

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN

Legislative Chambers
160 S Macy Street

January 22, 2025
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 In Recognition Of Crossing Guards

2. PUBLIC HEARINGS

3. CONSENT AGENDA

- a. January 8, 2025 Minutes
- b. List Of Claims Dated January 15, 2025

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

5. ACTION ITEMS

- a. Resolution No. 9161
A Resolution Making Appointments To The Advisory Park Board & Alcohol License Committee
Introduction: City Manager
- b. Resolution No. 9162
A Resolution Waiving The Prohibition Against Possession Of Alcoholic Beverages On Specified Public Ways For The Sturgeon Spectacular Festival - February 7, 2025 To February 9, 2025
Introduction: City Clerk
- c. Resolution No. 9163
Consideration Of An Initial Resolution Regarding Taxable Industrial Development Revenue Bond Financing for 1125 East Johnson, LLC and N6663 Rolling Meadows, LLC Project. Information With Respect To The Job Impact Of The Project Will Be Available At The Time Of Consideration Of The Initial Resolution
Introduction: Community Development Director
- d. Resolution No. 9164
A Resolution to Approve the Update to the City's Policy for Public Deposit and Investments
Introduction: Director of Administration
- e. Ordinance No. 3806
An Ordinance Amending The City of Fond du Lac 2040 Comprehensive Plan

Introduction: Community Development Director

f. Ordinance No. 3807

An Ordinance Rezoning 14 Eastgate Place (FDL-15-17-11-43-527-00); 20 Eastgate Place (FDL-15-17-11-43-526-00); 28 Eastgate Place (FDL-15-17-11-43-525-00) and 36 Eastgate Place (FDL-15-17-11-43-524-00) From R-1 (Single Family Residential District) to O (Office Conversion District)

Introduction: Community Development Director

Initiator: SSM Health

g. Ordinance No. 3791

An Ordinance Correcting Ordinance 3791 Amending Chapter 400, Intoxicating Liquors And Fermented Malt Beverages, Of The Code Of The City Of Fond du Lac

Introduction: City Attorney

6. PRESENTATION OF INPUT ITEMS

7. ADJOURN



Proclamation

Whereas, the adult school crossing guards of Fond du Lac provide invaluable support to the Fond du Lac Police Department in promoting community safety by ensuring the safe passage of our youngest and most vulnerable pedestrians — children walking between home and school; and

Whereas, adult school crossing guards demonstrate exceptional responsibility and dedication, enduring harsh weather, split shifts, and heavy traffic to safeguard our children; and

Whereas, these crossing guards play a crucial role in educating our children about traffic hazards and teaching them the importance of safe street-crossing behaviors; and

Whereas, the City of Fond du Lac employs adult school crossing guards at eight (8) key intersections, assisting thousands of students in grades 4K through 8 each day that school is in session; and

Whereas, the week of January 20 through 24, 2025, has been designated as Crossing Guard Appreciation Week in Wisconsin, a time to recognize and honor the contributions of these dedicated individuals who play a critical role in ensuring the safety of our children.

Now, Therefore, I, Tiffany Brault, President of the Fond du Lac City Council, on behalf of the City of Fond du Lac and its residents, extend our heartfelt gratitude and sincere appreciation to our school crossing guards for their unwavering commitment to the safety and well-being of our children.

Dated: January 22, 2025

*Tiffany Brault
City Council President*

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

Title: January 8, 2025 Minutes

Subject: January 8, 2025 Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2025_1_8_Meeting(1186).pdf

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

Legislative Chambers
160 S Macy Street

January 8, 2025
6:00 PM

CALL TO ORDER

Roll Call

Present

Tiffany Brault
Antonio Godfrey
Keith Heisler
Angela C Luehring
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
Chris Johnson, City Engineer
Jon Mark Bolthouse, Library Director
Aaron Goldstein, Chief of Police
Erick Gerritson, Fire Chief
Kathryn Duveneck, IT Services Director
Sam Sok, Deputy ITS Director

Declaration a Quorum Is Present

President Brault declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

CONSENT AGENDA

December 11, 2024 Minutes

List Of Claims Dated January 1, 2025

A Motion was made by Keith Heisler to approve the consent agenda and seconded by Thomas Schuessler, and the motion was **Passed**.
Ayes: Brault, Godfrey, Sr., Heisler, Luehring, Mullen, Schuessler, Zimmermann

AUDIENCE COMMENTS (Agenda and Non-agenda items)

Spoke In Opposition To Agenda Item 5d: Resolution No. 9160:

Jane Wendt, 954 Honeysuckle Lane, Fond du Lac
Dean Wendt, 954 Honeysuckle Lane, Fond du Lac

Spoke On Non-Agenda Item: Vicious Dog:

John Oberg, 35 Elm Acres Drive, Fond du Lac
Peggy Csiarsek, 26 Elm Acres Drive, Fond du Lac
Nancy Wyrobeck-Thomas, 46 Elm Acres Drive, Fond du Lac
Chad Mongin, 65 Elm Acres Drive, Fond du Lac
Jim Thomas, 46 Elm Acres Drive, Fond du Lac

Spoke On Non-Agenda Item: North Main Street Project:

Laura De Golier, 289 14th Street, Fond du Lac

ACTION ITEMS

Resolution No. 9157

File No. 2024-125

A Motion was made by Antonio Godfrey, Sr. to approve Resolution No. 9157 A Resolution To Certify And Approve The Publication Process Of the Floodplain Zoning Ordinance Of The City Of Fond du Lac and seconded by Patrick Mullen, and the motion was **Passed**.

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

Resolution No. 9158

File No. 2025-03

A Motion was made by Thomas Schuessler to approve Resolution No. 9158 A Resolution Making Reappointments To The Board Of Review And Housing Authority Board and seconded by Keith Heisler, and the motion was **Passed**.

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

Resolution No. 9159

File No. 2025-03

A Motion was made by Brett Zimmermann to approve Resolution No. 9159 A Resolution Making An Appointment To The Alcohol License Committee and seconded by Antonio Godfrey, Sr., and the motion was **Passed**.

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

Resolution No. 9160

File No. 2024-124

A Motion was made by Keith Heisler to approve Resolution No. 9160 A Final Resolution Declaring Since The Public Interest Requires It, A Public Way To Be Vacated In The Area Of Campus Drive On The

Eastside Of The Former UW Fond du Lac Campus From Approximately 225-Feet West N. Prairie Road And Ducharme Parkway To N. Prairie Road (Pine Lake Drive) and seconded by Angela Luehring, and the motion was **Passed.**

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

PRESENTATION OF INPUT ITEMS

ADJOURN

Adjourn To Closed Session

Conferring With Legal Counsel Regarding Possible Litigation Requires a Closed Session.

The Subject of the Closed Session is: **Possible Litigation - Public Nuisance; Animal Control At Elm Acres Drive**

This Subject Is Exempt Under Wisconsin Statutes Section 19.85 (1) (g)

A Motion was made by Thomas Schuessler to adjourn to Closed Session at 6:27 p.m. and seconded by Patrick Mullen, 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 January 15, 2025

Subject: List Of Claims Dated January 15, 2025

Initiator:

Recommendation:

ATTACHMENTS:

File Name

List_of_Claims_Memo_01-15-25.pdf

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: January 15, 2025

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 December 28, 2024 through January 10, 2025 for all funds total \$11,730,687.42. This list of claims includes tax settlement checks totaling \$5,581,997.81. 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. 9161

Subject: A Resolution Making Appointments To The Advisory Park
Board & Alcohol License Committee
Introduction: City Manager

Initiator:

Recommendation:

ATTACHMENTS:

File Name

9161_Resolution_App_ts_Jan_22__25.pdf

noreply@fdl.wi.gov_20250114_080156_Redacted.pdf

Kathy_Langolf_redacted.pdf

RESOLUTION NO. 9161

**A RESOLUTION MAKING APPOINTMENTS
TO THE ADVISORY PARK BOARD & ALCOHOL LICENSE COMMITTEE**

BE IT RESOLVED by the City Council of the City of Fond du Lac that the following appointments by the City Manager to the Advisory Park Board and Alcohol License Committee are hereby confirmed:

<u>Advisory Park Board</u> Dillon Wiese	<u>Beginning</u> 01/23/2025	<u>Ending</u> 04/30/2026
<u>Alcohol License Committee</u> Kathryn Strong Langolf	<u>Beginning</u> 01/23/2025	<u>Ending</u> 12/31/2026

ADOPTED:

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed _____

Click to E-mail

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

City Parks Board 1/2/2025
Name of Board, Commission or Committee Date

Dillon Wiese [Redacted]
Full Name Address

Director of Teen Services Boys & Girls Club of Fond du Lac
Occupation Employer

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

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

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

Are you currently a resident of Fond du Lac? Yes No No. of Years: 32

Education: Bachelor's Degree

List potential conflicts of interest: _____

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
Fond du Lac Drug Free Communities Coalition	1		

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:
Interested in being a part of happenings with the parks and how to better support the community. I work with demographics that utilize the parks a lot.

If selected, I would like to work towards bettering the community through my service in the following ways:
Finding ways to bring more people to parks and events in the community. Spreading community awareness and better understanding what people in the community desire.

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

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

Alcohol License Committee 1.15.2025
Name of Board, Commission or Committee Date

Kathryn Strong Langolf
Full Name Address

Executive Director Habitat for Humanity of FDL County
Occupation Employer

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

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

E-Mail Address: Cellular Phone

Are you currently a resident of Fond du Lac? Yes [X] No [] No. of Years: 60

Education: Lakeland College - graduate

List potential conflicts of interest: Any issues that may be regarding the FDL Yacht Club.

Table with 4 columns: List City boards, commissions or committees on which you have served; Yrs; List other civic, church or club committees on which you have served; Yrs. Rows include Advisory Parking and Traffic (2 yrs), Fond du Lac Yacht Club (25 yrs), Professional Women's Connection - FDL Chapter (20 yrs), and Fond du Lac Noon Kiwanis (20 yrs).

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows: My readiness to devote time and effort to duties of this commission and willingness to meet on the last Monday of the month. I have a high ability to work well with others, respect for varied opinions and points of view, open-mindedness and objectivity. I believe I hold good judgment, intelligence and ability to articulate the issues, problems and solutions.

If selected, I would like to work towards bettering the community through my service in the following ways: Ensuring that correct and accurate information is gathered to make the best decisions.

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

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

Title: Resolution No. 9162

Subject: A Resolution Waiving The Prohibition Against Possession
Of Alcoholic Beverages On Specified Public Ways For
The Sturgeon Spectacular Festival - February 7, 2025 To
February 9, 2025
Introduction: City Clerk

Initiator:

Recommendation:

ATTACHMENTS:

File Name

9162_Resolution_Sturgeon_Spectacular_Thelma_2025.pdf

Thelma_Request.pdf

RESOLUTION NO. 9162

A RESOLUTION WAIVING THE PROHIBITION AGAINST POSSESSION OF ALCOHOLIC BEVERAGES ON SPECIFIED PUBLIC WAYS FOR THE STURGEON SPECTACULAR FESTIVAL – FEBRUARY 7, 2025 TO FEBRUARY 9, 2025

WHEREAS, Fond du Lac Festivals will be hosting the Wisconsin Snow Sculpture Contest as part of the Sturgeon Spectacular Festival in downtown Fond du Lac; and

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

WHEREAS, Thelma and Fond du Lac Festivals request a waiver of the prohibition against public consumption on Sheboygan Street between Marr Street and Main Street, as well as additional space half a block to the North of Sheboygan Street and half a block to the South of Sheboygan Street, on the following days and between the following hours:

Friday, February 7 th , 2025	from 5:00 p.m. to 9:00 p.m.
Saturday, February 8 th , 2025	from 10:00 a.m. to 9:00 p.m.
Sunday, February 9 th , 2025	from 10:00 a.m. to 4:00 p.m.

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

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

BE IT FURTHER RESOLVED that notwithstanding anything in this Resolution, no glass containers or carry-ins are permitted in the described

street areas, meaning that the prohibition contained in Code Section 400-15., shall continue to apply to glass containers and carry-ins.

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

ADOPTED:

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

THELMA

THELMA SADOFF CENTER FOR THE ARTS

December 27, 2025

Dear Fond du Lac City Council,

From Friday February 7th to Sunday February 9th, 2024, Thelma Sadoff Center for the Arts (THELMA) will be a site for Sturgeon Spectacular events on Sheboygan Street between Marr Street and Main Street. FDL Festivals has requested the city of Fond du Lac to allow Sheboygan Street to be closed from Marr Street to Main Street and some additional space to the North and South on Portland St. (The additional space on Portland St. would be new to our extension of premises ask this year).

THELMA is requesting the City of Fond du Lac suspend the ordinance that forbids the consumption of alcohol in public from 5:00 PM until 9:00 PM on Friday, February 7th, from 10:00 AM to 9:00 PM on Saturday, February 8th, and from 10:00 AM to 4:00 PM on Sunday, February 9th. The extension of premises that we are requesting would follow FDL Festival's submitted site map: the sidewalk and street of Sheboygan St from Marr St to Main St, as well as Portland St as the map indicates (approximately half a block to the North of Sheboygan St. and half a block south of Sheboygan St). THELMA will help provide signage indicating that alcoholic beverages are not to be brought outside of the perimeter and beverages will only be provided in paper and plastic cups.

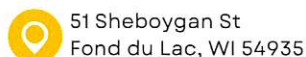
Beginning immediately after the conclusion of the event, THELMA will clean the area and remove all debris created by the events. THELMA will cease to allow guests to bring their beverages outside of the facility at 3:00 PM the last day of the event to facilitate the expedited clean-up of the venue area.

Thank you for your consideration of this matter.

