

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

Legislative Chambers
160 S Macy Street

September 25, 2024
6:00 PM

1. CALL TO ORDER

- a. Roll Call
- b. Declaration a Quorum Is Present
- c. Pledge of Allegiance
- d. Silent Reflection
- e. A Proclamation Recognizing October 6th-12th, 2024 As Fire Prevention Week

2. PUBLIC HEARINGS

3. CONSENT AGENDA

- a. September 11, 2024 Minutes
- b. List Of Claims Dated September 18, 2024

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

5. ACTION ITEMS

- a. Resolution No. 9143
A Resolution Approving The Final Plat Of The White Pine Heights Phase 5 Subdivision
Introduction: Community Development Director
- b. Ordinance No. 3799
An Ordinance Amending The City of Fond du Lac 2040 Comprehensive Plan
Introduction: Community Development Director
- c. Ordinance No. 3800
An Ordinance Rezoning 460 West 11th Street (FDL-15-17-16-41-034-00) From C-2 (General Commercial District) To M-1 (Manufacturing District)
Introduction: Community Development Director
- d. Resolution No. 9144
A Resolution Declaring Official Intent To Reimburse Expenditures From Proceeds Of Borrowing
Introduction: Director of Administration

6. PRESENTATION OF INPUT ITEMS

- a. Housing Study And Strategic Plan

7. ADJOURN

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

Title: A Proclamation Recognizing October 6th-12th, 2024 As
Fire Prevention Week

Subject: A Proclamation Recognizing October 6th-12th, 2024 As
Fire Prevention Week

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Fire_Prevention_Week_2024.pdf



Proclamation

Whereas, the City of Fond du Lac is committed to ensuring the safety and security of all those living in and visiting Fond du Lac; and

Whereas, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

Whereas, roughly three out of five fire deaths happen in homes with either no smoke alarms or with no working smoke alarms; and

Whereas, working smoke alarms cut the risk of dying in reported home fires in half by sensing smoke well before you can and alerting you to danger during an event which you may have as little as 2 minutes to escape safely; and

Whereas, Fond du Lac residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home, test the smoke alarms monthly, and have a planned and practiced fire escape plan; and

Whereas the 2024 Fire Prevention Week theme, "Smoke alarms: Make them work for you," serves to remind us of the importance of having working smoke alarms in the home.

Now, Therefore, I, Tiffany Brault, President of the Fond du Lac City Council, do hereby proclaim October 6-12, 2024, as Fire Prevention Week, and urge the community to make sure their homes have working smoke alarms and to support the Fond du Lac Fire Rescue during Fire Prevention Week 2024 by visiting them during their Open House on Tuesday, October 8th from 4:00-7:00pm at the Public Safety Training Center (750 N Rolling Meadows Drive, Fond du Lac).

Dated: September 2024

*Tiffany Brault
City Council President*

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

Title: September 11, 2024 Minutes

Subject: September 11, 2024 Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2024_9_11_Meeting(1153).pdf

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

Legislative Chambers
160 S Macy Street

September 11, 2024
6:00 PM

CALL TO ORDER

Roll Call

Present

Tiffany Brault
Antonio Godfrey
Keith Heisler
Angela C Luehring (Virtual)
Patrick Mullen
Thomas Schuessler
Brett Zimmermann

Administrative Staff

Joseph Moore, City Manager
Dyann Benson, Community Development Director
Tricia Davi, Director of Administration
Deb Hoffmann, City Attorney
Jon Mark Bolthouse, Library Director
Aaron Goldstein, Chief of Police
Jason Laridaen, Asst. Police Chief
Erick Gerritson, Fire Chief
Garth Schumacher, Assistant Fire Chief
Kathryn Duveneck, IT Services Director

Declaration a Quorum Is Present

President Brault declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

CONSENT AGENDA

August 28, 2024 Minutes

List Of Claims Dated September 4, 2024

Denial Of Claim - Lisa Gilles

A Motion was made by Thomas Schuessler to approve the consent agenda and seconded by Keith Heisler, and the motion was **Passed**.

Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

AUDIENCE COMMENTS (Agenda and Non-agenda items)

Spoke In Support Of Agenda Item, 6b. Public Safety Code Cleanup Ordinance:

Steve Awve, 3909 Schuster Drive, West Bend
Craig Molitor, 23 S. Main Street, Fond du Lac
Ryan Woolhether, W4103 Gladstone Beach Road, Fond du Lac
David Lefeber, 15 N. Marr Street, Fond du Lac
Kean O'Brien, 74 S. Main Street, Fond du Lac
Dennis Melkow, 81 S. Main Street, Fond du Lac

Appeared As In Support Of Agenda Item, 6b. Public Safety Code Cleanup Ordinance; Did Not Speak:

Sam Meyer, 38 Tyler Court, Fond du Lac
Angela Roloff, N5904 Nelson Road, Fond du Lac

ACTION ITEMS

Class "B" Fermented Malt License

A Motion was made by Patrick Mullen to approve Class "B" Fermented Malt License for AJJ Hospitality LLC d/b/a Microtel Inn & Suites at 920 S Military Rd and seconded by Antonio Godfrey, Sr., and the motion was **Passed.**

Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

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

A Motion was made by Antonio Godfrey, Sr. to approve "Class A" Intoxicating Liquor and Class "A" Fermented Malt License for MKE Oil Corporation d/b/a A.P. Quick Mart at 136 W Scott Street and seconded by Keith Heisler, and the motion was **Passed.**

Ayes: Brault, Godfrey, Sr., Heisler, Mullen, Schuessler, Zimmermann

Abstain: Luehring

Permit To Sell Fermented Malt Beverages On Park Property

A Motion was made by Brett Zimmermann to approve permit for Fond du Lac Festivals to sell fermented malt on park property for Fondy FallTober Fest at Lakeside Park Oven Island and seconded by Thomas Schuessler, and the motion was **Passed.**

Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

Resolution No. 9141

File No. 2024-106

A Motion was made by Thomas Schuessler to approve Resolution No. 9141 A Resolution Waiving The Prohibition Against Possession Of Alcoholic Beverages On Public Ways For Big Brothers Big Sisters Of Fond du Lac County's Halloweenie .5K Event On October 24, 2024 and seconded by Keith Heisler, and the motion was **Passed**.

Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

Resolution No. 9142

File No. 2024-107

A Motion was made by Keith Heisler to approve Resolution No. 9142 A Resolution Relocating The Polling Place For Ward Number 13 From Their Current Location To The City/County Government Center and seconded by Patrick Mullen, and the motion was **Passed**.

Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

PRESENTATION OF INPUT ITEMS

Presentation Of Annual Comprehensive Financial Report (ACFR)

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

Public Safety Code Cleanup Ordinance

The Public Safety Code Cleanup Ordinance was presented by City Attorney, Deb Hoffmann

A Motion was made by Keith Heisler to adopt Public Safety Code Cleanup Ordinance and seconded by Brett Zimmermann, and the motion was **Passed**.

Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

ADJOURN

A Motion was made by Brett Zimmermann to adjourn at 7:19 p.m. and seconded by Keith Heisler, and the motion was **Passed**.

Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

Margaret Hefter
City Clerk

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

Title: List Of Claims Dated September 18, 2024

Subject: List Of Claims Dated September 18, 2024

Initiator:

Recommendation:

ATTACHMENTS:

File Name

List_of_Claims_Memo_09-18-24.pdf

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: September 18, 2024

To: City Council

From: Tricia Davi, Director of Administration

Re: List of Claims

The list of claims for goods and services for the payment periods August 31, 2024 through September 13, 2024 for all funds total \$2,033,195.65. Wisconsin statute 66.0609 (2) requires the comptroller to file, at least monthly with the City Council, a list of approved claims paid.

Suggested Motion: Receive and File

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

Title: Resolution No. 9143

Subject: A Resolution Approving The Final Plat Of The White Pine
Heights Phase 5 Subdivision
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

9143_Resolution_approving_White_Pine_Heights_Phase_5.pdf

White_Pine_Heights_Phase_5_-_Final_Plat_Memo.pdf

Subdivision_Agreement_PILOTWPH5_83024.pdf

5335_Final_Plat.pdf

9-16-24_Plan_Commission_Excerpt_White_Pine_Heights_Phase_5.pdf

RESOLUTION NO. 9143

A RESOLUTION APPROVING THE FINAL PLAT OF THE WHITE PINE HEIGHTS PHASE 5 SUBDIVISION

WHEREAS, the Preliminary Plat was reviewed and approved by the Plan Commission on April 15, 2024; and

WHEREAS, the City Plan Commission recommended approval of the White Pine Heights Phase 5 Subdivision, subject to the following conditions:

1. The Developer and City shall enter into a Developer's Agreement to define the responsibilities and obligations of the Developer and the City for the construction of public improvements. The Developer's Agreement will be prepared by the City, to be finalized prior to recordation of the Final Plat.
2. Indicate the easements to be dedicated to the City of Fond du Lac (Storm Sewer Easements)
3. Show/label drainage easements.
4. Revise utility easement to cross storm sewer easement at lots 195 and 202.
5. Revise easement language to not list owner as Eastern Ridge Estates, LLC.
6. Add Storm Sewer, Drainage and Conservancy Easement Language.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fond du Lac that the White Pine Heights Phase 5 Subdivision with the conditions specified by the City Plan Commission is hereby approved.

ADOPTED:

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Reviewed DSM

Margaret Hefter, City Clerk

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: September 10, 2024

To: Plan Commission

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

Re: **White Pine Heights Phase 5 - Final Plat**

The land area of White Pine Heights Phase 5 consists of 19.34 acres of land north of Hwy 151 between Martin Avenue and Old County Road V. The parcel is further defined as being north of the future expansion of South Park Avenue, east of Winchester Avenue and south of Mustang Lane. The property is zoned R-1 Single Family Residential District.

White Pine Heights Phase 5 will create 56 lots that meet the zoning requirements for the R-1 Single Family Residential District for lot area, lot width and lot depth. The plat includes one outlot; an outlot is a parcel of land that is not buildable. A 0.77-acre outlot is located at the northeast corner of the plat for stormwater management purposes.

The Preliminary Plat of White Pine Heights Phase 4 was reviewed and approved by the Plan Commission on April 15, 2024. This was later determined to be a repeat of plat naming so now this is White Pine Heights Phase 5. A preliminary plat is the first step in the process to subdivide land. Approval of a preliminary plat reflects compliance with requirements of the City's subdivision and zoning codes, Comprehensive Plan, and Official Map. Following approval by the Plan Commission, a Final Plat is prepared to reflect technical revisions identified in the Preliminary Plat review. A Developer's Agreement, Street & Utility Plans, Stormwater Management Plan, and a Master Drainage Plan are separate components of the development review and approval process. Comments and revisions noted are necessary to the included due to the revisions of the Street & Utility Plans.

A Final Plat is reviewed by the Plan Commission and City Council, and by the State as an approving agency. If the Final Plat conforms substantially to the Preliminary Plat, including any conditions of that approval, and to local plans and ordinances, it is entitled to approval. (§ 236.11(1)(b), Wis. Stats.)

The Final Plat of White Pine Heights Phase 5 was submitted to the City Clerk on August 22, 2024. A timeline for approval is a requirement of State law and the Subdivision Code. The Plan Commission must review the Final Plat within 40 days of submittal; the City Council must take action on the Final Plat within 60 days of the submittal of the plat to the City Clerk.

Recommendation

The Final Plat of White Pine Heights Phase 5 is consistent with the Preliminary Plat approved by the Plan Commission on April 15, 2024. Several minor technical revisions to the plat are required; however, the revisions do not affect lot layout or the plat configuration.

City Engineering and Community Development staff suggest the Plan Commission recommend to the City Council approval of the Final Plat, subject to the following:

1. The Developer and City shall enter into a Developer's Agreement to define the responsibilities and obligations of the Developer and the City for the construction of public improvements. The Developer's Agreement will be prepared by the City, to be finalized prior to recordation of the Final Plat.
2. Indicate the easements to be dedicated to the City of Fond du Lac (Storm Sewer Easements)
3. Show/label drainage easements.
4. Revise utility easement to cross storm sewer easement at lots 195 and 202.
5. Revise easement language to not list owner as Eastern Ridge Estates, LLC.
6. Add Storm Sewer Easement Language
7. Add Drainage Easement Language
8. Add Conservancy Easement Language

Subdivision Agreement

This Development Agreement (this "AGREEMENT") is entered into this ____ day of _____, 2024, by and between JAMES ROBERTS, its successors, assigns and future owners of the PROPERTY, hereinafter referred to as (the "DEVELOPER") and the CITY OF FOND DU LAC, a Wisconsin municipal corporation (the "CITY").

City of Fond du Lac
City Clerk
P.O. Box 150
160 South Macy Street
Fond du Lac, WI 54935

RECITALS

WHEREAS, DEVELOPER is the owner of approximately 19.34 acres of land in the CITY, said land described on Exhibit A attached hereto (the "PROPERTY");

AND, WHEREAS, DEVELOPER desires to develop the PROPERTY for residential purposes known as White Pine Heights Phase 5 (the "DEVELOPMENT"), which includes certain public improvements described on Exhibit B attached hereto (the "PUBLIC IMPROVEMENTS");

AND, WHEREAS, said land is currently zoned R-1 Single Family Residential and the proposed DEVELOPMENT conforms to said zoning classification,

AND, WHEREAS, the Plan Commission on _____, 2024 recommended approval of the Final Plat and the City Council on _____, 2024 approved Resolution _____, which approved of the DEVELOPMENT with conditions;

AND, WHEREAS, the Plan Commission on _____, 2024 recommended approval of the AGREEMENT and the City Council on _____, 2024 approved the AGREEMENT.

