

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

Legislative Chambers
160 S Macy Street

March 22, 2017
6:00 PM

CALL TO ORDER

Roll Call

Present

Catherine Block
Lee Ann Lorrigan
Greg Giles
Karyn Merkel
Brian Kolstad
Kay Miller
Derek Terbeest

Absent

None

Administrative Staff

Joseph Moore, City Manager
Dyann Benson, Director of Community Development
Tracy Salter, Director of Administration
Tricia Davi, Deputy Comptroller/Treasurer
Deb Hoffmann, City Attorney
Paul DeVries, City Engineer
Jon Mark Bolthouse, Library Director
Bill Lamb, Chief of Police
Peter O'Leary, Fire Chief

Declaration a Quorum Is Present

President Lorrigan declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silence was observed.

Proclamation Recognizing April As Alcohol Awareness Month

President Lorrigan presented a proclamation to Alex Berg and Sandy Foote of Drug Free Communities, recognizing April as Alcohol Awareness Month to support the efforts of all citizens to reduce and prevent underage drinking in our community.

Proclamation Recognizing April As Fair Housing Month

President Lorrigan presented a proclamation to Kori Schneider Peragine of the Fair Housing Council, designating April as Fair Housing Month, encouraging all housing providers to be supportive of fair housing.

Proclamation Recognizing Steve Beer's Retirement

President Lorrigan presented a proclamation recognizing Steven Beer for 27 years of service dedicated to the service of the citizens of the City of Fond du Lac.

CONSENT AGENDA

March 8, 2017 Regular Council Minutes

List Of Claims Dated March 15, 2017

A Motion was made by Catherine Block to approve the Consent Agenda with correction; Giles voted in opposition to Resolution 8662 and seconded by Brian Kolstad, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

INPUT

Audience Comments

Spoke on the topic of retaining businesses and business growth in Downtown Fond du Lac.

Kari Koenigs, 74 S Main St, Fond du Lac

Craig Koenigs, 104 S Main St, Fond du Lac

Alan Hathaway, W4579 County Rd F, Fond du Lac

Steve Awve, 3895 Shuster Drive, West Bend

ACTIONS

Ordinance No. 3631

2017-043

A Motion was made by Kay Miller to approve Ordinance No. 3631 amending Chapter 65, Finance and Taxation Regarding Collection of Taxes and Special Assessments by Adding Private Lead Service Lateral Replacement and seconded by Karyn Merkel, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8663

2017-044

A Motion was made by Greg Giles to approve Resolution No. 8663 authorizing amendments to \$2,000,000 Redevelopment Authority of the City of Fond du Lac, Wisconsin Redevelopment Revenue Bonds, Series 2010A and 2010B (Marian University Inc. Project) issued on April 30, 2010 and seconded by Brian Kolstad, and the motion was **Passed.**

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8664

2017-045

A Motion was made by Derek TerBeest to approve Resolution No. 8664 authorizing amendments to \$4,250,000 Redevelopment Authority of the City of Fond du Lac, Wisconsin Redevelopment Revenue Bonds, Series 2014 (Marian University, Inc. Project) issued on December 17, 2014 and seconded by Catherine Block, and the motion was **Passed.**

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

ADJOURN

Adjourn To Closed Session

Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

The subjects of the closed session are:

Economic Development Opportunity & Collective Bargaining Strategy for Negotiations with Transit & Possible litigation

These subjects are exempt under Wisconsin Statutes Section 19.85 (1) (e)

A Motion was made by Brian Kolstad to adjourn to Closed Session at 6:28 PM and seconded by Greg Giles, and the motion was **Passed.**

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Margaret Hefter
City Clerk

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

Title: Proclamation Recognizing April As Alcohol Awareness Month

Subject: Proclamation Recognizing April As Alcohol Awareness Month

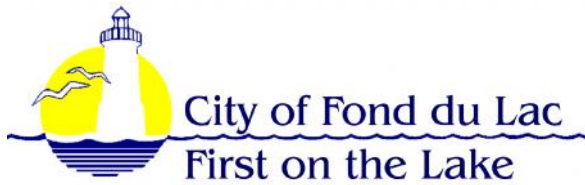
Initiator:

Recommendation:

ATTACHMENTS:

File Name

[April Alcohol Awareness Month 2017.pdf](#)



Proclamation

Alcohol Awareness Month

Whereas, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the grave threat to their long-term development, overall safety and well-being, and the increased chances of habitual drinking or alcohol addiction as an adult; and

Whereas, in the 2016 Fond du Lac School District Survey, 24% of students reported drinking alcohol and 11% of students reported having five or more drinks in a row in the past 30 days; and

Whereas, through the continued efforts of Drug Free Communities of Fond du Lac County and key community stakeholders, we have seen a 50% reduction in youth 30 day use of alcohol and a 61% reduction in youth binge drinking over the past nine years; and

Whereas, the City of Fond du Lac not only discourages the use of alcohol by those below the legal age of consumption, but also encourages residents of the City of Fond du Lac to refuse to provide alcoholic beverages to underage youth and pledges to support Police efforts to identify this illegal and unhealthy activity.

Now, Therefore, I, Lee Ann Lorrigan, President of the Fond du Lac City Council, call upon all citizens, parents, youth, youth serving organizations, governmental agencies, public and private institutions, businesses, hospitals, and schools to support efforts that will reduce and prevent underage drinking in our community, and do hereby proclaim April 2017, as "Alcohol Awareness Month" in the City of Fond du Lac.

Lee Ann Lorrigan
Fond du Lac City Council

March 2017

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

Title: Proclamation Recognizing April As Fair Housing Month

Subject: Proclamation Recognizing April As Fair Housing Month

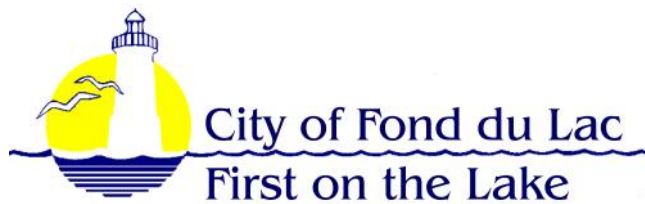
Initiator:

Recommendation:

ATTACHMENTS:

File Name

[Fair Housing 2017.pdf](#)



Proclamation

Whereas, the month of April has been designated as Fair Housing Month by the United States Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity; and

Whereas, the Fair Housing Act enacted on April 11, 1968 prohibits discriminatory housing practices; and

Whereas, the Fair Housing Act ensures all individuals regardless of sex, race, color, sexual orientation, disability, national origin, marital status, lawful source of income, age, ancestry, familial status or domestic abuse, sexual assault and stalking victims, receive equitable treatment in the pursuit of their housing choices; and

Whereas, the City of Fond du Lac and Redevelopment Authority, in partnership with the Fair Housing Council of Northeast Wisconsin, is committed to ending housing discrimination.

Now, Therefore, I, Lee Ann Lorrigan, President of the Fond du Lac City Council, by my signature affixed, do hereby proclaim April as Fair Housing Month and encourage all housing providers to be supportive of fair housing.

Dated: March 2017

*Lee Ann Lorrigan, President
Fond du Lac City Council*

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

Title: Proclamation Recognizing Steve Beer's Retirement

Subject: Proclamation Recognizing Steve Beer's Retirement

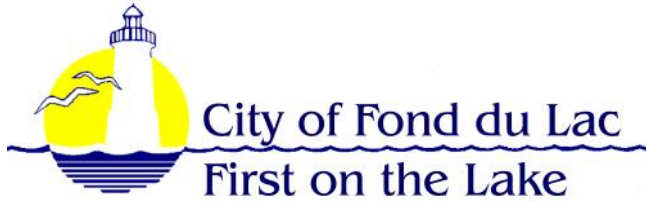
Initiator:

Recommendation:

ATTACHMENTS:

File Name

[BeerS_Retirement.pdf](#)



Proclamation

Whereas, Steven Beer is retiring from City of Fond du Lac Fire/Rescue on March 24, 2017; and

Whereas, Steve has been a dedicated employee since January 23, 1990; serving the citizens of Fond du Lac as a Fire Fighter, Paramedic Lieutenant, Fire Captain, Fire Battalion Chief, and now completing his career as Assistant Fire Chief; and

Whereas, Steve served as the accreditation manager as the department pursued, and achieved, International Accreditation Status in 2015 and his leadership and determination was instrumental in the department attaining an ISO Class 1 Rating; both of which put Fond du Lac Fire/Rescue among the elite in the fire service industry; and

Whereas, the City commends Steve for faithfully serving the community through his willingness to fight fires, help the sick and injured, and lead his fellow firefighters; and

Whereas, the City wishes to thank Steve for his dedication to the welfare of our citizens through the protection of life, property, and the environment.