Respectfully submitted,

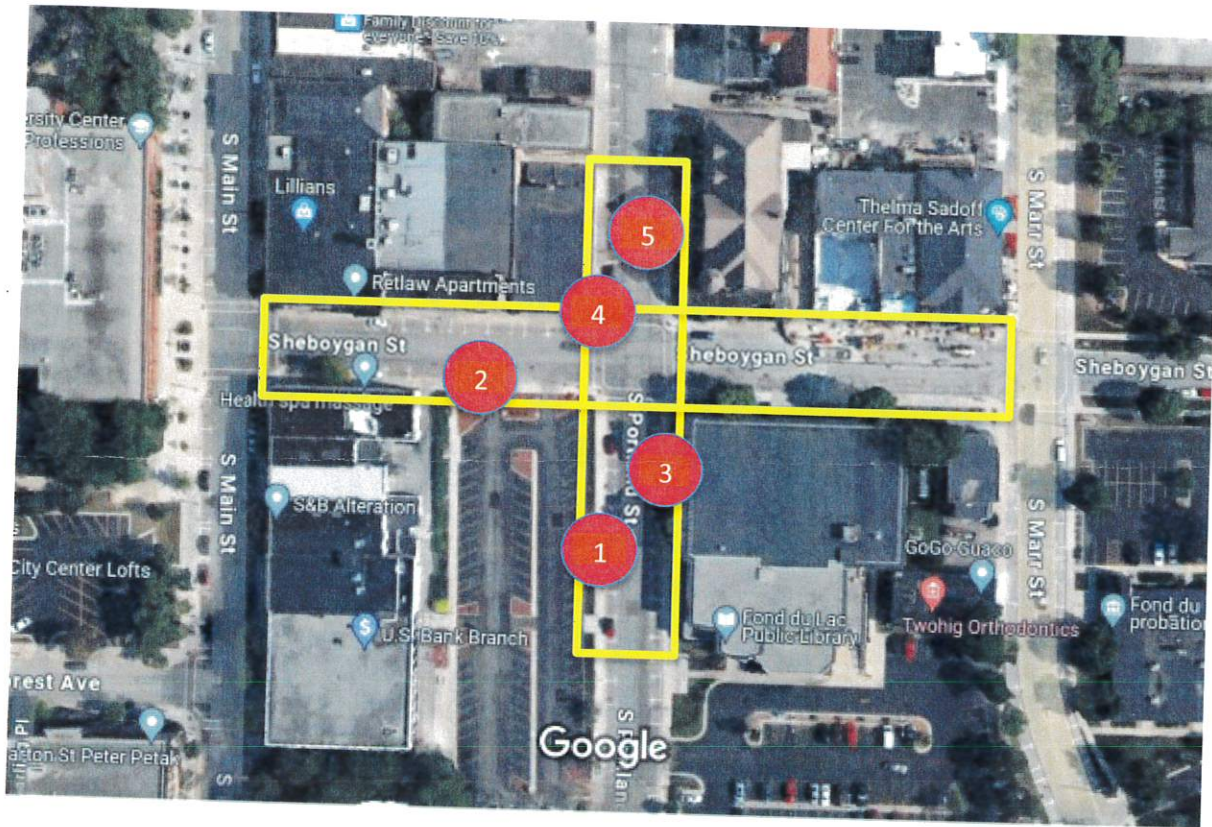


Shannon Kupfer
Executive Director



ENRICHING our
COMMUNITY
through **THE**
ARTS

Sturgeon Spectacular - Downtown Event Logistics:



- **Position #1: Horse & Wagon - Cooper Carriages Parking (Saturday, 10am – 5pm)**
- **Position #2: Horse & Wagon Rides – Loading & Unloading (Saturday, 10am – 5pm)**
- **Position #3: High School Snow Sculpting Blocks – between library and sidewalk (Starting Saturday, 10am)**
- **Position #4: ACE Academy Shanty Display & Set-up (All day Saturday)**
- **Position #5: Street Hockey & Broom Ball**


Road Closure locations / Horse & Wagon Route (same as last year)

Outdoor Event Space (see above)

Note: closed starting Friday at 5pm

Reopens Sunday at 4pm

Road Closed 

Road Closed Ahead 

Horse & Wagon Route 



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

Title: Resolution No. 9163

Subject: Consideration Of An Initial Resolution Regarding Taxable Industrial Development Revenue Bond Financing for 1125 East Johnson, LLC and N6663 Rolling Meadows, LLC Project. Information With Respect To The Job Impact Of The Project Will Be Available At The Time Of Consideration Of The Initial Resolution
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

9163_Reso_IRB_4896-6098-3305.4_Initial_Resolution_(City_of_Fond_du_Lac)_-_1125_East_Johnson__LLC_and_N_6663_Rolling_Meadows__LLC.pdf
4896-4235-9818.1_Bond_Summary_(City_of_Fond_du_Lac)_-_1125_East_Johnson__LLC_and_N_6663_Rolling_Meadows__LLC.pdf

CITY COUNCIL OF
CITY OF FOND DU LAC, WISCONSIN

RESOLUTION NO. 9163

**INITIAL RESOLUTION REGARDING
TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BOND
FINANCING FOR
1125 EAST JOHNSON, LLC AND
N 6663 ROLLING MEADOWS, LLC PROJECT**

WHEREAS, Section 66.1103 of the Wisconsin Statutes (the “Act”) authorizes the City of Fond du Lac, Wisconsin (the “City”), to authorize the issuance and sale of bonds by the City to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects in the City; and

WHEREAS, Section 66.1103(3)(f) provides that a municipality also may finance an industrial project which is located entirely outside the geographic limits of the municipality, but only if the revenue agreement for the project also relates to another project of the same eligible participant, part of which is located within the geographic limits of the municipality; and

WHEREAS, 1125 East Johnson, LLC, a Wisconsin limited liability company, and N 6663 Rolling Meadows, LLC, a Wisconsin limited liability company, and/or a related entity, and/or an entity to be formed (individually and collectively, jointly and severally, the “Borrower”), desires to complete a multi-jurisdictional project consisting of financing and/or refinancing the (i) rehabilitation and improvements to an existing 13,000 square foot facility to be leased to a medical provider located at 1125 East Johnson in the City of Fond du Lac, Wisconsin, (ii) rehabilitation and improvements to an existing 10,000 square foot facility to be leased to a retailer located at N 6663 Rolling Meadows in the Town of Fond du Lac, Wisconsin, and (iii) payment of professional fees and costs of issuance (collectively, the “Project”); and

WHEREAS, the aggregate cost of the Project is presently estimated to be greater than \$20,000,000, and the aggregate amount proposed to be financed and/or refinanced with one or more series of taxable industrial development revenue bonds does not exceed \$20,000,000; and

WHEREAS, the proposed Project is a multi-jurisdictional project which is located in the City and the Town of Fond du Lac, Wisconsin (“Town of Fond du Lac”), and the Borrower has requested that the City and the Town of Fond du Lac each approve an initial resolution providing for the financing and/or refinancing of the Project in an aggregate amount not to exceed \$20,000,000; and

WHEREAS, on or about January 13, 2025, the Town of Fond du Lac proposes to consider an initial resolution providing for the financing and/or refinancing of the multi-jurisdictional Project, a portion of which is located in the City and the Town of Fond du Lac, in an aggregate amount not to exceed \$20,000,000; and

WHEREAS, the City shall be the issuer of said revenue bond; and

WHEREAS, the City is a municipality organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the City an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said taxable industrial development revenue bonds; and

WHEREAS, the Borrower has requested that the City now approve an initial resolution providing for the financing and/or refinancing of the multi-jurisdictional Project.

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

1. Based upon representations of the Borrower and the adoption of the initial resolution by the Town of Fond du Lac, it is the finding and determination of the City Council that the Project is a qualified “project” within the meaning of the Act and that the Borrower is an “eligible participant” within the meaning of the Act. If requested to do so by the Borrower, the City shall, subject to the conditions set forth in Section 2 below:

(a) Finance and/or refinance the Project in an aggregate amount not to exceed \$20,000,000; and

(b) Issue industrial development revenue bonds in one or more series of taxable bonds in an aggregate amount not to exceed \$20,000,000 (the “Bond(s)”), in order to finance and/or refinance costs of the Project, located in the City and the Town of Fond du Lac, pursuant to Section 66.1103(3)(f) of the Wisconsin Statutes.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) The Bonds shall never constitute an indebtedness of either the City or the Town of Fond du Lac within the meaning of any state constitutional provision or statutory limitation;

(b) The Bonds shall not constitute or give rise to a pecuniary liability of either the City or the Town of Fond du Lac or a charge against their general credit or taxing powers;

(c) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed and/or refinanced with industrial development revenue bonds;

(d) The portion of the Project located within the City is an eligible project under Section 66.1103(2)(k)(20) of the Act and falls under the City’s 2040 Comprehensive Plan;

(e) The Borrower shall find a purchaser for all of the Bonds; and

(f) The City’s out-of-pocket costs, including but not limited to issuance fees and legal fees in connection with the authorization, issuance and sale of the Bonds shall be paid by the Borrower.

3. The aforesaid plan of financing shall not be legally binding upon the City nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the City Council which shall be solely within the discretion of the City Council;

(b) The City Clerk shall cause notice of adoption of this Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in the City, and the electors of the City shall have been given the opportunity to petition for a referendum on the matter of the aforesaid Bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the Bond issue;

(d) The City and the Town of Fond du Lac shall have received an employment impact estimate issued under Section 238.11 of the Wisconsin Statutes;

(e) All documents required to consummate the financing have been duly authorized and delivered; and

(f) The City, the Town of Fond du Lac and the Borrower have resolved all land use and special use issues with respect to the affected property and the Project.

4. Pursuant to the Act, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the City's interests are not prejudiced thereby.

5. The City Clerk is directed, following adoption of this Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of the City, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Wisconsin Economic Development Corporation within twenty (20) days following the date of publication of such notice.

Adopted: January 22, 2025.

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed:_____

[SEAL]

EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF FOND DU LAC, WISCONSIN

TAKE NOTICE that the City Council of the City of Fond du Lac, Wisconsin (the “City”), at a regular meeting held at City Hall, 160 South Macy Street, Fond du Lac, Wisconsin, on January 22, 2025, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue an aggregate amount not to exceed \$20,000,000 of industrial development revenue bonds of the City to be issued in one or more series of taxable bonds (the “Bonds”) on behalf of 1125 East Johnson, LLC, a Wisconsin limited liability company, and N 6663 Rolling Meadows, LLC, a Wisconsin limited liability company, and/or a related entity, and/or an entity to be formed (individually and collectively, jointly and severally, the “Borrower”), to finance and/or refinance a multi-jurisdictional project consisting of the (i) rehabilitation and improvements to an existing 13,000 square foot facility to be leased to a medical provider located at 1125 East Johnson in the City of Fond du Lac, Wisconsin (the “1125 East Johnson Facility”), (ii) rehabilitation and improvements to an existing 10,000 square foot facility to be leased to a retailer located at N 6663 Rolling Meadows in the Town of Fond du Lac, Wisconsin (the “N 6663 Rolling Meadows Facility”), and (iii) payment of professional fees and costs of issuance (collectively, the “Project”). The Borrower has represented that 37 full-time jobs are expected to be created at the 1125 East Johnson Facility and 3 full-time jobs are expected to be created at the N 6663 Rolling Meadows Facility as a result of the Project.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the City’s interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE CITY, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE CITY. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE CITY AND THE BORROWER.

The Initial Resolution may be inspected in the office of the City Clerk at 160 South Macy Street, Fond du Lac, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF THE CITY OF FOND DU LAC MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of the City of Fond du Lac is filed with the City Clerk requesting a referendum on the question of the issuance of the Bonds, the City will issue the Bonds without submitting the proposition for the electors’ approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of the City of Fond du Lac voting thereon at a general or special election.

Margaret Hefter, City Clerk
City of Fond du Lac, Wisconsin

CERTIFICATION BY CITY CLERK

I, Margaret Hefter duly sworn, hereby certify that I am the duly qualified and acting City Clerk of the City of Fond du Lac, Wisconsin (the "City"), and as such I have in my possession, or have access to, the complete corporate records of the City and of its City Council; that I have carefully compared the transcript attached hereto with the aforesaid records; and that said transcript attached hereto is a true, correct and complete copy of all the records in relation to the adoption of Resolution No. _____ entitled: INITIAL RESOLUTION REGARDING TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING FOR 1125 EAST JOHNSON, LLC AND N 6663 ROLLING MEADOWS, LLC PROJECT.

I hereby further certify as follows:

1. Said Initial Resolution was considered for adoption by the City Council at a meeting held at City Hall, 160 South Macy Street, Fond du Lac, Wisconsin, at _____ p.m. on January 22, 2025. Said meeting was a regular meeting of the City Council and was held in open session.

2. Said Initial Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting in compliance with Section 19.84 of the Wisconsin Statutes, including, without limitation, by posting on the bulletin board in the City Hall, by notice to those news media who have filed a written request for notice of meetings, and by notice to the official newspaper of the City.

3. Said meeting was called to order by _____, who chaired the meeting. Upon roll, I noted and recorded that the following members were present:

_____	_____
_____	_____
_____	_____
_____	_____

and that the following members were absent:

_____	_____
_____	_____

I noted and recorded that a quorum was present. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was said Initial Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all members who desired to do so had expressed their views for or against said Initial Resolution, the question was called, and upon roll being called and the continued presence of a quorum being noted, the recorded vote was as follows:

AYE:

_____	_____
_____	_____
_____	_____
_____	_____

NAY:

_____	_____
_____	_____

ABSTAINED:

_____	_____
_____	_____

Whereupon the meeting chairperson declared said Initial Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the City hereto on this 22nd day of January, 2025.

[SEAL]

Margaret Hefter, City Clerk

Summary
Request for City of Fond du Lac, Wisconsin to Serve as Conduit Issuer
for
Not to Exceed Aggregate Amount of \$18,000,000 Taxable Industrial Development Revenue Bonds
to Benefit 1125 East Johnson, LLC and N 6663 Rolling Meadows, LLC Project
(multi-jurisdictional project located in City of Fond du Lac -and- Town of Fond du Lac)

This will summarize the request of 1125 East Johnson, LLC, a Wisconsin limited liability company, and N 6663 Rolling Meadows, LLC, a Wisconsin limited liability company, and/or a related entity, and/or an entity to be formed (collectively, the “Borrower”), asking that the City of Fond du Lac, Wisconsin (the “City of Fond du Lac”) consider an Initial Resolution to benefit the Borrower through the conduit issuance of industrial development revenue bonds to be issued in one or more series of taxable bonds in an aggregate amount not to exceed \$18,000,000 (the “Bonds”) to finance and/or refinance a multi-jurisdictional project located in both the City of Fond du Lac and the Town of Fond du Lac, Wisconsin (the “Town of Fond du Lac”) consisting of the (i) rehabilitation and improvements to an existing 13,000 square foot facility to be leased to a medical provider located at 1125 East Johnson in the City of Fond du Lac, Wisconsin, (ii) rehabilitation and improvements to an existing 10,000 square foot facility to be leased to a retailer located at N 6663 Rolling Meadows in the Town of Fond du Lac, Wisconsin, and (iii) payment of professional fees and costs of issuance (collectively, the “Project”). In a conduit bond transaction, a state or local governmental entity issues bonds and loans the proceeds from the sale of the bonds to a private entity for an authorized project. In Wisconsin, counties, cities, villages and towns, as well as duly constituted redevelopment authorities and community development authorities, may issue conduit bonds.

As provided in the Project description above, the Project is a multi-jurisdictional Project, a portion of which is located in the City of Fond du Lac and the Town of Fond du Lac. Pursuant to Section 66.1103(3)(f) of the Wisconsin Statutes, a municipality may finance an industrial project which is located entirely outside the geographic limits of the municipality, but only if the revenue agreement for the project also relates to another project of the same eligible participant, part of which is located within the geographic limits of the municipality. Because the proposed Project is currently located in the City of Fond du Lac and the Town of Fond du Lac, the Borrower is requesting each municipality to consider an Initial Resolution authorizing the Bonds. The Town of Fond du Lac will consider an Initial Resolution on or about January 13, 2025. However, the Borrower is requesting that the City of Fond du Lac be the issuer of the conduit bonds.

These Bonds are municipal bonds; however, they are not general obligations of either the City of Fond du Lac or the Town of Fond du Lac. If the City of Fond du Lac agrees to issue bonds to benefit the proposed Project and the Town of Fond du Lac agrees:

1. Neither the City of Fond du Lac nor the Town of Fond du Lac will be liable for payment of the principal and interest on the Bonds.
2. Neither the City of Fond du Lac nor the Town of Fond du Lac will have ongoing responsibilities for monitoring or reporting with regard to the Bonds or the Project.
3. The Bonds do not count against either the City of Fond du Lac or the Town of Fond du Lac’s borrowing capacity. Neither the City of Fond du Lac nor the Town of Fond du Lac will levy a tax for payment of the Bonds.

The City of Fond du Lac acts strictly as a conduit, which enables the Borrower to borrow at a lower rate of interest.