AND, WHEREAS, it is now necessary that DEVELOPER and CITY enter into an AGREEMENT relative to the manner and method by which the PUBLIC IMPROVEMENTS will be developed;

NOW, THEREFORE, DEVELOPER and CITY agree as follows:

Tax Key No.

I. GENERAL

- A. DEVELOPER has prepared plans for the PUBLIC IMPROVEMENTS, which plans have been presented to and approved by the CITY.
- B. A Subdivision Plat substantially conforming to the criteria of Wisconsin Statutes Chapter 236 and Chapter 705 of the City of Fond du Lac Municipal Code, constituting the DEVELOPMENT, has been or shall be recorded at DEVELOPER's sole expense.
- C. Prior to start of construction, DEVELOPER shall provide certificates of insurance to the CITY with respect to the following forms of coverage and with limits not less than as stated hereunder, statutory limits for Workers Compensation; Commercial General Liability Insurance limits of \$5,000,000 for each occurrence and general aggregate; and Automotive Liability coverage with minimum limits of \$2,000,000 combined single limit per accident for bodily injury and property damage, provided on a Symbol 1-Any Auto basis. Coverages listed may be obtained with individual policies or in combination with excess or umbrella coverages. The policies shall be written by an insurance company licensed to do business in Wisconsin. DEVELOPER shall provide not less than 30 days written notice to the CITY prior to change modification or termination of said policy. Such notice provisions shall be in the unconditional affirmative, phrases such as "shall endeavor to notify" are unacceptable and shall be rejected.

II. SEQUENCE OF DEVELOPMENT

- A. FINAL PLAT APPROVAL
- B. CONSTRUCTION PLAN APPROVALS
- C. DEVELOPMENT AGREEMENT APPROVALS AND SURETIES
- D. PRE-CONSTRUCTION MEETING
- E. EROSION CONTROL AND STORMWATER BEST MANAGEMENT PRACTICES
- F. UTILITY AND STREET CONSTRUCTION
- G. PRIVATE UTILITIES (Electric, Gas, Telephone, CATV, etc.)
- H. RESTORATION
- I. RECORD DRAWINGS AND CERTIFICATIONS

III. GRADING AND EROSION CONTROL

- A. COMPLIANCE
 - 1. DEVELOPER shall secure proper Erosion Control Permits to implement the approved Erosion Control Plan.
 - 2. Erosion Control Methods shall be those required by the erosion control ordinances under Chapter 325 of the City of Fond du Lac Municipal Code or by the State of Wisconsin through the Department of Natural Resources. The Primary Contractor

shall be responsible for maintaining erosion control in accordance with the Erosion Control Permit during construction.

3. DEVELOPER shall be responsible for pre-grading and maintaining grades within the DEVELOPMENT in accordance with the approved DEVELOPER's Grading Plan until final acceptance by the CITY of improvements.
4. DEVELOPER shall be responsible for implementing the approved Master Grading Plan. This shall be achieved as part of the DEVELOPER's construction activities and by providing the approved Master Grading Plan to lot buyers for implementation during the building permit phase of the individual lots.

B. INSPECTION and MAINTENANCE OF PUBLIC IMPROVEMENTS

1. Oversight of all construction and maintenance shall be performed under the direction of the CITY, at the DEVELOPER's sole expense.
2. All erosion control measures shall be maintained in accordance with the Erosion Control Permits.
3. DEVELOPER, at his/her sole expense, shall be responsible for removing erosion control measures as directed by the CITY.

IV. SANITARY SYSTEM

A. AVAILABILITY

1. Each building in the DEVELOPMENT shall be served by a sanitary sewer main and lateral at DEVELOPER's sole expense and connected to the CITY sanitary system in accordance with plans and specifications approved by the City Engineer and all other regulatory agencies.
2. The sanitary sewer lateral shall be installed to two feet beyond the lot line at the DEVELOPER's sole expense. As individual buildings are being constructed, the property owner shall extend the sanitary sewer lateral from this point to the building.
3. All buildings or units in the DEVELOPMENT shall be individually served with private laterals. In the event it is later determined that the location or size of such laterals are insufficient to service certain parcels or units of land within the project, the owner(s) of such parcel(s) may install laterals subject to CITY approval which will be paid for by the property owner.
4. DEVELOPER shall provide for the extension of the sanitary sewer system in accordance with the approved plans by the CITY by laying sanitary sewer mains in public right-of-way and/or public easement as directed by the CITY.

B. CAPACITY OF THE SYSTEM

1. The System shall conform to the Municipal Code of the City of Fond du Lac and have a capacity sufficient to meet the needs of the DEVELOPMENT and each building therein, and as directed by the CITY.

C. INSPECTION OF THE SYSTEM

1. Oversight of all construction shall be performed under the direction of the CITY, at the DEVELOPER's sole expense.

D. OWNERSHIP OF SANITARY SEWER SYSTEM

1. Upon CITY's final acceptance of the sanitary sewer system, those portions of the sanitary sewer system located in the public right-of-way and/or public easement shall be dedicated by the DEVELOPER to the CITY and shall thereafter be maintained and serviced by the CITY.

E. SANITARY AND STORM SEWER FEES

1. All building sites and buildings in the DEVELOPMENT shall be subject to all sanitary and storm sewer fees in the same amount and collected in the same manner as are sanitary and storm sewer fees for all other CITY parts served by the same wastewater treatment facilities.

V. WATER SYSTEM

A. AVAILABILITY

1. Each building in the DEVELOPMENT shall be served by water main and a lateral installed at DEVELOPER's sole expense and connected to the CITY Water Utility in accordance with plans and specifications approved by the CITY and all other agencies.
2. The water lateral shall be installed to two feet beyond the lot line at the DEVELOPER's sole expense. As individual buildings are being constructed, the property owner shall extend the water lateral from this point to the building.
3. All buildings or units in the DEVELOPMENT shall be individually served with private laterals. In the event it is later determined that the locations, pressure or size of such laterals are insufficient to service certain parcels or units of land within the project, the owner(s) of such parcel(s) may install laterals subject to CITY approval which will be paid for by the property owner.
4. DEVELOPER shall provide for the extension of the water system in accordance with the Site Development Plan approved by the CITY by laying water mains in public right-of-way and/or public easement as directed by the CITY and shown on the plans.

B. CAPACITY OF THE SYSTEM

1. The water system shall conform to the Municipal Code of the City of Fond du Lac and have a capacity sufficient to meet the needs of the DEVELOPMENT and each building therein and as directed by the CITY.

C. INSPECTION

1. Oversight of all construction shall be performed under the direction of the CITY, at the DEVELOPER's sole expense.

D. OWNERSHIP

1. Upon CITY's final acceptance of the water system, those portions of the water system located in the public right-of-way and/or public easement shall be dedicated by the DEVELOPER to the CITY and shall thereafter be maintained and serviced by the CITY.

E. WATER UTILITY CHARGES

1. Upon final acceptance of the water system by the CITY, all buildings, or building sites in the DEVELOPMENT shall be subject to all water service charges and/or assessments in the same amount and collected in the same manner, as are water service charges and/or assessments for all other parts of the CITY served by CITY water.

VI. STORM DRAINAGE SYSTEM

A. COMPONENTS

1. Storm drainage shall be provided by means of storm sewers, culverts, ditches, Storm Water Best Management Practices (BMP), and appurtenances in the public right-of-way and/or in drainage easements where required and/or within natural areas (where applicable and permitted), all in accordance with storm drainage plans prepared by DEVELOPER and approved by the CITY and entirely at the DEVELOPER's sole expense. All storm drainage shall be in conformance with the approved Storm water Management Plan as required under Chapter 325 of the Municipal Code of the City of Fond du Lac.
2. Provide a storm sewer lateral for 1 & 2 family residential lots. Install to two feet beyond the lot line, to edge of storm sewer or drainage easement, or as approved by CITY at the DEVELOPER's sole expense. As individual buildings are being constructed, the property owner shall extend the storm lateral from this point to the building.

B. CONSTRUCTION

1. DEVELOPER shall be responsible for the planning, design and construction of facilities for storm drainage (the Storm Drainage System) until such storm water exits the exterior perimeter line of the DEVELOPMENT or until it reaches a point, outside of and adjacent to the PROPERTY from which point such storm water passes into, or through specified conduits or channels. Such design shall be reviewed and approved by the CITY prior to construction.
2. The design and construction plan for the Storm Drainage System shall be reviewed and approved by the CITY prior to construction.
3. Nothing in this paragraph shall be deemed to limit the DEVELOPER's responsibility to adjacent owners for discharged water. Should any claim be made against the CITY for increased water discharge or altered drainage patterns from the project, DEVELOPER shall indemnify, defend and hold harmless the CITY paying all costs thereof (including but not limited to actual attorney fees) and further indemnify the CITY from any loss or damage based upon a claim arising from water allegedly

discharged within or from the site, except if the loss or damage was caused by the negligence or willful misconduct of the CITY.

4. Major drainage improvements shall be constructed during the first phase of the DEVELOPMENT including, but not limited to the BMP and necessary downstream improvements.
5. All normal maintenance and/or repair of the Storm Drainage System shall be the obligation of the DEVELOPER or subsequent Homeowner's Association as required by the Maintenance Agreement under Chapter 325-25 of the Municipal Code of the City of Fond du Lac. The CITY, at its sole discretion, may require the DEVELOPER or subsequent Homeowner's Association to restore the Storm Drainage System to its original condition should its function diminish through disrepair or other causes.
6. The CITY may periodically inspect the Storm Drainage System upon reasonable notice. Should maintenance and/or repair work not be completed in a timely manner to the CITY's reasonable satisfaction, the CITY shall have the authority to complete said work and charge all reasonable costs, including but not limited to engineering, administration costs and legal costs, to the DEVELOPER of the land set forth in the legal description on Exhibit A with each owner assessed an undivided fractional ownership of the expense as a lien against their property.

C. OWNERSHIP

1. The components of the Storm Drainage System in public rights of way and public easements shall be dedicated to the CITY. When dedicated to the CITY upon approval and final acceptance by the CITY, system components shall become the property of the CITY and thereafter be maintained by the CITY.
2. The Storm Drainage System and private drainage easements shall remain in the sole ownership and responsibility of DEVELOPER or subsequent Homeowner's Association even if they are located within easements for access or maintenance.
3. Development of the property is subject to the Storm Water Management Plan established for the DEVELOPMENT. All landowners and/or owners of land within the DEVELOPMENT are and shall be jointly and severally responsible for the Storm Drainage System within the DEVELOPMENT. In the event the DEVELOPER or subsequent Homeowner's Association default(s) in its duty to maintain the Storm Drainage System, as reasonably determined by the CITY, each of the property owners shall be responsible for a pro-rata share of the costs of the maintenance and/or repair of the Storm Drainage System. Should the CITY have to perform repairs and/or maintenance, all of the direct and indirect costs thereof shall become a lien against the DEVELOPMENT with each owner assessed an undivided fractional ownership of the expense.
 - a. Each property deed shall include language pertaining to the responsibility of maintaining the Storm Drainage System and reference this Subdivision Agreement prior to the sale and/or transfer of property.

D. INSPECTION

1. Oversight of all construction shall be performed under the direction of the CITY, at the DEVELOPER's sole expense.

VII. PUBLIC ROADWAYS

A. LOCATION

1. Roadways shall be constructed in such a manner that the centerline of the roadway improvements shall be centered upon the centerline of the right-of-way.
2. Roadways shall be constructed in each and every road right-of-way platted, shall be built to the exterior lot line of the subdivision and constructed as directed by the CITY.

B. CONSTRUCTION

1. DEVELOPER shall provide the geotechnical data compiled during the design of the roadways to the City Engineer. Should the geotechnical data submitted to the CITY not be sufficient to satisfy the City Engineer, the DEVELOPER shall grant the CITY with a right of entry to obtain the required data. Costs associated with obtaining the required data shall be at the DEVELOPER's sole expense.
2. DEVELOPER shall install and/or improve the roadways per the approved plans.
3. The asphaltic binder course shall not be installed after September 1st, without prior approval of the City Engineer.
4. At the direction of the City Engineer, DEVELOPER shall adjust all affected utilities prior to installing the final asphalt surface course at DEVELOPER's sole expense.
5. Prior to final asphaltic surface course construction, all repairs and restoration of damaged, broken or otherwise deficient asphaltic concrete base course, curb and gutter sections, side path (if applicable), water system, sanitary system, and storm drainage system shall be completed at DEVELOPER's sole expense.
6. The final asphaltic surface course shall not be installed after October 1st, and shall be installed in the same calendar year as the binder course.
7. Material storage or stockpiling shall not be allowed on road surface after final surface course is installed.
8. DEVELOPER shall be responsible for any damage to the road system until final acceptance.

C. INSPECTION

1. Oversight of all construction and maintenance shall be performed under the direction of the CITY, at the DEVELOPER's sole expense.

D. STREET SIGNS

1. Street names shall be in conformance with the CITY's policies and in accord with Chapter 705-8 of the Municipal Code of the City of Fond du Lac.
2. Street signs shall be installed by the CITY, at the DEVELOPER's sole expense and prior to placement of the binder course or the streets being opened to the public.