Now, Therefore, I, Lee Ann Lorrigan, President of the City Council for the City of Fond du Lac, by my signature affixed, do hereby recognize Steven Beer for 27 years and two months of dedicated service to the citizens of the City of Fond du Lac and extend the City's best wishes for a long and prosperous retirement.

Dated: March 2017

*Lee Ann Lorrigan
City Council President*

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

Title: March 8, 2017 Regular Council Minutes

Subject: March 8, 2017 Regular Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[Minutes 2017 3 8 Meeting\(327\).pdf](#)

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

Legislative Chambers
160 S Macy Street

March 8, 2017
6:00 PM

CALL TO ORDER

Roll Call

Present

Catherine Block
Brian Kolstad
Lee Ann Lorrigan
Greg Giles
Karyn Merkel
Derek TerBeest
Kay Miller

Absent

None

Administrative Staff

Joe Moore, City Manager
Tracy Salter, Director of Administration
Tricia Davi, Deputy Comptroller/Treasurer
Deb Hoffmann, City Attorney
Jordan Skiff, Director of Public Works
John Redmond, Park Superintendent
Jon Mark Bolthouse, Library Director
Steve Klein, Asst. Police Chief of Operations
Peter O'Leary, Fire Chief

Declaration a Quorum Is Present

President Lorrigan declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

Proclamation Recognizing Big Brothers Big Sisters Of Fond du Lac
County For 50 Years Of Service

President Lorrigan presented a proclamation congratulating Big
Brothers Big Sisters of Fond du Lac on their 50th Anniversary.

CONSENT AGENDA

February 22, 2017 Regular Council Minutes

List Of Claims Dated March 1, 2017

A Motion was made by Catherine Block to approve the Consent Agenda and seconded by Brian Kolstad, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

INPUT

Audience Comments

Spoke in support of Agenda Item 5 C, Resolution No. 8662

Leanne Doyle, 567 8th St, Fond du Lac

Spoke in opposition of Agenda Item 5 C, Resolution No. 8662

Joan Pinch, W11242 Hwy 23, Fond du Lac

Spoke later in the meeting to gather more information of Agenda Item 5 C, Resolution No. 8662

Dave Whealon, N7236 Lake Breeze Ct., Fond du Lac

Response To Financial Questions About Lead Service Special Assessments

City Manager, Joe Moore, and Director of Administration, Tracy Salter, provided a follow up response to questions regarding lead service lines, specifically interest rate options and the possibility of expanding the term of payments for special assessments.

ACTIONS

Resolution No. 8660

2017-039

Paul Thompson, Senior Vice President of Hutchinson, Shockey, Erley & Co. gave a brief summary of the City borrowing and later in the meeting talked about the Debt Service Schedule.

A Motion was made by Kay Miller to approve Resolution No. 8660, authorizing the issuance and sale of \$5,025,000 general obligation promissory notes, series 2017A and seconded by Greg Giles, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8661

2014-040

A Motion was made by Greg Giles to approve Resolution No. 8661

supporting State Legislation to close loopholes that shift a greater property tax burden from commercial to residential homeowners and seconded by Karyn Merkel, and the motion was **Passed.**

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8662

2017-041

A Motion was made by Catherine Block to amend Resolution No. 8662 authorizing Fond du Lac Festivals to provide additional amusement rides, games, and non-competitive food trailers in Lakeside Park during Walleye Weekend, June 9 - 11, 2017 and seconded by Lee Ann Lorrigan, and the motion was **Passed.**