Because the Bonds are issued by a governmental entity, the holder of the Bonds may exclude the interest on the Bonds from gross income for federal tax purposes.

The cooperation of the City of Fond du Lac to act as the conduit issuer grants the Borrower a significant monetary benefit, at no cost to either the City of Fond du Lac or the Town of Fond du Lac, because the Borrower will enjoy a lower interest rate as a result of using a bond structure. A lending institution will directly purchase the Bonds. In the event that a payment is not made, the lending institution would look to the security and collateral pledged to them in the bond documents to be made whole. Bondholders will not look to the City of Fond du Lac or the Town of Fond du Lac for payment. The City of Fond du Lac, as the conduit issuer, will assign all of its rights, liability and responsibilities under the Bonds to the lender as the bondholder. The Borrower will be fully responsible for repaying the loan and must make the arrangements with the lender for the payment on the Bonds. If the Borrower is not able to meet its payment obligations, the lender will realize on its collateral and enforce its rights against the Borrower. Neither City of Fond du Lac nor the Town of Fond du Lac is liable for payment.

The foregoing is just a brief discussion of conduit taxable industrial development revenue bond financing. The Borrower respectfully asks that the City Council consider the Initial Resolution at its January 22, 2025 meeting. The Initial Resolution is not a binding obligation of the City of Fond du Lac to issue the Bonds, nor is it a binding obligation of the Borrower to utilize bond financing, unless and until further action is taken; however, adoption of the Initial Resolution will preserve and maintain eligibility for the Project to utilize bond financing at a later date.

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

Title: Resolution No. 9164

Subject: A Resolution to Approve the Update to the City's Policy
for Public Deposit and Investments
Introduction: Director of Administration

Initiator:

Recommendation:

ATTACHMENTS:

File Name

9164_Approve_Public_Deposits_and_Investments_policy.pdf
City_of_Fond_du_Lac_Investment_Policy_1.15.25.clean.pdf
Memo_for_Resolution_-_Investment_Policy_Update.pdf
City_of_Fond_du_Lac_Redline_Investment_Policy_1.15.25.pdf

RESOLUTION NO. 9164

**A RESOLUTION TO APPROVE THE UPDATE TO THE CITY'S POLICY
FOR PUBLIC DEPOSITS AND INVESTMENTS**

WHEREAS, the City Council authorized this investment fund policy in 2002, and

WHEREAS, the Director of Administration requests that the policy be updated based on the advice received from the City's investment advisor. The updated policy is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac, Wisconsin, that City's Policy for Public Deposits and Investments is authorized and approved.

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

City of Fond du Lac Policy for Public Deposits and Investments

I. Public Deposits

A. Public Depositories. The City Council shall by resolution designate one or more public depositories, organized and doing business under the laws of this state or federal law, and located in Wisconsin, in which the City Treasurer (Director of Administration) shall deposit all public monies received by him/her.

B. Limitations. The resolution designating one or more public depositories shall specify whether the monies shall be maintained in time deposits, demand deposits or savings deposits, and whether a surety bond or other security shall be required to be furnished under Section 34.07 of the Wisconsin Statutes, by the public depository to secure the repayment of such deposits.

C. Deposits. The City Treasurer shall deposit public monies in the name of the City of Fond du Lac in such public depositories designated by the City Council and subject to the limitations hereinabove set forth.

D. Withdrawals. Withdrawals or disbursements by the City Treasurer of monies deposited in a public depository shall be made as provided by Section 66.0607 (1) to (7) of the Wisconsin Statutes, or as subsequently amended. The City Treasurer is authorized, at his/her discretion, to process periodic payments through the use of money transfer techniques as set forth in Section 66.0607(3m) of the Wisconsin Statutes, or as subsequently amended.

II. Investments

A. Policy. It is the policy of the City of Fond du Lac to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City and conforming to all state statutes governing the investment of public funds.

B. Scope. This investment policy applies to all financial assets of the City of Fond du Lac. These assets are accounted for in the City's **Comprehensive Annual Financial Report** and include the City's General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, Enterprise Funds (Wastewater Utility and Water Utility), Internal Services Funds, Trust and Agency Funds, and any new funds which may be established by the City Council.

C. Prudence. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence

exercise in the managing of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

D. Objectives. The primary objectives of the City’s investment activities, in priority order, shall be:

D.1. Safety. Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

D.2. Liquidity. The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating cash requirements, which may be reasonably anticipated.

D.3. Return on Investments. The City’s investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City’s investment risk constraints and the cash flow characteristics of the portfolio.

E. Delegation of Investment Authority. Management responsibility for the City’s investment program is hereby delegated to the Director of Administration, who shall have control of and discretion in the investment of all City funds that are not immediately needed and are available for investment. The Director of Administration shall establish written procedures for the operation of the investment program consistent with this investment policy. Such procedures shall include explicit delegation of authority to other persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Director of Administration. The Director of Administration shall be responsible for all investment transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

F. Ethics and Conflicts of Interest. City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

G. Authorized Financial Dealers and Institutions. The Director of Administration will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by

credit worthiness who are authorized to provide investment services in the State of Wisconsin.

To be eligible as a broker/dealer, the firm and the designated representative must be registered in the State of Wisconsin. In addition, the firm must meet at least one of the following criteria:

1. Be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a Primary Dealer within its holding company structure,
2. Report voluntarily to the Federal Reserve Bank of New York,
3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

The City may engage the services of an investment advisor to assist in the management of the portfolio. Such investment advisor may utilize its own list of approved broker/dealers; however, the list shall comply with the above criteria and shall be provided to the City on an annual basis or upon request.

H. Authorized and Suitable Investments. City funds may be invested in the following types of securities, in accordance with Section 66.0603 of the Wisconsin Statutes:

H.1. Certificates of Deposit. City funds may be invested in certificates of deposit maturing within three years or less issued by any credit union, bank, savings bank, trust company or savings and loan association authorized to transact business in the State of Wisconsin provided the financial institution has been designated as a public depository by a resolution of the City Council.

H.2. Government Bonds & Securities. City funds may be invested in United States Government bonds or securities or bonds or securities issued or guaranteed as to principal and interest by the federal government, or by any commission, board or other instrumentality of the federal government, or bonds or securities of any county, city, village, town, school district, technical college district or drainage district located in Wisconsin. Maturities for government bonds and securities shall not exceed seven years from the date of trade settlement.

H.3. Repurchase Agreements. The City may engage in financial transactions in which a financial institution, designated as a public depository by a resolution of the City Council, agrees to repay funds advanced to it by the City, plus interest, if the agreement is secured by bonds or securities which are issued or guaranteed as to principal and interest by the federal government. A master repurchase agreement must be signed with the financial institution.

H.4. Savings Deposits. City funds may be invested in savings deposits in any financial institution designated as a public depository by resolution of the City Council.

H.5. Wisconsin Local Government Investment Pool. City funds may be invested in the Wisconsin Local Government Investment Pool.

H.6. Wisconsin Investment Trust. City funds may be invested in the League of Wisconsin Municipalities Wisconsin Investment Trust.

H.7. Commercial Securities. City funds may be invested in any security, which matures within not more than five years from the date of trade settlement and is rated at least AA- by Standard & Poor's Corporation, Aa3 by Moody's Investors Service or AA- by Fitch Ratings at the time of purchase. Further, at the time of purchase, commercial securities shall not be rated less than A- by Standard & Poor's Corporation, A3 by Moody's Investors Service or A- by Fitch Ratings. Combined investments in commercial securities shall not exceed 30% of the portfolio with no more than 5% held in any one issuer, at the time of purchase. Subordinated debt is not authorized. Securities that have been downgraded below the minimum ratings may be sold or held at the City's discretion.

H.8. Money Market Mutual Funds. City funds may be invested in money market mutual funds which are registered under the Investment Company Act of 1940; are no-load; limit the assets of the fund to obligations of the federal government or its agencies or instrumentalities and repurchase agreements collateralized by the federal government or its agencies or instrumentalities.

I. Collateralization. Collateralization will be required on two types of investments: repurchase agreements and certificates of deposit. In order to anticipate market changes and to provide a level of security, the collateralization level shall be (102%) of market value of principal and accrued interest. The City limits collateral to U.S. Government or U.S. Government Agency securities. Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. The right of collateral substitution is granted.

J. Safekeeping and Custody. All security transactions, including collateral for certificates of deposit and repurchase agreements, entered into by the City shall be conducted on a **delivery-versus-payment (DVP)** basis. Securities will be held by a third party custodian designated by the Director of Administration and evidenced by safekeeping receipts.

K. Internal Control. The City shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with investment policies.

L. Performance Standards. The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs of the City. The City's investment strategy is passive. Given this strategy, the basis used by the Director of Administration to determine whether market yields are being achieved shall be the 90-day U.S. Treasury Bill, the average Federal Funds rate and the 1-3 Year Treasury Index.

M. Reporting Requirements. The Director of Administration is charged with the responsibility for including a market report on investment balances and returns in the City's Comprehensive Annual Financial Report.

N. Definitions and Conflict. This policy is enacted in accordance with the provisions of Chapter 34 and Section 66.0603 of the Wisconsin Statutes. Words and phrases shall, insofar as applicable, have the meaning set forth in Sections 34.01 and 66.0603 of the Wisconsin Statutes. In case of conflict, state laws shall prevail.

O. Adoption and Duration. The City's investment policy shall be adopted by resolution of the City Council, and shall remain in force until repealed or superseded by further resolution of the City Council.

CITY OF FOND DU LAC - Memorandum

Department of Administration

To: Joseph Moore, City Manager
City Council

From: Tricia Davi, Director of Administration/Chief Financial Officer

Date: January 15, 2025

Subject: Resolution – Update to Policy for Public Deposits and Investments

Resolution 7390, adopted in 2002, authorizes the policy for holding public funds in investment accounts. Periodically our investment advisor will review the policy to ensure that it complies with Internal Revenue Service (IRS) and Securities and Exchange (SEC) regulations. The changes noted in the redlined version of the policy attached to this memo are to ensure compliance with those regulations.

The City takes a very conservative approach by investing funds primarily in the Local Government Investment Pool managed by the State of Wisconsin, and in US Treasury and US Agency bonds and notes. Section H of the resolution outlines and authorizes the areas that funds may be invested. The addition of investing funds in Money Market Mutual Funds will give some flexibility to invest smaller amounts of funds, in order to accumulate them to purchase larger bonds and notes when available.

If you have any questions, please let me know.

City of Fond du Lac Policy for Public Deposits and Investments

I. Public Deposits

A. Public Depositories. The City Council shall by resolution designate one or more public depositories, organized and doing business under the laws of this state or federal law, and located in Wisconsin, in which the City Treasurer (Director of Administration) shall deposit all public monies received by him/her.

B. Limitations. The resolution designating one or more public depositories shall specify whether the monies shall be maintained in time deposits, demand deposits or savings deposits, and whether a surety bond or other security shall be required to be furnished under Section 34.07 of the Wisconsin Statutes, by the public depository to secure the repayment of such deposits.

C. Deposits. The City Treasurer shall deposit public monies in the name of the City of Fond du Lac in such public depositories designated by the City Council and subject to the limitations hereinabove set forth.

D. Withdrawals. Withdrawals or disbursements by the City Treasurer of monies deposited in a public depository shall be made as provided by Section 66.0607 (1) to (7) of the Wisconsin Statutes. The City Treasurer is authorized, at his/her discretion, to process periodic payments through the use of money transfer techniques as set forth in Section 66.0607(3m) of the Wisconsin Statutes.

II. Investments

A. Policy. It is the policy of the City of Fond du Lac to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City and conforming to all state statutes governing the investment of public funds.

B. Scope. This investment policy applies to all financial assets of the City of Fond du Lac. These assets are accounted for in the City's **Comprehensive Annual Financial Report** and include the City's General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, Enterprise Funds (Wastewater Utility and Water Utility), Internal Services Funds, Trust and Agency Funds, and any new funds which may be established by the City Council.

C. Prudence. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the managing of their own affairs, not for speculation, but for investment,

Date: January 15, 2025
Public Deposits and Investments

considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

D. Objectives. The primary objectives of the City’s investment activities, in priority order, shall be:

D.1. Safety. Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

D.2. Liquidity. The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating cash requirements, which may be reasonably anticipated.

D.3. Return on Investments. The City’s investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City’s investment risk constraints and the cash flow characteristics of the portfolio.

E. Delegation of Investment Authority. Management responsibility for the City’s investment program is hereby delegated to the Director of Administration, who shall have control of and discretion in the investment of all City funds that are not immediately needed and are available for investment. The Director of Administration shall establish written procedures for the operation of the investment program consistent with this investment policy. Such procedures shall include explicit delegation of authority to other persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Director of Administration. The Director of Administration shall be responsible for all investment transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

F. Ethics and Conflicts of Interest. City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

G. Authorized Financial Dealers and Institutions. The Director of Administration will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in the State of

Date: January 15, 2025
Public Deposits and Investments

Wisconsin. ~~These may include "primary dealers" or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule).~~

~~All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Director of Administration with the following:~~

- ~~• Audited Financial Statements~~
- ~~• Proof of National Association of Security Dealers certification~~
- ~~• Trading resolution~~
- ~~• Proof of State registration~~
- ~~• Certification of having read the City's investment policy.~~

~~An annual review of the financial condition and registrations of qualified bidders will be conducted by the Director of Administration.~~

~~A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City invests.~~

~~To be eligible as a broker/dealer, the firm and the designated representative must be registered in the State of Wisconsin. In addition, the firm must meet at least one of the following criteria:~~

- ~~1. Be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a Primary Dealer within its holding company structure.~~
- ~~2. Report voluntarily to the Federal Reserve Bank of New York.~~
- ~~3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).~~

~~The City may engage the services of an investment advisor to assist in the management of the portfolio. Such investment advisor may utilize its own list of approved broker/dealers; however, the list shall comply with the above criteria and shall be provided to the City on an annual basis or upon request.~~

H. Authorized and Suitable Investments. City funds may be invested in the following types of securities, in accordance with Section 66.0603 of the Wisconsin Statutes:

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H.2. Government Bonds & Securities. City funds may be invested in United States Government bonds or securities or bonds or securities issued or guaranteed as to principal and interest by the federal government, or by any commission, board or other instrumentality of the federal government, or bonds

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Date: January 15, 2025
Public Deposits and Investments

or securities of any county, city, village, town, school district, technical college district or drainage district located in Wisconsin. Maturities for government bonds and securities shall not exceed seven years from the date of trade settlement.

H.3. Repurchase Agreements. The City may engage in financial transactions in which a financial institution, designated as a public depository by a resolution of the City Council, agrees to repay funds advanced to it by the City, plus interest, if the agreement is secured by bonds or securities which are issued or guaranteed as to principal and interest by the federal government. A master repurchase agreement must be signed with the financial institution.

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H.6. Wisconsin Investment Trust. City funds may be invested in the League of Wisconsin Municipalities Wisconsin Investment Trust.

H.7. Commercial Securities. City funds may be invested in any security which matures within not more than ~~seven-five~~ years ~~from~~of the date ~~it is acquired of~~ trade settlement, if that security and has a rating which is the highest or second highest rating category assigned by is rated at least AA- by Standard & Poor's Corporation, Aa3 by Moody's Investors Service or AA- by Fitch Ratings at the time of purchase. Further, at the time of purchase, commercial securities shall not be rated less than A- by Standard & Poor's Corporation, A3 by Moody's Investors Service or A- by Fitch Ratings. Combined other similar nationally recognized rating agency. investments in commercial securities shall not exceed 30% of the portfolio with no more than 5% held in any one issuer, at the time of purchase. Subordinated debt is not authorized. Securities that have been downgraded below the minimum ratings may be sold or held at the City's discretion.

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Date: January 15, 2025
Public Deposits and Investments

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L. Performance Standards. The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs of the City. The City's investment strategy is passive. Given this strategy, the basis used by the Director of Administration to determine whether market yields are being achieved shall be the 90-day U.S. Treasury Bill, ~~the -and-~~ average Federal Funds rate and the 1-3 Year Treasury Index.

M. Reporting Requirements. The Director of Administration is charged with the responsibility for including a market report on investment balances and returns in the City's Comprehensive Annual Financial Report.

N. Definitions and Conflict. This policy is enacted in accordance with the provisions of Chapter 34 and Section 66.0603 of the Wisconsin Statutes. Words and phrases shall, insofar as applicable, have the meaning set forth in Sections 34.01 and 66.0603 of the Wisconsin Statutes. In case of conflict, state laws shall prevail.

O. Adoption and Duration. The City's investment policy shall be adopted by resolution of the City Council, and shall remain in force until repealed or superseded by further resolution of the City Council.

BE IT FURTHER RESOLVED that any prior resolution inconsistent with this resolution is hereby repealed and rescinded to the extent of such inconsistency.

Adopted: ~~June 12, 2002~~XXXXX XX, 2024

Tiffany Brault, President
Fond du Lac City Council

Date: January 15, 2025
Public Deposits and Investments

City Attorney:

Reviewed _____

Attest:

Margaret Hefter, City Clerk

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

Title: Ordinance No. 3806
Subject: An Ordinance Amending The City of Fond du Lac 2040
Comprehensive Plan
Introduction: Community Development Director

Initiator:

Recommendation: Plan Commission Recommendation: **Approve**

ATTACHMENTS:

File Name

3806_CompPlanAmendmentNo5Ordinance.pdf
Exhibit_A_Zoning.pdf
PC_Memo_Comp_Plan_Amendment.pdf
Comp_Plan_Amend_5_Proposed.pdf
PH_Comp_Plan_Amendment.pdf
1-13-25_Plan_Commission_Excerpt_Comp_Plan_Amendment_No._5.pdf

ORDINANCE NO. 3806

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 environment in which the Comprehensive Plan is implemented is dynamic, it is expected that amendments to the Comprehensive Plan may be needed to address changing conditions; 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 enable the expansion of an institutional healthcare facility currently limited within its existing boundaries and will reflect the uses of these parcels for such use; and

WHEREAS, a copy of the Future Land Use amendment is attached hereto as Exhibit A as Comp Plan Amendment No. 5, incorporated by reference, and

WHEREAS, the Plan Commission recommended approval of the Comprehensive Plan amendment at its meeting held on January 13, 2025.

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:

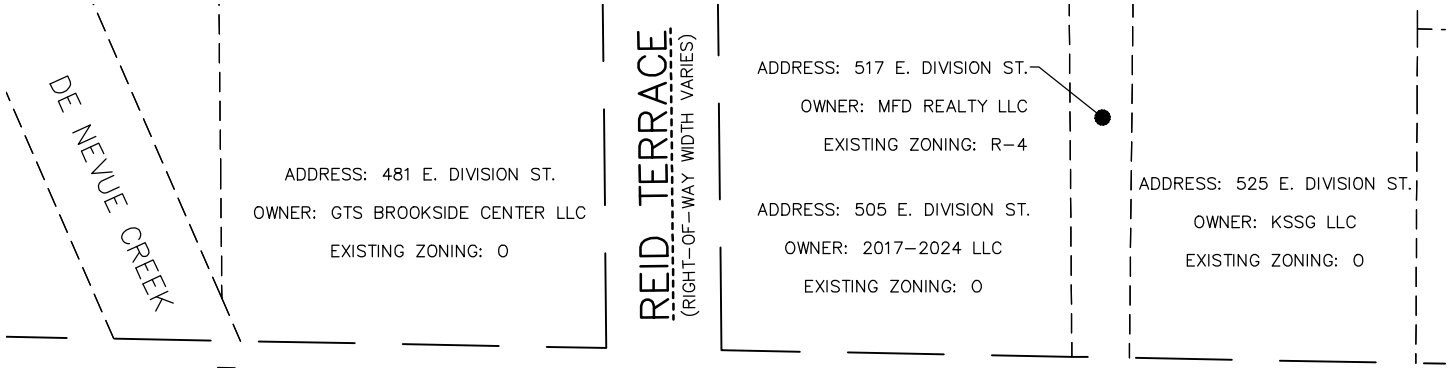
City Attorney:

Reviewed DSM

Margaret Hefter, City Clerk

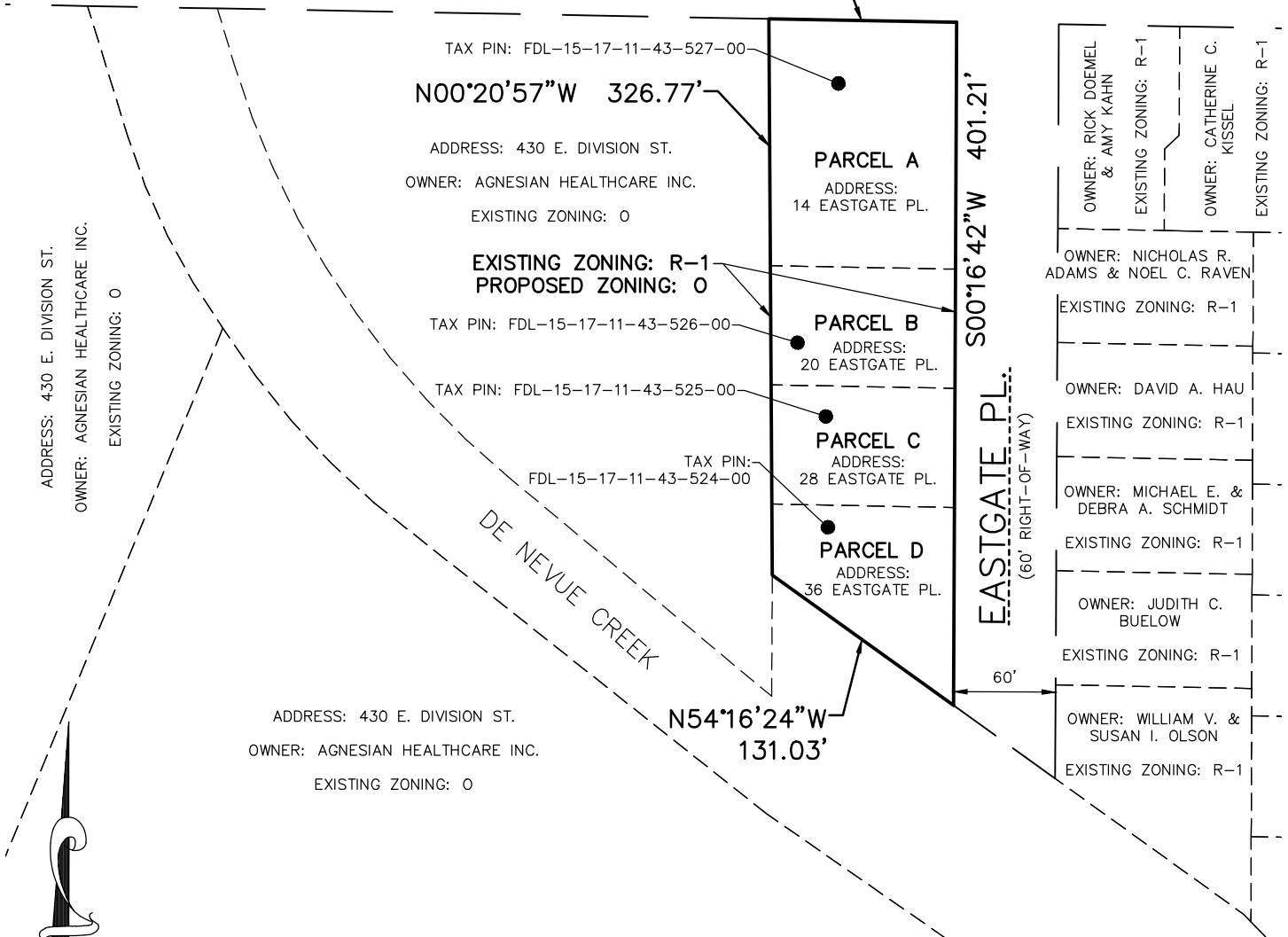
EXHIBIT A

ZONING EXHIBIT

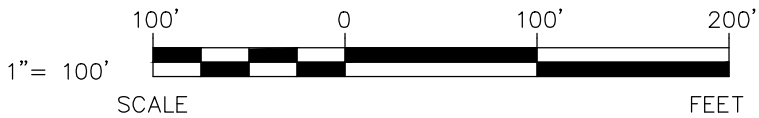


E. DIVISION ST.
(RIGHT-OF-WAY WIDTH VARIES)

S88°55'27"E 110.34'



ADDRESS: 430 E. DIVISION ST.
OWNER: AGNESIAN HEALTHCARE INC.
EXISTING ZONING: O



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100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

Always a Better Plan **JOB NO. 240250200**

Zoning Legal Description

Parcel A:

Lot 1 and Lot 2 of Kaiser's Second Addition in the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-527-00

Address: 14 Eastgate Pl, Fond du Lac, WI 54935

Parcel B:

Lot 3 of Kaiser's Second Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-526-00

Address: 20 Eastgate Pl, Fond du Lac, WI 54935

Parcel C:

Lot 4 of Kaiser's Second Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-525-00

Address: 28 Eastgate Pl, Fond du Lac, WI 54935

Parcel D:

Lot 5 of Kaiser's Second Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-524-00

Address: 36 Eastgate Pl, Fond du Lac, WI 54935

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: January 8, 2025

To: Plan Commission

From: Dyann Benson, Community Development Director

Re: Comprehensive Plan Amendment No. 5

Location: 14 Eastgate Place (FDL-15-17-11-43-527-00), 0.377 Acres
20 Eastgate Place (FDL-15-17-11-43-526-00), 0.18 Acres
28 Eastgate Place (FDL-15-17-11-43-525-00), 0.18 Acres
36 Eastgate Place (FDL-15-17-11-43-524-00) 0.19 Acres

Request: Change comprehensive plan land use designations from Residential to Institutional.

Existing Land Use:

Sites:	Residential
North:	Institutional
South:	Institutional
East:	Residential
West:	Employment

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 four parcels identified above are located on the west side of Eastgate Place, accessible from East Division Street. The Comprehensive Plan identifies all four parcels as residential land use.

SSM Health is requesting a rezoning of the parcels to O Office Conversion District. The properties have been acquired and the structures are in the process of being razed.

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 office zoning of the subject properties conflicts with the existing land use designations for residential uses; therefore, a change to the Comprehensive Plan is necessary in order for the zoning to change.

The suggested institutional land use designation would represent the future land use. The proposed land use designation reflects the institutional (healthcare) expansion anticipated for the subject properties. The proposed expansion of the facility is limited on the current site due to the creek (and subsequently Division Street bridge) to the south and west. This limits not only the building expansion, but circulation as well.

The Comprehensive Plan Amendment and rezoning proposal will be considered as separate items on the January 13th Plan Commission agenda.

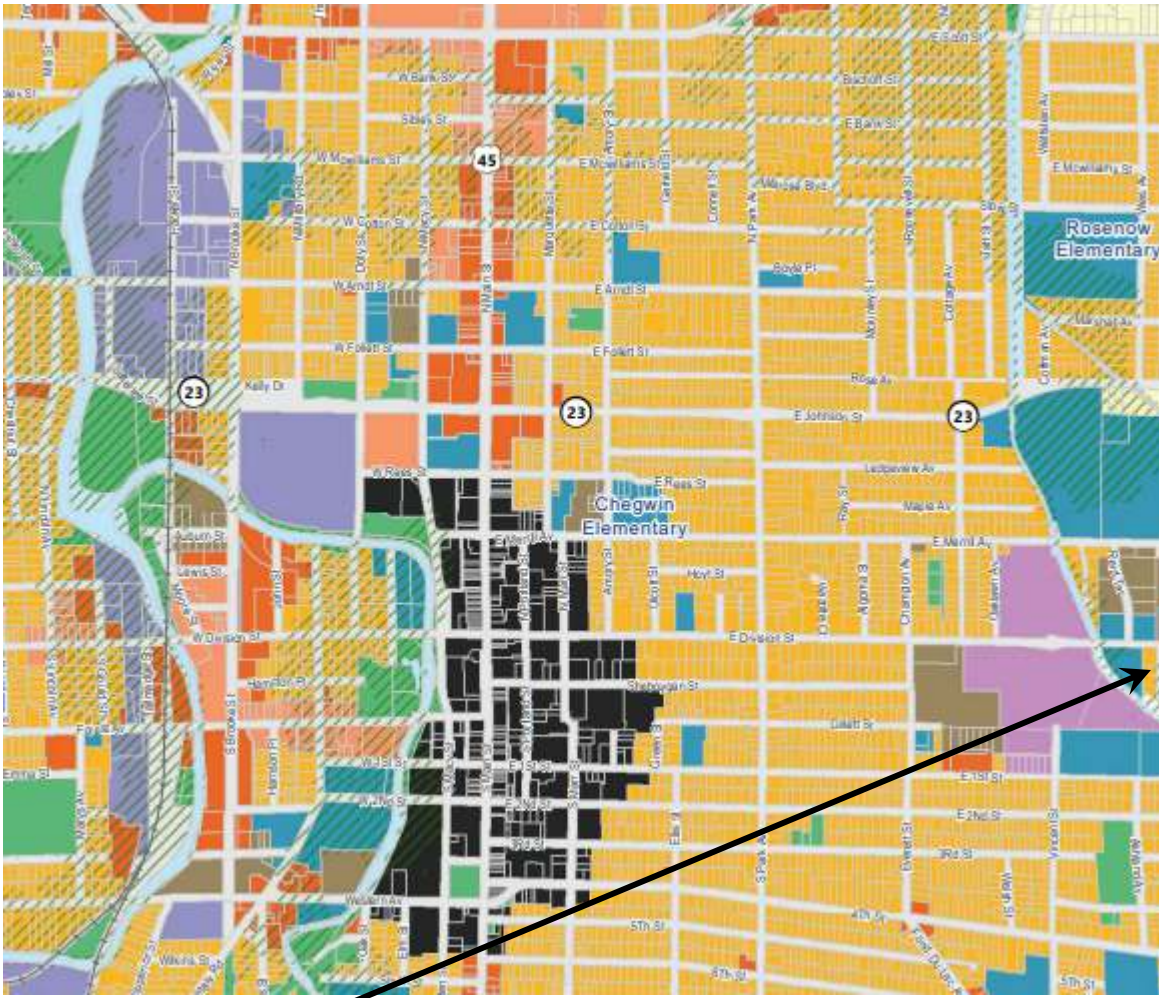
Recommendation

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:

14 Eastgate Place (FDL-15-17-11-43-527-00), 0.377 Acres;
20 Eastgate Place (FDL-15-17-11-43-526-00), 0.18 Acres;
28 Eastgate Place (FDL-15-17-11-43-525-00), 0.18 Acres; and
36 Eastgate Place (FDL-15-17-11-43-524-00) 0.19 Acres
from Residential to Institutional land use.

COMPREHENSIVE PLAN AMENDMENT NO. 5

Recommended Land Use Designation: Institutional & Utilities



Comprehensive Plan Amendment No. 5:

Parcel Number: FDL-15-17-11-43-527-00, 0.377 acres

Parcel Number: FDL-15-17-11-43-526-00, 0.18 acres

Parcel Number: FDL-15-17-11-43-525-00, .18 acres

Parcel Number: FDL-15-17-11-43-524-00, .19 acres

REQUEST FOR REZONING



Parcels: FDL-15-17-11-43-527-00, FDL-15-17-11-43-526-00, FDL-15-17-11-43-525-00, and FDL-15-17-11-43-524-00

COMPREHENSIVE PLAN AMENDMENT

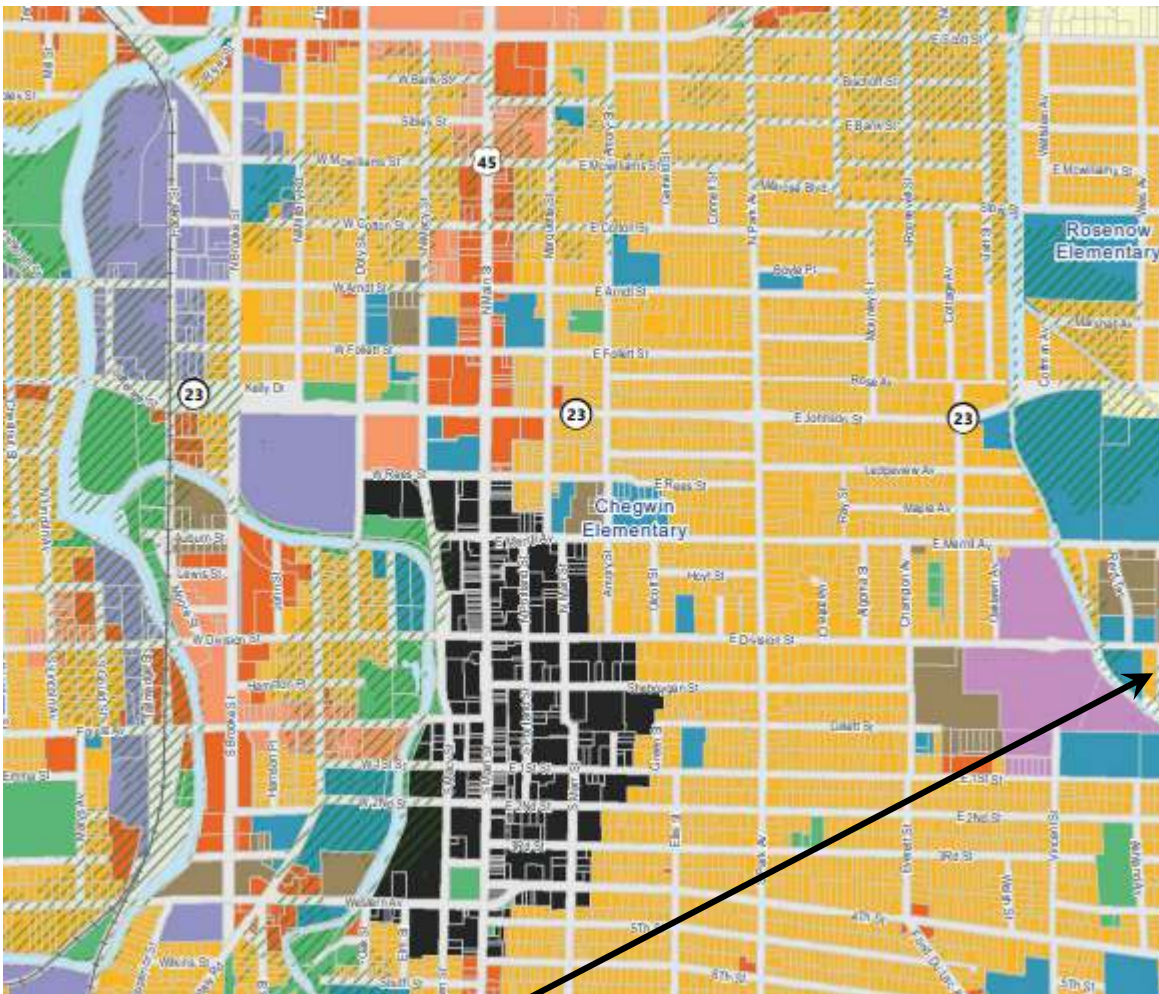
Existing Land Use Designation: Urban Residential



Area of Plan Amendment (Parcels: FDL-15-17-11-43-527-00, FDL-15-17-11-43-526-00, FDL-15-17-11-43-525-00, and FDL-15-17-11-43-524-00)

COMPREHENSIVE PLAN AMENDMENT

Recommended Land Use Designation: Institutional & Utilities



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 January 13, 2025, 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 to permit the future commercial development/expansion of land currently designated for residential uses.

The property affected by the proposed amendment consists of four parcels located on the west side of Eastgate Place. The affected land is described as follows:

Parcel Number: FDL-15-17-11-43-527-00 (0.38 Acres), 14 Eastgate Place

Parcel Number: FDL-15-17-11-43-526-00 (0.18 Acres), 20 Eastgate Place

Parcel Number: FDL-15-17-11-43-525-00 (0.18 Acres), 28 Eastgate Place

Parcel Number: FDL-15-17-11-43-524-00 (0.19 Acres), 36 Eastgate Place

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 6th of December, 2024

MARGARET HEFTER
City Clerk

Published: December 11, 2024

PLAN COMMISSION MINUTES

160 S Macy Street Fond du Lac, Wisconsin
Meeting Room A
Monday, January 13, 2025
5:30 P.M.

OPENING CEREMONIES

Attendance

Present

Jo Ann Giese-Kent
Bradley Leonhard
Craig Much
Anne Pierce
Derek TerBeest

Absent

Alicia Hans
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. 5

Request: Change comprehensive plan land use designations from Residential to Institutional.

Locations:

- 14 Eastgate Place (FDL-15-17-11-43-527-00), 0.377 Acres
- 20 Eastgate Place (FDL-15-17-11-43-526-00), 0.18 Acres
- 28 Eastgate Place (FDL-15-17-11-43-525-00), 0.18 Acres
- 36 Eastgate Place (FDL-15-17-11-43-524-00) 0.19 Acres

Appeared as Interest May Appear:

Mark Holschuh, 48 S Kayser St

Spoke in Opposition:

Nicole Hau, 25 Eastgate Pl

A Motion was made by Leonhard to recommend to the City Council approval to change the Comprehensive Plan land use designations from Residential to Institutional for the Parcels at 14 Eastgate Place (FDL-15-17-11-43-527-00); 20 Eastgate Place (FDL-15-17-11-43-526-00); 28 Eastgate Place

(FDL-15-17-11-43-525-00); and 36 Eastgate Place (FDL-15-17-11-43-524-00 and seconded by Terbeest, and the motion was **Passed**.

ROLL CALL VOTE: Aye - Giese-Kent, Leonhard, Much,
 Pierce, TerBeest
 Nay - None

Carried.

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

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

Title: Ordinance No. 3807

Subject: An Ordinance Rezoning 14 Eastgate Place (FDL-15-17-11-43-527-00); 20 Eastgate Place (FDL-15-17-11-43-526-00); 28 Eastgate Place (FDL-15-17-11-43-525-00) and 36 Eastgate Place (FDL-15-17-11-43-524-00) From R-1 (Single Family Residential District) to O (Office Conversion District)
Introduction: Community Development Director

Initiator: SSM Health

Initiator:

Recommendation: Plan Commission Recommendation: **Approve**

ATTACHMENTS:

File Name

3897_Rezone__Eastgate_Rezone_Ordinance.pdf

PC_Memo_Rezone_-_Eastgate.pdf

RezoningApplication-2024_signed_redacted.pdf

Site_Photos__Map.pdf

PH_Notice_Rezone_Eastgate_SSM.pdf

1-13-25_Plan_Commission_Excerpt_Rezone.pdf

ORDINANCE NO. 3807

AN ORDINANCE REZONING 14 EASTGATE PLACE (FDL-15-17-11-43-527-00); 20 EASTGATE PLACE (FDL-15-17-11-43-526-00); 28 EASTGATE PLACE (FDL-15-17-11-43-525-00); and 36 EASTGATE PLACE (FDL-15-17-11-43-524-00) FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO O (OFFICE CONVERSION DISTRICT)

WHEREAS, SSM Health has requested that the parcels of land identified as 14 Eastgate Place (FDL-15-17-11-43-527-00); 20 Eastgate Place (FDL-15-17-11-43-526-00); 28 Eastgate Place (FDL-15-17-11-43-525-00), and 36 Eastgate Place (FDL-15-17-11-43-524-00) be rezoned from R-1 District (Single Family Residential) to O District (Office Conversion); and

WHEREAS, the rezoning will reflect the future use of the property for the expansion of the existing healthcare facility and consistent with the adjoining O 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 R-1 (Single Family District) to O (Office Conversion District):

14 Eastgate Place (FDL-15-17-11-43-527-00);
20 Eastgate Place (FDL-15-17-11-43-526-00);
28 Eastgate Place (FDL-15-17-11-43-525-00) and
36 Eastgate Place (FDL-15-17-11-43-524-00) 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: January 8, 2025

To: Plan Commission

From: Dyann Benson, Community Development Director

Re: Rezoning

14 Eastgate Place (FDL-15-17-11-43-527-00), 0.377 Acres

20 Eastgate Place (FDL-15-17-11-43-526-00), 0.18 Acres

28 Eastgate Place (FDL-15-17-11-43-525-00), 0.18 Acres

36 Eastgate Place (FDL-15-17-11-43-524-00) 0.19 Acres

Initiator: SSM Health

Request: Rezone property from R-1 (Single Family Residential District) to O (Office Conversion District)

Zoning: Sites: R-1 (Single Family Residential District)
North: O (Office Conversion District)
South: O/R-1
East: R-1
West: O

Land Use: Sites: Vacant – Formerly Single Family Homes
North: Office/Assisted Care
South: Hospital/Creek
East: Residential
West: Cancer Center

Analysis

The subject properties are located along the west side of Eastgate Place. Eastgate Place is a short street that is accessed from East Division Street. The properties are zoned R-1 (Single Family Residential District); a change of zoning to O (Office Conversion District) is proposed. The four lots total 0.927 acres and had single family homes that are razed or in the process of being razed. The request to rezone to O District is consistent with the adjoining land use and reflect the future desired use of the property. SSM Health is looking to expand the Cancer Center. The location of the creek to the south limits

expansion in that direction. It also hinders altering or widening access at the Division Street driveway. The proposed expansion plans do include an access drive onto Eastgate Place.

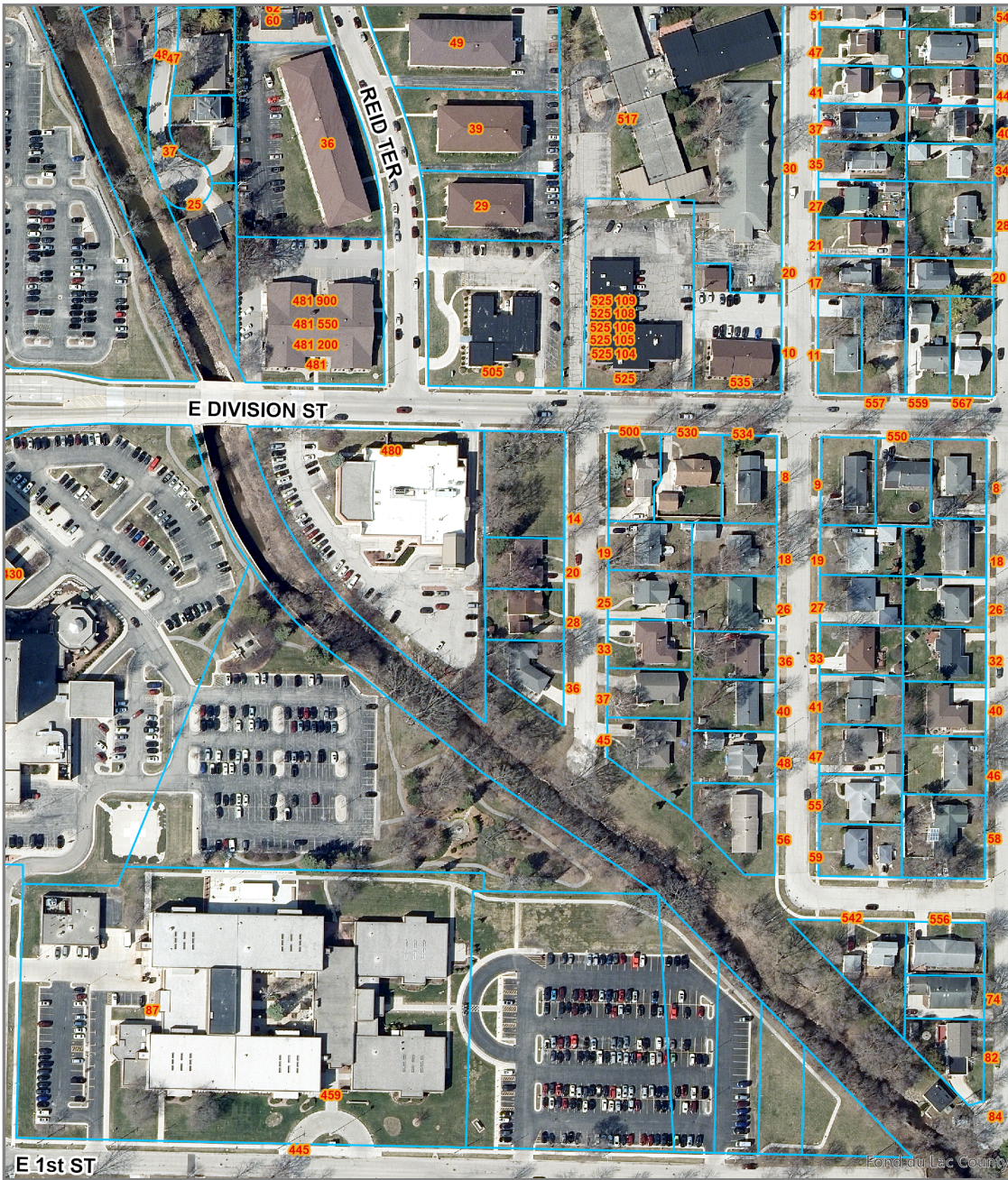
The proposed rezoning would extend the area of existing O District to the subject sites. The proposed rezoning also reflects the intended use of the property (cancer center/healthcare services). Approval of the proposed rezoning would not create a negative effect or harm to any adjacent or nearby property.

In order for the project to proceed, the applicant would be required to obtain a Special Use Permit since it is located within 200 feet of properties zoned for residential use or residential purposes. The Special Use Permit process will enable the Plan Commission to establish conditions to address any concerns. Such conditions can address landscape buffers, lighting and other elements.

Recommendation

Community Development staff advises the Plan Commission recommend to the City Council rezoning the following parcels: 14 Eastgate Place (FDL-15-17-11-43-527-00), 0.377 Acres; 20 Eastgate Place (FDL-15-17-11-43-526-00), 0.18 Acres ; 28 Eastgate Place (FDL-15-17-11-43-525-00), 0.18 Acres; and 36 Eastgate Place (FDL-15-17-11-43-524-00) 0.19 Acres from R-1 (Single Family Residential District) to O (Office Conversion).

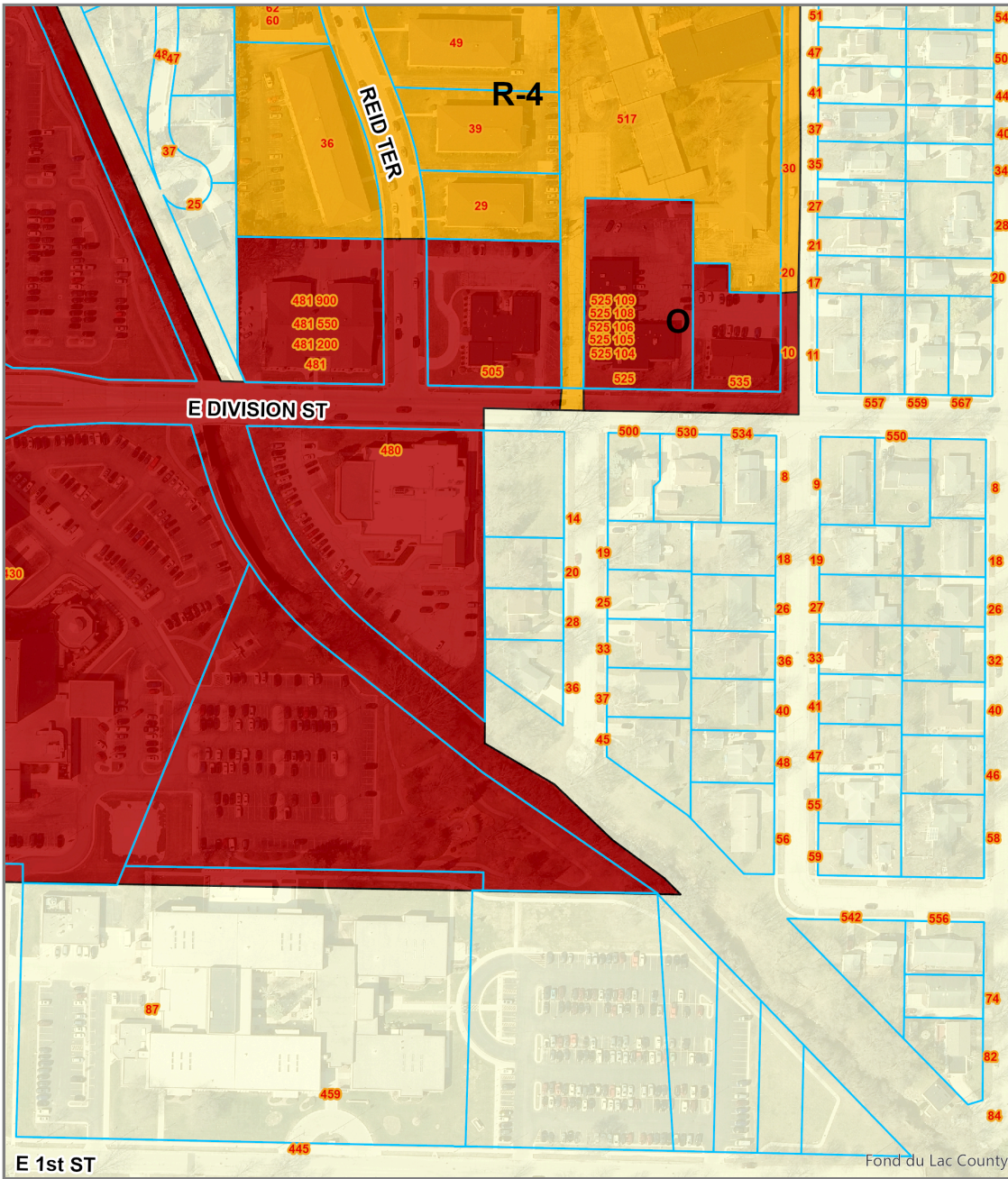
Aerial - Division St & Eastgate Place



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
1/8/2025

Zoning - Division St & Eastgate Place



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
1/8/2025



City of Fond du Lac

REZONING

Application

PROPERTY LOCATION: 14, 20, 28 & 36 Eastgate Pl

Tax Key Number: FDL-FDL-15-17-11-43-527-00, FDL-15-17-11-43-526-00, FDL-15-17-11-43-525-00, FDL-15-17-11-43-524-00

Project Applicant			
Name SSM Health			
Mailing Address 430 E Division St	City Fond du Lac	State WI	ZIP Code 54935
Email Address [REDACTED]		Phone Number [REDACTED]	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name Agnesian Healthcare Inc			
Mailing Address 430 E Division St	City Fond du Lac	State WI	ZIP Code 54935
Email Address [REDACTED]		Phone Number [REDACTED]	
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: R-1

Proposed Zoning Classification: O-Office Conversion District

Description of present use of property: Present Use is Vacant & Residential
Future Land Use Map Designation = Urban Residential – Medium Density

Purpose of rezoning. Description of proposed use of property and/or proposed site development:
Rezoning is proposed to allow for building & parking expansion to the existing SSM Health Cancer Care facility.
See attached narrative.

Time schedule for use and/or development of the property: Expansion is proposed for summer 2025.

PROJECT APPLICANT SIGNATURE Richard Helfrich

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac
Community Development Department

Re: REZONING REQUEST

LOCATION: 14, 20, 28 & 36 Eastgate Place
PROPERTY ADDRESS AND/OR TAX KEY NUMBER

The undersigned Agnesian Healthcare Inc **is the owner of property**
NAME OF PROPERTY OWNER (PLEASE PRINT)
referenced above. The undersigned authorizes SSM Health
to sign and file a rezoning application that affects the referenced property.

Richard Helfrich

SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

12/18/2024

DATE



December 9, 2024

Rezone Narrative

Project: SSM Health – Cancer Center Expansion

SSM Health is requesting rezone review and approval for (4) parcels located on Eastgate Place to allow for a proposed building and parking expansion to the existing cancer center located at 480 E. Division Street in the City of Fond du Lac. The rezoning is proposed from R-1 to O-Office Conversion District for 14 Eastgate Place (FDL-15-17-11-43-527-00), 20 Eastgate Place (FDL-15-17-11-43-526-00), 28 Eastgate Place (FDL-15-17-11-43-525-00) and 36 Eastgate Place (FDL-15-17-11-43-524-00).

The proposed site revisions are represented in the submitted concept site plan layout. The rezoning is the first step in the entitlement process to allow for the expansion. After rezone approval, the rezoned lots will be added to the main parcel via certified survey map and a special use permit will be applied for to allow for the medical clinic use.

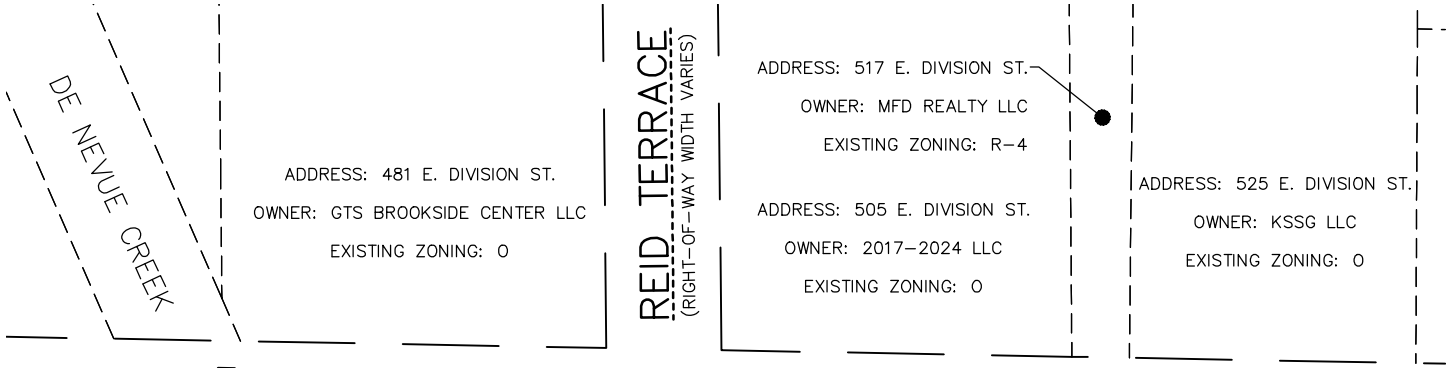
There is an increasing demand for cancer treatment in Fond du Lac, in an effort to support the demand, SSM would like to expand the existing Cancer Center building. The existing facility currently has 12 treatment bays and the planned expansion hopes to increase that to 30 treatment bays. The current hours of operation for the Cancer Center is Monday-Friday from 7:30 AM to 4:30 PM this will be maintained with the expansion. With the increased patient volumes the parking lot will also be expanded to accommodate the increased parking demand. Cancer treatments typically take 3-4 hours so the increased volume of patients is expected to have minimal impact on the neighboring traffic as patients are less transient.

Due to the site constraints the addition needs to extend out east of the existing building which eliminates the existing street access on the east of the building. We have evaluated changing the existing west entrance point to allow for 2-way traffic to and from the site, but this effort would eliminate a significant portion of existing parking stalls. So we would be looking to add a new drive aisle from Eastgate Place so that we can preserve parking capacity so patients & providers will have adequate on site parking.

SSM recognizes that the environment where cancer treatment is delivered is an important factor in outcomes, patients respond better to treatment when they have better access to nature while maintaining privacy. To accomplish this on the site we will be utilizing landscape screening around the perimeter of the addition to establish a park like quality environment for both the occupants in the building, but also for the neighboring properties. The parking lot lighting will utilize directional lighting to insure the light spill to the neighboring properties will be kept to a minimum. WE will also be providing landscape berms around the expanded parking to further afford patient privacy and maintaining a park like quality throughout the entire site experience.

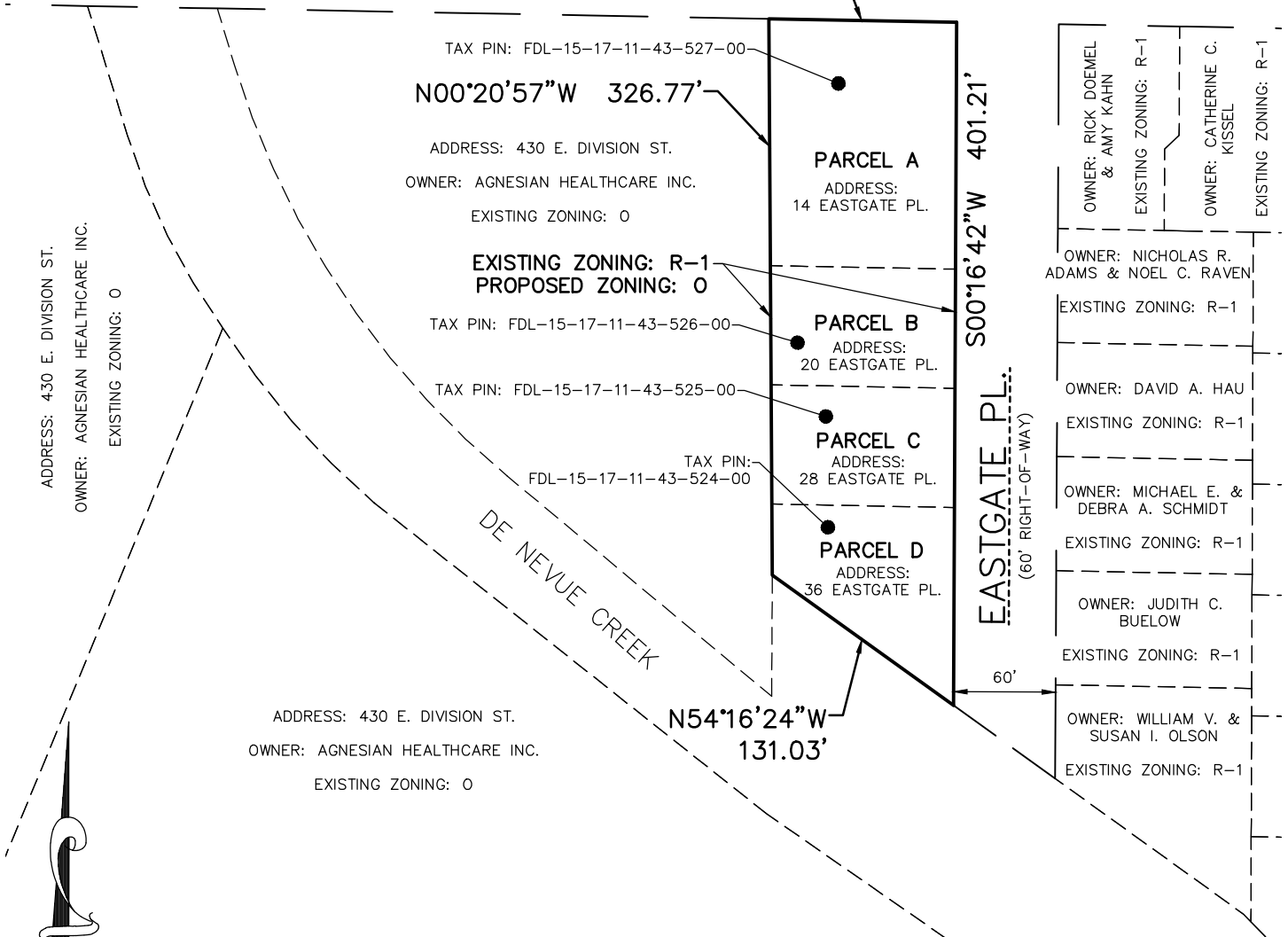
The goal for the project team is to begin construction in the summer of 2025.

ZONING EXHIBIT

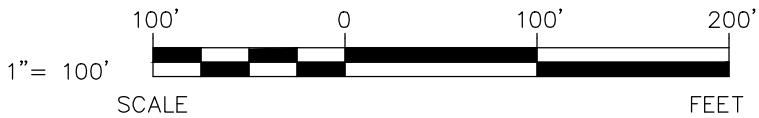


E. DIVISION ST.
(RIGHT-OF-WAY WIDTH VARIES)

S88°55'27"E 110.34'



ADDRESS: 430 E. DIVISION ST.
OWNER: AGNESIAN HEALTHCARE INC.
EXISTING ZONING: 0



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Always a Better Plan **JOB NO. 240250200**

Zoning Legal Description

Parcel A:

Lot 1 and Lot 2 of Kaiser's Second Addition in the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-527-00

Address: 14 Eastgate Pl, Fond du Lac, WI 54935

Parcel B:

Lot 3 of Kaiser's Second Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-526-00

Address: 20 Eastgate Pl, Fond du Lac, WI 54935

Parcel C:

Lot 4 of Kaiser's Second Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-525-00

Address: 28 Eastgate Pl, Fond du Lac, WI 54935

Parcel D:

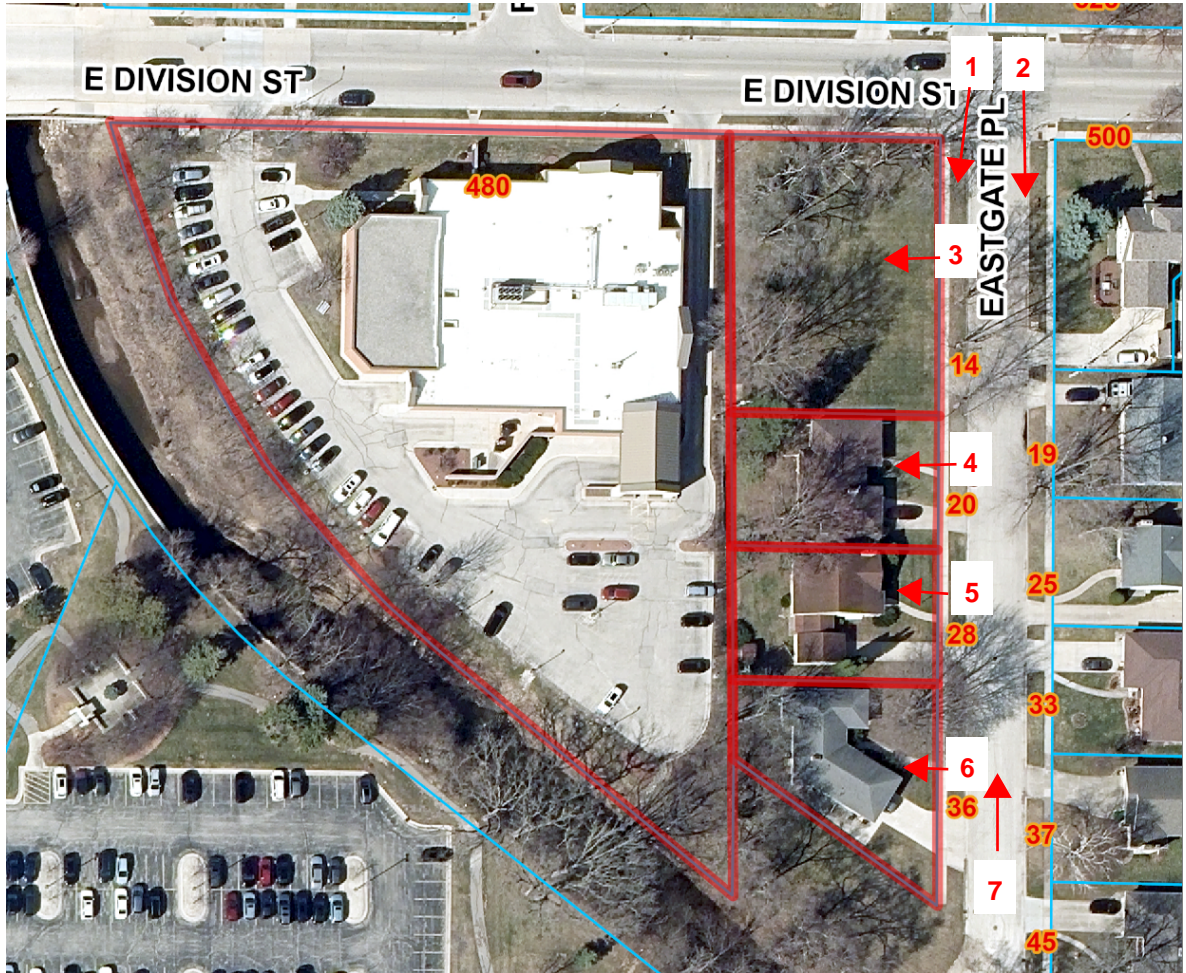
Lot 5 of Kaiser's Second Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Tax PIN: FDL-15-17-11-43-524-00

Address: 36 Eastgate Pl, Fond du Lac, WI 54935

Site Photos

Photo Map



#1 – Looking southwest down Eastgate Place



#2 – Looking south down Eastgate Place



#3 – Looking at 14 Eastgate Place (FDL-15-17-11-43-527-00)



#4 – Looking at 20 Eastgate Place (FDL-15-17-11-43-526-00)



#5 – Looking at 28 Eastgate Place (FDL-15-17-11-43-525-00)



#6 – Looking at 36 Eastgate Place (FDL-15-17-11-43-524-00)



#7 – Looking north up Eastgate Pl



PROJECT INFORMATION

PROPOSED BUILDING AND PARKING ADDITION FOR:
SSM HEALTH - CANCER CENTER
480 E DIVISION STREET • FOND DU LAC, WI 54935

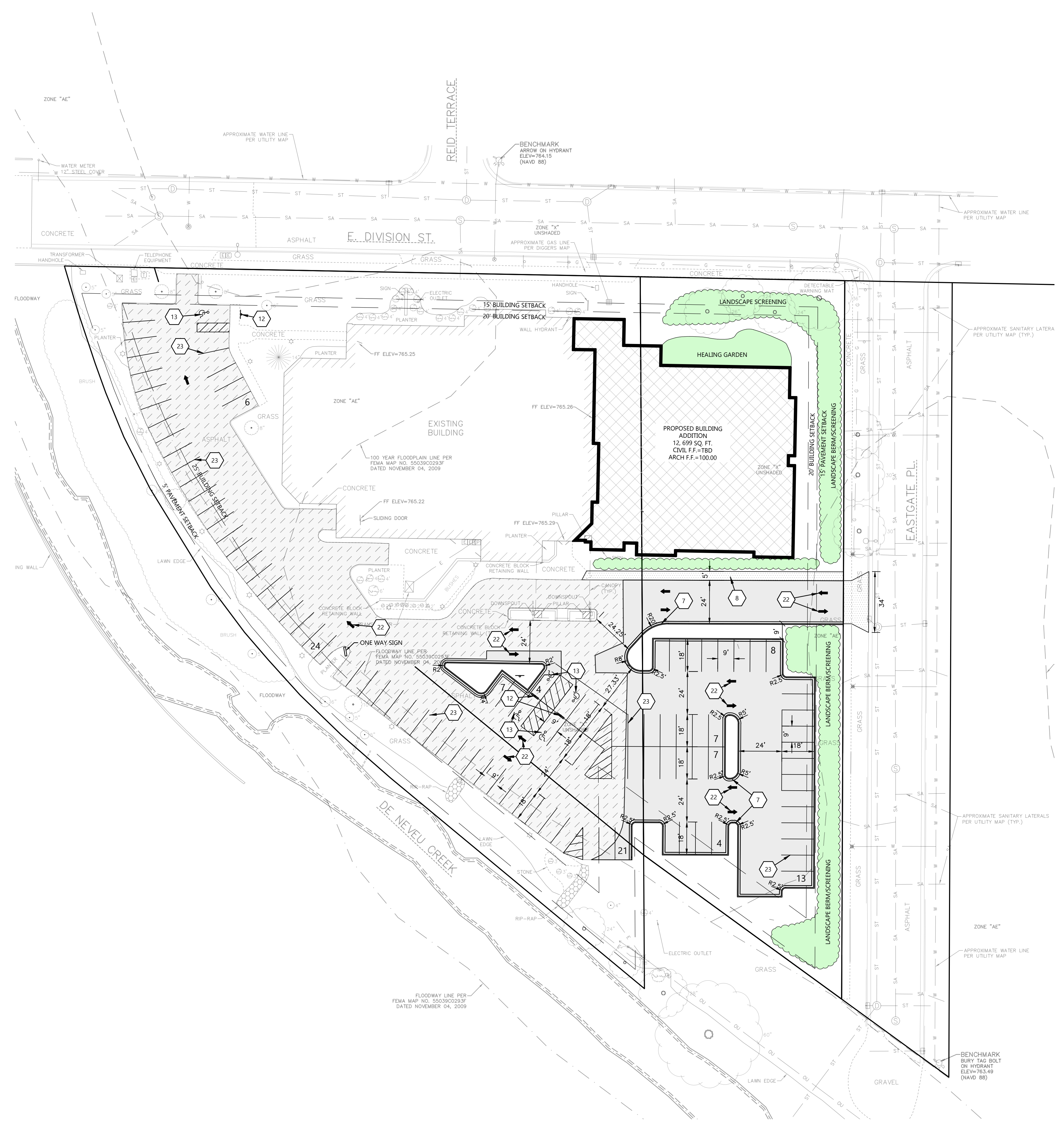
PROFESSIONAL SEAL

PRELIMINARY DATES
DEC. 03, 2024

NOT FOR CONSTRUCTION

JOB NUMBER
240250200

SHEET NUMBER
C1.1



KEYNOTES

7	18" CURB & GUTTER (SEE DETAIL)
8	RAISED WALK (SEE DETAIL)
12	HANDICAP SIGN (SEE DETAIL)
13	HANDICAP STALL & STRIPING PER STATE CODES
22	TRAFFIC FLOW ARROWS (TYP), COLOR TO MATCH PARKING STALL STRIPING
23	PAINT STRIPING (TYP), COLOR TO MATCH PARKING STALL STRIPING

SITE INFORMATION:

PROPERTY AREA: 120,659 S.F. (2.77 ACRES)
EXISTING ZONING: O - OFFICE CONVERSION DISTRICT & R-1 RESIDENTIAL
PROPOSED ZONING: O - OFFICE CONVERSION DISTRICT
PROPOSED USE: MEDICAL CLINIC/ OFFICE

SETBACKS:
BUILDING: FRONT(NORTH) = 20'
SIDE(WEST) = 10'
REAR(SOUTH) = 25'
STREET(EAST) = 20'

PAVEMENT: FRONT(NORTH) = 15'
SIDE(WEST) = 5'
REAR(SOUTH) = 5'
STREET(EAST) = 15'

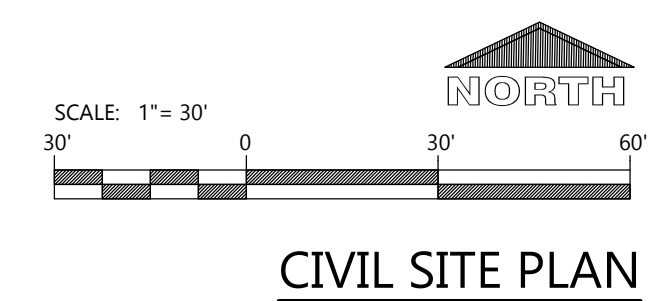
BUFFERYARDS: FRONT(NORTH) = 15'
SIDE (WEST) = 5'
REAR(SOUTH) = 5'
STREET(EAST) = 15'

PARKING PROVIDED: 101 SPACES (5 H.C. ACCESSIBLE)

LEGEND:

HATCH	PAVEMENT SECTION
[Hatched pattern]	STANDARD ASPHALT
[Diagonal lines]	EXISTING ASPHALT TO BE RESURFACED, KEEPING THE BASE INTACT

GENERAL NOTES:
RE-STRIPING TO BE DONE WITH ALL EXISTING PARKING STALLS AFTER RESURFACING



CIVIL SITE PLAN

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 January 13, 2025, in Meeting Room A of the City-County Government Center, 160 South Macy Street, at the request of SSM Health to rezone land from R-1 (Single Family Residential District) to O (Office Conversion District).

The land to be rezoned consists of four (4) parcels:

Address: 14 Eastgate Place (FDL-15-17-11-43-527-00), 0.377 Acres

Address: 20 Eastgate Place (FDL-15-17-11-43-526-00), 0.18 Acres

Address: 28 Eastgate Place (FDL-15-17-11-43-525-00), 0.18 Acres

Address: 36 Eastgate Place (FDL-15-17-11-43-524-00) 0.19 Acres

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 18th day of December, 2024

MARGARET HEFTER
City Clerk

Published: December 22nd and 29th, 2024

Rezoning Request
14, 20, 28 and 36 Eastgate Place

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-11-43-502-00	505 E DIVISION ST	215 W NORTH ST	WAUKESHA	WI	53188
FDL-15-17-11-43-503-00	29 REID TER	300 N MAIN ST STE 200	OSHKOSH	WI	54901
FDL-15-17-11-43-531-00	19 EASTGATE PL	19 EASTGATE PL	FOND DU LAC	WI	54935
FDL-15-17-11-43-527-00	14 EASTGATE PL	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-526-00	20 EASTGATE PL	1808 W BELTLINE HWY	MADISON	WI	53713
FDL-15-17-11-43-525-00	28 EASTGATE PL	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-524-00	36 EASTGATE PL	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-522-00	0 E DIVISION ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-523-01	480 E DIVISION ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-44-900-00	535 E DIVISION ST	W178 CTH KK	CAMPBELLSPORT	WI	53010
FDL-15-17-11-43-534-00	37 EASTGATE PL	37 EASTGATE PL	FOND DU LAC	WI	54935
FDL-15-17-11-43-529-00	500 E DIVISION ST	500 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-250-00	0 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-250-00	0 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-251-00	0 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-252-00	459 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-508-00	481 E DIVISION ST	481 E DIVISION ST STE#300	FOND DU LAC	WI	54935
FDL-15-17-11-43-532-00	25 EASTGATE PL	25 EASTGATE PL	FOND DU LAC	WI	54935
FDL-15-17-11-44-906-00	48 S KAYSER ST	48 S KAYSER ST	FOND DU LAC	WI	54935
FDL-15-17-11-44-902-00	18 S KAYSER ST	1718 BAKER AVE	MADISON	WI	53705
FDL-15-17-11-44-905-00	40 S KAYSER ST	40 S KAYSER ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-530-00	530 E DIVISION ST	530 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-44-901-00	8 S KAYSER ST	8 S KAYSER ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-501-00	525 E DIVISION ST	525 DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-44-904-00	36 S KAYSER ST	36 S KAYSER ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-500-00	517 E DIVISION ST	5454 W FARGO	SKOKIE	IL	60077
FDL-15-17-11-44-903-00	26 S KAYSER ST	26 S KAYSER ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-535-00	45 EASTGATE PL	45 EASTGATE PL	FOND DU LAC	WI	54935
FDL-15-17-11-44-907-00	56 S KAYSER ST	56 S KAYSER ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-507-00	36 REID TER	333 BISHOPS WAY #160	BROOKFIELD	WI	53005
FDL-15-17-11-43-533-00	33 EASTGATE PL	33 EASTGATE PL	FOND DU LAC	WI	54935

PLAN COMMISSION MINUTES

160 S Macy Street Fond du Lac, Wisconsin
Meeting Room A
Monday, January 13, 2025
5:30 P.M.

OPENING CEREMONIES

Attendance

Present

Jo Ann Giese-Kent
Bradley Leonhard
Craig Much
Anne Pierce
Derek TerBeest

Absent

Alicia Hans
Brett Zimmermann

Declaration Quorum Present

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

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

PUBLIC HEARING

Rezone

Request: Rezone property from R-1 (Single Family Residential District) to O (Office Conversion District)

Locations:

- 14 Eastgate Place (FDL-15-17-11-43-527-00), 0.377 Acres
- 20 Eastgate Place (FDL-15-17-11-43-526-00), 0.18 Acres
- 28 Eastgate Place (FDL-15-17-11-43-525-00), 0.18 Acres
- 36 Eastgate Place (FDL-15-17-11-43-524-00) 0.19 Acres

Initiator: SSM Health

Appeared in Support:

Rick Helfrich, Project Applicant, 430 E Division St
Paul Richter, 430 E Division St

Spoke in Support:

Kurt Geiger, Project Representative, 100 Camelot Dr
Kyle Prochaska, 430 E Division St

Spoke in Opposition:

Nicole Hau, 25 Eastgate Pl
Bill Olson, 45 Eastgate Pl

A Motion was made by Terbeest to recommend to the City Council rezoning of the subject properties from R-1 (Single Family District) to O (Office Conversion District) and seconded by Leonhard, and the motion was **Passed**.

ROLL CALL VOTE: Aye - Giese-Kent, Leonhard, Much,
 Pierce, TerBeest
 Nay - None

Carried.

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

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

Title: Ordinance No. 3791

Subject: An Ordinance Correcting Ordinance 3791 Amending Chapter
400, Intoxicating Liquors And Fermented Malt Beverages,
Of The Code Of The City Of Fond du Lac
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Memo_Correction_of_Ordinance_3791.pdf

Ordinance_3791_Class_C_-_Ch._400.rev.1.6.25.pdf

Ord._No._3791.pdf

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: January 15, 2025

To: City Manager
City Council

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

Re: Correction of Ord. 3791 regarding Class C liquor licenses

In July of 2024, you approved this ordinance regarding Class C liquor licenses. The Editor for General Code noticed in Section 3. that I attempted to amend Ch. 400-14, which is being held in reserve. It doesn't currently exist, so it can't be amended. To rectify my error, I've revised the ordinance to add the wording I tried to add to Section 400-14 to Section 400-6 which is a more appropriate place to add the wording.

Requested Action

We'd ask you to approve Amended Ordinance 3791.

ORDINANCE NO. 3791 AMEMDED

AN ORDINANCE AMENDING CHAPTER 400, INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES, OF THE CODE OF THE CITY OF FOND DU LAC TO

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

Section 1. That Section 400-1, Adoption of Statutory Provisions, is hereby amended as follows:

Add Thereto:

1. Sale of Alcohol Beverages to Underage Persons.

(a) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age.

(c) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

(d) No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

2. Defenses. In determining whether a licensee or permittee has violated Sub. (3)(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under subdiv. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section.

(a) That the purchaser falsely represented that they had attained the legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(d) That the underage person supported the representation under subdiv. (a) with documentation that they had attained the legal drinking age.

3. Book Kept by Licensees and Permittees.

(a) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of Subsection (4). The licensee or permittee or their employee may require any of the following persons to sign the book:

1. A person who has shown documentary proof that they have attained the legal drinking age if the person's age is in question.

1. 2. A person who alleges that they are the underage person's parent, guardian or spouse and that they have attained the legal drinking age, if the licensee or permittee or their employee suspects that they are not the underage person's parent, guardian or spouse or that they have not attained the legal drinking age.

2. (b) The book may show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

4. Proof of Age.

(a) Definition. In this section, "official identification card" means a valid operator's license issued under Wis. Stat. ch. 343, that contains the photograph of the holder, an identification card issued under Wis. Stat. § 343.50 or an identification card issued under Wis. Stat. 1987 § 125.08.

(b) Use. No card other than the identification card authorized under this section may be recognized as an official identification card in this state. In place of an official identification card, documentary proof under Wis. Stat. § 125.07(7) may be substituted.

(c) No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age. No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person.

Section 2. That Section 400-6, Issuance of Licenses, is hereby amended as follows:

Add Thereto:

H. Class “B” License Requirements

1. The Class “B” licensed establishment must have a completely separate premises description from all other licensed establishments and comply with all relevant provisions of Wis. Stat. Ch. 125 and the Code of the City of Fond du Lac. The following requirements must be met before the license can be issued.
2. Separate premises must include the following:
 - a. The two businesses cannot permit cross access besides an emergency exit.
 - b. The two businesses must be completely walled off from one another.
 - c. Customers cannot easily go back and forth between the two businesses while consuming alcohol.
 - d. There are separate outside entrances to each of the two businesses.
 - e. There are separate counters at each location that can specifically monitor the requirements of each separate license.
3. The applicant must submit a site plan to the City of Fond du Lac Inspections Department showing said separate premises descriptions.
4. The property must pass all inspections with the City of Fond du Lac Inspections and Fire Departments and Fond du Lac County Health Department (when applicable), and obtain an occupancy permit.

I. “Class C” License Requirements.

1. "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. For establishments with two land uses, they are only available to the types of uses shown in Schedule I, see attached. For a Wine Bar, where there is only the land use of a drinking establishment or restaurant that just serves wine, the closing hours may mirror those of a “Class B” or Class “B” license.
 - i. A "Class C" license shall particularly describe the premises for which it is issued.
 - ii. The fee for a "Class C" license shall be as shown in the fee schedule.

- iii. Operator's or Manager's License. An Operator's or Manager's license shall permit its holder to serve or sell alcohol beverages and is required for a Class C license.

2. Class C Hours.

(a) Premises Hours. No premises which is more than one land use for which a Class C alcohol beverage license shall have been issued shall be permitted to remain open for the sale or dispensing of alcohol beverages between the hours of 9:00 p.m. and 8:00 a.m. but shall be permitted to stay open for the conduct of their regular business.

(b) Regulation of Closed Retail Space. Only the permitted, licensee, employees, salespersons, employees of wholesalers licensed under Wis. Stat. § 125.28(1) or 125.54(1), or service personnel may be present on Class C premises during hours when the premises are not open for business if those persons are performing job-related activities. All other employees and patrons shall vacate the premises at 9:00 p.m.

J. Additional General Requirements.

1. Intoxicated Persons.

(a) Restrictions.

1. No person may procure for, sell, dispense, or give away alcohol beverages to a person who is intoxicated.
2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
3. No licensee or permittee may permit an intoxicated person to be on a licensed premises.

2. Licensee/Operator under the Influence.

It shall be unlawful for the licensee or any employee of a licensed establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed premises

3. Identification of Patrons 21 Years of Age and Older. Any licensed establishment that meets the exceptions contained in Section 125, Wisconsin Statutes and Chapter 400-1 of the Fond du Lac Code for allowing underage patrons on the licensed

- premise, must have a means of visually and conspicuously identifying patrons who are twenty-one (21) years of age and older. It shall be the sole responsibility of the license holder to determine whether any of the exceptions contained in Wis. Stat. § 125, and Section 400-1, Fond du Lac Code, apply to their establishment.
4. **Control of Premises.** At no time may licensee relinquish control of the licensed premises or the service of alcohol to any other person or entity. The licensee must remain in control of the premises and must continue to be in control of the alcohol and service thereof through the licensee's own employees, including but not limited to checking identification of patrons, collecting money or tickets from patrons for drinks, or for charges for entry to the establishment or any area within the establishment, during all events, including private parties. The licensee and its employees will be held responsible for all conduct taking place on its premises at all times including conduct taking place during private parties. Notwithstanding the limitations of this subdivision, a licensee may contract with an agency that is licensed by the State of Wisconsin as a supplier of uniformed private security personnel to engage in private security activities.
 5. **Face-to-face Retail Sales.** Except as provided in Wis. Stat. § 125.26(2m), 125.26(2s), 125.51(3)(bm) and 125.51(bs), and except with respect to caterers, a retail alcohol license issued under this chapter authorizes only face-to-face sales to consumers at the premises described in the retail license.
 6. **Wholesaler Source.** No retail licensee shall purchase alcohol beverages from any source other than a licensed wholesaler, except as permitted by state law.
 7. **Conditions on License.** A licensee shall comply with all conditions placed upon its license by action of the City Council.
 8. **Exceeding Lawful Occupancy Capacity.**
 - (a) No licensee or person shall permit or allow occupancy of the licensed premise in excess of the lawfully established occupancy capacity. Occupancy capacity includes all staff and persons on the premise.
 - (b) Exceeding lawful occupancy capacity by more than thirty percent (30%) shall result in an enhanced penalty.
 9. **Penalty.** In addition to the suspension or revocation of any license issued under this chapter, and except where otherwise specifically provided, any person found to be in violation of any provisions of

this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 1-4 of this Code.

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:

Tiffany Brault, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

ORDINANCE NO. 3791**AN ORDINANCE AMENDING CHAPTER 400, INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES, OF THE CODE OF THE CITY OF FOND DU LAC TO FURTHER DEFINE NO SALES OF ALCOHOL TO UNDERAGE PERSONS, DEFINE CONDITIONS FOR CLASS "B" LICENSES AND DEFINE THE REQUIREMENTS FOR A "CLASS C" LICENSE**

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

Section 1. That Section 400-1, Adoption of Statutory Provisions, is hereby amended as follows:

Add Thereto:

1. Sale of Alcohol Beverages to Underage Persons.

(a) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by their parent, guardian or spouse who has attained the legal drinking age.

(c) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

(d) No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

2. Defenses. In determining whether a licensee or permittee has violated Sub. (3)(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under subdiv. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section.

(a) That the purchaser falsely represented that they had attained the legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(d) That the underage person supported the representation under subdiv. (a) with documentation that they had attained the legal drinking age.

3. Book Kept by Licensees and Permittees.

(a) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of Subsection (4). The licensee or permittee or their employee may require any of the following persons to sign the book:

1. A person who has shown documentary proof that they have attained the legal drinking age if the person's age is in question.

a. 2. A person who alleges that they are the underage person's parent, guardian or spouse and that they have attained the legal drinking age, if the licensee or permittee or their employee suspects that they are not the underage person's parent, guardian or spouse or that they have not attained the legal drinking age.

b. (b) The book may show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

4. Proof of Age.

(a) Definition. In this section, "official identification card" means a valid operator's license issued under Wis. Stat. ch. 343, that contains the photograph of the holder, an identification card issued under Wis. Stat. § 343.50 or an identification card issued under Wis. Stat. 1987 § 125.08.

(b) Use. No card other than the identification card authorized under this section may be recognized as an official identification card in this state. In place of an official identification card, documentary proof under Wis. Stat. § 125.07(7) may be substituted.

(c) No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age. No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person.

Section 2. That Section 400-6, Issuance of Licenses, is hereby amended as follows:

Add Thereto:

H. Class "B" License Requirements

1. The Class "B" licensed establishment must have a completely separate premises description from all other licensed establishments and comply with all relevant provisions of Wis. Stat. Ch. 125 and the Code of the City of Fond du Lac. The following requirements must be met before the license can be issued.
2. Separate premises must include the following:
 - a. The two businesses cannot permit cross access besides an emergency exit.
 - b. The two businesses must be completely walled off from one another.
 - c. Customers cannot easily go back and forth between the two businesses while consuming alcohol.
 - d. There are separate outside entrances to each of the two businesses.
 - e. There are separate counters at each location that can specifically monitor the requirements of each separate license.
3. The applicant must submit a site plan to the City of Fond du Lac Inspections Department showing said separate premises descriptions.
4. The property must pass all inspections with the City of Fond du Lac Inspections and Fire Departments and Fond du Lac County Health Department (when applicable), and obtain an occupancy permit.

Section 3. That Section 400-14, "Class C" License, is hereby amended as follows:

Add Thereto:

5. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. For establishments with two land uses, they are only available to the types of uses shown in Schedule I, see attached. For a Wine Bar, where there is only the land use of a drinking establishment or restaurant that just serves wine, the closing hours may mirror those of a "Class B" or Class "B" license.

- a. A "Class C" license shall particularly describe the premises for which it is issued.
- b. The fee for a "Class C" license shall be as shown in the fee schedule.
- c. Operator's or Manager's License. An Operator's or Manager's license shall permit its holder to serve or sell alcohol beverages and is required for a Class C license.

6. Class C Hours.

(a) Premises Hours. No premises which is more than one land use for which a Class C alcohol beverage license shall have been issued shall be permitted to remain open for the sale or dispensing of alcohol beverages between the hours of 9:00 p.m. and 8:00 a.m. but shall be permitted to stay open for the conduct of their regular business.

(b) Regulation of Closed Retail Space. Only the permitted, licensee, employees, salespersons, employees of wholesalers licensed under Wis. Stat. § 125.28(1) or 125.54(1), or service personnel may be present on Class C premises during hours when the premises are not open for business if those persons are performing job-related activities. All other employees and patrons shall vacate the premises at 9:00 p.m.

7. Intoxicated Persons.

a. (a) Restrictions.

1. No person may procure for, sell, dispense, or give away alcohol beverages to a person who is intoxicated.
2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
3. No licensee or permittee may permit an intoxicated person to be on a licensed premises.

8. Licensee/Operator under the Influence. It shall be unlawful for the licensee or any employee of a licensed establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed premises.

9. Identification of Patrons 21 Years of Age and Older. Any licensed establishment that meets the exceptions contained in Section 125, Wisconsin Statutes and Chapter 400-1 of the Fond du Lac Code for allowing underage patrons on the licensed premise, must have a means of visually and conspicuously identifying patrons who are twenty-one (21) years of age and older. It shall be the sole responsibility of the license holder to determine whether any of the exceptions contained in

Wis. Stat. § 125, and Section 400-1, Fond du Lac Code, apply to their establishment.

10. **Control of Premises.** At no time may licensee relinquish control of the licensed premises or the service of alcohol to any other person or entity. The licensee must remain in control of the premises and must continue to be in control of the alcohol and service thereof through the licensee's own employees, including but not limited to checking identification of patrons, collecting money or tickets from patrons for drinks, or for charges for entry to the establishment or any area within the establishment, during all events, including private parties. The licensee and its employees will be held responsible for all conduct taking place on its premises at all times including conduct taking place during private parties. Notwithstanding the limitations of this subdivision, a licensee may contract with an agency that is licensed by the State of Wisconsin as a supplier of uniformed private security personnel to engage in private security activities.
11. **Face-to-face Retail Sales.** Except as provided in Wis. Stat. § 125.26(2m), 125.26(2s), 125.51(3)(bm) and 125.51(bs), and except with respect to caterers, a retail alcohol license issued under this chapter authorizes only face-to-face sales to consumers at the premises described in the retail license.
12. **Wholesaler Source.** No retail licensee shall purchase alcohol beverages from any source other than a licensed wholesaler, except as permitted by state law.
13. **Conditions on License.** A licensee shall comply with all conditions placed upon its license by action of the City Council.
14. **Exceeding Lawful Occupancy Capacity.**
 - a. (a) No licensee or person shall permit or allow occupancy of the licensed premise in excess of the lawfully established occupancy capacity. Occupancy capacity includes all staff and persons on the premise.
 - b. (b) Exceeding lawful occupancy capacity by more than thirty percent (30%) shall result in an enhanced penalty.
15. **Penalty.** In addition to the suspension or revocation of any license issued under this chapter, and except where otherwise specifically provided, any person found to be in violation of any provisions of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 1-4 of this Code.

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

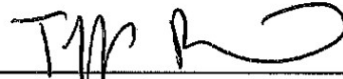
Section 5. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

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:

JUL 10 2024



Tiffany Brault, President
Fond du Lac City Council

Attest:



Margaret Hefter, City Clerk

City Attorney:

Reviewed 

Schedule I

1. Art Gallery, Art Studio or museum
2. Bank or Financial Institution
3. Bed and Breakfast Inn
4. Fitness Center, spa or gymnasium
5. Greenhouse, landscape nursery, retail nursery
6. Indoor amusement or recreational facility, cinema, theater
7. Meeting and exhibition hall
8. National or regional headquarters, offices
9. Offices, government, business or professional
10. Outdoor amusement
11. Personal Services (not Tattoo/piercing shops)
12. Publishing and Printing
13. Retail Businesses and Services
14. Shopping Center