E. STREET LIGHTING

1. DEVELOPER shall pay for the cost of street lighting, as set forth in the approved plan.

F. STREET TREES

1. Street trees shall be paid for at the time of building permits as outlined in Chapter 705-21 of the Municipal code of the City of Fond du Lac, as set forth by the City Parks Division. Either the abutting property owner will be charged for their trees or the Developer will pay the City for installing the trees, per City Code.

G. SIDEWALKS

1. The Developer shall install Sidewalks as required under Chapter 705-20 and Chapter 568-29 of the Municipal Code of the City of Fond du Lac, as set forth in the approved plan.

H. RELOCATION OF PRIVATE UTILITIES

1. The developer shall be responsible for any expense for private utilities to move their private infrastructure in the public right-of-way necessitated by the DEVELOPMENT.

VIII. SURETY INSTRUMENTS

- A. The DEVELOPER acknowledges the City of Fond du Lac – Inspections Division will not release, authorize or issue any building permit for any of the principal or accessory structures (not related to the public improvements) until the CITY, through the Director of Public Works, has approved the public improvements installed to date. No early start permits will be issued under this AGREEMENT. Prior to releasing, authorizing or issuing any building permit, the final acceptance of the PUBLIC IMPROVEMENTS by the CITY require the following:

1. The DEVELOPER shall deposit with the CITY a surety instrument, either in the form of a performance bond, letter of credit or combination of the two, in the amount of 120% of the estimated total cost of the final lift of asphalt as approved by the CITY in a form approved by the City Attorney, which shall be returned to DEVELOPER upon the final acceptance of the final surface of asphalt by the CITY

2. Public Site Grading

- a. A drainage plan for the development of individual lots may be prepared by persons other than a licensed professional as described herein, to be submitted by the builder, provided the plan includes stamped certification by a licensed professional of existing conditions at the time of drainage plan preparation. No

deviation from the master drainage plan shall be permitted unless approved, in writing, by the City Engineer. The master drainage plan and individual lot plans shall show existing and proposed site grades, existing trees, drainage patterns and significant land features and buildings, and typical proposed drainage swale details as may be required. All necessary drainage easements shall be shown on the master drainage plan and on the final plat. Responsibilities pertaining to drainage easements shall be indicated in deed restrictions. After the subdivision has been created and the drainage plan has been inspected and approved by the City, the enforcement of the drainage plan will be by the developer, the property owners and any homeowner's association, if one is created.

3. Public Road System

- a. Installation of the final course of pavement shall occur at time of initial development. Refer to Section X.B. Forfeiture of Surety for requirements. In the interim, the DEVELOPER shall ensure that the road surface and base course are kept in good shape and shall make repairs as necessary prior to the CITY taking final acceptance.

4. Public Sanitary System

- a. All sanitary features shall be installed to finish grade, and installed per the CITY's development policies, approved plans and specifications. The CITY will conduct a final inspection; as-built drawings must be submitted and approved and final easements recorded for the return of that portion of the surety instrument.

5. Public Water System

- a. All water features shall be installed to the finish grade and installed per the CITY's development policies, approved plans and specifications. The CITY will conduct a final inspection; as-built drawings must be submitted and approved and final easements recorded for the return of that portion of the surety instrument.

6. Public Storm Drainage System

- a. All storm water features (inlets, manholes, curb and gutter, flumes, etc.) shall be installed to finish grade, tuck pointed, cleaned and inspected. The CITY will conduct a final inspection, as-built drawings must be submitted and approved, and final easements recorded for the return of that portion of the surety instrument.

7. Other Special Conditions

- a. Any other special features such as streetscaping, street lights, public trails and pathways, street signs, etc., shall be installed at the time of the initial street construction.

B. PUBLIC SITES AND OPEN SPACES

1. In order to conform to the provisions of Section 705-15 of the Municipal Code of the City of Fond du Lac, DEVELOPER agrees to pay a Public Site Fee pursuant to the procedures established by Section 705-29 (c). Based on the DEVELOPER's intent to construct a mix of dwelling units, the 2024 Public Site Fee of \$400 per new dwelling unit shall be paid to the CITY by the DEVELOPER.

C. FLOODPLAIN

1. DEVELOPER and CITY have not identified any lots that are impacted by the Special Flood Hazard Area and subject to the regulations of Chapter 690 of the Municipal Code of the City of Fond du Lac.

D. WETLAND AREAS

1. The grading, filling, excavation of wetland areas as shown on the Final Plat shall be prohibited. Vegetation may be added to a wetland area.
2. DEVELOPER and CITY have identified that Lots 7, 8, 15, and 16 are impacted by Wetland areas and are subject to waterway regulations administered by the Wisconsin Department of Natural Resources.

H. MISCELLANEOUS

1. DEVELOPER shall be responsible for providing documents to the prospective buyers outlining the responsibilities of any Condominium/Homeowner's Association, and any and all associated costs, at the time of closing on the individual units within the DEVELOPMENT.
2. DEVELOPER shall be responsible for any other items, as reasonably required in writing by the CITY, necessary to accomplish the intent of this AGREEMENT.

IX. DEED RESTRICTIONS

- A. This AGREEMENT shall be recorded in the office of the Register of Deeds of Fond du Lac County, Wisconsin by the CITY at the expense of the DEVELOPER and the use and occupancy of all lots therein shall be subject to the terms and provisions of this AGREEMENT. A copy shall be provided to the CITY.
- B. Any other restrictions desired by the DEVELOPER, but not required by the CITY may be recorded at the DEVELOPER's option. The CITY will not be responsible for the enforcement of those restrictions.

X. ACCEPTANCE OF PUBLIC IMPROVEMENTS

- A. All PUBLIC IMPROVEMENTS required by the CITY within the DEVELOPMENT are the DEVELOPER's sole responsibility.
- B. The DEVELOPER shall take all necessary action to have all PUBLIC IMPROVEMENTS of the DEVELOPMENT specified in the AGREEMENT installed and approved within one year following the date of commencing construction for each of the PUBLIC IMPROVEMENTS.

- C. PUBLIC IMPROVEMENTS will be accepted by the CITY when the DEVELOPER has met and satisfied each of the terms and conditions of this AGREEMENT, permits, and applicable ordinances of the CITY.
1. Preliminary acceptance of the Utility System(s) will be granted when system has been installed and all punch list items have been corrected by the DEVELOPER and approved by the CITY.
 2. Final acceptance of the Utility System(s) will be granted when all land disturbing activities have been completed, all punch list items have been corrected by the DEVELOPER and approved by the CITY, and as-built drawings have been submitted to and approved by the CITY.
 3. The Road System will considered substantially complete upon the installation of the asphalt or concrete binder course on roads to be dedicated to the CITY.
 4. Final acceptance of the Road System will be not granted until 14-months after substantial completion. The CITY will conduct an inspection of the Road System (including curb and gutter, inlets, ditches, culverts and appurtenances) 12-months after substantial completion and prepare a punch list of items that need correction. After all punch list items have been completed by the DEVELOPER, and approved by the CITY, final acceptance will be granted. Final lift and punch list items shall be completed within 14 months of substantial completion.

XI. GENERAL CONDITIONS

- A. DEVELOPER further agrees to abide by such further orders or directions as may be reasonably given by the CITY and/or its Boards and Commissions, as may be necessary to implement and carry out the terms and intent of this AGREEMENT, provided such further orders or directions are usually and customarily required of like developments similarly stated.
- B. It is expressly understood and agreed that the terms of this AGREEMENT are covenants running with the land and binding on DEVELOPER. The terms of the AGREEMENT regarding insurance, warranty and surety obligations shall survive the expiration of this AGREEMENT.
- C. The signatory DEVELOPER shall not dissolve its Corporation, LLC, or other business group designation, without written notification to the CITY, more specifically the CITY Engineer, and a minimum of 60 days prior to the dissolution. The written notification shall include a plan for meeting the requirements of the AGREEMENT and the identity and contact information for the person(s)/entity that will be the subsequent responsible party.
- D. DEVELOPER shall be responsible for the repair to existing roadways and infrastructure for damage caused as a result of its construction activities.
- E. DEVELOPER is required to have the public utilities (sanitary system, water system, and storm drainage system) located and marked in the field until the final as-built drawings for the utilities are approved by the CITY.

- F. DEVELOPER and subsequent owners of lots shall promptly remove all construction debris including, but not limited to, paper, plastic, insulation, packaging, etc. and will take adequate measures to keep all debris on the lot site to prevent littering adjoining properties.
- G. Streets shall be swept daily as needed to remove silt, stone, ground or other materials that have been tracked or eroded onto the streets. The CITY may periodically inspect the streets for debris and determine if street sweeping is required. Reasonable efforts will be made to contact the responsible party to get the impacted streets swept. Should street sweeping not be completed in a timely manner to the CITY's reasonable satisfaction, the CITY shall have the authority to complete said work and charge all reasonable costs for the street sweeping to the responsible party. In the event that said costs are not promptly paid, the CITY may assess those charges against the property within this DEVELOPMENT as a special charge for current services pursuant to Wisconsin Stat. Sec. 66.0627.
- H. DEVELOPER agrees, to the fullest extent permitted by law, to indemnify and hold the CITY harmless from any damage, liability or cost (including reasonable attorney's fees and costs of defense) to the extent caused by the DEVELOPER's negligent or intentional acts, errors or omissions in the performance of its obligations under this AGREEMENT and those of its contractors/subcontractors or anyone for whom the DEVELOPER is legally liable. Neither party will be responsible to the other for consequential damages including, but not limited to, loss of profit, loss of investment or business interruption.
- I. DEVELOPER or its successor or assignee shall be responsible for maintenance of rights-of-way up to the edge of the roadways adjoining the DEVELOPMENT to include grass cutting and any litter removal consistent with the landscaping of the DEVELOPMENT. Failure to maintain this area shall subject the DEVELOPMENT to charges by the CITY.
- J. Building setbacks, height restrictions, and locations of all structures shall be as regulated by Chapter 720 of the Municipal Code of the City of Fond du Lac.
- K. All conditions of approval for the DEVELOPMENT by the Plan Commission and/or City Council shall be followed.
- L. Except for the specific responsibilities and obligations retained by the DEVELOPMENT hereunder, CITY shall provide to the DEVELOPMENT and its occupants the same governmental services, as are generally provided to other residents, residences, and citizens of the CITY.
- M. Neither the CITY's own inspection nor the CITY's acceptance of DEVELOPER's dedication to the CITY shall be deemed a waiver of the DEVELOPER's obligation to construct the Water, Sanitary, Storm Drainage, and Road Systems according to the approved plans and specifications and other regulatory agencies.

XII. SPECIAL CONDITIONS

- A. Fire or emergency protection services are available to the DEVELOPMENT.

- B. Snow and ice removal from private roadways, drives or parking lots shall not be placed in public roadways or rights-of-way.
- C. DEVELOPER shall be responsible for submitting a Storm Water Management Practice Maintenance Agreement in accordance with the requirements of the Chapter 325 of the Municipal Code of the City of Fond du Lac. CITY shall be responsible for recording the document, provided by the DEVELOPER in a form that is acceptable to the CITY, at the Fond du Lac County-Register of Deeds so that the Agreement is binding upon all subsequent owners of lands within the DEVELOPMENT. A copy of the recorded document shall be provided to the DEVELOPER.
- D. The Storm Water Management BMP are to be maintained per the approved Storm Water Management Practice Maintenance Agreement referred to above.
- E. DEVELOPER shall be responsible for furnishing and setting any required horizontal and vertical control points required to perform or install grading and erosion control, the sanitary system, the water system, the storm drainage system, and public roadways.

[signature page(s) follow]

DRAFT

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

_____, LLC

By: _____
James Roberts

STATE OF WISCONSIN
County of Fond du Lac

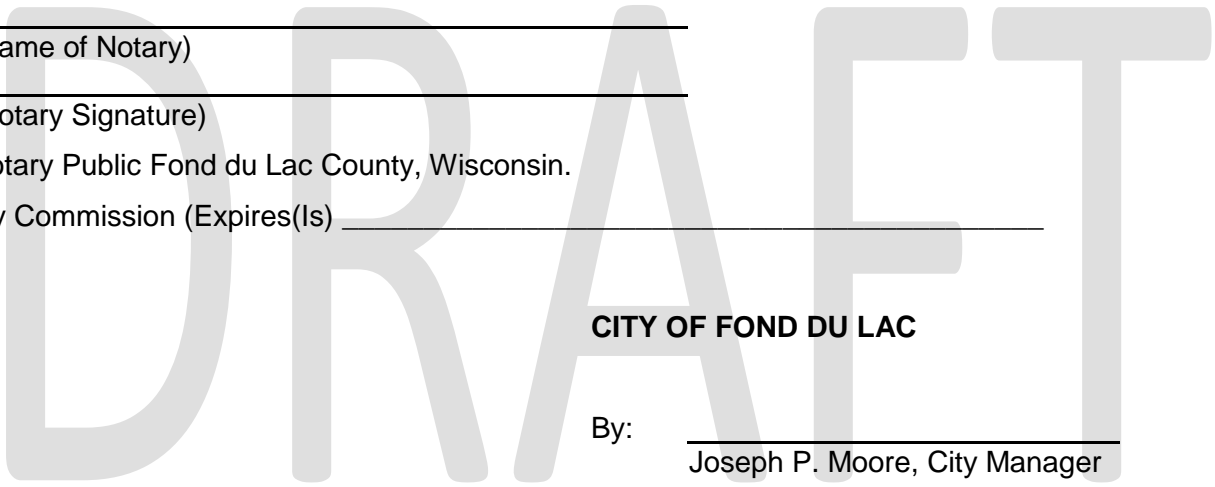
This instrument was acknowledged by _____ (Name(s) of person(s))
as _____ (Type of authority; eg office, etc, if any)
of _____ (Name of party on behalf of whom instrument was executed, if any)

(Name of Notary)

(Notary Signature)

Notary Public Fond du Lac County, Wisconsin.

My Commission (Expires/Is) _____



CITY OF FOND DU LAC

By: _____
Joseph P. Moore, City Manager

Attest: _____
Margaret Hefter, City Clerk

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

By: _____
Tricia Davi, Director of Administration

APPROVED AS TO FORM:

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

EXHIBIT A
LEGAL DESCRIPTION

DRAFT

EXHIBIT B

DESCRIPTION OF PUBLIC IMPROVEMENTS

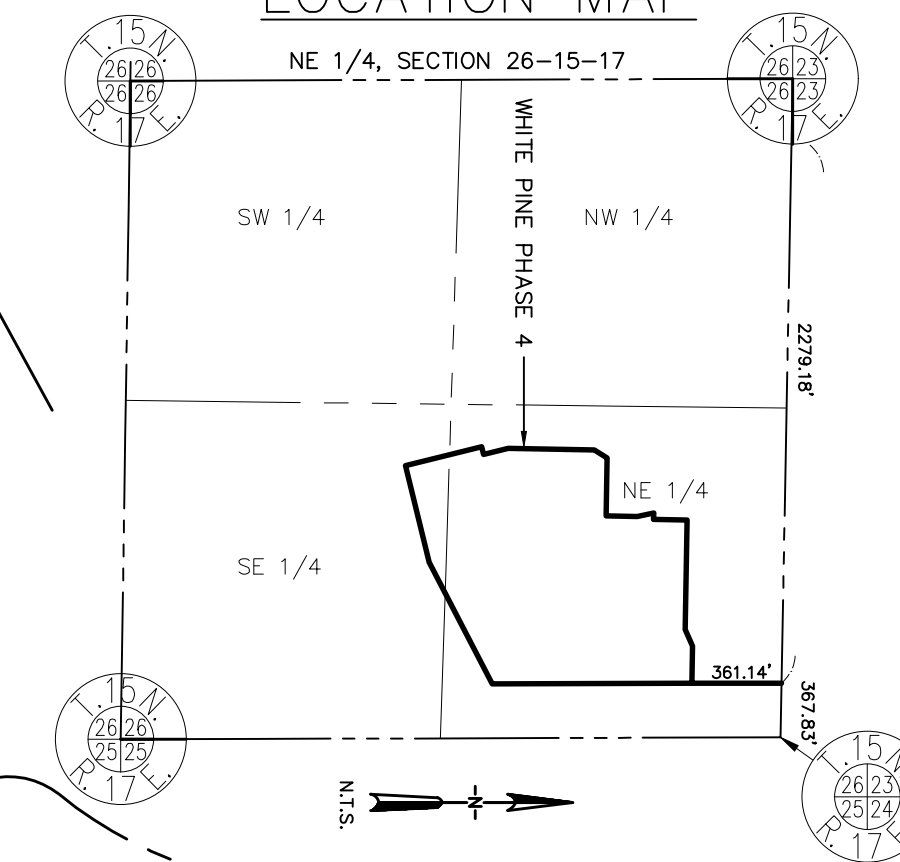
DRAFT

WHITE PINE HEIGHTS PHASE 5

SHEET 1 OF 2 SHEETS

LOT 3, CSM NO. 8881, BEING A PART OF THE NE 1/4 OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 26, T. 15 N.-R. 17 E., CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN

LOCATION MAP



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20__

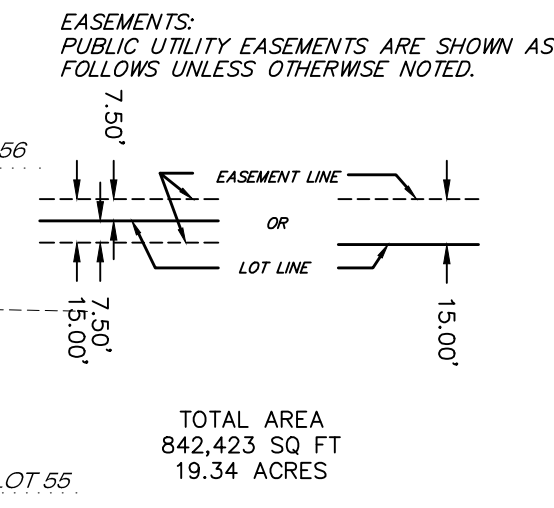
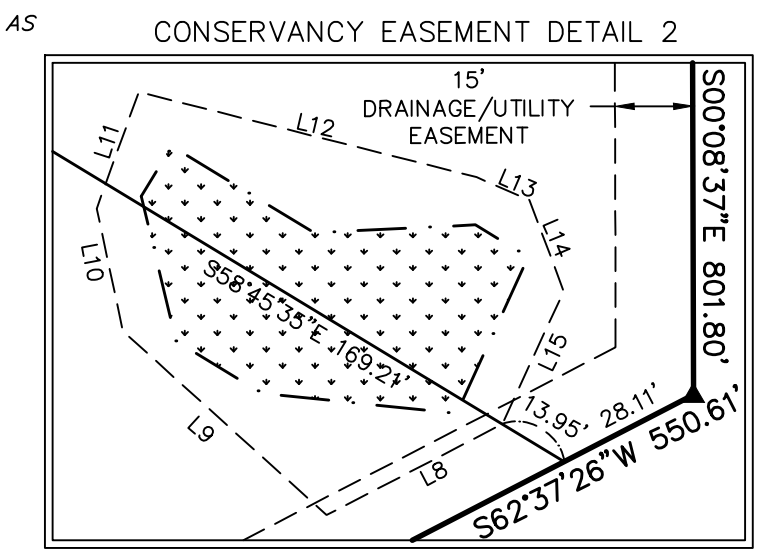
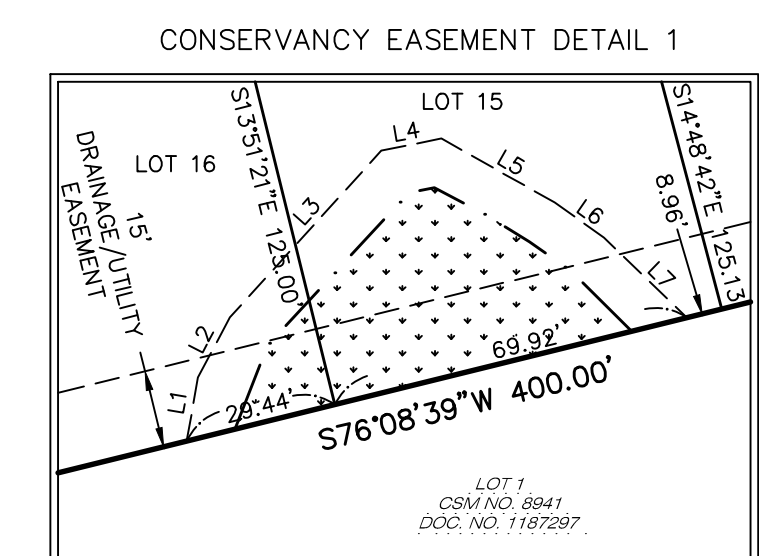
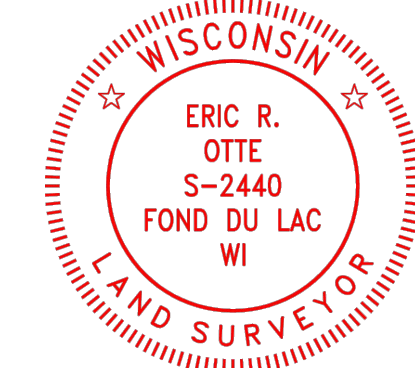
Department of Administration

ERIC R. OTTE, P.L.S. NO. S-2440

DATED THIS _____ DAY OF _____, 2024.

REVISED THIS _____ DAY OF _____, 20__.

REVISED THIS _____ DAY OF _____, 20__.



NORTH POINT REFERENCED TO THE NORTH LINE OF THE NE 1/4, SECTION 26-15-17 BEARING N88°57'40"W PER COUNTY COORDINATE SYSTEM

SCALE 1"=60' FEET

NOTE: ALL OTHER LOT CORNERS STAKED WITH 1" O.D. X 18" IRON PIPE, WEIGHING 1.13 LBS./LIN. FT.

MEASUREMENTS: ALL MEASUREMENTS ON THIS PLAT HAVE BEEN MADE TO THE NEAREST ONE-HUNDREDTH OF A FOOT.

- LEGEND**
- 2.375" (O.D.) X 18" IRON PIPE SET WEIGHING 3.65 LBS. PER LINEAL FOOT
 - 1" (O.D.) IRON PIPE FOUND IN PLACE
 - 1 1/4" REBAR FOUND IN PLACE
 - ▲ 3/4" REBAR FOUND IN PLACE
 - ✂ CUT X FOUND IN PLACE
 - ⊙ SECTION CORNER
 - () RECORDED INFORMATION
 - ▭ WETLAND DELINEATED BY EVERGREEN CONSULTANTS, LLC

LOT 1 CSM NO. 8941 DOC. NO. 1187297

LOT 3 CSM NO. 8941 DOC. NO. 1187297

LOT 1 CSM NO. 1039 VOL. 6, PG. 199

LOT 1 CSM NO. 3886 VOL. 22, PG. 65

LOT 2 CSM NO. 3886 VOL. 22, PG. 65

LOT 3 CSM NO. 4024 VOL. 22, PG. 103

UNPLATTED LANDS BY OTHERS

UNPLATTED LANDS BY OTHERS

LOT 51

LOT 52

PLAN COMMISSION MINUTES

160 S Macy Street Fond du Lac, Wisconsin
Meeting Room A
Monday, September 16, 2024
5:30 P.M.

OPENING CEREMONIES

Attendance

Present

Craig Much
Anne Pierce
Derek TerBeest
Sarah Van Buren

Absent

Alicia Hans
Bradley Leonhard
Brett Zimmermann

Declaration Quorum Present

Vice Chair TerBeest declared a quorum present at 5:30 p.m.

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

ACTION

White Pine Heights Phase 5 - Final Plat & Subdivision Agreement

Location: White Pine Heights (north of Hwy 151 between Martin Avenue and Old County Road V)

Conditions of Approval:

1. The Developer and City shall enter into a Developer's Agreement to define the responsibilities and obligations of the Developer and the City for the construction of public improvements. The Developer's Agreement will be prepared by the City, to be finalized prior to recordation of the Final Plat.
2. Indicate the easements to be dedicated to the City of Fond du Lac (Storm Sewer Easements)
3. Show/label drainage easements.
4. Revise utility easement to cross storm sewer easement at lots 195 and 202.

5. Revise easement language to not list owner as Eastern Ridge Estates, LLC.
6. Add Storm Sewer Easement Language
7. Add Drainage Easement Language
8. Add Conservancy Easement Language

A Motion was made by Van Buren to recommend to City Council approval of the Final Plat, subject to the listed conditions and seconded by TerBeest, and the motion was **Passed**.

ROLL CALL VOTE: Aye - Much, Pierce, TerBeest, Van Buren
 Nay - None

Carried.

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

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

Title: Ordinance No. 3799
Subject: An Ordinance Amending The City of Fond du Lac 2040
Comprehensive Plan
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

3799_CompPlanAmendmentNo4OrdinanceALT.pdf

PC_Memo_Comp_Plan_Amendment.pdf

Comp_Plan_Amend_4_Maps.pdf

PH_Comp_Plan_Amendment.pdf

9-16-24_Plan_Commission_Excerpt_Amendment_No._4.pdf

ORDINANCE NO. 3799

**AN ORDINANCE AMENDING THE CITY OF FOND DU LAC 2040
COMPREHENSIVE PLAN**

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

WHEREAS, the Plan Commission of the City of Fond du Lac adopted the “City of Fond du Lac 2040 Comprehensive Plan” (Comprehensive Plan) via Plan Commission Resolution No. 2021-01 and the City Council adopted the Comprehensive Plan via Ordinance No. 3731, and

WHEREAS, the Comprehensive Plan adopts the “Future Land Use Map”, incorporating the recommended future land use goals and policies into Chapter 9: Land Use; and

WHEREAS, the “Future Land Use Map” guides future planning and location of development that will meet the said goals and policies of Chapter 9: Land Use and Comprehensive Plan; and

WHEREAS, the Future Land Use Map may be amended following the criteria set forth in Chapter 9: Land Use; and

WHEREAS, the amended Future Land Use Map will correct in oversight in the initial review of the Future Land Use Map by reflecting the existing use of the parcels as industrial, the ongoing uses of these parcels for such and the location does not support commercial use; and

WHEREAS, a copy of the Future Land Use amendment is attached hereto as Exhibit A as Comp Plan Amendment No. 4, incorporated by reference, and

WHEREAS, the Plan Commission recommended approval of the Comprehensive Plan amendment at its meeting held on September 16, 2024.

Now therefore, the City Council of the City of Fond du Lac do ordain as follows:

PART I. The “City of Fond du Lac 2040 Comprehensive Plan” and Future Land Use Map are hereby amended to the depicted in Exhibit A of this resolution.

PART II. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. The provisions of this ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED:

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: September 10, 2024
To: Plan Commission
From: Dyann Benson, Community Development Director
Re: Comprehensive Plan Amendment No. 4

Location: Parcel Number: FDL-15-17-16-41-018-00, 6.45 acres;
Parcel Number: FDL-15-17-16-41-015-00, 2.398 acres;
Parcel Number: FDL-15-17-16-41-017-00, 0.138 acres;
Parcel Number: FDL-15-17-16-41-033-00, 0.607 acres;
Parcel Number: FDL-15-17-16-41-034-00, 1.22 acres

Request: Change comprehensive plan land use designations from General Commercial to Industrial.

Existing Land Use: Sites: Industrial/Storage/Office Uses, Residence
North: Residential
South: General Commercial Uses Mixed with Residential
East: Residential with Commercial
West: Residential with Commercial/Manufacturing

Analysis

The Comprehensive Plan identifies where growth should occur and makes recommendations of future development. Reflective of the dynamics of development and growth, the Comprehensive Plan carries an expectation that amendments would be needed to address changing conditions of land use and development.

The five parcels identified above are located north of Military Road, west of Hickory Street and about 11th Street. The Comprehensive Plan identifies all five parcels for future general commercial uses.

144 Real Estate LLC is requesting a rezoning of the parcels: FDL-15-17-16-41-034-00 to M-1 Manufacturing District.

The current use of these properties is consistent with an industrial land use and manufacturing zoning designation. The properties are unlikely to convert to a General Commercial Use given their lack of visibility from Military Road or Hickory Street and the

predominance of West Johnson and East Johnson Street as the City's primary commercial corridor. Any general commercial development would likely seek a Military Road frontage.

To facilitate future industrial development and be consistent with the current and future use of these parcels, a change of zoning from commercial to industrial is proposed. In considering appropriate zoning for a property, continuity between zoning and land use is required. In other words, the *zoning* of a property must reflect the *use* of the property. The proposed industrial zoning of the subject properties conflicts with the existing land use designations for commercial uses; therefore, a change to the Comprehensive Plan is necessary in order for the zoning to change.

The suggested industrial land use designation would represent the current and future land use. The proposed land use designation reflects the industrial development anticipated for the subject properties. Commercial development/uses are not anticipated.

The Comprehensive Plan Amendment and rezoning proposal will be considered as separate items on the September 16th Plan Commission agenda.

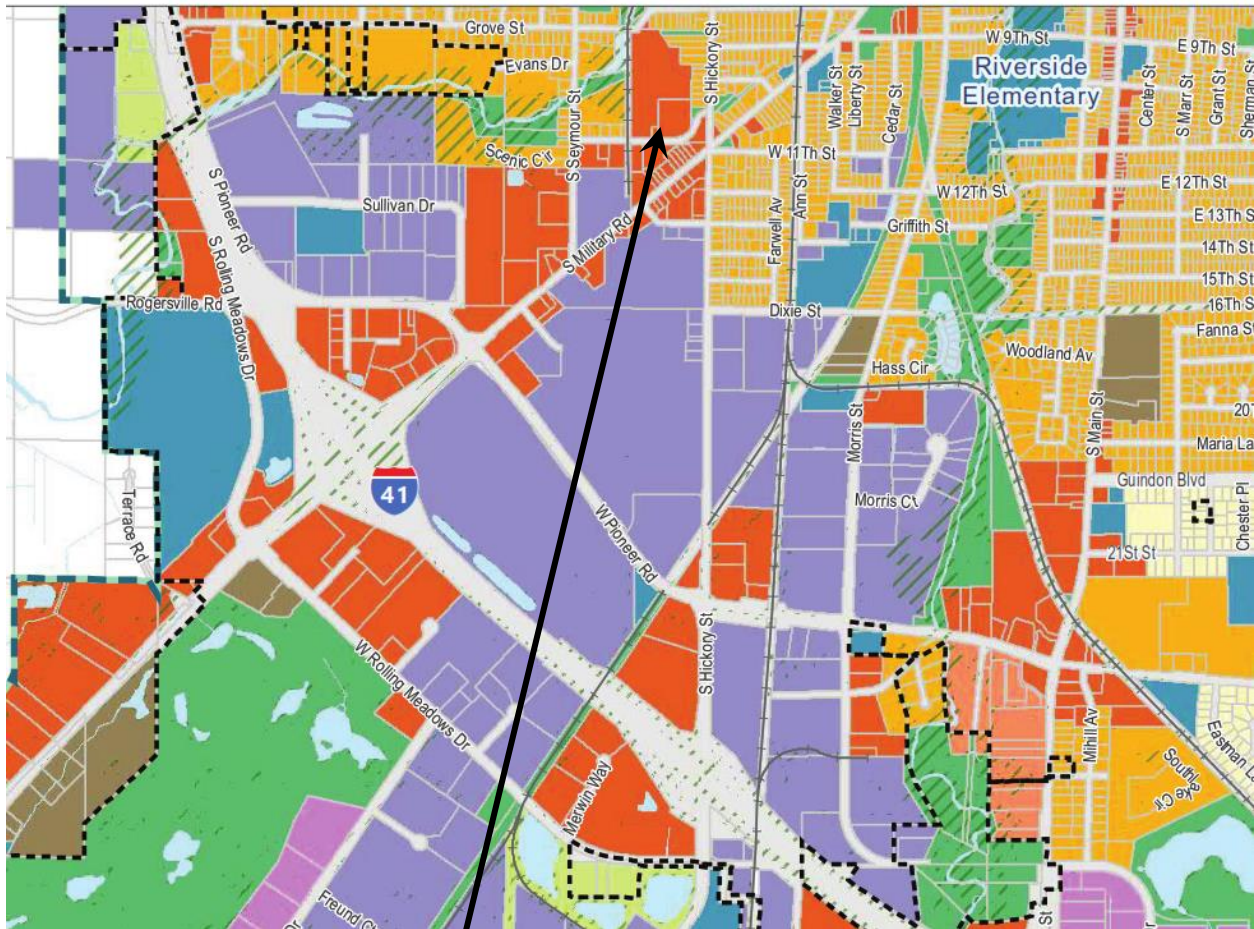
Recommendation

The process for amending the Comprehensive Plan is the same used for adoption of the Plan. Community Development staff advises the Plan Commission recommend to the City Council a change of land use designation for the parcels identified as:

Parcel Number: FDL-15-17-16-41-018-00; Parcel Number: FDL-15-17-16-41-015-00; Parcel Number: FDL-15-17-16-41-017-00; Parcel Number: FDL-15-17-16-41-033-00; and Parcel Number: FDL-15-17-16-41-034-00, from General Commercial to Industrial.

COMPREHENSIVE PLAN AMENDMENT NO. 4

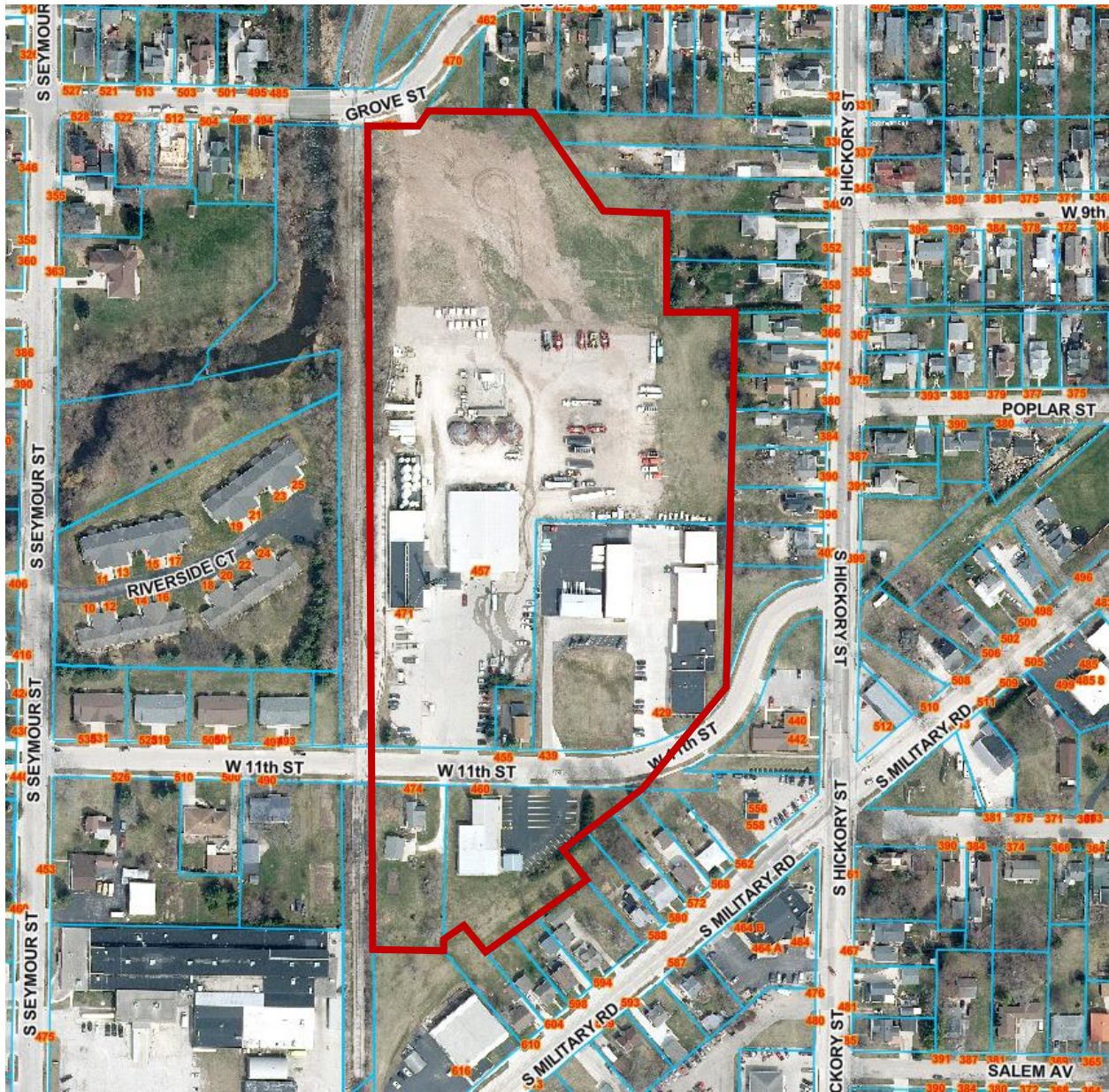
Recommended Land Use Designation: Industrial



Comprehensive Plan Amendment No. 3:

Parcel Number: FDL-15-17-16-41-018-00, 6.45 acres; and
Parcel Number: FDL-15-17-16-41-015-00, 2.398 acres; and
Parcel Number: FDL-15-17-16-41-017-00, 0.138 acres; and
Parcel Number: FDL-15-17-16-41-033-00, 0.607 acres; and
Parcel Number: FDL-15-17-16-41-034-00, 1.22 acres

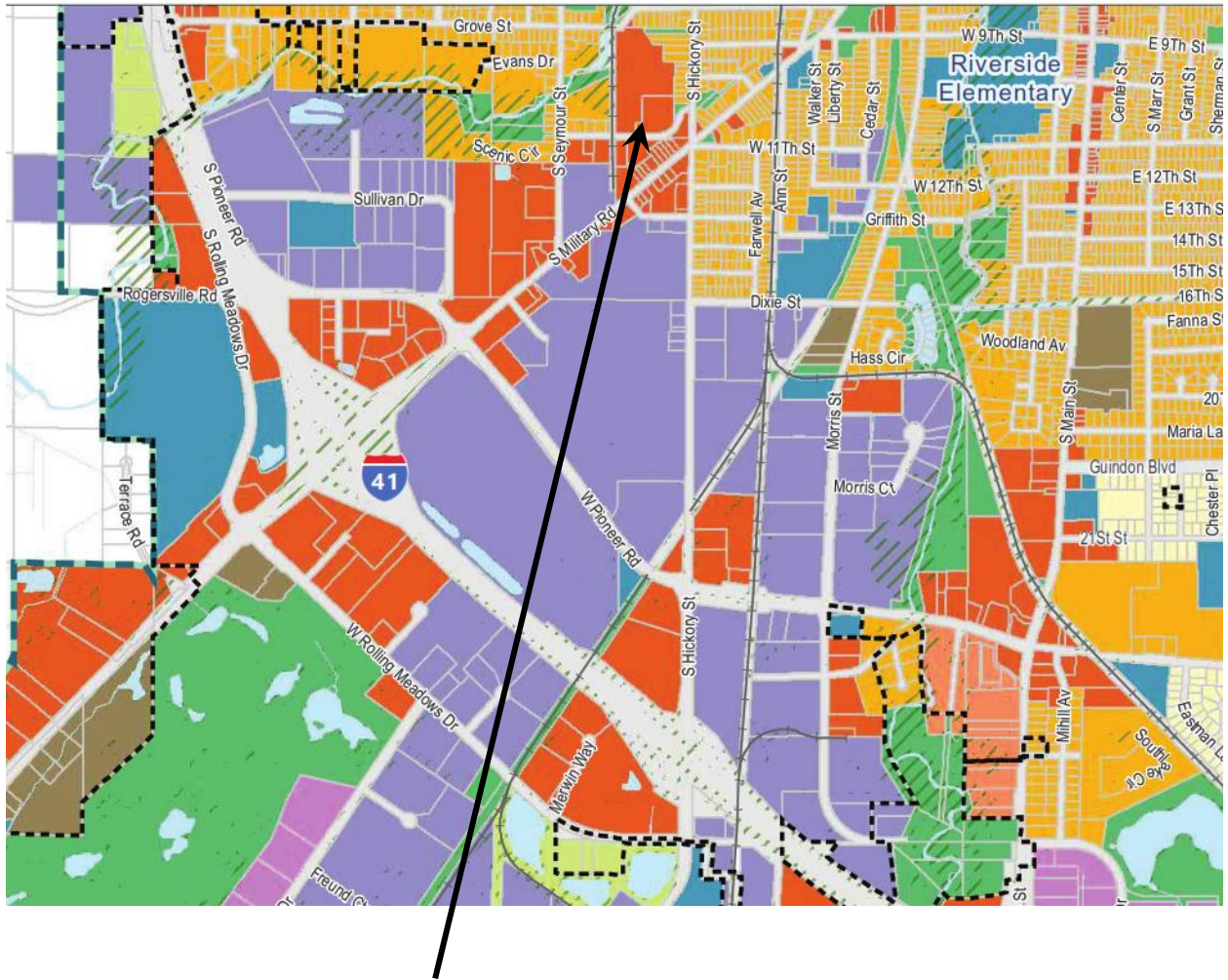
REQUEST FOR REZONING



Parcels: FDL-15-17-16-41-018-00, FDL-15-17-16-41-015-00, FDL-15-17-16-41-017-00,
FDL-15-17-16-41-033-00, and FDL-15-17-16-41-034-00

COMPREHENSIVE PLAN AMENDMENT

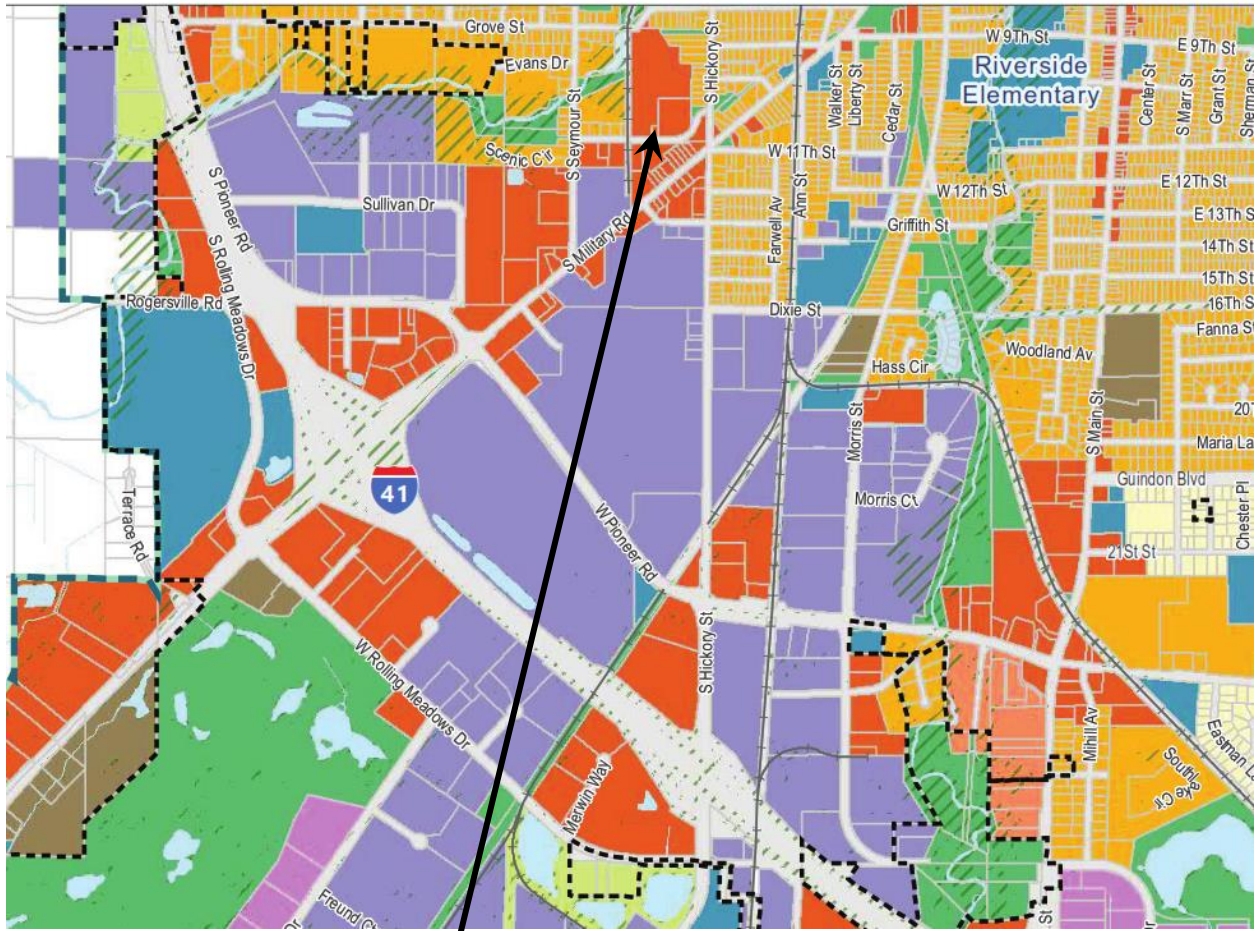
Existing Land Use Designation: General Commercial



Area of Plan Amendment (Parcels: FDL-15-17-16-41-018-00, FDL-15-17-16-41-015-00, FDL-15-17-16-41-017-00, FDL-15-17-16-41-033-00, and FDL-15-17-16-41-034-00)

COMPREHENSIVE PLAN AMENDMENT

Recommended Land Use Designation: Industrial



Area of Plan Amendment

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 p.m. on September 16, 2024, in Meeting Room A of the City-County Government Center, 160 South Macy Street, to amend the Comprehensive plan for the City of Fond du Lac.

The Comprehensive Plan identifies where growth should occur and makes recommendations of future development in the City. The purpose of the proposed amendment is correct inconsistencies between the future land use plans and actual development. The future land use plan shows this area as future commercial development and the existing zoning and development patterns are manufacturing with no anticipated change in the future for commercial development.

Parcel Number: FDL-15-17-16-41-033-00 (0.607 acres)

Parcel Number: FDL-15-17-16-41-034-00 (1.22 acres)

Parcel Number: FDL-15-17-16-41-015-00 (2.398 acres)

Parcel Number: FDL-15-17-16-41-017-00 (0.138 acres)

Parcel Number: FDL-15-17-16-41-018-00 (6.45 acres)

For further information you are invited to contact the Community Development Department at (920) 322-3440. A copy of the proposed Comprehensive Plan amendment is on file at the Community Development Department. The current Comprehensive Plan is available on the City's website under the Community Development Department.

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered. For further information you are invited to contact the Community Development Department at (920) 322-3440. Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this 13th day of August, 2024

MARGARET HEFTER
City Clerk

Published: August 16, 2024

PLAN COMMISSION MINUTES

160 S Macy Street Fond du Lac, Wisconsin
Meeting Room A
Monday, September 16, 2024
5:30 P.M.

OPENING CEREMONIES

Attendance

Present

Craig Much
Anne Pierce
Derek TerBeest
Sarah Van Buren

Absent

Alicia Hans
Bradley Leonhard
Brett Zimmermann

Declaration Quorum Present

Vice Chair TerBeest declared a quorum present at 5:30 p.m.

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

PUBLIC HEARING

Comprehensive Plan Amendment No. 4

Request: Change comprehensive plan land use designations from General Commercial to Industrial.

Location:

- Parcel Number: FDL-15-17-16-41-018-00, 6.45 acres;
- Parcel Number: FDL-15-17-16-41-015-00, 2.398 acres;
- Parcel Number: FDL-15-17-16-41-017-00, 0.138 acres;
- Parcel Number: FDL-15-17-16-41-033-00, 0.607 acres;
- Parcel Number: FDL-15-17-16-41-034-00, 1.22 acres

A Motion was made by Pierce to recommend to the City Council approval to change the Comprehensive Plan land use designations from General Commercial to Industrial for Parcels FDL-15-17-16-41-018-00; FDL-15-17-16-41-015-00; FDL-15-17-16-41-017-00; FDL-15-17-16-41-033-00; and FDL-15-17-16-41-034-00 and seconded by Much, and the motion was **Passed**.

ROLL CALL VOTE: Aye - Much, Pierce, TerBeest, Van Buren
 Nay - None

Carried.

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

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

Title: Ordinance No. 3800

Subject: An Ordinance Rezoning 460 West 11th Street (FDL-15-17-16-41-034-00) From C-2 (General Commercial District) To M-1 (Manufacturing District)
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

3800_Rezone__11th_Street_Ordinance.pdf

PC_Memo_Rezone_-_11th_Street.pdf

Application_redacted.pdf

Public_Notice_(1).pdf

9-16-24_Plan_Commission_Excerpt_Rezone_460_W_11th_St.pdf

ORDINANCE NO. 3800

**AN ORDINANCE REZONING 460 WEST 11TH STREET
(FDL-15-17-16-41-034-00) FROM C-2 (GENERAL COMMERCIAL
DISTRICT) TO M-1 (MANUFACTURING DISTRICT)**

WHEREAS, 144 Real Estate LLC has requested that the parcel of land identified as 460 West 11th Street (FDL-15-17-16-41-034-00) be rezoned from C-2 District (General Commercial) to M-1 District (Manufacturing); and

WHEREAS, the rezoning will reflect the use of the property as a trade storage facility and consistent with the adjoining M-1 District uses; and

WHEREAS, the City Plan Commission recommended approval of the change to the official zoning map.

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

Section 1. Chapter 720, CITY ZONING, Section 720-8., **Zoning Map; district boundaries.**, of the Code of the City of Fond du Lac is hereby amended by rezoning the following parcel of land in the City of Fond du Lac from C-2 (General Commercial District) to M-1 (Manufacturing District):

FDL-15-17-16-41-034-00 (460 West 11th Street) as shown on the attached Exhibit A incorporated herein by reference.

Section 2. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: September 10, 2024

To: Plan Commission

From: Dyann Benson, Community Development Director

Re: Rezoning – 460 West 11th Street (FDL-15-17-16-41-034-00)

Initiator: 144 Real Estate LLC

Request: Rezone property from C-2 (General Commercial District) to M-1 (Manufacturing District)

Zoning: Site: C-2 (General Commercial District)
North: M-1 (Manufacturing District)
South: C-2
East: M-1/C-2
West: M-1

Land Use: Site: Vacant Trade Building
North: Manufacturing
South: Residential/Commercial
East: Manufacturing/Commercial
West: Manufacturing/Residential

Analysis

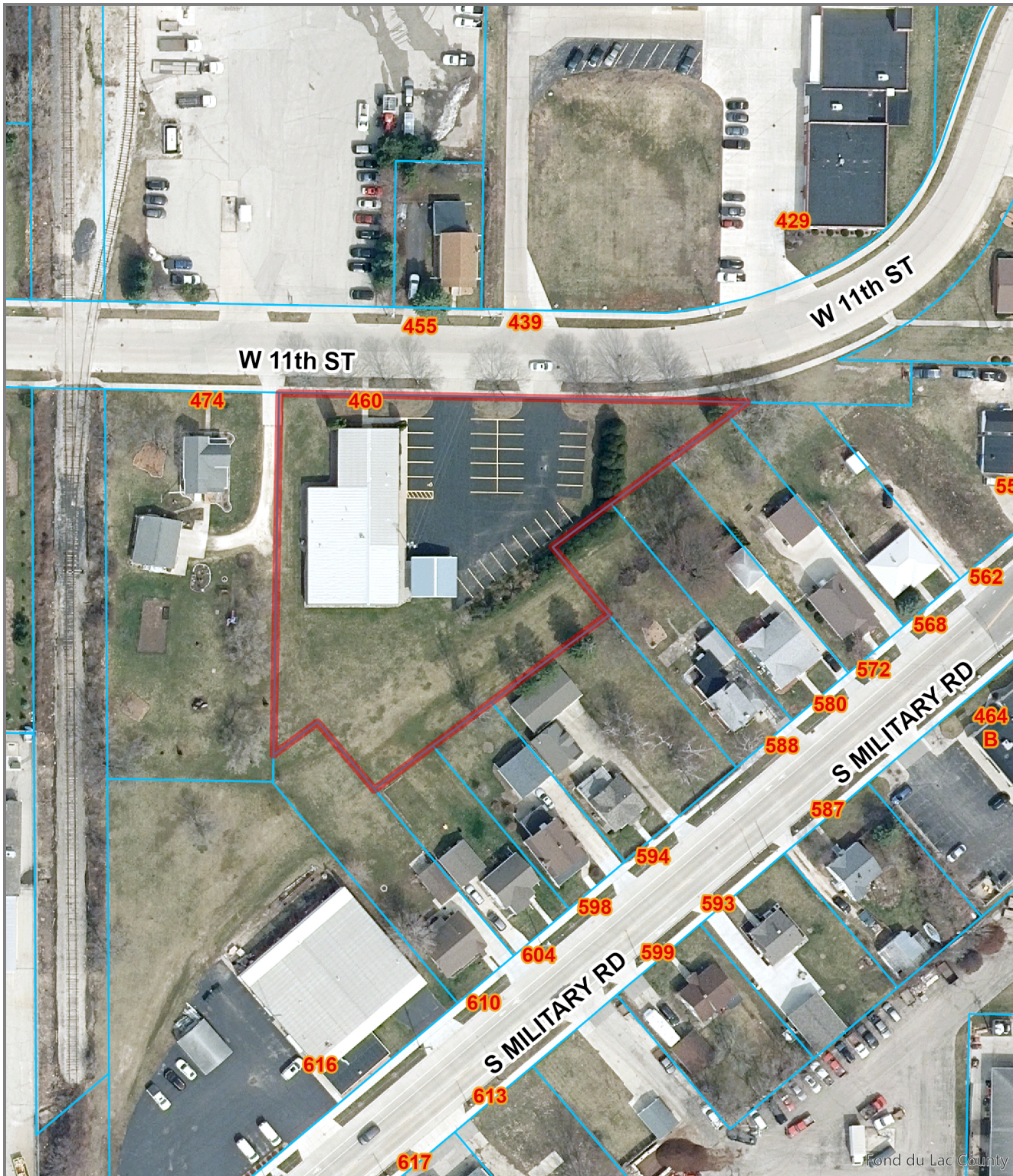
The subject property is located at 460 West 11th Street which is north of Military Road, west of Hickory Street. The property is zoned C-2 (General Commercial District); a change of zoning to M-1 (Manufacturing District) is proposed. The site is a 1.22 acre lot with a vacant building formerly used by the pipes trade. The request to rezone from M-1 is consistent with the adjoining land use and reflects the future desired use of the property. Military Road and Hickory Road reflect a mix of uses, including some commercial and manufacturing. Further expansion of commercial uses as identified under the C-2 Land Use Schedule are unlikely given the predominance of West Johnson Street and East Johnson Street. Any commercial development would be attracted to the Military Road parcels versus a commercial parcel on 11th Street with no traffic visibility.

The proposed rezoning would extend the area of existing M-1 District to the subject site. The proposed rezoning also reflects the intended use of the property (contractor storage). Approval of the proposed rezoning would not create a negative effect or harm to any adjacent or nearby property.

Recommendation

Community Development staff advises the Plan Commission recommend to the City Council rezoning of parcel at 460 West 11th Street (FDL-15-17-16-41-034-00) from C-2 (General Commercial) to M-1 (Manufacturing District).

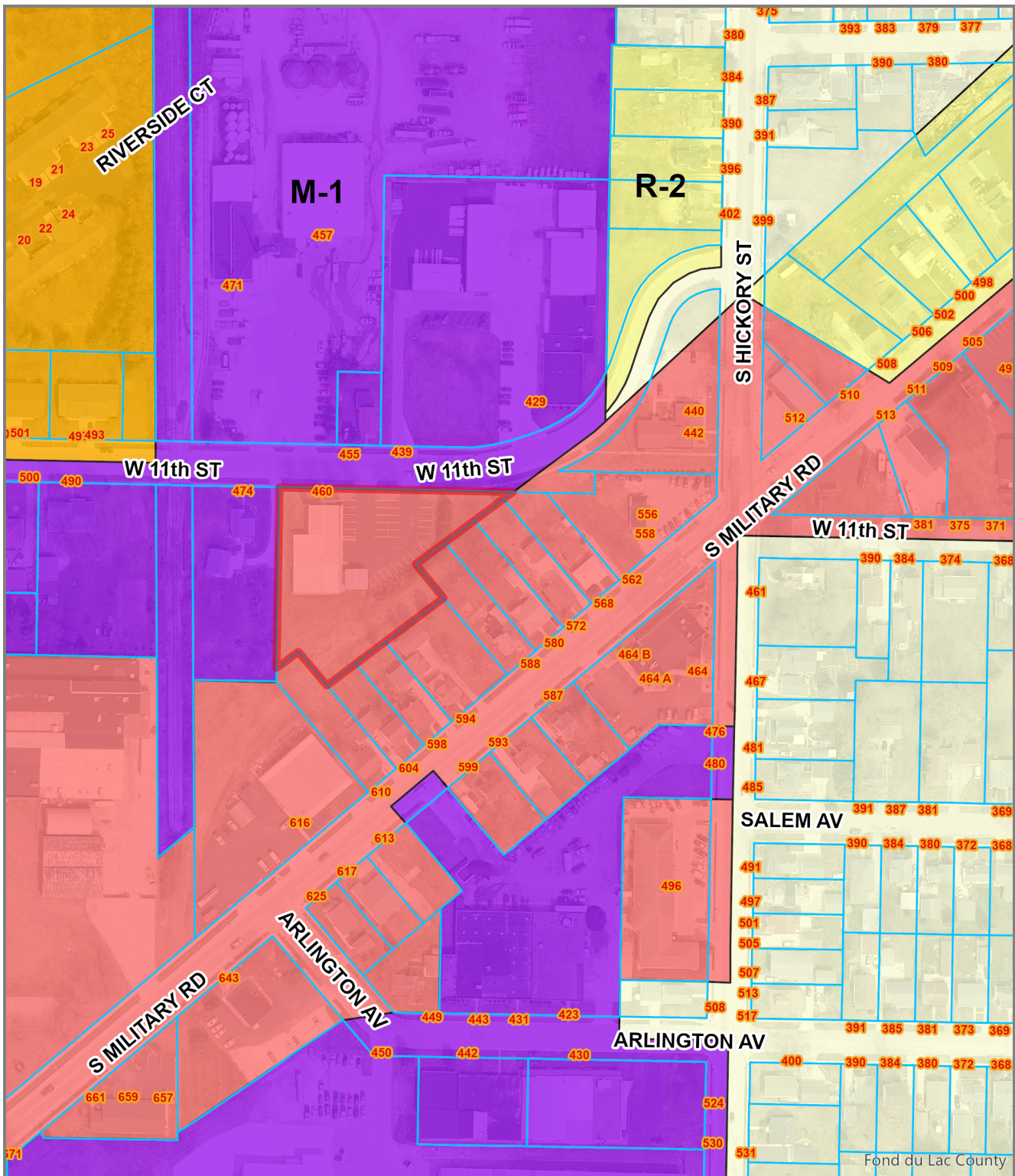
460 W 11th Street - Aerial



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.

Map Scale
1 inch = 100 feet
8/22/2024

460 W 11th Street - Zoning



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.

Map Scale
1 inch = 200 feet
8/22/2024



City of Fond du Lac

REZONING

Application

PROPERTY LOCATION: 460 W. 11th St, Fond du Lac, WI 54935

Tax Key Number: FDL-15-17-1641034-00

Project Applicant			
Name <u>Thomas J Gross DBA 144 Real Estate, LLC</u>			
Mailing Address <u>910 Country Club Ln</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address		Phone Number	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name <u>Fox River Valley Pipe Trades Education Foundation, Inc</u>			
Mailing Address <u>460 W 11th St</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address		Phone Number	
Landowner Certification			
If the person requesting the rezoning is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the rezoning application packet.			

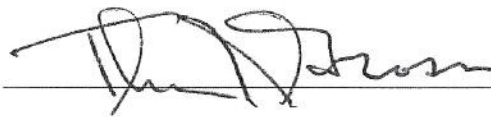
Existing Property Zoning Classification: C2

Proposed Zoning Classification: M1

Description of present use of property: PLUMBING TRADES EDUCATIONAL FACILITY INCLUDING INDUSTRIAL SHOP, OFFICES, CLASSROOMS, STORAGE

Purpose of rezoning. Description of proposed use of property and/or proposed site development:
PLUMBING TRADES CONTRACTOR STORAGE FACILITY USING EXISTING BUILDING & GARAGE FOR STORAGE

Time schedule for use and/or development of the property: IMMEDIATE USE UPON ZONING CHANGE APPROVAL AND PURCHASE OF THEREAFTER

PROJECT APPLICANT SIGNATURE 

LANDOWNER AUTHORIZATION


TO: City of Fond du Lac
Community Development Department

Re: REZONING REQUEST

LOCATION: 460 W 11th St, Fond du Lac, WI 54935
PROPERTY ADDRESS AND/OR TAX KEY NUMBER

The undersigned Fox River Valley Pipe Trades Education Foundation, Inc is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes Thomas J. Gross dba
144 Real Estate, LLC
to sign and file a rezoning application that affects the referenced property.

 Doug Dokey 08/05/24
SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

DATE

(Business Manager)
Doug Dokey

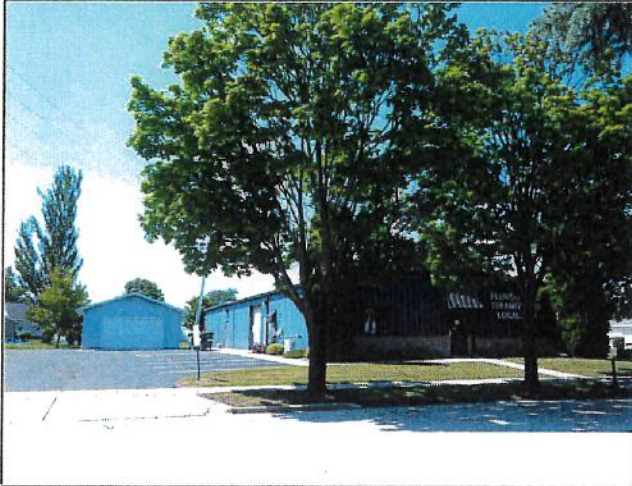
Commercial

Customer Full Report

08/05/2024 04:43 PM

50294962 460 W 11TH Street Suite # City of Fond du Lac
 Active-Offer No Bump FOND DU LAC, WI 54935

List Price \$350,000
 Lease Price per SqFt.



Type For Sale Real Estate
 Listed in Addtl CM Type
 Primary Listing Number
 County Fond du Lac
 Tax Municipal Sub-Area Southwest Fond du Lac
 School-District Fond du Lac
 Tax Net Amt \$0.00
 Tax Year 2023
 Tax ID FDL-15-17-16-41-034-00
 Assessments Total
 Assessment Year
 Special Assessments No
 Age Est (Pre2017)
 Year Built Est 1988
 Source-Year Built Appraisal

Income Producing Farm No
 Deeded Access No
 Restrictive Covenant(s) No
 Flood Plain No
 Industrial Park Name
 Business/Trade Name
 Total Units in Bldg 1
 Total # of Buildings 1
 Zoning Commercial
 Net Leasable SQFT
 CAM Annual Expense
 Utility Annual Expense
 Insur Ann
 NNN Annual Expense
 Fin Avail



Description	Data	Data Source	Description	Data	Data Source	Description	Data
Acres Est	1.22	Assessor/Public Record	Building SQFT	6,400	Appraisal		
Lot Dimensions Est			Est Warehouse SQFT			Est Warehouse Ceiling Hgt	
Lot SQFT Est			Est Office SQFT	3,020		Est Office Ceiling Hgt	
			Est Manufacturing SQFT	3,380		Est Manufact Ceiling Hgt	
			Est Resident SQFT			Est Resident Ceiling Hgt	
Water Frontage	No		Est Showroom SQFT			Est Showroom Ceiling Hgt	
Water Body Name			Est Retail SQFT			Est Retail Ceiling Hgt	
Water Type			Door 1 Size		Loading Dock 1	Ceiling Height Min	
Est Water Frontage			Door 2 Size		Loading Dock 2	Ceiling Height Max	
# Public Restrooms		Amps/Phase 800	Door 3 Size		Loading Dock 3		
# Private Restrooms	3	Parking 30	Door 4 Size		Loading Dock 4		
# Seating Capacity		OverHdDr 1	Door 5 Size		Loading Dock 5		

Directions Hwy 41 to South Military Rd., east to South Hickory St., north to W 11th, west to address

Remarks Affordably priced 6400 sq. ft. mixed use building with rear 1999 addition just minutes from Hwy 41 Interchange. Large shop area with raised ceiling includes exterior overhead door, (2) hoists, air compressor, and shop office. Additional finished office areas, break room, and storage rooms. Offers steel framed construction, in-floor radiant heat, air conditioning, 800 amp service, (3) bathrooms, janitorial closet, shower, and key FOB secure entry. Includes large 30 stall parking lot and a newer 26 x 24 detached garage. Impressive condition!

Inclusions See MLS documents for complete list

Exclusions See MLS documents for complete list

COMMERCIAL TYPE Industrial, Office
 LOCATION Highway Nearby
 EXTERIOR MAIN BUILDING Aluminum/Steel, Brick
 FOUNDATION Poured Concrete
 LOWER LEVEL None
 HEATING FUEL TYPE Natural Gas
 HEATING/COOLING Central A/C, Radiant, Wall A/C, Zoned Heating
 WATER Municipal Public Water
 WASTE Municipal Sewer
 STORIES 1

SALE INCLUDES Real Estate
 BUILDING PARKING Onsite Parking

Prepared by:

Steven Klapperich
 Klapperich Real Estate, Inc.
 507 Fond du Lac Ave



40310
 104825



Ad Code
 Licensee Int/Broker Own No

Days On Market 20
 Electronic Consent Yes
 Selling Price
 Close Date
 Financing Type

Type Of Sale
 Misc Closed Info
 Sell Ofc:
 Sell Agt:

Fond du Lac WI 54935-

Listed by: 40310 104825 Klapperich Real Estate, Inc.

Co-Listed by:

MLS # 50294962

460 W 11TH Street

Page 3 of 4

08/05/2024 04:43 PM

Steven Klapperich

Klapperich Real Estate, Inc.



MLS # 50294962

460 W 11TH Street

Page 4 of 4

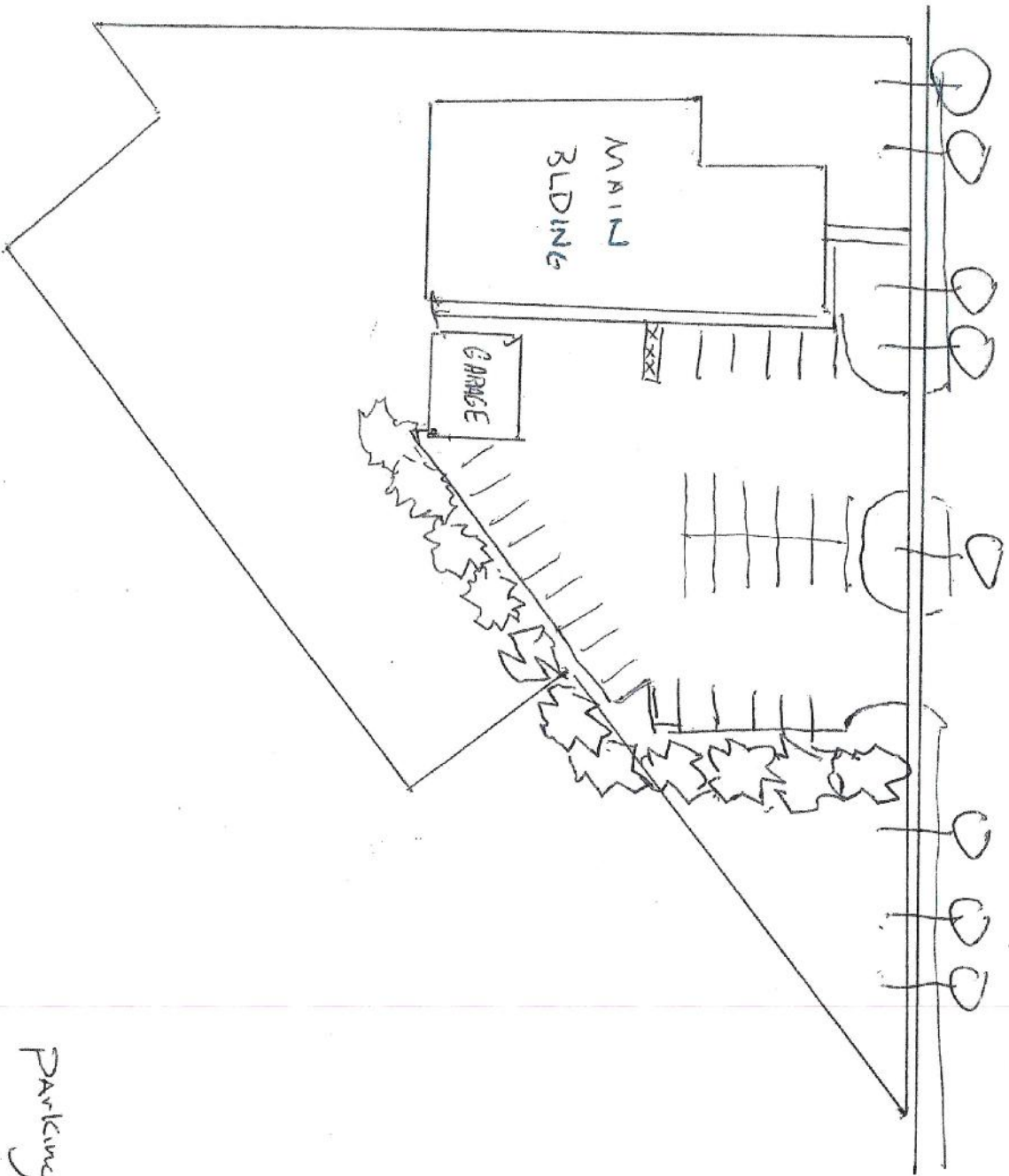
08/05/2024

Steven Klapperich - [REDACTED]

Klapperich Real Estate, Inc. - [REDACTED]



SITE PLAN



460 W 14th St
FOND DU LAC, WI

Parking II

TREES

LANDSCAPE
BUFFER

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 p.m. on September 16, 2024, in Meeting Room A of the City-County Government Center, 160 South Macy Street, at the request of 144 Real Estate LLC to rezone land from C-2 (General Commercial District) to M-1 (Manufacturing District).

The land to be rezoned consists of an existing 1.22 acre lot with structure(s) at 460 West 11th Street (Parcel Number: FDL-15-17-16-41-034-00).

The meeting agenda for the Plan Commission can be accessed on the Calendar tab on the home page of the City's website; www.fdl.wi.gov.

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered. For further information you are invited to contact the Community Development Department at (920) 322-3440. Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this 22nd day of August, 2024

MARGARET HEFTER
City Clerk

Published: Sep. 1, 2024 and Sep. 4, 2024

Rezone
460 West 11th Street

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-16-44-775-00	431 ARLINGTON AVE	219 WEIS AVE	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-12	17 RIVERSIDE CT	17 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-035-00	588 S MILITARY RD	588 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-035-00	588 S MILITARY RD	588 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-013-00	0 S HICKORY ST	% CITY CLERK PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-16-41-025-16	25 RIVERSIDE CT	25 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-44-760-00	598 S MILITARY RD	598 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-44-760-00	598 S MILITARY RD	598 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-018-00	457 W 11TH ST	1010 W RYAN ST	BRILLION	WI	54110
FDL-15-17-16-44-759-00	594 S MILITARY RD	594 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-44-752-00	587 S MILITARY RD	587 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-034-00	460 W 11TH ST	460 W 11TH ST	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-06	20 RIVERSIDE CT	20 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-05	18 RIVERSIDE CT	18 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-036-00	580 S MILITARY RD	PO BOX 215	CAZENOVIA	WI	53924
FDL-15-17-16-41-025-01	10 RIVERSIDE CT	W6738 FOXTAIL POINT RD	WAUTOMA	WI	54982
FDL-15-17-16-41-025-08	24 RIVERSIDE CT	24 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-44-763-00	616 S MILITARY RD	616 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-44-765-01	475 S SEYMOUR ST	N3942 BROWN RD	WAUPUN	WI	53963
FDL-15-17-16-41-033-00	474 W 11TH ST	474 W 11TH ST	FOND DU LAC	WI	54935
FDL-15-17-16-44-753-00	593 S MILITARY RD	593 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-014-00	442 S HICKORY ST	442 S HICKORY ST	FOND DU LAC	WI	54935
FDL-15-17-16-44-762-00	610 S MILITARY RD	610 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-44-762-00	610 S MILITARY RD	610 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-11	15 RIVERSIDE CT	1452 S ELLSWORTH RD 2705	MESA	AZ	85209
FDL-15-17-16-41-025-04	16 RIVERSIDE CT	16 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-09	11 RIVERSIDE CT	11 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-17	0 W 11TH ST	117 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-16-41-026-00	497 W 11TH ST	117 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-03	14 RIVERSIDE CT	14 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-44-754-00	599 S MILITARY RD	N5467 RIVER ROAD	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-14	21 RIVERSIDE CT	21 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-07	22 RIVERSIDE CT	22 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-13	19 RIVERSIDE CT	19 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-041-00	464 S HICKORY ST	PO BOX 1115	FOND DU LAC	WI	54936
FDL-15-17-16-41-041-00	464 S HICKORY ST	PO BOX 1115	FOND DU LAC	WI	54936
FDL-15-17-16-41-025-10	13 RIVERSIDE CT	13 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-038-00	568 S MILITARY RD	513 S HICKORY ST	FOND DU LAC	WI	54935
FDL-15-17-16-41-040-01	562 S MILITARY RD	556 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-037-00	572 S MILITARY RD	572 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-019-00	0 S HICKORY ST	944 VANDERPERREN WAY	GREEN BAY	WI	54304
FDL-15-17-16-44-764-00	0 W 11TH ST	944 VANDERPERREN WAY	GREEN BAY	WI	54304
FDL-15-17-16-44-764-00	0 W 11TH ST	944 VANDERPERREN WAY	GREEN BAY	WI	54304
FDL-15-17-16-44-758-00	625 S MILITARY RD	625 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-025-15	23 RIVERSIDE CT	23 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-44-761-00	604 S MILITARY RD	604 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-017-00	455 W 11TH ST	455 W 11TH ST	FOND DU LAC	WI	54935
FDL-15-17-16-44-757-00	617 S MILITARY RD	617 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-16-41-032-00	490 W 11TH ST	490 W 11TH ST	FOND DU LAC	WI	54935

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-16-44-756-00	613 S MILITARY RD	W10186 W COUNTY ROAD DE	BEAVER DAM	WI	53916
FDL-15-17-16-41-025-02	12 RIVERSIDE CT	12 RIVERSIDE CT	FOND DU LAC	WI	54935
FDL-15-17-16-41-015-00	429 W 11TH ST	429 W 11TH ST	FOND DU LAC	WI	54935

PLAN COMMISSION MINUTES

160 S Macy Street Fond du Lac, Wisconsin
Meeting Room A
Monday, September 16, 2024
5:30 P.M.

OPENING CEREMONIES

Attendance

Present

Craig Much
Anne Pierce
Derek TerBeest
Sarah Van Buren

Absent

Alicia Hans
Bradley Leonhard
Brett Zimmermann

Declaration Quorum Present

Vice Chair TerBeest declared a quorum present at 5:30 p.m.

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

PUBLIC HEARING

Rezone

Location: 460 West 11th Street (FDL-15-17-16-41-034-00)
Request: Rezone property from C-2 (General Commercial District) to M-1 (Manufacturing District).
Initiator: 144 Real Estate LLC

Appeared in Support:

Steve Klapperich, 507 Fond du Lac Ave
Tom Gross, 218 S Main St

Appeared in Opposition:

Andrew Tucker, 455 W 11th St
Mercedes Tucker, 455 W 11th St

A Motion was made by Much to recommend to the City Council rezoning of the subject property from C-2 (General Commercial District) to M-1 (Manufacturing District) and seconded by Van

Buren, and the motion was **Passed**.

ROLL CALL VOTE: Aye - Much, Pierce, TerBeest, Van Buren
 Nay - None

Carried.

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

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

Title: Resolution No. 9144

Subject: A Resolution Declaring Official Intent To Reimburse
Expenditures From Proceeds Of Borrowing
Introduction: Director of Administration

Initiator:

Recommendation:

ATTACHMENTS:

File Name

9144_Resolution_Approving_Intent_to_Reimburse_-_WTRRF_CWLF.pdf

Memo-Intent_to_Reimburse_WTRRF_CWLF.pdf

RESOLUTION NO. 9144

A RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING

WHEREAS, the City of Fond du Lac, Fond du Lac County, Wisconsin (the "Issuer") intends to incur and pay, or has incurred and paid, capital expenditures aggregating approximately \$16,850,000 (the "Capital Expenditures") for the construction of improvements and extensions to the Wastewater Treatment and Resource Recovery Facility (the "Project"); and

WHEREAS, payment of the Capital Expenditures will be, or has been, financed, in whole or in part, on an interim basis from moneys other than proceeds of a borrowing (collectively, the "Temporary Advances"); and

WHEREAS, it is reasonably expected that the Temporary Advances will be reimbursed with the proceeds of tax-exempt bonds or promissory notes not later than 18 months after the later of (i) the date on which the first Capital Expenditure financed by a Temporary Advance was paid, or (ii) the date on which the Project is placed in service or abandoned (but in no event more than 3 years after the date on which the first Capital Expenditure financed by a Temporary Advance was paid); and

WHEREAS, except for architectural, engineering and similar preliminary expenditures incurred prior to the acquisition or commencement of construction of the Project (but not including site preparation and other similar costs incidental to the commencement of construction of the Project), this Resolution is being adopted prior to or within 60 days after the payment of the first Capital Expenditure financed by a Temporary Advance.

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

Section 1. Expenditure of Funds. The City of Fond du Lac shall make expenditures as needed from its funds on hand to pay the cost of the Projects until proceeds of the Bonds become available.

Section 2. Declaration of Official Intent. The City of Fond du Lac hereby officially declares its intent under Treas. Reg. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$16,850,000.

Section 3. Unavailability of Long-Term Funds. No funds for payments for the Projects, from sources other than the Bonds, are or are reasonably expected to be,

reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to its budget or financial policies.

Section 4. Effective Date. This Resolution shall be effective upon its adoption and approval.

ADOPTED:

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

CITY OF FOND DU LAC - Memorandum

Department of Administration

To: Joe Moore, City Manager
City Council

From: Tricia Davi, Director of Administration

Date: September 20, 2024

Subject: Resolution Declaring Official Intent to Reimburse Expenditures for the Clean Water Fund Loan (CWFL) Program Financial Assistance Application

A few weeks ago, Council authorized revenues bonds to finance equipment purchases for the Wastewater Treatment and Resource Recovery Facility's (WTRRF) biosolids dryer and biogas/RNG projects. We are also seeking funding through the Department of Natural Resources' CWFL program for construction costs for these projects.

The CWFL program offers more advantageous interest rates for certain financing scenarios than conventional Revenue Bonds. Using a combination of conventional Revenue Bonds and CWFL proceeds for these projects puts the WTRRF in the best financial outlook for the long term.

Application for funding requires City Council passage of a reimbursement resolution so eventual proceeds of CWFL funds can replenish WTRRF cash reserves that have been spent on project costs. Total project costs are projected to be no more than \$16,850,000 over the course of construction.

Cody Schoepke, WTRRF Superintendent is available for questions regarding the project and process. Cody can be reached at (920) 322-3662 or email at cschoepke@fdl.wi.gov. I am available for questions regarding the financial portions of the application and debt issuance.

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

Title: Housing Study And Strategic Plan

Subject:

Initiator:

Recommendation: