said payment-in-lieu-of taxes shall be due and payable in full to the City on January 31 immediately following such tax year. The payment-in-lieu-of taxes set forth above shall be a lien on the Property. The obligations of Developer in this subsection are referred to herein as the "PILOT Requirement".
- ii. Developer understands and agrees that the PILOT Requirement shall not in any way bind the City assessor in his/her assessment and appraisal of the Property and that the City assessor will arrive at an equalized value of the Property based solely on his/her application of all applicable property tax laws, rules, rates, regulations and ordinances in effect from time to time. Nothing in this Agreement shall impair any statutory rights of the City and other taxing authorities with respect to the assessment, levy, priority, collection and/or enforcement of real estate and personal property taxes.
- d. *Second Mortgage.* Developer agrees that a second mortgage will be a lien against the Property and shall secure the repayment of the Loan and any Grant claw-back requirements and that a Default hereunder shall be a default under the Loan.

3. Commitments of the City.

a. *City Investment.*

- i. Subject to the terms and conditions herein, to induce the Developer to construct the Project, the City hereby agrees to provide Developer with the financial incentive of Two Hundred Thousand Dollars (\$200,000.00) for City-approved costs of the construction necessary to complete the Project.
- ii. *Disbursement of Funds.* The Developer acknowledges that the City will disburse the City Investment directly to the Horicon Bank. The Developer further acknowledges that they are responsible for the conditions of the forgivable loan as outlined in this Agreement. Prior to the disbursement of the City investment, the Developer will be current on all bills due to the City in connection with the Property, including but not limited to water bills, false alarm bills, license fees, and permit fees.
- iii. *Forgivable Loan.* The Developer warrants and covenants that it shall have create six (6) new market rate residential units and not less than 700 sq ft of commercial space. The residential units shall be leased and occupied within

sixty (60) days of Project Completion. For each residential unit created and occupied with a one year lease, the City will forgive Six Thousand Dollars (\$6,000.00) per unit per annum towards Two Hundred Thousand Dollars (\$200,000.00) of the City's Loan. If a residential unit is left vacant for more than three (3) months, the forgiveness will be prorated based upon the months occupied for that calendar year. For the tenant occupied commercial space, the City will forgive One Thousand Dollars (\$1,000) annually for any professional office or service based tenant and up to Two Thousand Dollars (\$2,000) annually for an experienced based commercial tenant. These tenants will coincide with those tenants as defined within this Agreement. If the residential units or commercial spaces are vacant more than 51% of the time over the five (5) year period, the forgivable loan will be considered in default and the full amount of Two Hundred Thousand Dollars (\$200,000.00) shall be levied against the property as part of the original mortgage. Exhibit E shall be the listing of each residential unit and commercial space, duration of their lease, vacancy period and type of tenant (commercial space only).

(1) No later than January 31 following the scheduled effective date of any loan forgiveness, Developer shall provide the City with all documentation and other evidence required herein for the applicable loan forgiveness installment. If Developer fails to provide such evidence or fails to satisfy all conditions precedent for such loan forgiveness, then, subject to written notice from the City and thirty (30) days for the Developer to cure, the applicable installment of loan forgiveness shall be forfeited by the Developer.

- b. *Grant.* The City has applied or will apply for the Grant to assist with the Project. If awarded, subject to the responsibilities of Developer hereunder for Grant administration, the City will administer the grant pursuant to the Grant Agreement. Upon completion of the Project and compliance with the requirements of the Grant Administrator and the Grant Agreement, the City shall request reimbursement from the Grant Administrator for the approved reimbursement amount for Project costs. The Grant amount shall be the award established by the Grant Agreement. Within thirty (30) of receipt of the Grant Funds, subject to the terms and conditions herein, the City will reimburse the Developer for the approved amount of the Grant funds actually received by the City. Prior to the disbursement of the Grant amount, the Developer will be current on all other bills due to the City in connection with the Property, including but not limited to water bills, false alarm bills, license fees and permit fees.
- c. *Governmental Approvals.* Developer acknowledges and agrees that the City cannot contract away its governmental powers and that certain approvals may require issuance by or cooperation from government bodies external to the City. The City shall, in good faith, and as expeditiously as possible, process all

necessary municipal approvals to permit the development and operation of the Project.

4. Conditions Precedent to the City's Obligations.

- a. In addition to all other conditions and requirements set forth in this Agreement, all of the obligations of the City under this Agreement are conditioned upon the satisfaction of each and every of the following conditions:
 - i. No Default, or event which with the giving of notice or lapse of time or both would be a Default, shall exist under this Agreement.
 - ii. Developer shall provide financial information of Developer to the City, which information shall be in form and content acceptable to the City, including evidence that Developer has available funds sufficient to complete the Project.
 - iii. Developer shall provide the City with a detailed completion schedule for the Project which must be acceptable to the City. Such schedule shall specify the timing of all material aspects of the Project. Any revisions to such completion schedule shall be subject to the City's review and approval.
 - iv. Developer, at its cost, shall provide the Project Cost Breakdown to the City. The Project Cost Breakdown shall be certified by Developer, its Project architect and general contractor as accurate and complete and shall be acceptable to the City. The Project Cost Breakdown must show a state of facts acceptable to the City. Any revisions to the Project Cost Breakdown shall be subject to the City's review and approval.
 - v. Developer shall have completed the Plans which must be acceptable in all respects to the City. Any revisions to the Plans shall be subject to the City's review and approval.
- b. In addition to subsection (a) above and all other conditions and requirements set forth in this Agreement, the obligation of the City under this Agreement to make disbursements of the Grant is conditioned upon the satisfaction of each and every of the following conditions:
 - i. No Default, or event which with the giving of notice or lapse of time or both would be a Default, shall exist under this Agreement.
 - ii. Developer shall have complied with all material requirements under the Grant Agreement.
 - iii. Developer shall have entered into all applicable documents for the Loan, including the Note and the Mortgage, and provided the City with copies thereof.
 - iv. The Memorandum shall have been recorded prior to any mortgage of Developer's interest in the Property.

- v. The City shall have received the Grant funds (or portion thereof) to be disbursed.
- c. In addition to subsections (a) and (b) above and all other conditions and requirements set forth in this Agreement, the obligation of the City under this Agreement to forgive a portion of the Loan annually effective on any December 31 as set forth herein is conditioned upon the satisfaction of each and every of the following conditions:
 - i. No Default, or event which with the giving of notice or lapse of time or both would be a Default, shall exist under this Agreement.
 - ii. The Property shall be open for business as a tenant occupied commercial space and the Project shall otherwise be operating in substantial conformity with the Plans and the Proposal.
 - iii. Developer shall be in compliance with the PILOT Requirement and shall have paid any applicable payment in lieu of taxes for the calendar year of the applicable Loan forgiveness installment.

All submissions given to the City to satisfy the conditions contained in this Section 4 must be satisfactory in form and content to the City, in its reasonable discretion.

- 5. Additional Representations, Warranties and Covenants of Developer. Developer represents and warrants to the City and agrees and covenants with the City as of the Effective Date, as of the City investment disbursement and again on each scheduled date of Loan forgiveness, as follows:
 - a. All copies of documents, contracts and agreements which Developer has furnished to the City are true and correct in all material respects.
 - b. Developer has paid, and will pay when due, all federal, state and local taxes, and will promptly prepare and file returns for accrued taxes prior to any taxes becoming delinquent.
 - c. Developer will pay for all work performed and materials furnished for the Project.
 - d. No statement of fact by Developer contained in this Agreement and no statement of fact furnished or to be furnished by Developer to the City pursuant to this Agreement contains or will contain any untrue statement of a material fact or omits or will omit to state a material fact necessary in order to make the statements herein or therein contained not misleading at the time when made.
 - e. Meyer Property Group, LLC is a limited liability company duly formed and validly existing and has the power and all necessary licenses, permits and franchises to own its assets and properties and to carry on its business. Developer is duly licensed or qualified to do business and in good standing in

the State of Wisconsin and all other jurisdictions in which failure to do so would have a material adverse effect on its business or financial condition.

- f. The execution, delivery and performance of this Agreement have been duly authorized by all necessary action of Developer and constitute the valid and binding obligations of Developer enforceable in accordance with their terms, subject only to applicable bankruptcy, insolvency, reorganization, moratorium, general principles of equity, and other similar laws of general application affecting the enforceability of creditors' rights generally.
- g. The execution, delivery, and performance of Developer's obligations pursuant to this Agreement will not violate or conflict with Developer's organizational documents or any indenture, instrument or agreement by which Developer is bound, nor will the execution, delivery, or performance of Developer's obligations pursuant to this Agreement violate or conflict with any law applicable to Developer or the Project.
- h. There is no litigation or proceeding pending or threatened against or affecting Developer or the Project that would adversely affect the Project or Developer or the enforceability of this Agreement, the ability of Developer to complete the Project or the ability of Developer to perform its obligations under this Agreement.
- i. The Project Cost Breakdown approved by the City accurately reflects all Project costs that will be incurred in the development, completion, construction, furnishing and equipping of the Project, and the City is entitled to rely on the Project Cost Breakdown. Developer knows of no circumstances presently existing or likely to occur which would or could be expected to result in a variation or deviation from the Project Cost Breakdown.
- j. All construction of the Project to date has been made substantially in conformity with the Plans and in compliance with the terms and conditions of this Agreement.
- k. No Default, or event which with the giving of notice or lapse of time or both would be a Default, exists under this Agreement, and Developer is not in default (beyond any applicable period of grace) of any of its obligations under any other agreement or instrument entered into in connection with the Project.
- l. Developer agrees to pay timely all generally applicable property taxes assessed and levied in connection with the Property under applicable property tax laws, rules, rates, regulations and ordinances in effect from time to time and, as applicable, all payments due under the PILOT Requirement.
- m. Developer agrees to pay timely all other bills due to the City in connection with the Property , including but not limited to water bills, false alarm bills, license fees, and permit fees.

The representations and warranties contained herein shall be true and correct at all times as required by this Agreement. Developer shall comply with all covenants contained herein at all times during the term of this Agreement.

6. Default.

- a. *Default by Developer.* The occurrence of any one or more of the following events shall constitute a default by Developer ("Default") hereunder:
- i. Developer shall fail to pay any amounts due from it under this Agreement or the Note or the Mortgage on or before ten (10) days following the date when due; or
 - ii. Any representation or warranty made by Developer in this Agreement or the Note or the Mortgage, or any document or financial statement delivered by Developer pursuant to this Agreement, shall prove to have been false in any material respect as of the time when made or given; or
 - iii. Developer shall breach or fail to perform timely or observe timely any of its covenants or obligations (other than payment obligations, which is addressed in subparagraph (i) above) under this Agreement or the Note or the Mortgage, and such failure shall continue for thirty (30) days following notice thereof from the City to Developer (or such longer period of time as is necessary to cure the default as long as Developer has commenced the cure of the default within the 30-day period, is diligently pursuing the cure of the default and as long as the default is cured not later than 90 days following the notice thereof from the City); or
 - iv. Construction of the Project shall be abandoned for more than sixty (60) consecutive days (subject to the force majeure provisions below) or if any portion of the Project shall be damaged by fire or other casualty and not repaired, rebuilt or replaced within a reasonable time thereafter; or
 - v. The Property fails to be a tenant occupied commercial space and, if vacant, the Developer has not made every reasonable effort to lease the space, using available local resources such as the Downtown Fond du Lac Partnership and local real estate brokers to actively market the property.
 - vi. Developer shall: (A) become insolvent or generally not pay, or be unable to pay, or admit in writing its/his inability to pay, its/his debts as they mature; or (B) make a general assignment for the benefit of creditors or to an agent authorized to liquidate any substantial amount of its/his assets; or (C) become the subject of an "order for relief" within the meaning of the United States Bankruptcy Code, or file a petition in bankruptcy, for reorganization or to effect a plan or other arrangement with creditors; or (D) have a petition or application filed against it/him in bankruptcy or any similar proceeding, or have such a proceeding commenced against it/him, and such petition, application or proceeding shall remain undismissed for a period of ninety (90) days or Developer or Guarantor shall file an answer to such a petition or application,

admitting the material allegations thereof; or (E) apply to a court for the appointment of a receiver or custodian for any of its/his assets or properties, or have a receiver or custodian appointed for any of its/his assets or properties, with or without consent, and such receiver shall not be discharged within ninety (90) days after its/his appointment; or (F) adopt a plan of complete liquidation of its/his assets; or

vii. If Developer shall dissolve or shall cease to exist; or

viii. A default shall occur under the Grant Agreement caused by an action or inaction of Developer; or

ix. A default shall occur on any other indebtedness of or loan to Developer, or a default shall occur under any mortgage or other lien or encumbrance affecting the Property.

Upon the occurrence of any Default, the City, at its option, may pursue any or all of the rights and remedies available to it at law and/or in equity and/or under this Agreement and/or under any of the other agreements contemplated herein; provided that (a) the City shall not be permitted to recover any portion of the Loan which has been forgiven previously under the terms of this Agreement, and (b) the remedy for a default under the Grant Agreement shall be limited to the portion of the Grant which is clawed back. Upon the occurrence of any Default, any amounts due to the City shall accrue interest at the rate of one percent (1%) per month.

b. *Default by the City.* In the event the City shall breach or fail to perform timely or observe timely any of its covenants or obligations (other than payment obligations, which is addressed in subparagraph (a) above) under this Agreement and such failure shall continue for thirty (30) days following notice thereof from Developer to the City (or such longer period of time as is necessary to cure the default as long as the City has commenced the cure of the default within the 30-day period, is diligently pursuing the cure of the default and as long as the default is cured not later than 60 days following the notice thereof from Developer), then Developer may, at its option, pursue any or all of the rights and remedies available to it at law and/or in equity and/or under this Agreement.

7. Transfers; Assignment.

a. *Transfer of the Property.* Except as provided herein, Developer shall not, directly or indirectly, sell, assign, transfer, convey, mortgage or encumber its interest in the Property during the term of this Agreement unless it first obtains the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

b. *Assignment of Development Agreement.* Developer shall not have the right to assign this Agreement to any other party without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or

delayed; provided, however, that if no Default exists, Developer may assign this Agreement to an entity controlled by or under common control with Developer without such consent simultaneously with the transfer of the Property to such entity. No assignment of this Agreement shall serve to release Developer from any liability or obligations under this Agreement. The provisions of this Agreement shall run with the land.

8. Term. The term of this Agreement shall commence on the Effective Date and shall continue, unless terminated earlier as provided herein, until the latest to occur of the following: (i) repayment or forgiveness in full of the Loan; (ii) the PILOT Requirement Expiration; and (iii) termination of the Grant Agreement and repayment of any required claw back of the Grant.
9. Notices. All notices hereunder must be in writing and must be sent by United States registered or certified mail (postage prepaid) or by an independent overnight courier service, addressed to the addresses specified below:

Notices to Developer:

Sam Meyer
Meyer Property Group, LLC
42 N. Main Street
Fond du Lac, WI 54935

Notices to the City:

City of Fond du Lac
160 South Macy Street
Fond du Lac, WI 54935
Attn: City Clerk

with a copy to:

City of Fond du Lac
160 South Macy Street
Fond du Lac, WI 54935
Attn: Community Development Dept.

Notices given by mail are deemed delivered within (3) three business days after the party sending the notice deposits the notice in the United States Post Office. Notices delivered by courier are deemed delivered on the next business day after the party delivering the notice timely deposits the notice with the courier for overnight (next day) delivery.

10. Recording. Recording of this Agreement is prohibited except as allowed in this section. At the request of either party, the parties shall promptly execute and record, at the cost of the Developer, the Memorandum.
11. Indemnity. Developer shall indemnify, defend and hold harmless the City, its officers, employees and authorized representatives (each an "Indemnified Party") from and against any and all liabilities in connection with the Project, including, without limitation, environmental remediation required by any federal or state agency having jurisdiction, losses, damages, costs and expenses, including reasonable attorney fees and costs, arising out of any third-party

claims, causes of action, or demands made against or suffered by any Indemnified Party on account of this Agreement, unless such claim, causes of action, or demands: (a) relate to the Indemnified Party's failing to perform its obligations to Developer; or (b) arise out of any willful misconduct of the Indemnified Party. At the Indemnified Party's request, Developer shall appear for and defend the Indemnified Party, at Developer's expense, in any action to which the Indemnified Party may be made a party by reason of the foregoing.

12. Force Majeure. For the purposes of any provisions of the Agreement, a party shall not be considered in breach or default of its obligations in the event of delay in the performance of such obligations due to causes beyond its reasonable control and without its fault or negligence, including but not restricted to acts of God, acts of public enemy, fires, floods, epidemics, quarantine restrictions, strikes, embargoes, and unusually severe weather; it being the parties' purpose and intent of this provision that in the event of the occurrence of any such delay, the time or times of performance of any of the obligations of such party shall be equitably extended for the period of the delay.
13. Joint and Several Obligations. Each entity comprising Developer shall be jointly and severally liable for the performance of all obligations of Developer under this Agreement, and the City may bring suit against each such entity, jointly or severally, or against any one or more of them.
14. Miscellaneous.
 - a. *No Personal Liability*. Under no circumstances shall any alderperson, council member, officer, official, director, attorney, employee or agent of the City or the Developer have any personal liability arising out of this Agreement, and no party shall seek or claim any such personal liability.
 - b. *Immunity*. The City of Fond du Lac is a governmental entity entitled to governmental immunity under law, including Section 893.80, Wis. Stats. Nothing contained herein shall waive the rights and immunities to each party may be entitled under law, including all of the immunities, limitations and defenses under Section 893.80, Wis. Stats., or any subsequent amendments thereof, any federal law, common law or other applicable laws.
 - c. *Waiver; Amendment*. No waiver, amendment, or variation in the terms of this Agreement shall be valid unless in writing and signed by the City and Developer, and then only to the extent specifically set forth in writing. Nothing contained in this Agreement is intended to or has the effect of releasing Developer from compliance with all applicable laws, rules, regulations and ordinances in addition to compliance with all terms, conditions and covenants contained in this Agreement.
 - d. *Entire Agreement*. This Agreement and the documents executed pursuant to this Agreement contain the entire understanding of the parties with respect to the subject matter hereof. There are no restrictions, promises, warranties,

covenants or undertakings other than those expressly set forth in this Agreement and the documents executed in connection with this Agreement. This Agreement and the documents executed in connection herewith supersede all prior negotiations, agreements and undertakings between the parties with respect to the subject matter hereof.

- e. *No Third-Party Beneficiaries.* This Agreement is intended solely for the benefit of Developer and the City, and no third party (other than successors and permitted assigns) shall have any rights or interest in any provision of this Agreement, or as a result of any action or inaction of the City in connection therewith. Without limiting the foregoing, no approvals given pursuant to this Agreement by Developer or the City, or any person acting on behalf of any of them, shall be available for use by any contractor or other person in any dispute relating to the Project.
- f. *Severability.* If any covenant, condition, provision, term or agreement of this Agreement is, to any extent, held invalid or unenforceable, the remaining portion thereof and all other covenants, conditions, provisions, terms and agreements of this Agreement will not be affected by such holding, and will remain valid and in force to the fullest extent by law.
- g. *Governing Law.* This Agreement is governed by, and must be interpreted under, the internal laws of the State of Wisconsin. Any suit arising or relating to this Agreement must be brought in Fond du Lac County, Wisconsin.
- h. *Time is of the Essence; Deadlines.* Time is of the essence with respect to the performance of every provision of this Agreement in which time of performance is a factor. In the event a deadline herein falls on a non-business day, the deadline shall be deemed to fall on the next following business day.
- i. *Relationship of Parties.* This Agreement does not create the relationship of principal and agent, or of partnership, joint venture, or of any association or relationship between the City and Developer.
- j. *Captions and Interpretation.* The captions of the articles and sections of this Agreement are to assist the parties in reading this Agreement and are not a part of the terms of this Agreement. Whenever required by the context of this Agreement, the singular includes the plural and the plural includes the singular.
- k. *Counterparts/Electronic Signature.* This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which counterparts collectively shall constitute one instrument representing the agreement among the parties. Facsimile signatures and PDF email signatures shall constitute originals for all purposes.
- l. *Public Records.* Developer acknowledges that this Agreement and their confidential information may be subject to disclosure in whole or in part under applicable Public Records laws and regulations. The City will provide Developer with notice of public records requests which includes a timeframe

for going into Court to seek protection for Developer's confidential information.

[SIGNATURE PAGE FOLLOWS]

DRAFT

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date first printed above.

DEVELOPER:

MEYER PROPERTY GROUP, LLC

By: _____
Samuel D. Meyer, Managing Member

Attest: _____

CITY :

CITY OF FOND DU LAC

By: _____
Joseph P. Moore, City Manager

Attest: _____
Margaret Hefter, City Clerk

Countersigned pursuant to Section 62.09(10) Wis. Stats.

By: _____
Tricia Davi, Director of Administration

APPROVED AS TO FORM:

By: _____
Deborah S. R. Hoffmann, City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

DRAFT

EXHIBIT B
PROJECT PROPOSAL

[ATTACH TO THIS COVER PAGE]

DRAFT

EXHIBIT C
PROJECT SITE DIAGRAM

[ATTACH TO THIS COVER PAGE]

DRAFT

EXHIBIT D
FORM OF NOTE

[ATTACH TO THIS COVER PAGE]

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EXHIBIT E
JOB CREATION FOR FORGIVABLE LOAN

[ATTACH TO THIS COVER PAGE]



183 S. MAIN STREET
OCTOBER 13, 2023

FOND DU LAC, WI
JOE LAWNICZAK

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

Title: Annual Stormwater Report
Subject: Presented By: Director of Public Works
Initiator:
Recommendation:

ATTACHMENTS:

File Name

FDL_Annual_Stormwater_Report_2023.pdf

MS4_Annual_Report_CC_Memo_March_2024.pdf

Submittal of Annual Reports and Other Compliance Documents for Municipal Separate Storm Sewer System (MS4) Permits

NOTE: Missing or incomplete fields are highlighted at the bottom of each page. You may save, close and return to your draft permit as often as necessary to complete your application. After 120 days your draft is **deleted**.

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Form 3400-224(R8/2021)

Reporting Information :

Will you be completing the Annual Report or other submittal type? ☒ Annual Report ☐ Other

Project Name: 2023 Annual Report

County: Fond Du Lac

Municipality: Fond du Lac, City

Permit Number: S050075

Facility Number: 31070

Reporting Year: 2023

Is this submittal also satisfying an Urban Nonpoint Source Grant funded deliverable? ☐ Yes ☒ No

Required Attachments and Supplemental Information

Please complete the contents of each tab to submit your MS4 permit compliance document. The information included in this checklist is necessary for a complete submittal. A complete and detailed submittal will help us review about your MS4 permit document. To help us make a decision in the shortest amount of time possible, the following information must be submitted:

Annual Report

- Review related web site and instructions for [Municipal storm water permit eReporting](#) [Exit Form]
- Complete all required fields on the annual report form and upload required attachments
- Attach the following other supporting documents as appropriate using the attachments tab above
 - Public Education and Outreach Annual Report Summary
 - Public Involvement and Participation Annual Report Summary
 - Illicit Discharge Detection and Elimination Annual Report Summary
 - Construction Site Pollution Control Annual Report Summary
 - Post-Construction Storm Water Management Annual Report Summary
 - Pollution Prevention Annual Report Summary
 - Leaf and Yard Waste Management
 - Municipal Facility (BMP) Inspection Report
 - Municipal Property SWPPP
 - Municipally Property Inspection Report
 - Winter Road Maintenance
 - Storm Sewer Map Annual Report Attachment
 - Storm Water Quality Management Annual Report Attachment

- TMDL Attachment
 - Storm Water Consortium/Group Report
 - Municipal Cooperation Attachment
 - Other Annual Report Attachment
- Attach the following permit compliance documents as appropriate using the attachments tab above
- Storm Water Management Program
 - Public Education and Outreach Program
 - Public Involvement and Participation Program
 - Illicit Discharge Detection and Elimination Program
 - Construction Site Pollutant Control Program
 - Post-Construction Storm Water Management Program
 - Pollution Prevention Program
 - Municipal Storm Water Management Facility (BMP) Inventory
 - Municipal Storm Water Management Facility (BMP) Inspection and Maintenance Plan
 - Total Maximum Daily Load documents (**If applicable, see permit for due dates.*)
 - TMDL Mapping*
 - TMDL Modeling*
 - TMDL Implementation Plan*
 - Fecal Coliform Screening Parameter *
 - Fecal Coliform Inventory and Map (*S050075-03 general permittees Appendix B B.5.2 – document due to the department by March 31, 2022*)
 - Fecal Coliform Source Elimination Plan (*S050075-03 general permittees Appendix B - document due to the department by October 31, 2023*)
- Sign and Submit form

Municipal Contact Information- Complete

Notice: Pursuant to s. NR 216.07(8), Wis. Adm. Code, an owner or operator of a Municipal Separate Storm Sewer System (MS4) is required to submit an annual report to the Department of Natural Resources (Department) by March 31 of each year to report on activities for the previous calendar year ("reporting year"). This form is being provided by the Department for the user's convenience for reporting on activities undertaken in each reporting year of the permit term. Personal information collected will be used for administrative purposes and may be provided to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

Note: Compliance items must be submitted using the Attachments tab.

Municipality Information

Name of Municipality Fond du Lac, City

Facility ID # or (FIN): 31070

Updated Information:

☐ Check to update mailing address information

Mailing Address: P O Box 150

Mailing Address 2:

City: Fond du Lac, City

State: WI

Zip Code: 54936-0150

xxxxx or xxxxx-xxxx

Primary Municipal Contact Person (Authorized Representative for MS4 Permit)

The "Authorized Representative" or "Authorized Municipal Contact" includes the municipal official that was charged with compliance and oversight of the permit conditions, and has signature authority for submitting permit documents to the Department (i.e., Mayor, Municipal Administrator, Director of Public Works, City Engineer).

☐ Select to **create new** primary contact

First Name: Nick

Last Name: Waldschmidt

☐ Select to **update** current contact information

Title: Civil Engineer II

Mailing Address: 160 S Macy St

Mailing Address 2:

City: Fond du Lac

State: WI

Zip Code: 54936

xxxxx or xxxxx-xxxx

Phone Number: 920-322-3482

Ext:

xxx-xxx-xxxx

Email: nwaldschmidt@fdl.wi.gov

Additional Contacts Information (Optional)

☐ I&E Program

**Individual with responsibility for:
(Check all that apply)**

- ☐ IDDE Program
- ☐ IDDE Response Procedure Manual
- ☐ Municipal-wide Water Quality Plan
- ☐ Ordinances
- ☐ Pollution Prevention Program
- ☐ Post-Construction Program
- ☒ Winter roadway maintenance

First Name: Adam

Last Name: Schmitt

Title: Operations Superinte

Mailing Address: 530 Doty Street

Mailing Address 2:

City: Fond du Lac

State: WI

Zip Code: 54935 xxxxx or xxxxx-xxxx

Phone Number: 920-322-3542 Ext: xxx-xxx-xxxx

Email: aschmitt@fdl.wi.gov

Municipal Billing Contact Person (Authorized Representative for MS4 Permit)

☒ Select to **create new** Billing contact

First Name: Molly

Last Name: Dilling

☒ Select to **update** current contact information

Title: Accounts Payable

Mailing Address: P.O. Box 150

Mailing Address 2:

City: Fond du Lac

State: WI

Zip Code: 54936-0150 xxxxx or xxxxx-xxxx

Phone Number: 920-322-3456 Ext: xxx-xxx-xxxx

Email: accountspayable@fdl.wi.gov

1. Does the municipality rely on another entity to satisfy some of the permit requirements?

☒ Yes ☐ No

☒ Public Education and Outreach Northeast Wisconsin Stormwater Consortium

☒ Public Involvement and Participation Northeast Wisconsin Stormwater Consortium

☐ Illicit Discharge Detection and Elimination

- ☐ Construction Site Pollutant Control _____
- ☐ Post-Construction Storm Water Management _____
- ☐ Pollution Prevention

2. Has there been any changes to the municipality's participation in group efforts towards permit compliances (i.e., the municipality has added or dropped consortium membership)?

☐ Yes ☒ No

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7.

Form 3400-224 (R8/2021)

Minimum Control Measures- Section 1 : Complete

1. Public Education and Outreach

- a. Does MS4 conduct any educational efforts or events independently (not with a group) ☒ Yes ☐ No
- b. How many total educational events were held during the reporting year:
- c. Were any of the public education and outreach delivery mechanisms conducted during the reporting year active or interactive? ☒ Yes ☐ No
- d. Please select all storm water topics, target audiences, and delivery mechanisms used in the reporting year

Public Education and Outreach Delivery Mechanisms (Active and Passive)	
Active/Interactive Mechanisms	Passive Mechanisms
<input checked="" type="checkbox"/> Education activities (school presentations, summer camps)	<input checked="" type="checkbox"/> Passive print media (brochures at front desk, posters, etc.)
<input type="checkbox"/> Information booth at event	<input checked="" type="checkbox"/> Distribution of print media (mailings, newsletters, etc.) via mail or email.
<input checked="" type="checkbox"/> Targeted group training (contractors, consultants, etc.)	<input checked="" type="checkbox"/> Media offerings (radio and TV ads, press release, etc.)
<input checked="" type="checkbox"/> Government event (public hearing, council meeting)	<input checked="" type="checkbox"/> Social media posts
<input type="checkbox"/> Workshops	<input checked="" type="checkbox"/> Signage
<input type="checkbox"/> Tours	<input checked="" type="checkbox"/> Website
<input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> Other: <input type="text" value="Interactive map"/>

Topics Covered	Target Audience
<input checked="" type="checkbox"/> Illicit discharge detection and elimination	<input checked="" type="checkbox"/> General Public
<input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing	<input type="checkbox"/> Public Employees
<input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application	<input checked="" type="checkbox"/> Residents
<input checked="" type="checkbox"/> Stream and shoreline management	<input checked="" type="checkbox"/> Businesses
<input checked="" type="checkbox"/> Residential infiltration	<input checked="" type="checkbox"/> Contractors
<input checked="" type="checkbox"/> Construction sites and post-construction storm water management	<input checked="" type="checkbox"/> Developers
<input checked="" type="checkbox"/> Pollution prevention	<input type="checkbox"/> Industries
<input checked="" type="checkbox"/> Green infrastructure/low impact development	<input type="checkbox"/> Public Officials
<input checked="" type="checkbox"/> Other: <input type="text" value="Salt pollution"/>	<input type="checkbox"/> Other: <input type="text"/>

- e. Will additional information/summary of these education events be attached to the annual report? ☒ Yes ☐ No

If no, please provide additional comment in the brief explanation box below. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

Minimum Control Measures - Section 2 : Complete

2. Public Involvement and Participation

a. Permit Activities. Select all of the following topics the Permittee did to engage public participation and involvement.

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input checked="" type="checkbox"/> Public Officials <input type="checkbox"/> Other	Select...	<input type="radio"/> Yes <input checked="" type="radio"/> No

b. Volunteer Activities. Select all of the following audiences targeted for volunteer involvement and participation related to storm water.

☐ NA (Individual Permittee)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
Volunteer Opportunity	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Public Officials <input type="checkbox"/> Other	101 +	<input checked="" type="radio"/> Yes <input type="radio"/> No

c. Brief explanation on Public Involvement and Participation reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

Minimum Control Measures - Section 3 : Complete

3. Illicit Discharge Detection and Elimination

- a. How many total outfalls does the municipality have?
- b. How many outfalls did the municipality evaluate as part of their routine ongoing field screening program?
- c. From the municipality's routine screening, how many were confirmed illicit discharges?
- d. How many illicit discharge complaints did the municipality receive?
- e. From the complaints received, how many were confirmed illicit discharges?
- f. How many of the identified illicit discharges did the municipality eliminate in the reporting year (from both routine screening and complaints)?

(If the sum of 3.c. and 3.e. does not equal 3.f., please explain below.)

- g. What types of regulatory mechanisms does the municipality have available to compel compliance with this program? Check all that are available and how many times each were used in the reporting year.

- | | |
|---|--------------------------------|
| <input checked="" type="checkbox"/> Verbal Warning | <input type="text" value="0"/> |
| <input checked="" type="checkbox"/> Written Warning (including email) | <input type="text" value="1"/> |
| <input checked="" type="checkbox"/> Notice of Violation | <input type="text" value="0"/> |
| <input checked="" type="checkbox"/> Civil Penalty/ Citation | <input type="text" value="0"/> |

Additional Information:

- h. Brief explanation on Illicit Discharge Detection and Elimination reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

Minimum Control Measures - Section 4 : Complete

4. Construction Site Pollutant Control

a.

How many total construction sites with one acre or more of land disturbing construction activity were active at any point in the reporting year?	<input type="text" value="30"/>
b. How many construction sites with one acre or more of land disturbing construction activity did the municipality issue permits for in the reporting year?	<input type="text" value="15"/>
c. How many erosion control inspections did the municipality complete in the reporting year (at sites with one acre or more of land disturbing construction activity)?	<input type="text" value="160"/>

d. What types of regulatory mechanisms does the municipality have available to compel compliance with this program? Check all that are available and how many times each were used in the reporting year.

<input checked="" type="checkbox"/> Verbal Warning	<input type="text" value="9"/>
<input checked="" type="checkbox"/> Written Warning (including email)	<input type="text" value="11"/>
<input checked="" type="checkbox"/> Notice of Violation	<input type="text" value="0"/>
<input checked="" type="checkbox"/> Civil Penalty/ Citation	<input type="text" value="0"/>
<input checked="" type="checkbox"/> Stop Work Order	<input type="text" value="0"/>
<input checked="" type="checkbox"/> Forfeiture of Deposit	<input type="text" value="0"/>
<input type="checkbox"/> Other - Describe below	<input type="text"/>

e. Brief explanation on Construction Site Pollutant Control reporting . *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

Minimum Control Measures - Section 5 : Complete

5. Post-Construction Storm Water Management

a. How many new structural storm water management Best Management Practice (BMP) have received local approval ?	<input type="text" value="1"/>
<small>*Engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins, grassed swales, permeable pavement,</small>	
b. Does the MS4 have procedures for inspecting and maintaining private storm water facilities?	<input checked="" type="radio"/> Yes <input type="radio"/> No
c. If Yes, how many privately owned storm water management facilities were inspected in the reporting year ? <small>Inspections completed by private landowners should be</small>	<input type="text" value="2"/>

included in the reported number.

- d. Does the municipality utilize privately owned storm water management BMP in its pollutant reduction analysis? ☒ Yes ☐ No
- e. Does MS4 have maintenance authority on these privately owned BMPs?

47

- f. How many municipally operated (private) storm water management BMPs were inspected in the reporting year? 1
- g. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year.

☒ Verbal Warning

0

☒ Written Warning (including email)

0

☒ Notice of Violation

0

☒ Civil Penalty/ Citation

0

☒ Forfeiture of Deposit

0

☒ Complete Maintenance

0

☒ Bill Responsible Party

0

☐ Other - Describe below

- e. Brief explanation on Post-Construction Storm Water Management reporting . *If marked 'Unsure' on any questions above, justify your reasoning. Limit your response to 250 characters and/or attach supplemental information on the attachments page.*

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

Minimum Control Measures - Section 6 : Complete

6. Pollution Prevention

Storm Water Management Best Management Practice Inspections ☐ Not Applicable

- a. Enter the total number of municipally owned or operated (i.e., privately owned BMPs) structural storm water management best management practices.
- b. How many new municipally owned storm water management best

28

2

management practices were installed in the reporting year ?

- c. How many municipally owned (public) storm water management best management practices were inspected in the reporting year?
- d. What elements are looked at during inspections (250 character limit)?

25

The inspections look at all applicable features of a facility including permanent pool, embankment, outlet structure, inlet pipes, vegetation, etc.

- e. How many of these facilities required maintenance?
- f. Brief explanation on Storm Water Management Best Management Practice inspection reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

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Public Works Yards & Other Municipally Owned Properties that require a stormwater pollution prevention plan (SWPPP)* ☐ Not Applicable

- g. How many municipal properties require a SWPPP?
- h. How many inspections of municipal properties have been conducted in the reporting year?

6

18

- i. Have amendments to the SWPPPs been made?

☐ Yes ☒ No

- j. If yes, describe what changes have been made. Limit response to 250 characters and/or attach supplemental information on the attachment page:

- k. Brief explanation on Storm Water Pollution Prevention Plan reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

* Any municipally owned property that has the potential to generate stormwater pollution should have a SWPPP. For example, if a municipal property stores compost piles, material storage, yard wastes, etc., outside and can contaminate stormwater runoff—a SWPPP is required.

Collection Services - *Street Sweeping Program* ☐ Not Applicable

- l. Did the municipality conduct street sweeping during the reporting year?

☒ Yes ☐ No

- m. If known, how many tons of material was removed?

1030

- n. Does the municipality have a [low hazard exemption](#) for this material?

☐ Yes ☒ No

- o. If street sweeping is identified as a storm water best management practice in the pollutant loading analysis, was street cleaning completed at the assumed frequency?

☒ Yes - Explain frequency Every three weeks.

☐ No - Explain _____

☐ Not Applicable

Collection Services - *Catch Basin Sump Cleaning Program* ☐ Not Applicable

- p. Did the municipality conduct catch basin sump cleaning during the reporting year? ☐ Yes ☒ No
- q. How many catch basin sumps were cleaned in the reporting year?
- r. If known, how many tons of material was collected?
- s. Does the municipality have a low hazard exemption for this material? ☐ Yes ☒ No
- t. If catch basin sump cleaning is identified as a storm water best management practice in the pollutant loading analysis, was cleaning completed at the assumed frequency?
- ☐ Yes- Explain frequency _____
- ☐ No - Explain _____
- ☒ Not Applicable

Collection Services - *Leaf Collection Program* ☐ Not Applicable

- u. Does the municipality conduct curbside leaf collection? ☒ Yes ☐ No
- v. Does the municipality notify homeowners about pickup? ☒ Yes ☐ No
- w. Where are the residents directed to store the leaves for collection?
- ☒ Pile on terrace ☐ Pile in street ☐ Bags on terrace
- ☐ Other - Describe _____
- x. What is the frequency of collection?
- Weather permitting leaves are collected three times per fall.
- y. Is collection followed by street sweeping? ☒ Yes ☐ No
- z. Brief explanation on Collection Services reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page*

Winter Road Management ☐ Not Applicable

*Note: We are requesting information that goes beyond the reporting year, answer the best you can.

- aa. How many lane-miles of roadway is the municipality responsible for doing snow and ice control? (*One mile of a two-way road equals two lane miles.*)
- ab. Provide amount of de-icing products used by month last winter season?
- Solids (tons) (ex. sand, or salt-sand)

Product	Oct	Nov	Dec	Jan	Feb	Mar
<u>Salt</u>	<input type="text" value="0"/>	<input type="text" value="81"/>	<input type="text" value="68"/>	<input type="text" value="749"/>	<input type="text" value="62"/>	<input type="text" value="0"/>

Liquids (gallons) (ex. brine)

	Oct	Nov	Dec	Jan	Feb	Mar
Brine	0	0	1550	3315	340	0
Other	0	0	0	0	850	650

- ac. Was salt applying machinery calibrated in the reporting year? ☒ Yes ☐ No
- ad. Have municipal personnel attended salt reduction strategy training in the reporting year? ☒ Yes ☐ No

Training Date	Training Name	# Attendance
8/16/2023	APWA WI Snowplow Roadeo and Equip...	3
10/13/2023	City of Fond du Lac snow and ice trainin...	21

- ae. Brief explanation on Winter Road Management reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page*

City staff responsible for winter road maintenance attended a training day to review routes, inspect equipment, and discuss procedures. City staff attending APWA Snowplow Roadeo met with Wisconsin Salt Wise.

Internal (Staff) Education & Communication

- af. Has the municipality provided an opportunity for internal training or education to staff implementing the municipality's procedures for each of the pollution prevention program element ? ☒ Yes ☐ No

If yes, describe what training was provided (250 character limit):

Fox-Wolf Watershed Conference, NEWSC TMDL Workshop

- ag. Describe how the municipality has kept the following local officials and municipal staff aware of the municipal storm water discharge permit programs, procedures and pollution prevention program requirements.

Elected Officials

The annual report will be sent to the City Council and presented to the City Council during a City Council meeting.

Municipal Officials

The City of Fond du Lac department leaders hold weekly meetings and the City of Fond du Lac Public Works Department division leaders also hold weekly meetings where permit requirements are discussed as necessary.

Appropriate Staff (such as operators, Department heads, and those that interact with public)

City staff involved in winter road maintenance attend one or more trainings annually on winter road maintenance topics. Training on street sweepers, vacuum trucks, stormwater pollution prevention plans, and other topics are provided as needed.

- ah. Brief explanation on Internal Education reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

Minimum Control Measures - Section 7 : Complete

7. Storm Sewer System Map

- a. Did the municipality update their storm sewer map this year?

☒ Yes ☐ No

If yes, check the areas the map items that got updated or changed:

☒ Storm water treatment facilities

☒ Storm pipes

☒ Vegetated swales

☒ Outfalls

☒ Other - Describe below

Storm sewer manholes and inlets.

- b. Brief explanation on Storm Sewer System Map reporting. *If you marked Unsure for an question for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Missing Information

Do not close your work until you SAVE.

Form 3400-224 (R8/2021)

Final Evaluation - Complete

Fiscal Analysis

Complete the fiscal analysis table provided below. For municipalities that do not break out funding into permit program elements, please enter the monetary amount to your best estimate of what funding may be going towards these programs.

Annual Expenditure Reporting Year	Budget Reporting Year	Budget Upcoming Year	Source of Funds
---	--------------------------	----------------------------	-----------------

Element: Public Education and Outreach

10000	10000	10000	<u>General revenue fund</u>
-------	-------	-------	-----------------------------

Element: Public Involvement and Participation

5000	5000	10000	<u>General revenue fund</u>
------	------	-------	-----------------------------

Element: Illicit Discharge Detection and Elimination

15000	15000	15000	<u>General revenue fund</u>
-------	-------	-------	-----------------------------

Element: Construction Site Pollutant Control

25000	25000	25000	<u>General revenue fund</u>
-------	-------	-------	-----------------------------

Element: Post-Construction Storm Water Management

25000	25000	25000	<u>General revenue fund</u>
-------	-------	-------	-----------------------------

Element: Pollution Prevention

100000	100000	100000	<u>General revenue fund</u>
--------	--------	--------	-----------------------------

Other (describe)

NEWSC Membership

3125	3125	3250	<u>General revenue fund</u>
------	------	------	-----------------------------

Other (describe)

Theisen Pond

58125	58125	299091	<u>General revenue fund</u>
-------	-------	--------	-----------------------------

Other (describe)

Theisen Pond

0	0	320625	<u>Grants</u>
---	---	--------	---------------

Other (describe)

Arndt Street Pond

125000	125000	200000	<u>General revenue fund</u>
--------	--------	--------	-----------------------------

Other (describe)

Fairgrounds Pond

0	0	340000	<u>General revenue fund</u>
---	---	--------	-----------------------------

Other (describe)

Storm Sewer System Map

5000	5000	5000	<u>General revenue fund</u>
------	------	------	-----------------------------

Please provide a justification for a "0" entered in the Fiscal Analysis. *Limit response to 250 characters.*

Water Quality

a: Were there any known water quality improvements in the receiving waters to which the municipality's storm sewer system directly discharges to?

☐ Yes ☒ No ☐ Unsure If Yes, explain below:

b: Were there any known water quality degradation in the receiving waters to which the municipality's storm sewer system directly discharges to?

☐ Yes ☒ No ☐ Unsure If Yes, explain below:

c: Have any of the receiving waters that the municipality discharges to been added to the impaired waters list during the reporting year?

☐ Yes ☒ No ☐ Unsure

d: Has the municipality evaluated their storm water practices to reduce the pollutants of concern?

☒ Yes ☐ No ☐ Unsure

Storm Water Quality Management

a. Has the municipality completed or updated modeling in the reporting year (relating to developed

urban area performance standards of s. NR 151.13(2)(b)1., Wis. Adm. Code)? ☐ Yes ☒ No

b. If yes, enter percent reduction in the annual average mass discharging from the entire MS4 to surface waters of the state as compared to implementing no storm water management controls:

Total suspended solids (TSS)

Total phosphorus (TP)

Additional Information

Based on the municipality’s storm water program evaluation, describe any proposed changes to the municipality’s storm water program. *If your response exceeds the 250 character limit, attach supplemental information on the attachments page.*

Do not close your work until you SAVE.

--	--	--	--	--	--	--

Form 3400-224 (R8/2021)

Requests for Assistance on Understanding Permit Programs

Would the municipality like the Department to contact them about providing more information on understanding any of the Municipal Separate Storm Sewer Permit programs?

Please select all that apply:

- ☐ Public Education and Outreach
- ☐ Public Involvement and Participation
- ☐ Illicit Discharge Detection and Elimination
- ☐ Construction Site Pollutant Control
- ☐ Post-Construction Storm Water Management
- ☐ Pollution Prevention
- ☐ Storm Water Quality Management
- ☐ Storm Sewer System Map
- ☐ Water Quality Concerns
- ☐ Compliance Schedule Items Due
- ☐ MS4 Program Evaluation

Do not close your work until you **SAVE**.

Form 3400-224(R8/2021)

Required Attachments and Supplemental Information

Any other MS4 program information for inclusion in the Annual Report may be attached on here. Use the Add Additional Attachments to add multiple documents.

Upload Required Attachments (15 MB per file limit) - [Help reduce file size and trouble shoot file uploads](#)

***Required Item**

Note: To replace an existing file, use the 'Click here to attach file ' link or press the to delete an item.

Storm Sewer System Map

 File Attachment

[2023 City of FDL Storm Sewer System Map.pdf](#)

Attach - Other Supporting Documents

AR EO

 File Attachment

[Public Education and Outreach Summary 2023.pdf](#)

AR IP

 File Attachment

[Public Involvement and Participation Summary 2023.pdf](#)

AR SWGroupReport

 File Attachment

[NEWSC Annual Report 2023 .pdf](#)

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

Attach - Permit Compliance Documents

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

Missing Information

Draft and Share PDF Report with the permittee's governing body or delegated representatives.

Press the button below to create a PDF. The PDF will be sent to the email address associated with the WAMS ID that is signed in. After

the annual report has been reviewed by the governing body or delegated representative, return to the MS4 eReporting System to submit the final report to the DNR.

[Draft and Share PDF Report](#)

Sign and Submit Your Application

Steps to Complete the signature process

1. Read and Accept the Terms and Conditions
2. Press the Submit and Send to the DNR button

NOTE: For security purposes all email correspondence will be sent to the address you used when registering your WAMS ID. This may be a different email than that provided in the application. For information on your WAMS account click [HERE](#).

Terms and Conditions

Certification: I hereby certify that I am an authorized representative of the municipality covered under Fond du Lac, City MS4 Permit for which this annual report or other compliance document is being submitted, and that the information contained in this submittal and all attachments were gathered and prepared under my direction or supervision. Based on my inquiry of the person or persons under my direction or supervision involved in the preparation of this document, to the best of my knowledge, the information is true, accurate, and complete. I further certify that the municipality's governing body or delegated representatives have reviewed or been apprised of the contents of this annual report. I understand that Wisconsin law provides severe penalties for submitting false information.

Signee (must check current role prior to accepting terms and conditions)

- ☐ Authorized municipal contact using WAMS ID.
- ☐ Delegation of Signature Authority (Form 3400-220) for agent signing on the behalf of the authorized municipal contact.
- ☐ Agent seeking to share this item with authorized municipal contact (authorized municipal contact must get WAMS id and complete signature).

Name:

Title:

Authorized Signature.

- ☐ I accept the above terms and conditions.

After providing the final authorized signature, the system will send an email to the authorized party and any agents. This email will include a copy to the final read only version of this application.

2023 City of Fond du Lac Public Education and Outreach Summary

Notes

The public education and outreach efforts detailed below may cover multiple topics, audiences, and/or have multiple delivery mechanisms.

General

The city is an active member of the Northeast Wisconsin Stormwater Consortium (NEWSC). An annual report covering the activities undertaken by NEWSC has been submitted to the DNR separately.

Ongoing Efforts		Regional Effort	
1	The city maintains a website with content relating to storm water management. Items on the website include: general stormwater management information, links to Renew Our Waters and the Clean Waters Project, the City of Fond du Lac Stormwater Reference Guide, the adopt a storm drain program, and the most recent annual report. https://www.fdl.wi.gov/engineering/storm-water-permit/ https://www.fdl.wi.gov/engineering/storm-water-management/ https://www.fdl.wi.gov/engineering/adopt-a-storm-drain-program/ https://adopt-a-storm-drain-fonddulac.hub.arcgis.com/	No	
2	The city has a Facebook page where posts relating to storm water management are made. https://www.facebook.com/cityoffdl/	No	
3	There are six stormwater management posters, banners, and yard signs at the City of Fond du Lac or City of Fond du Lac Engineering offices visible to members of the public.	No	
4	There are stormwater education signs installed at four City of Fond du Lac stormwater detention ponds.	No	
5	All construction projects covered by the construction site pollutant control ordinance are required to post a permit onsite. The permit provides the public with information regarding the requirement to install and maintain erosion control practices and provides contact information to submit complaints.	No	
6	Preconstruction meetings are required for municipal projects. Erosion control requirements are discussed. A preconstruction conference is required for all private construction projects with at least one acre of disturbance. The contractor is required to attend and discuss the erosion control and storm water management requirements for the project.	No	
7	New storm sewer catch basins on city projects have the message "Dump No Waste - Drains to Fresh Water" and a fish and loon logo cast into the top of the curb box.	No	
8	The City has an Adopt-A-Storm Drain Program. Adopted drains are stenciled with the message "Adopted Drain - Keep FDL Clean - Drains to Lake" with lighthouse, waves and fish graphic.	No	
9	Stormwater educational brochures are available at the City Engineering office.	No	
10	Composting and chopping up leaves is suggested as an alternative to leaf collection during the annual fall leaf collection program.	No	
11	The City of Fond du Lac left door hangars during the fall leaf collection program at the houses of residents who raked their leaves into the street in violation of city policy to leave the leaves on the terrace. Composting was also recommended on the notice.	No	
Item	Events	Est. People Reached	Regional Effort
1	The City of Fond du Lac gave a presentation titled "Storm Water Management and Water Quality Program" to the Fond du Lac County Audubon Society on January 11th, 2023. The presentation covered general stormwater education topics including illicit discharges; stormwater pollution from pet waste, household hazardous waste and household practices; proper reuse or disposal of leaves and grass clippings; proper use of lawn and garden fertilizers; management of stream banks and shorelines; infiltration of residential stormwater runoff; and other stormwater topics. A total of 10 people were present.	10	No
2	The city posted a NEWSC infographic promoting sweeping excess salt off pavement and sidewalks and promoted Wisconsin Salt Awareness Week on the city Facebook account on January 19th, 2023. The post reached 686 people with 9 likes and 7 shares within the first two weeks.	686	Yes
3	The city sent out a press release promoting Wisconsin Salt Awareness Week on January 16th, 2023. Wisconsin Salt Awareness week will be January 23rd to January 27th, 2023 and aims to educate citizens on the issue of salt pollution.	Unknown	Yes
4	The city posted a NEWSC infographic promoting proper management of household hazardous waste on the city Facebook account on May 1st, 2023. The post reached 596 people with 6 likes and 3 shares within the first week.	596	Yes
5	NEWSC and FWFA were at Walleye Weekend on June 10th and 11th, 2023 and provided education on stormwater topics. A total of 466 people were contacted during the event.	466	Yes

2023 City of Fond du Lac Public Involvement and Participation Summary

Elected Officials

The annual report will be sent to the City Council and presented to the City Council during a City Council meeting.

Municipal Officials

The City of Fond du Lac department leaders hold weekly meetings where permit requirements are discussed as necessary. The City of Fond du Lac Public Works Department division leaders also hold weekly meetings where permit requirements are discussed as necessary.

Appropriate Staff

City of Fond du Lac staff involved in winter road maintenance attend one or more trainings annually on winter road maintenance topics. Training on street sweepers, vacuum trucks, stormwater pollution prevention plans, and other topics are provided as needed.

Item	Activity	Est. People Reached	Regional Effort
1	The City has an Adopt-A-Storm Drain Program. Participants in the program are expected to regularly inspect and remove debris from inlets, report any maintenance concerns to the City, and report any illicit discharges. Participants may view storm drains and sign up for the program at the website https://adopt-a-storm-drain-fonddulac.hub.arcgis.com/ .	76	No
2	The Fox-Wolf Watershed Alliance and Izaak Walton League are coordinating citizen monitoring of the chloride levels, during winter, in waterways in the City of Fond du Lac. The monitored waterways include the Fond du Lac River, DeNeveu Creek, and Taycheedah Creek. A total of five samples were collected in 2023.	2	Yes
3	The 2022 annual stormwater report was placed on the city's website on March 22nd, 2023. The public can submit comments on the report.	Unknown	No
4	The 2022 annual stormwater report was presented to the City Council on March 22nd, 2023.	7	No
5	The City of Fond du Lac assisted the Fox-Wolf Watershed Alliance with an annual river clean up on May 6th, 2023. A total of 98 volunteers participated. The cleanup locations included Lakeside Park and Lakeside Park West.	98	Yes
6	The revised City of Fond du Lac stormwater management program was placed on the city's website on October 14th, 2023. The public can submit comments on the program.	Unknown	No

CITY OF FOND DU LAC – Memorandum

Director of Public Works

Date: March 27, 2024

To: City Council Members

From: Christopher Johnson, City Engineer

Re: Annual Stormwater Report

Please find the 2023 City of Fond du Lac annual stormwater report enclosed. As always thanks to stormwater engineer Nick Waldschmidt from our Engineering staff for preparing this report and overseeing our program.

The City is required to have a stormwater discharge permit through Wisconsin DNR covering our MS4 (Municipal Separate Storm Sewer System). The purpose of the permit is to reduce pollution in stormwater runoff. The permit covers the following categories:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Pollution Control
- Post-Construction Stormwater Management
- Pollution Prevention
- Pollution Reduction from Developed Urban Areas
- Mapping

There are a few highlights you may be especially interested in:

- C&M works to effectively respond to winter storm events while reducing chlorides that reach our waters as part of our winter road maintenance.
- Nick remains heavily involved in the Northeast Wisconsin Stormwater Consortium, Fox-Wolf Watershed Alliance, and Lake Winnebago Quality Improvement Association in efforts like public education and public involvement, such as waterway cleanup events.

- We need to continue to encourage residents to manage their leaves and grass clippings responsibly, not raking them onto the street or into ditches, etc.
- A project being constructed this year is a project to reroute a portion of the storm sewer from Fond du Lac Avenue to the Fairground Pond to capture additional phosphorous and TSS.
- In one of the out-years of the CIP, we show a project to continue to make progress toward reducing the phosphorus and TSS (total suspended solids) that reach Lake Winnebago from our MS4. This will be the construction of a stormwater pond. Investments from the past two decades resulted in a 44% TSS reduction and a 34% phosphorus reduction, but our approved TMDL (Total Maximum Daily Load) study will require us to work toward an additional 49% reduction in phosphorus.
- A Storm Water Management Plan Update was completed and approved in 2019, outlining where we are in meeting TMDL requirements. This was funded largely by a DNR grant, and we are currently pursuing similar grants to actually construct some of the measures needed to implement the Plan.
- Two combination flusher/vacuum trucks allow C&M to now remove gravel and silt from sanitary and storm sewer pipes, instead of just flushing it farther down the pipes until it eventually reaches a waterway.
- C&M collects leaves, soil, and debris from city streets during the non-winter months using street sweepers. Approximately 1,030 tons of material is estimated to have been collected with the street sweepers in 2023.
- The Adopt a Storm Drain is in its fifth year of existence has 106 storm drains adopted. We will continue to market this program as great outreach to the public and something individuals can do to help our stormwater quality.

The annual report will be submitted to the DNR after we hear any comments or questions from you and the public this week. Making you as a Council aware of the contents of the report is required by the DNR, so the subject is an Input item for the 3/27/23 meeting.

Please contact me at (920) 322-3449 if you have questions or want to discuss further.

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

Title: ARPA Project Plan Update

Subject: Presented By: Director of Administration

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Rev._Council_Meeting_-_March_27_Packet_2.pdf

ARPA_2022-2024_-_Council_03.27.pdf

CITY OF FOND DU LAC - Memorandum

City Administration

To: City Council

From: Tricia Davi, Director of Administration

Date: March 27, 2024

Subject: 2022-2024 American Rescue Plan Act (ARPA) Spending

On March 11, 2021, the President signed the American Rescue Plan Act (ARPA) into law. ARPA provided \$350 billion in aid for state, local and Tribal governments across the country to support their response to and recover from the pandemic. The City received a total of \$13,792,153 in ARPA funding in two tranches – one received in May 2021 and one in May 2022.

Attached to this memo is the list of Council-approved ARPA projects from 2022, 2023 and 2024 budget cycles, with an additional column titled “Changes”. This memo will walk through the items highlighted in yellow and reflected in that column. Because a project included in our ARPA plan cannot proceed we will seek your approval to revise the plan to reallocate the funds budgeted for it.

But first, there is one update shown on the attachment, which is unrelated to the other changes. The first yellow line “Fairgrounds Stage – County Partnership” is the official allocation of \$375,000 of ARPA funds for this partnership. These funds were earmarked in the Project Plan that Council approved in November, pending the County decision to move forward with the project. Since then the County has committed to moving forward with that project and, as a result, we have updated the APRA project plan to reflect our commitment to that project.

It is now clear that the ARPA project totaling \$800,000 approved for the Catalytic Downtown Historic Project cannot move forward in time to meet the ARPA spending deadlines. Thus, the remaining yellow lines are the staff-recommended reallocation of the available \$800,000. As a reminder, the spending deadlines are:

- Funds need to be committed by December 31, 2024. Committed means order placed, contract awarded or sub-award made.
- Funds need to be expended by December 31, 2026. Expended means invoices received and payment made.

City staff have identified seven different replacement projects, broken into non-discretionary projects totaling \$307,000 and discretionary projects totaling \$493,000.

- **Non-discretionary Projects** (projects that are time-sensitive, have been bid and need ARPA funds to complete because the low bids came in over budget):
 - Division/Brooke Pavement (Bridge) - \$180,000. Funds will be used for pavement repairs at Division and Brooke Streets with the conclusion of the Division Street

Bridge Project. This is also the last phase of the infrastructure improvements needed for the Brooke Street Lofts redevelopment.

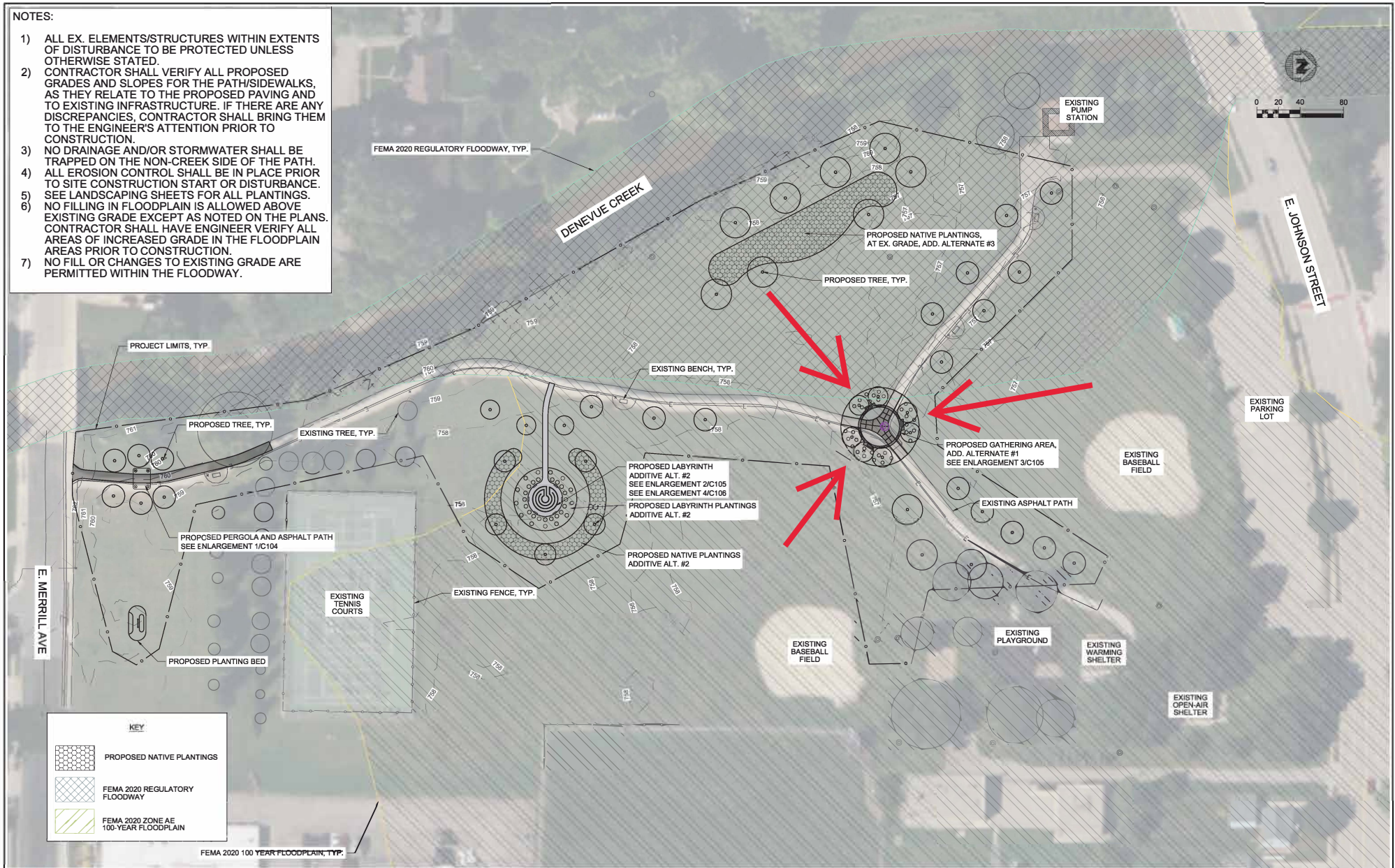
- Fairgrounds Pool Slide Replacement - \$57,000. Bids for the replacement of the waterslides and railings at the Fairgrounds Pool came in higher than budgeted. Using ARPA funds to supplement budgeted funds will allow us to replace all of the necessary equipment at once, rather than piece-meal repairs or shifting funds from other projects, causing delays in those projects.
 - McDermott Park Landscaping - \$70,000. Bids for all of the components of the McDermott Park landscaping plan were higher than the amount of ARPA funds allocated. Combining this \$70,000 with remaining funds from the McDermott Park Landscaping and Ice Rink projects will allow us to proceed with creating an additional component from the landscaping plan - the Gathering Space (see red arrows on the attached site plan).
- **Discretionary Projects** (one-time projects that are not time-sensitive, but will be completed within the spending deadlines. If not undertaken with ARPA funds, these projects would be included in future year Capital Improvement Plans):
 - Fiber Network Expansion (Public Safety) - \$128,000. Some of our fire stations utilize school district fiber without a redundant path back to the City network. We plan to add these fire stations to the City fiber infrastructure, ensuring seamless operations, redundancy, and support similar to our other facilities. Funding would also expand our fiber network to the Public Safety Training Center.
 - McKinley Park Playground Upgrade - \$100,000. We've invested funds in a number of Parks in the western part of the City that were in the Qualified Census Tract (QCT) or adjacent to it. McKinley Park is located in the eastern part of the City, and is located a few blocks north of our QCT. The current playground equipment was installed in 2002 and is in need of upgrade.
 - Catalytic Riverfront Project - \$90,000. Funds will be used to demolish the building purchased with the above funds and ready the site for future development (see blue arrow on attached Riverfront Plan map).
 - Catalytic Riverfront Project - \$175,000. As part of the Riverfront Plan, certain areas along the Fond du Lac River were identified for future public space development. These funds will be used to purchase a currently for-sale property (see blue arrow on attached Riverfront Plan map).

All of these projects fit within the intent of ARPA – to ensure that governments have the resources needed to maintain vital public services and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity. They also fit within our goal of using the funds for one-time project to avoid operational funding cliffs in the future.

Should you have any questions on the above projects, you can reach out to me, Dyann Benson, Paul Devries or Kathryn Duveneck.

NOTES:

- 1) ALL EX. ELEMENTS/STRUCTURES WITHIN EXTENTS OF DISTURBANCE TO BE PROTECTED UNLESS OTHERWISE STATED.
- 2) CONTRACTOR SHALL VERIFY ALL PROPOSED GRADES AND SLOPES FOR THE PATH/SIDEWALKS, AS THEY RELATE TO THE PROPOSED PAVING AND TO EXISTING INFRASTRUCTURE. IF THERE ARE ANY DISCREPANCIES, CONTRACTOR SHALL BRING THEM TO THE ENGINEER'S ATTENTION PRIOR TO CONSTRUCTION.
- 3) NO DRAINAGE AND/OR STORMWATER SHALL BE TRAPPED ON THE NON-CREEK SIDE OF THE PATH.
- 4) ALL EROSION CONTROL SHALL BE IN PLACE PRIOR TO SITE CONSTRUCTION START OR DISTURBANCE.
- 5) SEE LANDSCAPING SHEETS FOR ALL PLANTINGS.
- 6) NO FILLING IN FLOODPLAIN IS ALLOWED ABOVE EXISTING GRADE EXCEPT AS NOTED ON THE PLANS. CONTRACTOR SHALL HAVE ENGINEER VERIFY ALL AREAS OF INCREASED GRADE IN THE FLOODPLAIN AREAS PRIOR TO CONSTRUCTION.
- 7) NO FILL OR CHANGES TO EXISTING GRADE ARE PERMITTED WITHIN THE FLOODWAY.



PROJECT DATE:	DRAWN BY:	INCH:	DATE:	REVISION:	BY:
	DESIGNED BY:				
	CHECKED BY:				

PLOT DATE: 10/10/2023 2:04 PM, G:\01018780\01878083\CADD\Construction Documents\01878083 Site Plan.dwg



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MCDERMOTT PARK LANDSCAPING PROJECT
CITY OF FOND DU LAC
FOND DU LAC COUNTY, WISCONSIN

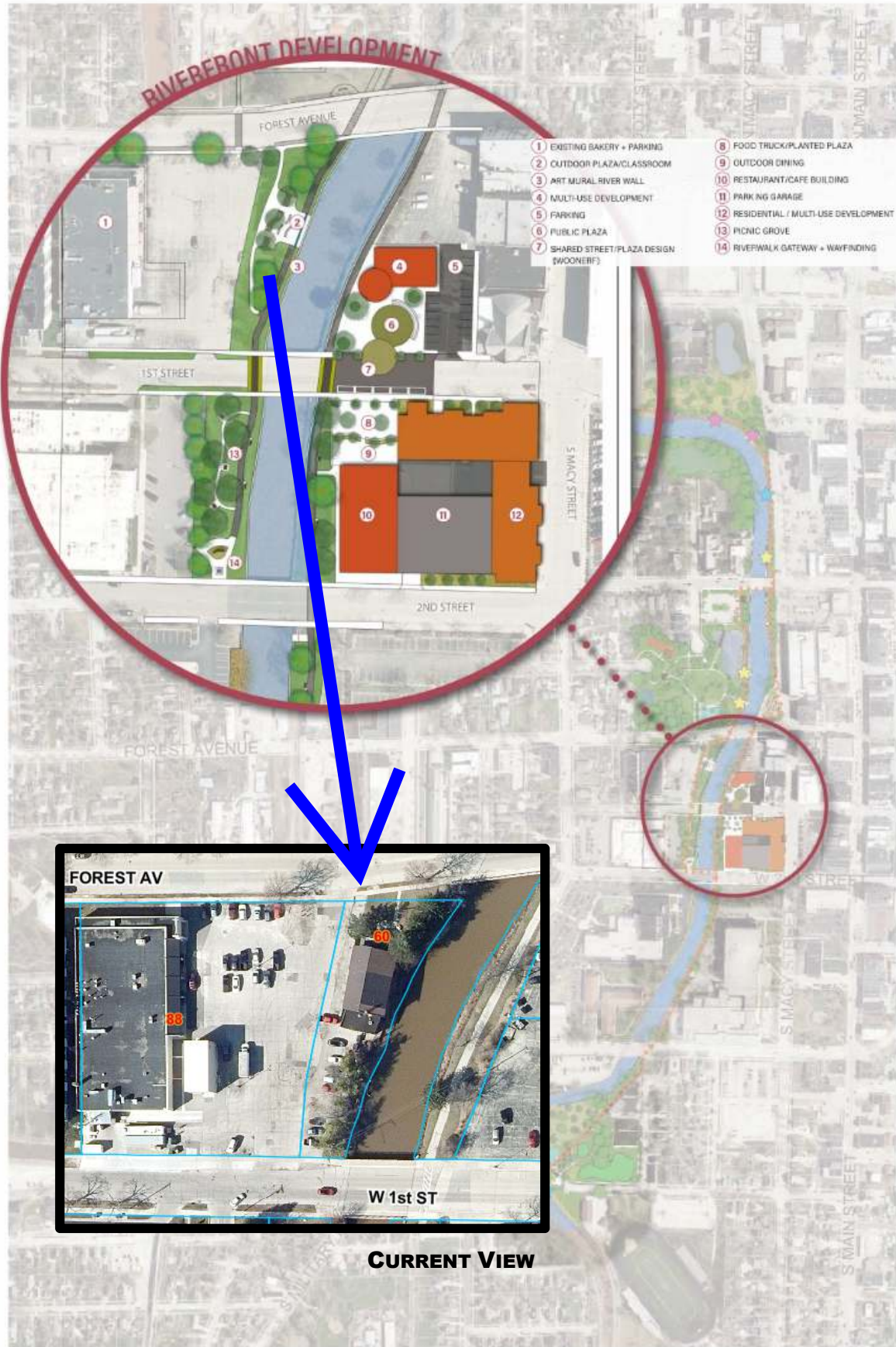
PROPOSED SITE PLAN

PROJECT NO.
01878083
SHEET
C102

Fond du Lac Downtown Riverfront Plan

Master Plan - Riverfront Development

City of Fond du Lac, WI
June 2023



City of Fond du Lac

APRA Project Plan

	2022	2023	2024	Changes
Revenues:				
Beginning ARPA Funds	\$ 13,792,153	\$ 11,941,724	\$ 3,164,527	\$ 375,000
Expenditures:				
General Government				
Emergency Response Plan Update***	\$ -	\$ 50,000	\$ -	\$ -
Communications Consultant*	30,000	-	-	-
Fairgrounds Stage - County Partnership	-	-	-	375,000
Total General Government	\$ 30,000	\$ 50,000	\$ -	\$ 375,000
Information Technology Services:				
Security Information Event Management*	\$ -	\$ 496,000	\$ -	\$ -
Fiber Network Expansion (Public Safety)	-	-	-	128,000
WiFi Infrastructure Upgrade/Expansion QCT***	-	-	300,000	-
Total Information Technology Services	\$ -	\$ 496,000	\$ 300,000	\$ 128,000
Community Development:				
Catalytic Downtown Historic Project**	\$ -	\$ 800,000	\$ -	\$ (800,000)
Catalytic Riverfront Project - Purchase	-	-	-	175,000
Catalytic Riverfront Project - Demo	-	-	-	90,000
Food Hall Business Incubator**	-	1,250,000	1,250,000	-
Historic Structure Preservation***	-	-	384,527	-
Total Community Development	\$ -	\$ 2,050,000	\$ 1,634,527	\$ (535,000)
Library:				
Carpet Replacement*	\$ -	\$ 25,000	\$ -	\$ -
Meeting Room Tables**	-	50,000	-	-
Self Check Machines**	-	200,000	-	-
Support Local History Preservation & Information by the Library and Fond du Lac County Historical Society***	-	-	125,000	-
Total Library	\$ -	\$ 275,000	\$ 125,000	\$ -
Police:				
Software (records management & public records)*	\$ 8,250	\$ 52,750	\$ -	\$ -
Employee Incentive*	74,707	-	-	-
Community Response Social Worker (County Program)***	-	10,000	-	-
Equipment Replacements (rifle plates, helmets & carriers)*	-	160,000	-	-
Taser Replacements*	-	240,000	-	-
Records Digitization*	-	81,000	-	-
Total Police	\$ 82,957	\$ 543,750	\$ -	\$ -
Fire:				
Vehicle Replacement*	\$ 7,910	\$ 67,090	\$ -	\$ -
Employee Incentive*	73,152	-	-	-
Equipment Upgrades*	13,186	10,041	-	-
Total Fire	\$ 94,248	\$ 77,131	\$ -	\$ -
Rescue:				
Video Laryngoscopes*	\$ -	\$ 10,000	\$ -	\$ -
Total Rescue	\$ -	\$ 10,000	\$ -	\$ -
Public Works-Streets:				
W Johnson St Intersection Improvements (assist Mall development)*	\$ 929,289	\$ 9,127	\$ -	\$ -
Utility Street Reconstruction in QCT*	-	1,270,345	230,000	-
Division/Brooke Pavement (Bridge)	-	-	-	180,000
Total Streets	\$ 929,289	\$ 1,279,472	\$ 230,000	\$ 180,000

City of Fond du Lac

APRA Project Plan

	2022	2023	2024	Changes
Public Works-Storm Water:				
Storm Water Flooding Study*	\$ -	\$ 100,000	\$ -	\$ -
Total Storm Water	\$ -	\$ 100,000	\$ -	\$ -
Public Works-Fleet:				
Fleet Maintenance Equipment Replacements*	\$ 6,600	\$ -	\$ -	\$ -
Total Fleet	\$ 6,600	\$ -	\$ -	\$ -
Public Works-Parks:				
Plamore Park Playground*	\$ 518,480	\$ 603,625	\$ -	\$ -
Hamilton Park Improvements*	-	605,000	-	-
Franklin Park Improvements*	188,855	61,145	-	-
Fairgrounds Pool Slide Replacement	-	-	-	57,000
McDermott Park Ice Rink**	-	200,000	-	-
McDermott Park Landscaping**	-	200,000	-	70,000
McDermott Park & Johnson St Pedestrian Safety*	-	26,074	-	-
McKinley Park Playground Upgrade	-	-	-	100,000
Total Parks	\$ 707,335	\$ 1,695,844	\$ -	\$ 227,000
Wastewater Treatment & Resource Recovery:				
Facility & Pump Station Security Upgrades**	\$ -	\$ 300,000	\$ -	\$ -
Private Inflow & Infiltration (I & I) Reduction*	-	250,000	250,000	-
Total WTRRF	\$ -	\$ 550,000	\$ 250,000	\$ -
Water Utility:				
Well/Pump Station Security Upgrades**		\$ 400,000	\$ -	\$ -
Distribution System Redundancy**	-	1,000,000	-	-
Replace Private Lead Services*	-	250,000	250,000	-
Total Water Utility	\$ -	\$ 1,650,000	\$ 250,000	\$ -
TOTAL ARPA PROJECTS	\$ 1,850,429	\$ 8,777,197	\$ 2,789,527	\$ 375,000
Balance of ARPA Funds Available	\$ 11,941,724	\$ 3,164,527	\$ 375,000	\$ (0)

Project Status Key:

* = Committed Status - project meets 12/31/24 deadline. Committed means purchase order issued or contract awarded.

** = Development Status - project has been scoped, and quotes being gathered or bid specs being developed. Projected to be in committed status by 12/31/23.

*** = Pre-Development Status - project will be scoped, quotes/bids awarded and in committed status by 12/31/24.

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

Title: Discussion On Amending Chapter 500-4 Loudspeakers And
Amplifying Systems

Subject: Presented By: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

3787_Ordinance_Amending_Sec._500-4_Loudspeakers.3.18.24.pdf

ORDINANCE NO. 3787

AN ORDINANCE AMENDING CHAPTER 500-4 LOUDSPEAKERS AND AMPLIFYING SYSTEMS OF THE CODE OF THE CITY OF FOND DU LAC

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

Section 1. That Chapter 500, Peace and Good Order; Section 4, Loudspeakers and amplifying systems., is hereby amended by adding this additional section (7) below:

§ 500-4 Loudspeakers and amplifying systems.

B. Permit application. Application for permit shall be filed with the City Clerk. The Clerk will approve the issuance of the permit, subject to the provisions of this section and particularly the following restrictions:

(7) Within the county fairgrounds which is bounded generally by Ninth Street, Martin Road, Fond du Lac Avenue and south City limits; loudspeakers operated at one location shall not be operated on Sundays and holidays after 7:00 p.m., subject to the exception for the Fond du Lac County Fair, pursuant to Section 500-4(C)(3) of the Fond du Lac Code.

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:

Keith Heisler, Vice President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 