Ayes: Block, Giles, Kolstad, Lorrigan, Miller, TerBeest

Absent: Merkel

ADJOURN

A Motion was made by Derek TerBeest to adjourn at 7:28 PM and seconded by Catherine Block, and the motion was **Passed.**

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Margaret Hefter
City Clerk

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

Title: List Of Claims Dated March 15, 2017

Subject: List Of Claims Dated March 15, 2017

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[List of Claims 3-15-17.pdf](#)

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: March 15, 2017

To: City Council

From: Tricia Davi, Deputy Comptroller/Treasurer

Re: List of Claims

The list of claims for goods and services for the payment periods February 25, 2017 through March 10, 2017 for all funds total \$920,203.44. 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: Audience Comments

Subject:

Initiator:

Recommendation:

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

Title: Ordinance No. 3631

Subject: An Ordinance Amending Chapter 65, Finance And Taxation Regarding Collection
Of Taxes And Special Assessments By Adding Private Lead Service Lateral
Replacement
Introduction: Director Of Administration

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[3631 Chapter 65 Assessment for Lead Replacement 3.20.17.pdf](#)

[Lead Services Ordinance.pdf](#)

ORDINANCE NO. 3631

AN ORDINANCE AMENDING CHAPTER 65, FINANCE AND TAXATION REGARDING COLLECTION OF TAXES AND SPECIAL ASSESSMENTS BY ADDING PRIVATE LEAD SERVICE LATERAL REPLACEMENT

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

Section 1. That Chapter 65, FINANCE AND TAXATION, Section 65-4, E. (1) Special assessments., is hereby amended as follows:

- (1) Installment schedule. Whenever any special assessment, or combination of special assessments, in excess of \$500 is levied to defray the cost of any public improvement, except those enumerated in Subsection D above or Subsection (5) below, such special assessment or special assessments may be paid in accordance with the following schedule:

Assessment Amount	Installment Period
\$500 to \$5,000	5 years
\$5,001+	10 years

Section 2. That Chapter 65, FINANCE AND TAXATION, Section 65-4, E. (5) Private Lead Service Lateral Replacement., is hereby created to read as follows:

- (5) Private Lead Service Lateral Replacement. Whenever any special assessment in excess of \$500.00 is levied to defray the cost of any private lead service replacement, such special assessment may be paid in installments over a ten (10) year period.

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

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

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

ADOPTED:

Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:

City Attorney:

Reviewed 

Margaret Hefter, City Clerk

CITY OF FOND DU LAC - Memorandum

Comptroller Division

Date: March 16, 2017

To: City Council

From: Tracy Salter, Director of Administration

Re: Special Assessment Ordinance for Private Lead Services

Attached is the special assessment ordinance related to private lead service lateral replacements. This ordinance allows for any lead service special assessment in excess of \$500 to be repaid over a ten year period.

Should any of you have any questions, please let me know.

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

Title: Resolution No. 8663

Subject: Resolution Authorizing Amendments to \$2,000,000 Redevelopment Authority of the City of Fond du Lac, Wisconsin Redevelopment Revenue Bonds, Series 2010A and 2010B (Marian University, Inc. Project) Issued on April 30, 2010
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[Res. 8663.docx](#)

[CC Memo - Marian Bonds 03.22.17.doc](#)

CITY OF FOND DU LAC, WISCONSIN

RESOLUTION NO. 2017 - 8663

RESOLUTION AUTHORIZING AMENDMENTS TO
\$2,000,000 REDEVELOPMENT AUTHORITY OF THE
CITY OF FOND DU LAC, WISCONSIN REDEVELOPMENT
REVENUE BONDS, SERIES 2010A AND 2010B
(MARIAN UNIVERSITY, INC. PROJECT)
ISSUED ON APRIL 30, 2010

WHEREAS, the Redevelopment Authority of the City of Fond du Lac, Wisconsin (the “Authority”) has heretofore entered into a Bond Agreement dated as of April 1, 2010 (the “Bond Agreement”) by and among the Authority, Marian University, Inc., a Wisconsin nonstock, nonprofit corporation (the “Borrower”), National Exchange Bank & Trust, as trustee (the “Trustee”), and National Exchange Bank & Trust, as original purchaser (the “Original Purchaser”), relating to the issuance of \$2,000,000 Redevelopment Authority of the City of Fond du Lac, Wisconsin Redevelopment Revenue Bonds, Series 2010A and 2010B (Marian University, Inc. Project) (the “Bonds”); and

WHEREAS, the Authority loaned the proceeds of the Bonds to the Borrower for the purpose of financing a project on behalf of the Borrower consisting of the (a) acquisition and rehabilitation of the Cedar Creek Apartment complex consisting of three buildings with a total of eighteen two-bedroom units and six one-bedroom units with 24 individual garages on 1.488 acres of land, located at 779, 781 and 793 East Division Street in the City of Fond du Lac, Wisconsin (the “Facility”), (b) payment of capitalized interest, (c) acquisition and installation of furniture, fixtures, intellectual property, IT systems and equipment at the Facility and the Borrower’s campus located at 45 South National Avenue in the City of Fond du Lac, Wisconsin and (d) payment of legal and professional fees; and

WHEREAS, the Borrower and the Original Purchaser wish to modify certain terms and provisions of the Bond Agreement and the Bonds, which includes amending the interest rate and reset provisions pursuant to the First Amendment to Bond Agreement (the “Amendment”); and

WHEREAS, on March 15, 2017, the Authority adopted a resolution to approve the Amendment and authorize the issuance of replacement Bonds, and held a public hearing relating to the amendment of the Bonds (the “TEFRA Public Hearing”);

WHEREAS, the recommended policies of the Authority require that the City Council of the City of Fond du Lac, Wisconsin (the “City”) approve the Amendment; and

WHEREAS, the Bonds shall remain as special, limited obligations of the Authority. The Bonds shall not be the debt or obligation of the Authority, the City, Fond du Lac County, the State

of Wisconsin or any political subdivision thereof, do not constitute or give rise to charges against the Authority's or the City's general credit or the City's taxing powers, are not payable in any manner from revenues raised by taxation, and do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction of the Authority, the City, Fond du Lac County, the State of Wisconsin or any political subdivision or public body thereof, but shall be payable solely from the payments and other revenues derived from the Borrower as described in the Bond Agreement.

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

Section 1. Approval of Amendment. The Amendment and the issuance of replacement Bonds by the Authority are hereby approved.

Section 2. Approval of Reissued Bonds. Upon notice from Bond Counsel that the TEFRA Public Hearing has been properly noticed and held by the Authority in order to comply with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the City Council President is authorized to execute an Approval of Highest Elected Official for the purposes of Section 147(f) of the Code with respect to the reissuance of the Bonds.

Passed and adopted at a regular meeting of the City Council of the City of Fond du Lac this 22nd day of March, 2017.

APPROVED:

Lee Ann Lorrigan, President
Fond du Lac City Council

ATTEST:

Margaret Hefter, City Clerk

CERTIFICATION BY CITY CLERK

I, Margaret Hefter, being first 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. 2017 - _____ entitled:

RESOLUTION AUTHORIZING AMENDMENTS TO
\$2,000,000 REDEVELOPMENT AUTHORITY OF THE
CITY OF FOND DU LAC, WISCONSIN
REDEVELOPMENT REVENUE BONDS, SERIES 2010A AND 2010B
(MARIAN UNIVERSITY, INC. PROJECT)
ISSUED ON APRIL 30, 2010

I hereby further certify as follows:

1. Said 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 March 22, 2017. Said meeting was a regular meeting of the City Council and was held in open, public session.

2. Said 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 of Fond du Lac.

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

_____	_____
_____	_____
_____	_____
_____	_____

and that the following alderpersons 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 Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all alderpersons who desired to do so had expressed their views for or against said 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:

_____	_____
_____	_____

ABSTAIN OR NOT VOTING:

_____	_____
_____	_____

WHEREUPON, the meeting chair declared said 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 March, 2017.

CITY OF FOND DU LAC, WISCONSIN

[SEAL]

By: _____
Margaret Hefter, City Clerk

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: March 15, 2017

To: Joseph Moore, City Manager

From: Dyann Benson, Community Development Director

Re: Redevelopment Revenue Bonds – Marian University

In 2010 and 2014, Marian University requested assistance from the Redevelopment Authority and the City of Fond du Lac to issue tax-exempt redevelopment revenue bonds to assist with two (2) major projects: (1) 2010 - Acquisition and rehabilitation of Cedar Creek Apartments for student housing and IT enhancements. The redevelopment revenue bond was \$2 million; (2) 2014- Acquisition and rehabilitation of a blighted property at 30 S. Main Street. The property is in the downtown at the intersection of Main Street and Sheboygan Avenue. The redevelopment revenue bond was \$4.2 million.

Marian is seeking to refinance the redevelopment revenue bonds. This is no different than any homeowner, developer or business that seeks to refinance debt when favorable conditions indicate a savings for the undertaking. The ability to refinance, or amend, the revenue bonds requires approval by both the Redevelopment Authority and the City Council. The Redevelopment Authority approved the resolution amending the revenue bonds at their March 15th meeting.

The redevelopment revenue bonds will not be a debt against the City or require the City to incur any cost. The City is a conduit that enables Marian University to borrow funds at a lower interest rate which fosters economic development and business expansion.

If Marian University fails to make its payments on the borrowing, then the bank will take action directly against Marian University and would not seek repayment from the City.

Staff is requesting approval of the resolutions authorizing amendments to the original bond issuance.

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

Title: Resolution No. 8664

Subject: Resolution Authorizing Amendments to \$4,250,000 Redevelopment Authority of the
City of Fond du Lac, Wisconsin Redevelopment Revenue Bonds, Series 2014
(Marian University, Inc. Project) Issued on December 17, 2014
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[Res. 8664.docx](#)

[CC Memo - Marian Bonds 03.22.17.doc](#)

CITY OF FOND DU LAC, WISCONSIN

RESOLUTION NO. 2017 - 8664

RESOLUTION AUTHORIZING AMENDMENTS TO
\$4,250,000 REDEVELOPMENT AUTHORITY OF THE
CITY OF FOND DU LAC, WISCONSIN REDEVELOPMENT
REVENUE BONDS, SERIES 2014
(MARIAN UNIVERSITY, INC. PROJECT)
ISSUED ON DECEMBER 17, 2014

WHEREAS, the Redevelopment Authority of the City of Fond du Lac, Wisconsin (the “Authority”) has heretofore entered into a Bond Agreement dated as of December 1, 2014 (the “Bond Agreement”) by and among the Authority, Marian University, Inc., a Wisconsin nonstock, nonprofit corporation (the “Borrower”), National Exchange Bank & Trust, as trustee (the “Trustee”), and National Exchange Bank & Trust, as original purchaser (the “Original Purchaser”), relating to the issuance of \$4,250,000 Redevelopment Authority of the City of Fond du Lac, Wisconsin Redevelopment Revenue Bonds, Series 2014 (Marian University, Inc. Project) (the “Bonds”); and

WHEREAS, the Authority loaned the proceeds of the Bonds to the Borrower for the purpose of financing a project on behalf of the Borrower consisting of the (a) acquisition and rehabilitation of an existing approximately 76,356 square foot facility located at 30 South Main Street in the City of Fond du Lac, Wisconsin (the “Facility”) with portions of the Facility leased to Agnesian HealthCare, Inc., (b) purchase and installation of furniture, fixtures and equipment at the Facility and (c) payment of legal and professional fees relating to the Bonds; and

WHEREAS, the Borrower and the Original Purchaser wish to modify certain terms and provisions of the Bond Agreement and the Bonds, which includes amending the interest rate and reset provisions pursuant to the First Amendment to Bond Agreement (the “Amendment”); and

WHEREAS, on March 15, 2017, the Authority adopted a resolution to approve the Amendment and authorize the issuance of replacement Bonds, and held a public hearing relating to the amendment of the Bonds (the “TEFRA Public Hearing”);

WHEREAS, the recommended policies of the Authority require that the City Council of the City of Fond du Lac, Wisconsin (the “City”) approve the Amendment; and

WHEREAS, the Bonds shall remain as special, limited obligations of the Authority. The Bonds shall not be the debt or obligation of the Authority, the City, Fond du Lac County, the State of Wisconsin or any political subdivision thereof, do not constitute or give rise to charges against the Authority’s or the City’s general credit or the City’s taxing powers, are not payable in any manner from revenues raised by taxation, and do not constitute an indebtedness within the meaning of any

constitutional or statutory debt limitation or restriction of the Authority, the City, Fond du Lac County, the State of Wisconsin or any political subdivision or public body thereof, but shall be payable solely from the payments and other revenues derived from the Borrower as described in the Bond Agreement.

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

Section 1. Approval of Amendment. The Amendment and the issuance of replacement Bonds by the Authority are hereby approved.

Section 2. Approval of Reissued Bonds. Upon notice from Bond Counsel that the TEFRA Public Hearing has been properly noticed and held by the Authority in order to comply with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the City Council President is authorized to execute an Approval of Highest Elected Official for the purposes of Section 147(f) of the Code with respect to the reissuance of the Bonds.

Passed and adopted at a regular meeting of the City Council of the City of Fond du Lac this 22nd day of March, 2017.

APPROVED:

Lee Ann Lorrigan, President
Fond du Lac City Council

ATTEST:

Margaret Hefter, City Clerk

CERTIFICATION BY CITY CLERK

I, Margaret Hefter, being first 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. 2017 - _____ entitled:

RESOLUTION AUTHORIZING AMENDMENTS TO
\$4,250,000 REDEVELOPMENT AUTHORITY OF THE
CITY OF FOND DU LAC, WISCONSIN
REDEVELOPMENT REVENUE BONDS, SERIES 2014
(MARIAN UNIVERSITY, INC. PROJECT)
ISSUED ON DECEMBER 17, 2014

I hereby further certify as follows:

1. Said 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 March 22, 2017. Said meeting was a regular meeting of the City Council and was held in open, public session.

2. Said 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 of Fond du Lac.

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

_____	_____
_____	_____
_____	_____
_____	_____

and that the following alderpersons 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 Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all alderpersons who desired to do so had expressed their views for or against said 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:

_____	_____
_____	_____

ABSTAIN OR NOT VOTING:

_____	_____
_____	_____

WHEREUPON, the meeting chair declared said 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 March, 2017.

CITY OF FOND DU LAC, WISCONSIN

[SEAL]

By: _____
Margaret Hefter, City Clerk

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: March 15, 2017

To: Joseph Moore, City Manager

From: Dyann Benson, Community Development Director

Re: Redevelopment Revenue Bonds – Marian University

In 2010 and 2014, Marian University requested assistance from the Redevelopment Authority and the City of Fond du Lac to issue tax-exempt redevelopment revenue bonds to assist with two (2) major projects: (1) 2010 - Acquisition and rehabilitation of Cedar Creek Apartments for student housing and IT enhancements. The redevelopment revenue bond was \$2 million; (2) 2014- Acquisition and rehabilitation of a blighted property at 30 S. Main Street. The property is in the downtown at the intersection of Main Street and Sheboygan Avenue. The redevelopment revenue bond was \$4.2 million.

Marian is seeking to refinance the redevelopment revenue bonds. This is no different than any homeowner, developer or business that seeks to refinance debt when favorable conditions indicate a savings for the undertaking. The ability to refinance, or amend, the revenue bonds requires approval by both the Redevelopment Authority and the City Council. The Redevelopment Authority approved the resolution amending the revenue bonds at their March 15th meeting.

The redevelopment revenue bonds will not be a debt against the City or require the City to incur any cost. The City is a conduit that enables Marian University to borrow funds at a lower interest rate which fosters economic development and business expansion.

If Marian University fails to make its payments on the borrowing, then the bank will take action directly against Marian University and would not seek repayment from the City.

Staff is requesting approval of the resolutions authorizing amendments to the original bond issuance.

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

Title: Adjourn To Closed Session

Subject: Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
The subjects of the closed session are:
Economic Development Opportunity & Collective Bargaining Strategy for Negotiations with Transit & Possible litigation
These subjects are exempt under Wisconsin Statutes Section 19.85 (1) (e)

Initiator: Community Development Director

Recommendation: