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

September 8, 2021
6:00 PM

1. CALL TO ORDER

a. Roll Call

b. Declaration a Quorum Is Present

c. Pledge of Allegiance

d. Silent Reflection

2. PUBLIC HEARINGS

3. CONSENT AGENDA

a. August 25, 2021 Council Minutes

b. List Of Claims Dated September 1, 2021

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

a. Virtual Instructions

To Participate In The Public Comments:

Dial in Using Your Phone.
(Toll Free) 1-877-568-4106
United States: 1-571-317-3129

Enter Access Code: 250-554-733#

Introduce Yourself To The Moderator If You Wish To Register To Speak During The Public Comment Portion Of The Agenda.

Public Participation Sign-Up Sheets and Written Public Comment for Non-Attendance Public Participation Forms can be found https://www.fdl.wi.gov/city-council/

5. ACTION ITEMS

a. Denial Of Claim

Claimant: Amber Schultz
Introduction: City Attorney

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

Limited Liability Company: Casa del Tequila Bar & Grill, LLC
Agent Name: Pedro Silva
Agent Address: 871 S Main Street, Trlr 178, Fond du Lac
d/b/a: Casa del Tequila Bar & Grill
Location of Premise: 525 N Peters Ave STE 100

Introduction: City Clerk

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

Limited Liability Company: JSK Investments III, LLC
Agent Name: Jeffrey Korneli
Agent Address: 923 Country Club Ln, Fond du Lac
d/b/a: Spectrum Roller Rink
Location of Premise: 605 Fond du Lac Ave
Introduction: City Clerk

6. PRESENTATION OF INPUT ITEMS

a. Federal Procurement Policy

Presented By: Deputy Procurement Officer, Josh Musack

b. Outlying Sewer Group Agreement

Presented By: Public Works Director

7. ADJOURN

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: August 25, 2021 Council Minutes

Subject: August 25, 2021 Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2021_8_25_Meeting(819).pdf

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

August 25, 2021
6:00 PM

CALL TO ORDER

Roll Call

Present
Arletta Allen
Tiffany Brault
Ben Giles, virtual
Keith Heisler
Kay Miller
Patrick Mullen

Absent
Donna Richards, excused

Administrative Staff
Joseph Moore, City Manager
Dyann Benson, Dir of Comm Dev
Tracy Salter, Dir of Admin
Tricia Davi, Dpty Comptroller/Treasurer
Deb Hoffmann, City Attorney
Jon Mark Bolthouse, Library Director, virtual
Aaron Goldstein, Interim Chief of Police
Peter O'Leary, Fire Chief

Declaration a Quorum Is Present

President Miller declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

CONSENT AGENDA

August 11, 2021 Regular Council Minutes

List Of Claims Dated August 18, 2021

A Motion was made by Keith Heisler to approve the consent agenda and seconded by Patrick Mullen, and the motion was **Passed.**
Ayes: Allen, Brault, Giles, Heisler, Miller, Mullen

Absent: Richards

AUDIENCE COMMENTS (Agenda and Non-agenda items)

Spoke in support of Resolution No. 8950 Making an Appointment to the Downtown Architectural Review Board:
Resident:
Rosanne Kowal, 110 E Cotton St., Fond du Lac

ACTION ITEMS

Resolution No. 8950

A Motion was made by Patrick Mullen to approve Resolution No. 8950 making an appointment to the Downtown Architectural Review Board and seconded by Arletta Allen, and the motion was **Passed.**
Ayes: Allen, Brault, Giles, Heisler, Miller, Mullen

Absent: Richards

PRESENTATION OF INPUT ITEMS

Presentation Of Comprehensive Annual Financial Report

Presentation of Comprehensive Annual Financial Report was presented by Bryan Gruenwald, Principal, CliftonLarsonAllen LLP

2022 Library Budget Presentation

2022 Library Budget was presented by Jon Mark Bolthouse, Library Director.

2022 Proposed Budget Introduction

2022 Proposed Budget was presented by Joe Moore, City Manager and Tracy Salter, Director of Administration.

ADJOURN

A Motion was made by Arletta Allen to adjourn at 7:52 p.m. and seconded by Patrick Mullen, and the motion was **Passed.**
Ayes: Allen, Brault, Giles, Heisler, Miller, Mullen

Absent: Richards

Margaret Hefter
City Clerk

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: List Of Claims Dated September 1, 2021

Subject: List Of Claims Dated September 1, 2021

Initiator:

Recommendation:

ATTACHMENTS:

File Name

List_of_Claims_Memo_09-01-21.pdf

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: September 1, 2021

To: City Council

From: Tracy Salter, Director of Administration

Re: List of Claims

The list of claims for goods and services for the payment periods August 14, 2021 through August 27, 2021 for all funds total $6,834,790.11. Wisconsin statute 66.0609 (2) requires the comptroller to file, at least monthly with the City Council, a list of approved claims paid.

This list of claims includes the full 2020 1st Dollar Credits and School Levy Tax Credits totaling $5,340,806.61, paid to the Fond du Lac County Treasurer per Wisconsin statute 79.10(7m)(cm)1,a and City Ordinance 3653.

Suggested Motion: Receive and File

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Virtual Instructions

Subject: To Participate In The Public Comments:

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(Toll Free) 1-877-568-4106
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Initiator:

Recommendation:

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Denial Of Claim

Subject: Claimant: Amber Schultz
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

MCouncil_Denial_of_Claim_Schultz.pdf

Municipal_Immunity_article.pdf

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: September 1, 2021

To: City Council

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

Re: Denial of Claims
Claimant: Amber Schultz
Date of Incident: August 7, 2021

The Claimant has filed a claim with the City of Fond du Lac regarding a fallen tree limb that fell on her vehicle on August 7, 2021. Claimant is alleging that the City is at fault. The City's Insurance Adjuster has investigated this matter and is recommending denial of claim because the City had no previous notice or prior knowledge that the limb was about to fall or was diseased or damaged.

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.

Municipal and Recreational Immunities

Or

The Claimants Didn't Do Anything Wrong Why Did Our Insurance Deny Their Claim?

A Brief Explanation of the Immunity Granted to Municipalities by the Wisconsin Legislature and Courts

I. <u>Consider the Following Claims Submitted by Visitors, Residents or Businesses:</u>

A. Sewer back up in main resulting in nine inches of sewage in a residence

B. Keel of a 24' sailboat ripped off at boat landing

C. Water utility valve fails, flooding a basement

D. Branch from tree falls during wind resulting in damage

E. Weeds obscure other vehicles and auto accident occurs

F. Elderly lady slips on icy sidewalk breaking hip

G. Baseball player breaks ankle stepping in an outfield hole

In each case, the claimant did not do anything wrong. However, after investigating each claim, a municipal insurance carrier recommended that the municipal council or board deny the claim because a Municipality faced with one of these situations **<u>may</u>** have immunity which will absolve it from responsibilities for damage.

Let's take a look at each example.

II. First – a few definitions:

A. Recreational Immunity

1. Municipalities have broad immunity for liability to a person engaged in a recreational activity on municipal property.

2. Wisconsin Statutes Section 895.52 provides that a Municipality or its officials or employees **do not** owe to any person who enters the Municipality's property to engage in a recreational activity 1) a duty to keep the property safe for recreational activities; 2) a duty to inspect the property; or 3) a duty to give warning of an unsafe condition, use or activity on the property.

3. **However, a Municipality may face liability during recreational activities when** (a) an accident occurs on Municipal property where the Municipality charges an admission fee; or (b) an accident is caused by a malicious act or by a malicious failure to warn against a known unsafe condition; or (c) an accident occurs during organized team sport activities sponsored by the Municipality.

B. Discretionary Immunity

1. A Municipality is granted immunity when its officials or employees exercise discretion in carrying out governmental activities or functions. In other words, a discretionary act is one that involves judgment when applying the facts. This type of immunity is also called Municipal Immunity.

2. Wisconsin Statutes Section 893.80(4) provides that no suit may be brought against a Municipality or its officials or employees for acts done in the exercise of legislative, quasi-legislative, judicial or quasi-judicial functions.

C. Ministerial Duty

1. **However, Municipalities may not be granted immunity for negligence or nonperformance of ministerial duties.**

2. A ministerial duty is imposed on a Municipality where the acts required of its officials or employees are absolute, certain and imperative, involving merely the performance of a specific task when the law imposes, prescribes and defines the time, mode and occasion for the task's performance with such certainty that nothing remains for judgment or discretion.

3. Such defined tasks can include policies adopted by a Municipality or otherwise imposed on Municipal employees that do not allow for discretion in carrying out the defined task. *Pries v. McMillon*, 2010 WI 63, 326 Wis.2d 37, 784 N.W.2d 648

4. Ministerial duties can also be imposed by laws, ordinances, statutes, or administrative codes. For example, a ministerial duty could arise when a Municipality was required by code to place a water main at a specific minimum depth. *DeFever v. City of Waukesha*, 2007 WI App 266, 306 Wis. 2d 766, 774, 743 N.W.2d 848.

III. <u>Now – let's look at each claim</u>:

A. Sewer back-up in main resulting in nine inches of sewage in a residence

1. Decisions regarding the adoption, design and implementation of a sewer system are discretionary or legislative acts subject to immunity under Wisconsin Statute Section 893.80(4). *MMSD v. City of Milwaukee*, 2005 WI 8, ¶ 60, 277 Wis. 2d 635, 691 N.W.2d 658.

2. However, where a homeowner's basement flooded with sewage in back-to-back months from the city sewer system, **<u>the court held that while the decision to install and provide a sewer system in a community is a discretionary decision, there may be no discretion as to maintaining the system so as not to cause injury to residents</u>**. *Menick v. City of Menasha*, 200 Wis. 2d 737, 547 N.W.2d 778 (Ct. App. 1996).

3. If the Municipality **<u>does not</u>** have notice about leaks or potential problems in the sewer system, it may be granted immunity from liability for injuries or damages. The key to the Municipality's defense would be to show regular and systematic procedures to inspect and clean the system. *See, e.g., Freitag v. Montello*, 36 Wis. 2d 409, 153 N.W.2d 505 (1967); and *Sambs v. City of Brookfield*, 66 Wis. 2d 296, 224 N.W.2d 582 (1975).

B. Keel of a 24' sailboat ripped off at boat landing

1. Because Wisconsin recreational immunity encourages a Municipality to provide services and construct facilities for recreational use, the Municipality will generally be immune from liability for injuries or damages occurring on land or facilities meant for recreational use. *Crowbridge v. Village of Egg Harbor*, 179 Wis. 2d 565, 508 N.W.2d 15 (Ct. App. 1993).

2. Further, a Municipality can be granted immunity from liability for not only injuries or damage due to the facility itself, but for any injuries or damage sustained during a person's use of the facility. *Johnson v. City of Darlington*, 160 Wis. 2d 418, 466 N.W.2d 233 (Ct. App. 1991).

3. A Municipality can be granted immunity from damages to a sailboat if the sailboat's keel was damaged at the Municipality's boat landing, or if a sailboat was damaged in a storm because it was not allowed prompt access to dock due to the small size of a Municipality's marina.

C. Water Utility valve fails, flooding a basement

1. A Municipality is immune regarding decisions to adopt, design, and implement a public works (water) system because these activities involve governmental decisions and are thus discretionary. *MMSD v. City of Milwaukee*, 2005 WI 8, 277 Wis. 2d 635, 691 N.W. 2d 658.

2. In *DeFever v. City of Waukesha*, 306 Wis. 2d 766, 743 N.W.2d 848 (Ct. App. 2007), the court found that the Municipality was required to place the water main at a specified depth under law (thus constituting a ministerial duty) but there was no additional requirement regarding post-installation inspections or modifications.

3. If the Municipality not did know that conditions existed in the system and that such circumstances required a specific response, the Municipality may be granted immunity from liability for damages that occur.

D. Branch from tree falls during wind resulting in damage

1. A Municipality will not face liability unless there is a "known danger" that is compelling enough to warrant specific, non-discretionary action by a Municipality, thereby imposing a ministerial duty. *Lodl v. Progressive Northern Insurance* Co., 2002 WI 71, 253 Wis. 2d 323, 646 N.W.2d 314.

2. In *Domino v. Walworth County*, 118 Wis. 2d 488, 347 N.W.2d 917 (Ct. App. 1984), a motorcyclist was injured when her motorcycle struck a tree which had fallen across a road. The dispatcher was notified of the downed tree and assigned a squad to the scene. However, the dispatcher soon after reassigned the squad to another accident scene. Though her decision to divert the squad was discretionary, the dispatcher's conduct was not enough to qualify for discretionary immunity under 893.80(4) because her awareness of the downed tree resulted in a duty so clear and absolute that it falls within the concept of a ministerial duty.

3. Unless a Municipality had notice that there was a real danger that branches could damage property, a Municipality can be granted immunity from liability for damages to property resulting from fallen branches.

E. Weeds obscure other vehicle and auto accident occurs

1. A Municipality is not required to cut roadside vegetation and when it decides to do so anyway, it is immune from claims that result from obstructed vision. *Estate of Wagoner v. City of Milwaukee*, 2001 WI App 292, 249 Wis. 2d 306, 638 N.W.2d 382, rev. denied.

2. So long as there is no known danger or specific duty on the Municipality to cut the weeds or grass, the Municipality can be granted immunity from liability for injuries resulting from its decision to cut.

3. A specific duty existed, however, in *Physicians Plus Ins. Corp. v. Midwest Mut. Ins. Co.*, 2002 WI App 80, 254 Wis. 2d 77, 646 N.W.2d 777, where a man was injured when his motorcycle was struck by a vehicle driven through an intersection by a woman who claimed the stop sign was obstructed from her view by branches of a tree. Because the Municipality placed the stop sign at the intersection, it has responsibility to maintain the sign's visibility for motorists.

F. Elderly lady slips on icy sidewalk breaking hip

1. Under Wisconsin Statutes Section 893.83(1), municipalities have immunity for injuries due to the natural accumulation of ice or snow present less than three weeks. *Wagner v. WMMIC*, 230 Wis.2d 633, 601 N.W.2d 856 (App.1999) rev. denied.

2. Such immunity extends from streets and sidewalks (*Wagner*) to municipal parking lots. *Ellerman v. Manitowoc*, 2003 WI App 216, 267 Wis.2d 480, 671 N.W.2d 366

3. Even if a Municipality is not granted immunity from all potential liability for injuries from a person falling on a sidewalk, the person still has to show in court that the Municipality was negligent in its duty to maintain the sidewalk and that the person's injuries were due to the Municipality's negligence.

G. Baseball player breaks ankle stepping in an outfield hole

1. A Municipality has been granted immunity if an injury occurs during a recreational activity that is related to the use, condition or maintenance of the Municipality's property and if the Municipality did not sponsor such activity.

2. Recreational immunity applied in *Kautz v. Ozaukee County Agricultural Society*, 2004 WI App 203, 276 Wis. 2d 833, 688 N.W.2d 771, where a young girl was infected with E. coli from animal waste on playground equipment during a county fair.

3. If a baseball or softball player sprains an ankle running through the outfield of a municipal field, the Municipality may be granted immunity.

IV. <u>Why is a Municipality granted immunity</u>

1. Immunity is granted because the Municipality is performing services or providing facilities for the benefit of the public. Without immunity for discretionary conduct or recreational activity, local government would be significantly burdened with the time and costs of litigation and judgments that may follow.

2. Subjecting Municipal employees and officials to liability for injuries or damages stemming from the performance of their jobs may discourage individuals from serving the public. Where Municipalities and their employees and officials are granted immunity, local governments are able to better function in providing essential services and facilities to the public.

3. Even when there is no immunity, a claimant still must prove that the acts of a Municipality's officials or employees were negligent and caused the claimant's damages. In many claims where there have been injuries or damages there is no proven casual connection to the municipality.

For any questions, please contact:

League of Wisconsin Municipalities Mutual Insurance (LWMMI)
Dennis Tweedale, CEO
608-833-9595
dennis@lwmmi.org

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

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

Subject: Limited Liability Company: Casa del Tequila Bar & Grill, LLC
Agent Name: Pedro Silva
Agent Address: 871 S Main Street, Trlr 178, Fond du Lac
d/b/a: Casa del Tequila Bar & Grill
Location of Premise: 525 N Peters Ave STE 100
Introduction: City Clerk

Initiator:

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

ATTACHMENTS:

File Name

Memo_and_Application_Redactedcasa.pdf

ALC_Excerpt_8-30-21_Casa_del_Tequila.pdf

Fond du Lac Police Department
MEMO

To: City Manager Joe Moore

From: AC Klein

RE: Class B Intoxicating Liquor and Fermented Malt Beverage Casa Del Tequila Bar and Grill, 525 N. Peters Avenue

Date: 08-19-21

On August 19, 2021, Assistant Chief Klein and Division Chief of Fire Prevention Garth Schumacher met with the applicants, Pedro and Natasha Silva to discuss thier application for a Class B combination license for Casa del Tequila located at 525 N Peters Ave.

The applicants are in the process of purchasing the restaurant operations from the current owner. The applicants advised that this will be a turn-key sale and that they plan on some minor cosmetic changes to the interior of the business, such as adding additional booths. They will also be licensing the outdoor patio area which will allow for outside customer dining and beverage service. Mr. Silva has almost 17-years in the restaurant business and was previously the chef at Casa del Tequila and Ms. Silva has over 5-years in the restaurant business.

The planned hours of operation for the business are Monday thru Thursday 11am to 9pm, Friday and Saturday from 11am to 11pm and Sunday 8am to 8pm.

Assistant Chief Klein discussed with the applicants the City's expectations of being a license holder and the importance of being a "good neighbor."

Background checks conducted on the applicants, both in-house and NCIC/CIB, indicate no criminal history that would preclude them from obtaining the requested license. The Police Department has no objections to the approval of the proposed license request.

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: ~~07/01/2021~~ 9-9-2021 *(mm dd yyyy)* ending: 06/30/2022 *(mm dd yyyy)*

To the Governing Body of the: ☐ Town of ☐ Village of ☑ City of } Fond du Lac

County of Fond du Lac

Aldermanic Dist. No._____ (if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company ☐ Partnership ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number: 456-1030782514-04

FEIN Number: 87-1604146

TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	$
☒ Class B beer	$ 91.00
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☒ Class B liquor	$ 458.00
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$ 55.00
TOTAL FEE	$ 604.00

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name): ~~Silva Natasha~~, Casa Del Tequila Bar & grill, LLC

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

President / Member Last Name: Silva	(First): Natasha	(Middle Name):	Home Address (Street, City or Post Office, & Zip Code): 871 S. Main St TR178 Fond du lac WI 54935
Vice President / Member Last Name: Castillo Alfaro	(First): Thalia	(Middle Name): Gisela	Home Address (Street, City or Post Office, & Zip Code): 550 Van Dyne Rd TR 45 Fond du lac WI 54935
Secretary / Member Last Name:	(First):	(Middle Name):	Home Address (Street, City or Post Office, & Zip Code):
Treasurer / Member Last Name:	(First):	(Middle Name):	Home Address (Street, City or Post Office, & Zip Code):
Agent Last Name: Silva	(First): Pedro	(Middle Name):	Home Address (Street, City or Post Office, & Zip Code): 871 S main St TR 178 FDL 54935
Directors / Managers Last Name:	(First):	(Middle Name):	Home Address (Street, City or Post Office, & Zip Code):

1. Trade Name: Casa Del Tequila Bar & Grill Business Phone Number: (920) 933-3797
2. Address of Premises: 525 N. Peters Ave STE 100 Post Office & Zip Code: Fond du Lac WI, 54935
3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

   Stand alone resturant with ability to lock up.
   outdoor patio

4. Legal description (omit if street address is given above): _____
5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No

   (b) If yes, under what name was license issued? Angelica Quintana

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** ..... ☑ Yes ☐ No

One Partner will be licesend with the course.

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ..... ☐ Yes ☒ No
If yes, explain.

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** ..... ☐ Yes ☒ No

9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 7/9/2021 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ..... ☐ Yes ☒ No

(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
If yes, explain.

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ..... ☒ Yes ☐ No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ..... ☒ Yes ☐ No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ..... ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.)	Title/Member	Date
Silva Natasha	Owner	7/22/21
Signature: Natasha Silva	Phone Number: [redacted]	

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
7-27-21	9/8/2021		
Date license granted	**Date license issued**	**License number issued**	
		C-0388 C-0289	

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Casa Del Tequila Bar & grill
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Casa Del Tequila Bar & Grill
(trade name)

located at 525 N Peters Ave, Ste 100, Fond du Lac WI 54935

appoints Pedro Silva
(name of appointed agent)

871 S. Main St TR/R 178 Fond du lac WI 54935
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 17 years

Place of residence last year Wisconsin

For: Casa del Tequila Bar & Grill
(name of corporation/organization/limited liability company)

By: Pedro Silva, Natasha Silva
(signature of Officer/Member/Manager)

And: Pedro Silva
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Pedro Silva, hereby accept this appointment as agent for the
(print/type agent's name)

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

Pedro Silva 7/22/21
(signature of agent) (date)

871 S. Main St TR/R 178 Fond du lac WI 54935
(home address of agent)

[redacted]

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

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

Approved on 08/19/21 (date) by Steven P Klem (signature of proper local official) Title ASST. POLICE CHIEF (town chair, village president, police chief)

360 TRAINING™ LEARN 2 SERVE™

CERTIFICATE OF COMPLETION

This certifies that

pedro Silva

is awarded this certificate for

Wisconsin Responsible Beverage Server Training

Completion Date	Expiration Date	Certificate #
07/28/2021	07/28/2023	WI-00594588

Official Signature

This certificate is non-transfereable and represents the successful completion of an approved Wisconsin Department of Revenue Responsible Beverage Server Course in compliance with secs. 125.04(5)(a)5., 125.17(6), and 134.66(2m), Wis. Stats.

6801 N Capital of Texas Hwy, Bldg 1, Suite 250 | Austin, TX 78731 | 877.881.2235 | www.360training.com

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*		
Silva	Pedro			
Home Address *(street/route)*	Post Office	City	State	Zip Code
871 S. Main st		Fond du lac	WI	54935
[redacted]				

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

☐ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ Agent/Manager of Casa Del Tequila Bar & Grill
(Officer/Director/Member/Manager/Agent) *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? 17 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. ***(If more room is needed, continue on reverse side of this form.)***
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ..... ☐ Yes ☒ No
   If yes, identify.
   (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ..... ☐ Yes ☒ No
   If yes, identify.
   (Name of Wholesale Licensee or Permittee) *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Casa del Tequila	525 N peters ave Fdl wi 54935	2012	2020
Employer's Name	Employer's Address	Employed From	To

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

Subscribed and sworn to before me

this 22 day of July, 2021

(Clerk/Notary Public)

My commission expires

Pedro Silva
(Signature of Named Individual)

Printed on Recycled Paper

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*
Castillo Alfaro	Thalia	Gisela

Home Address *(street/route)*	Post Office	City	State	Zip Code
550 Van Dyne Rd lot #45		Fond du lac	WI	54935

[redacted]

☐ Applying for an alcohol beverage license as an **individual**.

☒ A member of a **partnership** which is making application for an alcohol beverage license,

☐ Member of Casa Del Tequila Bar & Grill
(Officer/Director/Member/Manager/Agent) *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

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

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

Employer's Name	Employer's Address	Employed From	To
N/A			
Employer's Name	Employer's Address	Employed From	To
N/A			

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

Subscribed and sworn to before me

this 27 day of July, 2021

(Clerk/Notary Public) *(Signature of Named Individual)*

My commission expires _____

Printed on Recycled Paper

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*
Silva	Natasha	

Home Address *(street/route)*	Post Office	City	State	Zip Code
871 S. Main St TR1 R178		Fond du lac	WI	54935

[redacted]

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

☐ Applying for an alcohol beverage license as an **individual.**

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ Member *(Officer/Director/Member/Manager/Agent)* of Casa del Tequila Bar & Grill *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? 27 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ..... ☐ Yes ☒ No
   If yes, identify. *(Name, Location and Type of License/Permit)*
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?..... ☐ Yes ☒ No
   If yes, identify. *(Name of Wholesale Licensee or Permittee)* *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Alliance Laundry System	221 Shepherd St Ripon, WI	3/15/2020	12/1/2020
Employer's Name	Employer's Address	Employed From	To
Quad graphics	N11896 WI-175, Lomira WI 54935	06/23/2019	03/12/2020

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

Subscribed and sworn to before me

this 27 day of July, 2021

(Clerk/Notary Public)

My commission expires

(Signature of Named Individual)

Printed on Recycled Paper

Casa del Tequila

Bar and grill

MENU

525 N peters Ave UNIT 4 Fond du lac wi,54937

(920)933-3797

Casa del tequila

Bar and grill

PREPARED BY:

Pedro Silva-Bautista

871 S Main St., Fond du Lac, WI 54935

July 17, 2021

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11. Products and Services Strategy

12. Initial Inventory Food and Related Products for Kitchen

1. Business Profile

With an infusion of (Gastronomia Oaxaquena) and Chicano culture **Casa del tequila Bar&Grill** restaurant purpose is to have a strong and delicious menu. From a variety of the house signature hot stone plates,

skillets, specialty pizza, parrilladas, appetizers and traditional cooking. With a full bar serving imported, domestic and tap beer. Also having tortas, burritos, antojitos, tlayudas, the perfect combination for new dishes in the Fond du Lac area that will make us popular.

A revolutionary concept and following the line. **Casa del tequila bar&grill** is going to be accessible through apps and an online menu so that everybody can have access to our menu, dine-in or at your door. Our delivery system with Doordash,eatstreet,will provide a fast and efficient delivery.

Casa del tequila is located in a perfect location between North fdl and Fond du Lac. Our concept will be fast food, deliveries, take-out, catering and dine-in, with quality products. Our plan will be to take the market of the consumers' necessity. Making catering contracts with weddings, car dealers, farms, quinceañeras, personal parties etc.

Casa del tequila will be the restaurant that the residents of Fond du Lac have been waiting for. It will be the place where customers will love to bring their families and friends.

With 15 years of experience in the restaurant business Pedro Silva Bautista, owner of **Casa del tequila** knows what it will take to give the restaurant the competitive edge that it needs to succeed. When our customers walk into the restaurant they will have a comfortable atmosphere of being in a beautiful Mexican restaurant, and that will be very truly memorable

Casa del tequila is located on 525 N peters ave UNIT 4 Fond du Lac WI, 54937. Our goal is to be the number one restaurant and providing the best entertainment, bar, food, service and friendly atmosphere. We will strive to be very competitive with pricing and superior in quality of food and service. We will also pursue the best flavors, the best service, and the best prices, and have our customers witness our passion for our food and culture.

2. Estimate of Startup Expenses

Remodeling Cost:

- Signs and logos $3,000

Initial Inventory:

- Food $7,000
- Beverage $7,000
- Uniforms $1,000
- Creation of Web Site $2,000

Initial Working Capital:

- Initial Cash on Hand $2,000
- First Month of Rent $5,250.00

3. Communication:

Nowadays the technology has advanced therefore we would use tablets for door dash, eat street, uber eats, We will use our own POS printer, one with yellow paper for delivery and take out and another with white paper for dine-in. That way the kitchen will know which one is for each order and how fast each order has to come out.

We will have GPS in the cars for delivery. We will save the customers phone numbers to send them coupon and reward points that way we can keep the customers updated with our specials.

Communication Technology:

$1,343-$2,680 Square Stand Restaurant Station with Square Terminal. We will need two systems one for dine-in another for delivery. This equipment will give us the fast capacity we need, and our phone system will be Vtech.

Vtech – DS6771-3 DECT 6.0 Expandable Cordless Phone System with Digital Answering System – Black; Silver

Telephone Line: $19.99
Internet: $49.99
Wi-fi: $6.99
Installation Fees: $99.99
$76.97 Per/Month

Printer: $50.00
Laptop HP: $400

Professional Service Providers and Outside Advisors:

Attorney:

Kelsi Kottle
608 North 6th street,
Sheboygan Wisconsin, 53081
(920) 287-0472

Banker:

Marine Credit Union
80 West Rees St, Fond du lac, WI 54935
(920) 923-7280

Horicon bank
854 E Johnson St,fond du lac Wi 54935
(920)921-3070

Mentor:

Luis Reynoso
Hispanic Business Assistance Coordinator
1191 N. Casaloma Drive | Appleton, Wisconsin | 54913
Phone: (920)944-2706 ext.107

Brendan Stormo
Commercial building search
(920)624-2273

Edgar Ramirez-Tellez
Ex-Owner of Casa del Tequila Fond du Lac WI, 54937
(414) 573-5717

Tuesday Polo-Klapperich
Former Manager/ Panera Bread

Gerardo Silva
Executive Chef of Casa del Tequila with 17 Years of Experience.

Tax Service and accounting:

Lesley Tax Service Inc.
Tax Preparation, Translations, Notary Public 1427 N 8th St
Sheboygan WI, 53081

4. The Vision and the People

Casa del tequila will be the only restaurant that has authentic Mexican signature dishes and a new style of making homemade Mexican pizzas, something very different that most people are not used to eating. We have a new way of cooking that will make people think that certain dishes will be perfectly made.

Our menu has a variety of different choices to choose from, burritos, tortas, pizzas, tacos, wings, tlayudas but made with such passion and difference that you see nowhere else in our city.

We are going to be very committed to making our service top notch by hiring waitresses, waiters, delivery drivers and managers that have experience in front and back of the house to have everything on point making sure everything comes out as smoothly as possible. Our kitchen will have an extremely strong team which is very important when it comes to taking over a restaurant which most restaurants lack.

When it comes to cook preparers, cooks, chefs we have personnel that cook from the heart and have years of experience in cooking, years of experience in restaurants. Our vision is to be the number one Mexican restaurant in Fond du Lac and our surroundings. Our first year is very important to us because we will be seen as the restaurant in Fond du Lac and have all eyes on us. That is why we want to be known as the restaurant that has a lot of potential and be able to provide jobs to the community.

Mexican restaurants are known to be great places to go out to eat. People expect to have a great time, and a successful restaurant is a place where you and your family or friends can relax and have fun. People are still going out to eat regardless of the economy.

The restaurant industry is still growing in the Fond du Lac area, and a lot of franchises are opening doors. However, one thing that is unique about residents of the City of Fond du Lac is the fact that they love their local restaurants.

5. Organization:

The management team of **Casa del tequila** will be led by the owner Pedro and Gerardo silva who has worked in the restaurant industry for 16 years. Pedro Silva started as a dishwasher and worked his way up to management positions. He also has hands-on experience in different types of restaurants like, family steak house, Tex-Mex, Chinese buffet, Italian, Mexican.

In 2012 I had the honor to participate in the grand opening of Casa Del Tequila with my mentor Edgar Ramirez. I was the leader and manager of the kitchen in Casa de tequila for 9 years. From the experience of becoming a manager and leader in the kitchen I knew I had what it takes to open my own restaurant. From knowing how to do food cost, managing an excellent kitchen crew, managing how to control employee/customer problems both in the kitchen and in front of the house. I knew then it was my time to take over this restaurant.

Over the years Pedro has developed an in-depth understanding of Mexican foods, and flavors, and is very familiar with the country's culinary traditions. He will use that knowledge to ensure that **Casa del tequila** provides an authentic Mexican experience. In addition, customer service has been a large part of Pedro's prior employment and will use that knowledge to deal with customers and employees. That customer service focus along with his restaurant management skills and outgoing personality will give **Casa del tequila** the competitive edge it needs to succeed.

Casa del tequila management includes Pedro Silva operator. Head chef Gerardo Silva Bautista with 17 years in Mexican cuisine, with his skill he will be in charge to train our kitchen staff. Ana-Maria Bautista has 30 years of experience in restaurants. Working in 4-star restaurants/bars in

Tuxtepec Oaxaca, Mexico. She will be the one to provide the authentic flavor that will make us unique. Placido Jose will be in charge of inventory, preparation of the food, and dishwasher. Natasha Silva will be in charge of the administration, bills, invoice, permits and licenses. She will lead the propaganda and websites. Cintia Rico head waitress, Ana Murrillo head bartender. With a strong team we will provide excellent service.

2 Cooks: $10-20 Depending on Experience
1 Dishwasher: &8-12 Per Hour
5 Full Time Servers: $3 Per Hour + Tips
4 Part-Time servers $3 per hour + Tips
1 Bussers $8 per hour
1 Hostess $8
1 Expo $12
1 bar tender $15 per hour

Personnel will be recruited and hired locally using web site newspaper advertisements. The new staff will go through a rigorous interview process. Personnel with previous experience will be preferred, and employees will need to have a good sense of humor, love people and have a passion for our industry.

Finally, to operate a successful restaurant, **Casa del tequila** and or its employees will have to secure the following licenses and permits: food establishment license, alcohol beverage license, safe food handler certification, and Wisconsin seller/servers' certification.

6. Insurance

Commercial Auto Insurance:
Protect your business's vehicles. Its vital business insurance coverage as most personal auto policies will not cover vehicles that are being for a business.

General Liability Insurance:
Helps cover third party damages your business may be responsible for. This includes property damage and bodily injury.

Workers' Compensation:
Protects your employees should they get ill or injured while working. It is required by law in most states.

Business Owners Policy (BOP):
Combines general liability insurance with business property insurance, into one, easy-to-manage policy.

Professional Liability Insurance:
Protects your business from claims of negligence relating to a professional service. It's often carried by businesses that give advice.

Cyber Insurances:
Covers your business from the damages of a data branch and other electronic threats. Coverage can include both first-party and third-party coverages.

Note:
We will get the insurance that will work best with us and our top list is progressive insurance that we have had for the past 10 years.

Licenses and Regulations Permits:

- Health Department
- Alcohol
- Fire Department
- Bartender certification
- Food service certified

7. Location

525 N Peters Ave UNIT 4 Fond du lac Wi,54937

Space Available:existing restaurant and bar

Term: 5 Years rental with option of to long term of rent
Casa del tequila will be an exciting place to be at. The decorations, pictures, drawings will be the attention getter for the customers. Being located in the busiest part of town.

Casa del tequila will be open to late night service. Making the difference combining flavor and tradition from our state Oaxaca. Adding campechanas, house signature micheladas, we will be the center of attention for all the hungry people. We will have late night music with food still serving late hours.

Promotional Strategy:

The focus of our promotional strategy is "Excellent food, excellent service, excellent price" and will involve both using paid advertising and word-of-mouth. Paid advertising will include social media, billboards,

radio and newspaper advertising along with direct mail coupons to get people into the restaurant and discover what a fun place it is.

Positioning Strategy

Our mission is to give our customers a fun and exciting dining experience where they can discover new flavors of great Mexican cuisine for a great cost.

8. Accounting and Cash Flow:

Casa del tequila will be proactive in procurement and managing cash flow. We are going to shop for the best prices and still have our high-quality food, this will be very important to its success. We will be willing to negotiate with suppliers and distributors, upon their cooperation with our restaurant to control or reduce cost.

We will use our PSO system to keep track of our sales and our payroll expenses and maintain our records for tax season. Which will make our records easier and smoother to keep track.

Suppliers:

Reinhart:
(920)-219-2873, Cheese, Sour Cream, Yogurt, Vanilla Extract, Seasoning, Leaves, To-go Containers, Oil, Flour, Vegetables.

Sysco:
(920)929-6120

Martin Produce:
(312)-617-3031 Tortillas, Mexican Sodas, Dried Chiles, Rice, Beans

Beer Capital:
(262)-932-2337, Ext 2409

Restaurant Depot:
(414)-328-1995

Other Company Providers:

- El Rey Store
- Roma
- Rinos
- Delmar
- Badger Liquor
- General Beverages
- Writz.

The company that can work with what we want and will be willing to negotiate prices without sacrificing our quality will be the one we will be ordering from.

9. Finance Management:

Personal Finance Statement

Assets:
Business account 35,000
Checking account with Moraine Credit Union $2,100

Liabilities:
Primary mobile home mortgage $19,000
Car loan $41,422.37

Financial Plan:

Buying the existing restaurant from Angelica Quintana Casa del tequila will have 5,000 as a staring cost and 5,250.00 as a first month of rent food and liquor will be working with credit .

10. Competitive Analysis:

There are 4 Mexican restaurants in Fond du lac. They all offer a sit-down dining with a very large menu. All of their dishes are all similar, just different names.

Riviera Maya Restaurant:
609 W Johnson St, Fond du Lac, WI 54935
Has a very great location on Johnson street. With their hard work and dedication, they have grown so much they are the number 1 Mexican restaurant in Fond du Lac as of right now. Having been there a couple times their service is ok, their food is good, but they lack on making a new and improved menu. Has the same concept as the other Mexican restaurants in Fond du Lac.

El Patron:
306 Fourth St way, Fond du Lac, WI 54935
Their location is out in the countryside where if you're not familiar with Fond du lac it will be hard to find. There food has alot of flavor good running kitchen good drinks and beautiful decorate restaurant

Los Mezcales:
156 Western Ave, Fond du Lac, WI 54935

They opened up about 10 months ago. They have a good location. They did not come on strong, I did not hear about them until a month after driving downtown and seeing a new sign saying Los Mezcales, where Oscars Fish Fry was before known for their amazing fish fry. I see no potential for them. Their food has ok taste and service is good . Their bar is decent but yet could be better. The owner opened his restaurant without knowing anything about restaurant business.

Sombreros:

445 North Pioneer Rd, Fond du Lac, WI 54935

This restaurant has been open for more than a decade. The restaurant looks dirty and run down. It looks like they have not taken care of it for years. The food is not the greatest and has no flavor at all. This restaurant has disappointed a lot of customers, but they keep on going back because they have no better place to go here in Fond du lac. The only positive thing I can say about this place is that it has a nice parking space.

This is why we know for a fact Casa del tequila will be an amazing change to Fond du Lac City, it will be something very different and fresh that will have everybody talking. We are not going to have the same concept of food as the other Mexican restaurants here in Fond du Lac. We are going to bring fresh new dishes like our authentic street tacos, our classic taco al pastor, Mexican pizzas with a twist, tlayudas, mexican chicken wings ext. We will not lose focus. Our food will be made with the best quality food and spices. With all of my years of experience we will be a very successful restaurant.

11. Products and Services Strategy:

Casa del tequila is going to offer something fresh, something new which will be our own signature pizzas, steak cuts, appetizers, drinks and traditional cooking. This will set us apart from the competition.

- **Karnalo especiality:**
  Marinea, pastor meat, grilled onions, pineapple, cilantro, onions, red radish, drizzled with red and green salsa.

- **Pizza Carne Asada:**
  Refried beans, tender steak, roasted jalapenos, chambray onions, rice, guacamole, green and red salsa, topped with Pico de Gallo.

- **Pizza Pollo Poblano:**
  Queso Blanco sauce, grilled chicken, poblano, corn, mushrooms, and a side of Valentina sauce.

- **Pizza Cowboy Ranch:**
  Barbeque sauce, ground beef, fried onion straws, queso fresco, chorizo, mozzarella.

- **Pizza Buffalo Chicken:**
  Homemade creamy buffalo sauce, breaded chicken, red onions, mozzarella, and ranch.

- **Discada Supreme:**
  Green & red peppers, onions, steak, pastor, chorizo, chicken, bacon, and ham.

Tacos:

- Asada
- Vapor de Cabeza
- Carnitas
- Tripa
- Canasta
- Pastor
- Tlayudas

Hot Stones Plates:

- Molcajetes
- Casuelas for seafood
- Iron Skillets
- Parilladas

Baskets and Grill:

- Hamburgers
- Appetizers
- Steak cuts

Bar:

We will have a big bar where we will serve our imported and domestic beer. Serving our traditional never seen in Wisconsin Tepache and imported Pulque. Serving our fresh flavorful waters, Jamaica, Pecan, Horchata, Strawberry, Tamarindo, Pina, limon. Also have our Mexican imported sodas Jarritos, Coca-Cola, Pepsi.

We will have a signature michelada that we will make our own homemade mix. As well as serving our mix drinks like margaritas made from our homemade mix. The flavors are tamarindo, raspberry, mango, lime, strawberry both will be served on the rocks and blended.

Our prices will be very competitive with the 5 other Mexican restaurants in town. Our goal is to give customers quality produce for a good price.

We want Casa del tequila to be known as a place where they have amazing service and delicious food for a fair price. We will be accepting cash, credit cards and coupons.

12. Initial Inventory Food and Related Products for Kitchen

- Corn/Flour Tortillas
- Dinner Napkins
- Beans
- Lettuce
- Rice
- Jalapeños Pepper
- Chicken
- Cheese
- Pork
- Eggs
- Ketchup
- Milk
- Mustard
- Mayonnaise
- Baking Flour for Pizza
- White Vinegar
- Milk
- Bleach to Clean
- Avocados
- Onions
- Romaine
- Poblano Peppers
- Guajillo Peppers
- Green Peppers
- Shrimp
- Steak
- Tortillas
- Fresh herbs
- Dariy produce
- Jucies
-
- Tequilas
- Tequilas
- Beers
- Ground beef
- Arbol Peppers
- Chipotle Peppers
- Cumin
- Garlic
- Mushrooms
- Oregano
- Pepperoni
- Pepper
- Sausage
- Salt
- Pineapple
- Epazote Leaves
- Ground beef
- Spinach
- Containers To-Go
- Canned tomato sauce
- Tomatillos
- Wipe down towels
- Tomatoes
- Aprons
- Lemon
- Lime
- Fresh Cilantro
- Salsa Valentina
- Sauce
- Fresh cactus

ALCOHOL LICENSE COMMITTEE

MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN
Meeting Room A
160 S Macy Street
August 30, 2021
4:00 PM

ROLL CALL

Attendance

Present
Shawn Anhalt
Peter Doll
Scott Gilgenbach
Trista Holz

Absent
Keith Heisler
John Piper III
Matthew Straveler, excused

Administrative Staff
Steve Klein, Asst. Police Chief

Declaration Quorum Present

Chairperson Shawn Anhalt declared a quorum present.
********** Other Business **********

ACTIONS

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

Limited Liability Co: Casa del Tequila Bar & Grill, LLC
Agent Name: Pedro Silva
Agent Address: 871 S Main Street, TRLR 178, Fond du Lac
d/b/a: Casa del Tequila Bar & Grill
Location of Premise: 525 N Peters Ave STE 100

A Motion was made by Shawn Anhalt to approve recommendation to City Council for Class "B" Fermented Malt & "Class B" Intoxicating Liquor License for Casa del Tequila Bar & Grill, LLC d/b/a Casa del Tequila Bar & Grill located at 525 N Peters Ave Suite 100 and seconded by Trista Holz, and the motion was **Passed.**
Ayes: Anhalt, Doll, Gilgenbach, Holz
Absent: Heisler, Piper III, Straveler
********** Other Business **********

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

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

Subject: Limited Liability Company: JSK Investments III, LLC
Agent Name: Jeffrey Korneli
Agent Address: 923 Country Club Ln, Fond du Lac
d/b/a: Spectrum Roller Rink
Location of Premise: 605 Fond du Lac Ave
Introduction: City Clerk

Initiator:

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

ATTACHMENTS:

File Name

Memo_and_Application__Redactedspectrum.pdf

ALC_Excerpt_8-30-21_Spectrum_Roller_Rink.pdf

Fond du Lac Police Department
MEMO

To: City Manager Joe Moore

From: AC Klein

RE: Class B Intoxicating Liquor and Fermented Malt Beverage Spectrum Roller Rink, 605 Fond du Lac Ave.

Date: 08-25-21

On August 25, 2021, Assistant Chief Klein spoke with the applicant, Jeff Korneli, regarding his request for a Class B combination license for the Spectrum Roller Rink located at 605 Fond du Lac Ave.

The applicants have purchased the Spectrum Roller Rink and plan to continue operations at this location. Mr. Korneli indicated that they are adding a new bar to the interior of the building and have installed a new skate floor and will be adding a new kid's game area at the back of the building. Mr. Korneli indicated that they will also be adding an outside patio/lounge area outside the front entrance of the building.

Mr. Korneli indicated that the facility will be used for Weddings, Reunions, Birthday Parties, Roller Skating and kids gaming area. He anticipates being open for special events and with eventual regular hours for skate Thursday thru Sunday with a 10pm closing time.

Mr. Korneli owns and operates a number of licensed establishments within the City and has done so for a number of years with no concerns noted by law enforcement. He will serve as the licensed agent for this location. Assistant Chief Klein discussed with the applicants' the City's expectations of being a license holder.

Background checks conducted on the applicants, both in-house and NCIC/CIB, indicate no criminal history that would preclude them from obtaining the requested license. The Police Department has no objections to the approval of the proposed license request.

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 8-12-21 (mm dd yyyy) ending: 6-30-2022 (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☑ City of } Fond du Lac

County of Fond du Lac

Aldermanic Dist. No._____ (if required by ordinance)

Check one: ☐ Individual ☐ Partnership ☑ Limited Liability Company ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number: 456-1027847846-02

FEIN Number:

TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	$
☒ Class B beer	$ 100
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☒ Class B liquor	$ 500
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$ 55-
TOTAL FEE	$ 655-

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)

JSK INVESTMENTS III, LLC DBA SPECTRUM ROLLER RINK

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
KORNELI	JEFFREY	RICHARD	923 COUNTRY CLUB LANE, F.D.L. WI 54935
Vice President / Member Last Name	**(First)**	**(Middle Name)**	**Home Address (Street, City or Post Office, & Zip Code)**
KORNELI	STEVEN	KENNETH	3063 CROSSWIND TRAIL, SACHSE, WI 53013
Secretary / Member Last Name	**(First)**	**(Middle Name)**	**Home Address (Street, City or Post Office, & Zip Code)**
Treasurer / Member Last Name	**(First)**	**(Middle Name)**	**Home Address (Street, City or Post Office, & Zip Code)**
Agent Last Name	**(First)**	**(Middle Name)**	**Home Address (Street, City or Post Office, & Zip Code)**
Korneli	Jeffrey	Richard	923 Country Club Ln FDL
Directors / Managers Last Name	**(First)**	**(Middle Name)**	**Home Address (Street, City or Post Office, & Zip Code)**

1. Trade Name SPECTRUM ROLLER RINK Business Phone Number 920-923-5190
2. Address of Premises 605 F.D.L. AVE Post Office & Zip Code FOND DU LAC, WI 54935
3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

   ALCOHOL SERVED AND STORED INSIDE OF RINK AND PARKING LOT AREAS - SPECIAL EVENTS

4. Legal description (omit if street address is given above): N/A
5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ..... ☒ Yes ☐ No

   (b) If yes, under what name was license issued? SPECTRUM INC

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** ..... ☐ Yes ☒ No

OWN THE CORPORATION

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ..... ☐ Yes ☒ No
If yes, explain.

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** ..... ☐ Yes ☒ No

9. (a) **Corporate/limited liability company applicants only:** Insert state WISCONSIN and date 2010 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ..... ☐ Yes ☒ No

(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☐ No
If yes, explain.
YES - JSK INVESTMENT III - DBA KORNELI'S
SBJK INVESTMENTS DBA TAY ON THE BAYE, JKPW'INV
DBA - BOBS ON THE AVENUE

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ..... ☒ Yes ☐ No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ..... ☒ Yes ☐ No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ..... ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.)	Title/Member	Date
KORNELI JEFFREY RICHARD	PRESIDENT	6-07-2021
Signature	Phone Number [redacted]	Email Address [redacted]

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
8-23-21	9-8-21		
Date license granted	**Date license issued**	**License number issued**	
		C-0361 + C-0362	

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of JSIL INVESTMENTS III
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as SPECTRUM BOWL FDL
(trade name)

located at 4477 STONEFIELD DRIVE, F.D.L. WI 54935

appoints JEFFREY R KORNELI
(name of appointed agent)
923 COUNTRY CLUB LANE, F.D.L. WI 54935
(home address of appointed agent)

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

☑ Yes ☐ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
JBJIL INVESTMENTS, JSIL INVESTMENTS III, JKDW INVESTMENTS

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 57 YEARS

Place of residence last year 923 COUNTRY CLUB LANE, FDL. WI 54935

For: JSIL INVESTMENTS III
(name of corporation/organization/limited liability company)

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

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, JEFFREY R KORNELI, hereby accept this appointment as agent for the
(print/type agent's name)

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

[signature] 6.07.2021
(signature of agent) (date)

923 COUNTRY CLUB LANE, F.D.L. WI 54935
(home address of agent)

[redacted]

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

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

Approved on 08/25/21 by [signature] Title ASST. POLICE CHIEF
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*
KORNELI	STEVEN	K

Home Address *(street/route)*	Post Office	City	State	Zip Code
3063 CROSSWIND TRAIL		JACKSON	WI	53037

[redacted]

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

☐ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ MEMBER *(Officer/Director/Member/Manager/Agent)* of JSK INVESTMENTS III *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? 58 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
   If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☒ Yes ☐ No
   If yes, identify. JSK III-1 *(Name, Location and Type of License/Permit)*
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☒ Yes ☐ No
   If yes, identify. JSK III-1 *(Name of Wholesale Licensee or Permittee)* *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
JSK Investments III-1	P.O. Box 789 Fond du Lac WI 54936-0789	2015	Present
Employer's Name	Employer's Address	Employed From	To
JSK Investments III	P.O. Box 789 Fond du Lac WI 54936-0789	2010	2015

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

Subscribed and sworn to before me

this 8 day of June, 20 21

(Clerk/Notary Public)

My commission expires 01-26-2023

TONI M POSTO NOTARY PUBLIC STATE OF WISCONSIN

(Signature of Named Individual)

Printed on Recycled Paper

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*		
KORNELI	JEFFREY	RICHARD		
Home Address *(street/route)*	Post Office	City	State	Zip Code
923 COUNTRY CLUB LANE	F.D.L.	F.D.L	WI	54935
[redacted]				

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

☐ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ PRESIDENT *(Officer/Director/Member/Manager/Agent)* of JSIL INVESTMENTS III *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? 57 YEARS
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? 400.1.125.07(3) ALLOW UNDERAGE ON PREMISES ..... ☒ Yes ☐ No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ..... ☒ Yes ☐ No
   If yes, identify. JSIL INVESTMENTS III, JSIL INVESTMENTS, JKDW INC *(Name, Location and Type of License/Permit)*
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ..... ☐ Yes ☒ No
   If yes, identify.
   (Name of Wholesale Licensee or Permittee) *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
SELF-EMPLOYED			
Employer's Name	Employer's Address	Employed From	To

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

Subscribed and sworn to before me

this 7 day of June, 2021

(Clerk/Notary Public)

My commission expires 04-14-2024

(Signature of Named Individual)

Printed on Recycled Paper

City of Fond Du Lac Clerk

160 South Macy Street

Fond Du Lac, Wisconsin 54935

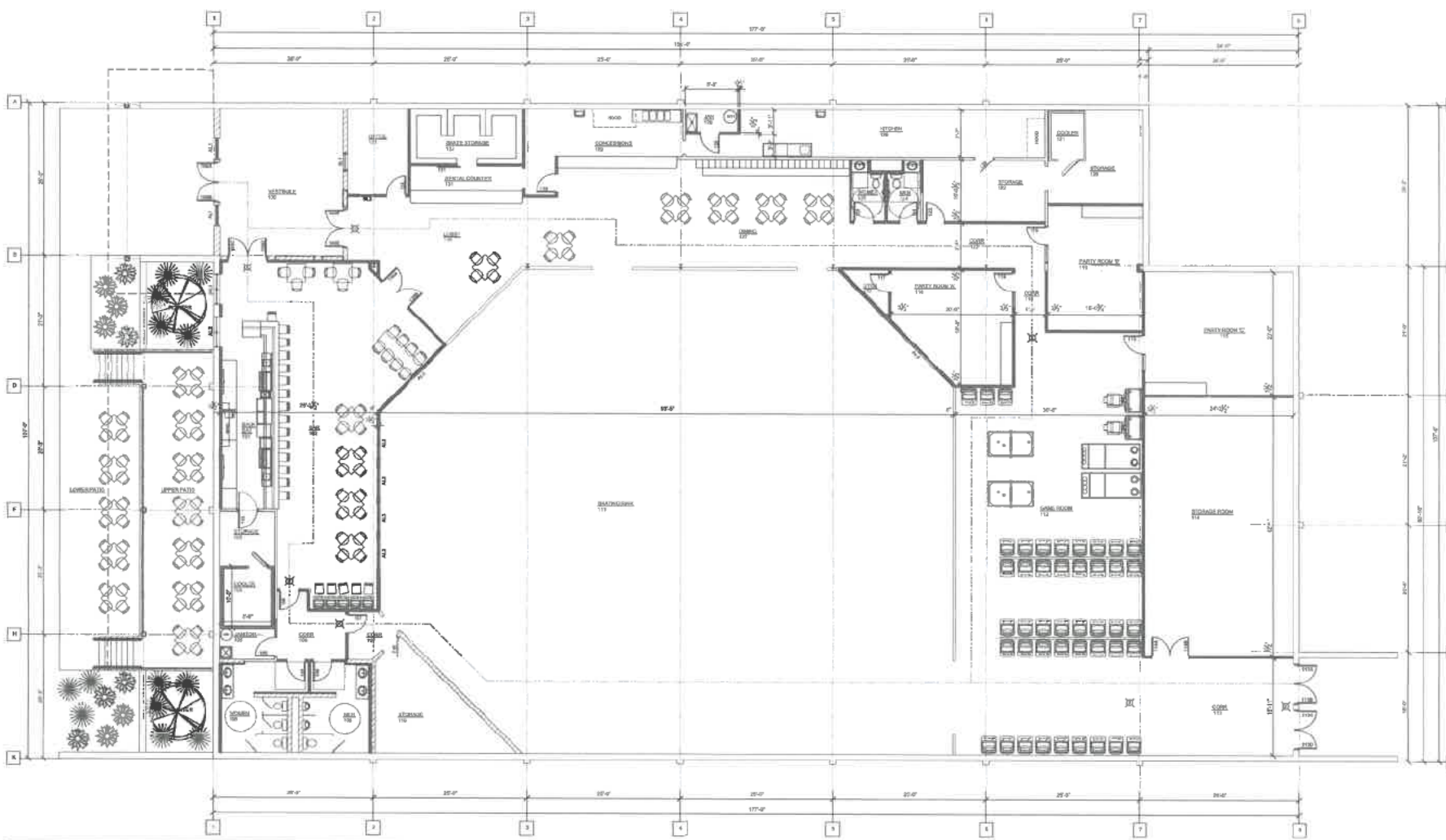
Attn: Margaret Heftner

Re:Korneli's Bar, Spectrum Roller Rink

Margaret,

We are in the process of remodeling the Spectrum Roller Rink Building Located At 605 fond Du Lac Avenue in Fond Du Lac ,Wisconsin 54935.The remodeled location Will have a new bar area,New Roller Rink Floor, and a new kids gaming area located at The back of the building .We will also have a outside seating area in the front of the building. The new facility will be used for Weddings, Reunions ,Birthday Partys, roller skating, and kids Gaming area.

Thanks ,Jeff Korneli



TYP. FLOOR PLAN SYMBOLS:

- WALL TYPE - SEE SHEET AS SHEETS
- EXIT SIGN
- FIRE EXTINGUISHER - SEE AS SHEETS
- FIRE EXTINGUISHER W/ CABINET - SEE AS SHEETS
- D.S. DOWNSPOUT LOCATION
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- STUD WALL
- CONCRETE WALL
- MASONRY VENEER

SEE PLAN FOR ALL WALL WIDTHS

- EXISTING DOOR TO REMAIN
- EXISTING DOOR TO BE REMOVED
- NEW DOOR
- PATH OF EGRESS

SALES AND SERVICE COUNTERS:

IN RETAIL STORES WHERE COUNTERS HAVE CASH REGISTERS AND ARE PROVIDED FOR SALES OR DISTRIBUTION OF GOODS OR SERVICES TO THE PUBLIC, AT LEAST ONE OF EACH TYPE SHALL HAVE A PORTION OF THE COUNTER WHICH IS AT LEAST 36" IN LENGTH WITH A MAXIMUM HEIGHT OF 36" ABOVE THE FINISH FLOOR. COUNTER SHALL BE ON AN ACCESSIBLE ROUTE COMPLYING WITH A.D.A. GUIDELINE 4.3.

FLOOR PLAN NOTES:

- ALL INTERIOR DIMS. ARE FROM FACE-OF-STUD TO FACE-OF-STUD.
- ALL INTERIOR WALLS TO BE 2x4 OR 2x6 @ 16" O.C. (SEE FLOOR PLAN FOR SIZE) W/ 1/2" GR. 5/8" GYPSUM BOARD BOTH SIDES - EXTEND TO UNDERSIDE OF DECK / STRUCTURE.
- PROVIDE 3 1/2" SOUND BATT INSULATION AROUND PERIMETER OF TOILET ROOM, PARTY ROOM, BAR AND OFFICE WALLS.
- MISCELLANEOUS HARDWARE INCLUDED: HANDICAP HARDWARE, MEN'S AND WOMEN'S REST ROOM SIGNS.
- PROVIDE WOOD BLOCKING FOR ANY FURNISHINGS BY OWNER. (VERIFY LOCATIONS)
- ALL CABINETS AND COUNTERTOPS TO HAVE PLASTIC LAMINATE FRONTS AND TOPS.
- KITCHEN AND CABINET W/ COUNTERS BY GENERAL CONTRACTOR AS REQUIRED
- FOOD PREP AREA TO BE VERIFIED W/ OWNER. PROVIDE SHOP DRAWINGS ON EQUIPMENT.
- ALL EXTERIOR WINDOWS TO HAVE GYPSUM BOARD RETURNS AT HEAD AND JAMBS AND SOLID SURFACE SILLS.
- VERIFY SIZE OF COOLER W/ SUPPLIER OR OWNER.

NORTH

FLOOR PLAN

SCALE: 1/8" = 1'-0"

0' 8' 16'

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

BHA
BlowfisH Architects, llc
753 S. Grove St.
Ripon, WI 54971
920-810-5561
William F Hoch, AIA

RHINO Construction

Spectrum Roller Rink

Interior Renovation
605 Fond Du Lac Ave.
Fond du Lac, WI 54935

PRELIMINARY

JULY 28, 2021
AUGUST 12, 2021
AUGUST 13, 2021

210370

SHEET

A1.1

ALCOHOL LICENSE COMMITTEE

MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN
Meeting Room A
160 S Macy Street
August 30, 2021
4:00 PM

ROLL CALL

Attendance

Present
Shawn Anhalt
Peter Doll
Scott Gilgenbach
Trista Holz

Absent
Keith Heisler
John Piper III
Matthew Straveler, excused

Administrative Staff
Steve Klein, Asst. Police Chief

Declaration Quorum Present

Chairperson Shawn Anhalt declared a quorum present.

********** Other Business **********

ACTIONS

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

Limited Liability Company: JSK Investments III, LLC
Agent Name: Jeffrey Korneli
Agent Address: 923 Country Club Ln
d/b/a: Spectrum Roller Rink
Location of Premise: 605 Fond du Lac Ave

A Motion was made by Peter Doll to approve recommendation to City Council for Class "B" Fermented Malt & "Class B" Intoxicating Liquor License to JSK Investments III, LLC d/b/a Spectrum Roller Rink located at 605 Fond du Lac Avenue and seconded by Scott Gilgenbach, and the motion was **Passed.**

Ayes: Anhalt, Doll, Gilgenbach, Holz
Absent: Heisler, Piper III, Straveler

********** Other Business **********

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Federal Procurement Policy

Subject: Presented By: Deputy Procurement Officer, Josh Musack

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Ordinance_3736_Memo.pdf

3736_Amending_Chapter_65.pdf

Back_up_for_Purchasing_Changes_8_18_21.pdf

CITY OF FOND DU LAC - Memorandum

Purchasing

Date: August 24, 2021

To: City Council

From: Josh Musack, Deputy Procurement Officer

Re: Ordinance 3736 – Amending Chapter 65, Finance and Taxation, Related to Federal Procurement Policy

The Federal Government established uniform guidance to provide recipients of federal funds with streamlined administrative requirements, cost principles, and audit requirements for federal awards. The requirements are published in Title 2 of the Code of Federal Regulations, Part 200.

To obtain and keep federal funding, an entity (City of Fond du Lac) must comply with the established Procurement Standards within 2 CFR Part 200. In general, if there is a conflict between Federal standards and an entity's own statutes, ordinances, rules and regulations, entities are required to comply with whichever requirement is more stringent.

The proposed language to be inserted into the Municipal Code of the City of Fond du Lac through Section 1 of Ordinance 3736 states that the City will adhere to all applicable Procurement Standards within 2 CFR Part 200.

When the Municipal Code was last re-codified, there was an inaccuracy included. The inaccuracy currently states that all procurements greater than $25,000 require a sealed bid process, when historically the threshold requiring sealed bids was $50,000, except for public construction projects.

The State of Wisconsin Statute 62.15 (1) establishes the following regarding public construction:

> *"All public construction, the estimated cost of which exceeds $25,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct."*

What constitutes "public construction" under the bid law?

> "*Activities concerned with the erection of buildings and bridges, the construction of streets and highways, and other similar public improvements which require the combining of materials, supplies and labor. Mere maintenance and other public works which do not involve the actual combining of materials and labor with a definable end result would unlikely constitute public construction."* Natkins, Smith, & Van Swearingen, *Public Construction in Wisconsin*, p. 50 (1985).

Sections 2 and 3 of Ordinance 3736 correct the inaccuracy by establishing 2 thresholds:

- $25,000 for public construction projects, in compliance with the State Statues
- $50,000 for all non-public construction projects, per local precedence

The updates to the Municipal Code in Ordinance 3736 ensure that the City, and any sub-recipients, will adhere to the requirements established by the Federal Government that allow agencies to obtain and keep federal funding, and correct the inaccuracy from the re-codification regarding sealed bid thresholds.

Staff recommends approval of the Ordinance.

ORDINANCE NO. 3736

AN ORDINANCE AMENDING CHAPTER 65, FINANCE AND TAXATION, RELATED TO FEDERAL PROCUREMENT POLICY

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

Section 1. That Chapter 65, Finance and Taxation, Section 65-7, Purchasing., is hereby created to read as follows:

Add Thereto:

D.1. Federal Uniform Grant Guidance. For any and all procurements that apply Federal funding, City, and subrecipients, if any, will follow all applicable Procurement Standards as found in 2 CFR 200. In general, if there is a conflict, City, or subrecipient(s), will be required to comply with whichever requirement is more stringent, including the City's own statutes, ordinances, rules, and regulations; which may be more stringent than the Federal standards.

Section 2. That Chapter 65, Finance and Taxation, Section 65-7.I., Purchasing., is hereby amended as follows:

I. Formal contract procedure. All equipment, supplies and contractual services, except as otherwise provided herein or by statute, when the estimated cost shall exceed $50,000 ($25,000 for public construction), shall be purchased by formal, written bids and subsequent written contract from the lowest responsible bidder after notice inviting bids.

Section 3. That Chapter 65, Finance and Taxation, Section 65-7.J., Purchasing., the first paragraph is hereby amended as follows:

J. Quotation procedure. All purchases of equipment, supplies, and contractual services, when the estimated cost is between $10,000 and $50,000 ($10,000 and $25,000 for public construction), shall be made in accordance with the following procedure, except the procedure may be waived if the Agent determines it to be impossible or impractical:

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

Section 5. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 6. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

_____

Kay Miller, President
Fond du Lac City Council

Attest:

_____

Margaret Hefter, City Clerk

City Attorney:

Reviewed DSRM

Chapter 65. Finance and Taxation

§ 65-7. Purchasing.

[Amended 6-27-1995 by Ord. No. 2793; 1-26-2000 by Ord. No. 2989; 7-13-2011 by Ord. No. 3462]

A.

Purpose. The purpose of this section is to secure for the taxpayers the advantages and economies which will result from centralized control over the expenditures of funds for supplies, materials, equipment and contractual services; from the application of modern, businesslike methods to such expenditures; and from better utilization of the articles procured at public expense.

B.

Definitions. For the purpose of this section the following terms, phrases, words and their derivations shall have the meaning given below. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and not merely directory.

CITY

The City of Fond du Lac, Wisconsin.

CITY PURCHASING AGENT or AGENT

The Purchasing Agent of the City of Fond du Lac.

CONTRACTUAL SERVICES

Services that involve public construction or improvements rendered to the City by others under expressed or implied agreement, but shall not include professional and other contractual services which are in their nature unique and not subject to competition.

COUNCIL

The City Council of the City of Fond du Lac.

SUPPLIES

Includes all supplies, materials and equipment furnished to the City.

USING AGENCY

Any department, agency, commission, bureau or other unit in the City government using supplies or procuring contractual services as provided for in this section. The term is intended to apply to those agencies which are under the administrative jurisdiction of the City Manager.

C.

City Purchasing Agent. The Director of Administration shall serve as City Purchasing Agent and shall have general supervision of City purchasing. The Agent shall appoint a purchasing coordinator within the Comptroller's division who shall perform the duties prescribed by this section and all other duties assigned by the Agent.

D.

Scope of purchasing authority. The Agent shall purchase or contract for all equipment, supplies and contractual services needed and requisitioned by any using agency in the City except as otherwise provided in this section, in accordance with such rules and regulations as the City Manager may prescribe from time to time for the management and operation of the Division of Purchasing, in keeping with the spirit of this section.

(1)

Unauthorized purchases. Except as herein provided, no City officer or employee shall order the purchase of any equipment or supplies or make any contract within the purview of this section other

than through the Purchasing Agent, and any purchase ordered or contracts made contrary to the provisions hereof shall not be binding on the City and shall make the purchaser personally liable.

(2)
Disqualification of bidders. The Agent shall have the authority to declare vendors who default on their bids or quotations irresponsible bidders and to disqualify them from receiving any business from the City for a stated period of time.

(3)
Committee on Standards and Specifications. The Agent shall prepare and secure with the cooperation of the City departments standard and written specifications for supplies used by the various branches of the City government. To assist the Agent in this work the City Manager may establish a Committee on Standards and Specifications to be composed of the City Purchasing Agent as Chairperson and such other officials as the City Manager may designate.

(4)
Exemptions from centralized purchasing. The Purchasing Agent may, and where legally required to do so shall, authorize in writing any agency to purchase or contract for certain specified classes of supplies, materials, equipment or contractual services independently of the Agent's office, but such purchases or contracts shall be made in conformity with the applicable provisions of this section. The Agent may also rescind such authorization to purchase independently by written notice to the agency concerned, unless otherwise prohibited by law.

(5)
Purchasing cards. Purchases of equipment, supplies and contractual services may be made through properly established purchasing cards or other similar means where permitted and authorized by the Agent. The City Manager shall promulgate rules and regulations governing the proper and authorized use of purchasing cards. The City Comptroller shall review monthly statements showing the actual expenditures for each using agency made through the use of purchasing cards. Improper or unauthorized use of purchasing cards may be cause for termination of employment or other disciplinary action.

(6)
Assistance. The Purchasing Agent shall have the power and authority to call upon any officer, board, department or commission to furnish information or otherwise assist in the purchasing function if within the scope of such officer, board, department or commission.

D.1. Federal Uniform Grant Guidance. For any and all procurements that apply Federal funding, City, and subrecipients, if any, will follow all applicable Procurement Standards as found in 2 CFR 200. In general, if there is a conflict, City, or subrecipient(s), will be required to comply with whichever requirement is more stringent, including the City's own statutes, ordinances, rules, and regulations; which may be more stringent than the Federal standards.

E.
Requisitions and estimates. All using agencies shall file with the Agent detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such time and for such future period as the Agent shall prescribe.

F.
Encumbrance of funds. Except in cases of emergency, the Agent shall not issue any order for delivery on a contract or purchase until the Comptroller shall have certified that there is to the credit of the

accounts of using agencies concerned a sufficient available unencumbered appropriation balance, in excess of all unpaid obligations, to pay the amount of such order.

G.
Gratuities. The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the City from any vendor or contractor or prospective vendor or contractor, except where given for the use and benefit of the City, shall be deemed to be a violation of this section and may be cause for termination of employment or other disciplinary action. The offer of any such gratuity to any official or employee of the City by any vendor or contractor, or prospective vendor or contractor, may be cause for declaring such individual or firm to be an irresponsible vendor and for barring him or it from bidding as provided by this section.

H.
Competitive bidding required. All purchases of and contracts for equipment, supplies and contractual services shall, except as specifically provided herein, be based wherever practicable on competitive bids. No splitting of orders as an evasion of the procedure described herein shall be permitted.

~~I.~~
~~Formal contract procedure. All equipment, supplies or public construction, except as otherwise provided herein or by statute, when the estimated cost shall exceed $25,000, shall be purchased by formal, written bids and subsequent written contract from the lowest responsible bidder after notice inviting bids.[1]~~

I. Formal contract procedure. All equipment, supplies and contractual services, except as otherwise provided herein or by statute, when the estimated cost shall exceed $50,000 ($25,000 for public construction), shall be purchased by formal, written bids and subsequent written contract from the lowest responsible bidder after notice inviting bids.

(1)
Notice inviting bids. Notice inviting bids shall be published one or more times in the official newspaper of the City and/or in an appropriate trades journal at least five days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased and shall state where bid blanks and specifications may be secured and the time and place for opening bids.

(2)
Bidders' list for public construction contracts. The Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names be added to a bidders' list which the Agent shall maintain by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which invitations are sent.

(3)
Bid deposits. When deemed necessary by the Agent and/or when required by state law, bid deposits shall be required in an amount within the discretion of the Agent to assure that the successful bidder will execute a contract. Unsuccessful bidders shall be entitled to return of the bid deposit where the Agent has required the same. A successful bidder shall forfeit any bid deposit required by the Agent upon failure on his part to enter a contract within 10 days after the award, unless such time is extended by the City.

(4)

Bid opening procedure. Bids shall be submitted to the Agent. They shall be identified as bids on the envelope and opened in public at the time and place stated in the public notices. A tabulation of all the bids received shall be recorded and open to public inspection.

(5)
Rejection of bids.
(a)
The Agent shall have the authority to reject all bids or parts of all bids for any equipment, supplies or contractual services included in the proposed contract when the public interest shall be served thereby.

(b)
No bid shall be awarded to a contractor who is in default on the payment of taxes, licenses or other moneys due the City or who has defaulted on a previous contract with the City.

(6)
Award of contract.
(a)
Committee on Awards. Contracts within the purview of this section shall be awarded by a Committee on Awards composed of the City Manager, who shall serve as Chairperson, the Director of Public Works and the Purchasing Agent.

(b)
Lowest responsible bidder. Contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder," in addition to price, the Committee on Awards shall consider the ability, capacity and skill of the bidder to perform the contract or provide the service required; whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality of performance of previous contracts or services; the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service; the quality, availability and adaptability of the equipment, supplies or contractual services to the particular use required; the ability of the bidder to provide future maintenance and service and the potential cost of such maintenance and service for the use of the subject of the contract; and the number and scope of conditions attached to the bid.

(c)
Tie bids. If two or more low bids are received for the same contract total amount, unit price, quality and service being equal, the contract shall be awarded to a resident bidder. If there is no resident bidder, the contract shall be awarded to one of the tie bidders by drawing lots.

(d)
Award to other than lowest bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for doing so shall be prepared by the Agent and filed with other papers relating to the transaction.

(7)
Performance bonds. The Agent shall have the authority to specify the requirements of a performance bond before requesting bids and entering a contract, in such amount as he shall find reasonably necessary to protect the best interests of the City.

(8)
Prohibition against subdivision. No contract or purchase shall be subdivided to avoid or circumvent the requirements of this section.

J.

~~Quotation procedure. All purchases of equipment, supplies and contractual services, when the estimated cost is between $10,000 and $25,000, shall be made in accordance with the following procedure, except the procedure may be waived if the Agent determines it to be impossible or impractical:~~

Quotation procedure. All purchases of equipment, supplies, and contractual services, when the estimated cost is between $10,000 and $50,000 ($10,000 and $25,000 for public construction), shall be made in accordance with the following procedure, except the procedure may be waived if the Agent determines it to be impossible or impractical:

(1)
Minimum number of quotations. Quotation purchases, wherever practicable, shall be based on at least three competitive quotations and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in Subsection **I(6)** above.

(2)
Notice inviting quotations. The Agent may solicit quotations by direct request in person, by mail, telephone, or through internet websites without advertisement.

(3)
Recording. The Agent shall keep a record of all orders and the quotations obtained and such records shall be open to public inspection.

K. Exceptions.
(1)
Exceptions to bidding or quotation procedures. Purchases of equipment, supplies and contractual services when the estimated cost is less than $10,000 may be made without the benefit of formal bids or quotations. Solicitation of quotations for purchases of less than $10,000 is encouraged but not required.

(2)
State contract or cooperative purchasing. Purchases of equipment, supplies or services through State of Wisconsin or other governmental cooperative purchasing plans is encouraged. Purchases made through such cooperative plans may be made without the requirement to solicit formal bids or quotations since such purchases are already based on competitive pricing.

(3)
Petty expenditures. Purchases of supplies or services in amounts less than $500 may be made from properly established petty cash accounts by the heads of using agencies for incidentals and shall be reviewed by the Comptroller's Division and approved for reimbursement. The City Manager shall promulgate rules and regulations for the use of petty cash accounts.

(4)
Professional services. Contracts for professional services may be entered into by the City Manager or the Director of Administration without the requirement for competitive bidding since professional services are by their nature unique.
[Amended 4-8-2015 by Ord. No. 3579]

(5)
Real estate transactions. All real estate transactions shall be made subject to the approval of the City Council, provided that the City Manager or other City officials may perform all delegable functions in connection therewith as the City Council may direct.

(6)

Emergency purchases. An emergency shall be deemed to exist when a breakdown in machinery or in an essential service occurs or when unforeseen circumstances arise, including delays by contractors, delays in transportation and unanticipated volume of work. If an emergency occurs during regular business hours, the head or other employee of the using agency shall immediately notify the Agent who shall either purchase the required commodity or service or authorize the using agency to do so. If the Agent is unavailable, the head of the using agency shall notify the City Manager before making the purchase. If an emergency occurs at times other than regular business hours, the using agency may purchase directly the commodity or commodities required. If the estimated cost of the emergency purchase exceeds $10,000, the head of the agency shall, wherever possible, secure competitive quotations and order delivery to be made by the lowest responsible bidder. On every emergency purchase made the agency head shall not later than one week thereafter submit to the Agent a requisition, a tabulation of quotations received, if any, a delivery receipt and a written explanation of the circumstances of the emergency. The records of such emergency transaction shall be open to public inspection during regular business hours.

(7)
Proprietary purchases. Proprietary, patented equipment, supplies or services available from only one source shall be exempt from the requirement for competitive bidding or quotations.

(8)
Purchases of used equipment. Purchases of used equipment, materials or supplies may be authorized by the Agent without the use of the formal bid or quotation procedure outlined in this section.

(9)
Donations. Purchases of equipment, materials, supplies, and services made in conjunction with projects for which any materials have been donated or any labor for the project has been provided by volunteers shall be exempt from this section.
[Amended 4-24-2014 by Ord. No. 3544]

L.
Inspection and testing. The using agency shall inspect all deliveries of equipment, supplies or contracted services made to such using agencies to determine their compliance with the quantities and specifications set forth in the order or contract.

M.
Surplus equipment, materials or supplies. The Agent shall have the authority to sell surplus equipment, materials or supplies or to exchange the same for or trade on new purchases, or to authorize the disposal of such items.
(1)
Using agencies. Using agencies shall notify the Agent of any surplus equipment, materials or supplies which may have become obsolete, unsuitable or no longer needed prior to the disposal of such items.

(2)
Permission of the Agent. Other City employees shall not be permitted to sell, remove or dispose of surplus items without the permission of the Agent. Improper, unauthorized removal or disposal or unauthorized personal use of City property, including surplus property, may be cause for termination of employment or other disciplinary action.

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Title: Outlying Sewer Group Agreement

Subject: Presented By: Public Works Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

OSG_Agreement_Update_CC_9-8-21.pdf

CITY OF FOND DU LAC
PUBLIC WORKS DEPARTMENT

OSG Agreement Update

Overview of OSG

2021 Agreement Updates

Schedule/Next Steps

Paul DeVries, Director of Public Works
Cody Schoepke, WTRRF Superintendent

Overview of OSG

Outlying Sewer Group

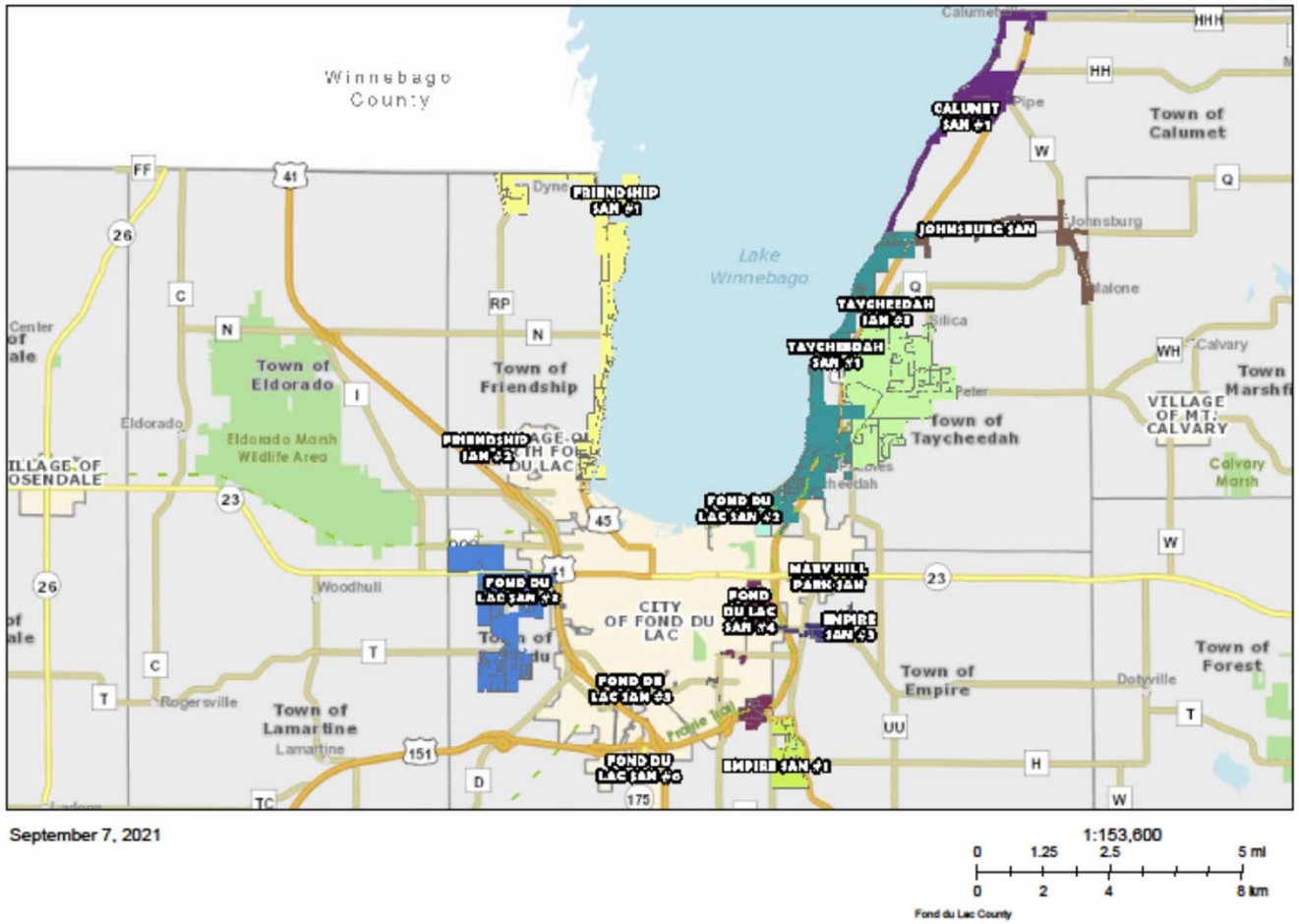
Members: Village of North Fond du Lac; Town of Fond du Lac (4); Town of Friendship (2); Town of Empire (3); Town of Taycheedah (2); Town of Calumet (1) and Johnsburg.

Members purchased capacity in WTRRF and in Interceptors. They pay user fees like City residents and businesses.

Current Agreement approved in 2000
https://www.fdl.wi.gov/wastewater/outside-sewer-group/

OSG Agreement Update
September 8, 2021

OSG Map



September 7, 2021

1:153,600

0 1.25 2.5 5 mi

0 2 4 8 km

Fond du Lac County

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

OSG Agreement Update
September 8, 2021

Updates to Agreement

Technical Standards Committee (TSC)

Three City reps, North FDL rep, At-large OSG rep

Technical Changes: testing parameters, grammatical/formatting, minor legal.

Clearwater Reduction Fund – biggest revision

Inflow & Infiltration reduction is main goal for all members

Schedule/Timeline

OSG Annual Meeting – 9/16/21

Agreement & CIP Review

City Council Action Required

Late September/early October

All OSG Members Approve

Conclusion

Feedback

Thank You