



Finance/Personnel Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Minutes

Tuesday, September 12, 2023

7:30 PM

Council Chambers and Virtual

1. Call to Order

The meeting was called to order at 7:30 PM by Mayor James Boyd

Attendee Name	Title	Status	Arrived
Devin Perock	Aldersperson	Present	
Pamela Gantz	Aldersperson	Present	
James Boyd	Mayor	Present	
Amy Chandik Kunding	Aldersperson	Present	
John Quigley	Aldersperson	Present	

Also present City Administrator Lawrence Delo, City Attorney Anthony Wachewicz, Fire Chief Al Matzke, Battalion Chief Ronald Cody, Finance Director/Treasurer Pamela Manley, Human Resources Director Shannon Metzler, Police Chief Jeremy Muraski, Development Services Director Dan Lindstrom, Assistant Fire Chief Jack Mlnarik, numerous Fire Rescue Team Members, and Attorney Sean Lees from MacGillis Wiemer, LLC.

2. Approval of the Minutes from the August 8, 2023 regular meeting of the Finance/Personnel committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Devin Perock, Aldersperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

3. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Finance and Personnel Committee. §6-3(f) DPMC

None.

4. Consideration and Possible Action on the Fire Department Overtime and LifeQuest Services Billing Reports for August, 2023.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Quigley, Aldersperson
SECONDER:	Pamela Gantz, Aldersperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

5. Consideration and Possible Action on the August 2023 Police Overtime Report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Pamela Gantz, Aldersperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

6. Consideration and Possible Action on a Community Policing Proposal *

Chief Jeremy Muraski spoke regarding the consideration and possible action on a Community Policing proposal.

Chief Muraski isn't asking for an increase in staffing at this time, but rather to change the existing Table of Organization. We have two specialty positions now; one is a Traffic Enforcement Officer and the other is a Community Resource Officer. We would take those two positions and create two new positions (Community Policing Positions), one on the East side and one on the West side. Some of the duties that those specialty officers did would be part of the duties of the new Community Policing Positions, but we'd like to add a new level of community policing on top of that. That would give us the opportunity to be responsive to the needs of the community and be focused on problems that are arising. Police Officers now aren't able to dive deep into the community problems because they are getting pulled away for emergencies or patrol duties. Some examples of their duties would include low level drug investigation or tavern stings. It would be a lot of what they are currently doing but rolling in the community focused part of the job. That is why Chief Muraski is asking to take the two positions and morph them a little bit to create the two Community Policing Positions. One of the key differences he is asking for is their scheduling. They would like to implement something that is called the flexible 40. They would get their 40 hours of work in, discuss with their Supervisor on where the most problems are in the City and what time of day and be able to flex their schedule according to that. The two Community Policing Officers would be able to work as a team, whether it is planning and implementing a special event or a major traffic concern. They are currently tweaking some of the job description details. Chief Muraski is looking for approval for the concept for being able to move further down the road with trying to make that change to the Table.

Alderson Kundinger just wants to summarize to make sure she has this correct. This is really just retooling our organization, schedule change and flexibility. We would want the CP's (Community Policing Officers) on the same 4 year rotation of renewal. That would be to their benefit, since they would be able to get some extra problem solving training. We are hoping with the extra training and the rotation of the officers that have this new knowledge, that officers wouldn't get burnt out so quickly. It will give them an opportunity to get off of just the emergency calls and be able to rotate through the community. They will still be doing a very important job; it will just give them the flexibility to move around a little more.

Alderson Gantz asked what would happen to those jobs that we are switching over for the Community Policing Positions. Chief Muraski said those officers can apply for those jobs. If they don't get them, they will have to sign up for day/afternoon/night shift and go back to a patrol position. City Administrator Larry Delo indicated that the city has sent one officer through training with the large trucks and have also sent the current Traffic Enforcement Officer through the training. Chief Muraski said he is hoping to send the two new CP's (if they aren't the officers already holding the positions) and get them the large vehicle truck training as well.

There was approval with the concept to take the steps necessary to implement change. There will be a more formal approval later.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Pamela Gantz, Alderperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

7. Consideration and Acceptance of Wisconsin EMS Flex Grant Award for Fire Department.*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Pamela Gantz, Alderperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

8. Review and Discussion of the 2022 Annual Tax Increment District (TID) Summaries
Development Services Director Dan Lindstrom gave his annual TID report and summary to the Finance and Personnel Committee.

The state requires a report by July 1 of every year, and a lot of good data comes from the state in August. So, something that is different this year than in previous years is that we waited a little bit this year to present to the Board so we could present more accurate projections moving forward. We had our annual reassessments going, we also had some big changes in our downtown. We hadn't seen commercial evaluations in almost 7 years, where our residential were continually going up but a lot of our commercial stayed flat. The reports are a little different than last year because we took into account those increment projections that came in. Director Lindstrom did an overview summary for each side of De Pere. The West side TIDs (9, 11,12,13,15) are all doing fairly well in the business parks. TID 9 is the one that is struggling most since it is a redevelopment TID. They have all seen rapid growth, especially after the Southern Bridge announcement. In the next year 2022 construction would be valued this year, and tax payments received next year. We are looking to our large bump in construction moved into our TID accounts next year. It is that 2-year lag between construction evaluation and revenue year. Our East side TIDs (7,10,17) TID 17 came in at a higher value than anticipated, which is a positive and helped us fund the Southern Bridge Project. TID 14, the Irwin School project has been delayed. The market rates have not been what they have expected. They are currently on a hold. TID 16 is 123 N. Broadway parking lot. We are terminating this TID because we are in a holding pattern waiting for the Shopko redevelopment to continue to move forward. We will see a larger increase than anticipated next year. Overall, most of the TIDs are in a relatively healthy state and are projected to close on time. TIDs 7, 9 and 10 will require extensions.

Mayor Boyd commented that they talked at the Public Works meeting about the Southern Bridge Project financing. He asked Director Lindstrom to explain how the TID will be utilized to help us pay for that. TIDs 11,12,15 are able to fund 100% segments 1 & 2 through those Tax Increment Districts (TIDs). Segments 1 & 2 are our largest costs, which are adequately covered. Segments 4& 5, it is a struggle to meet those segments. Segment 4 has partial coverage and Segment 5 is not covered yet. Out of the \$26 million requested of the city, we are able to fund about \$20 million of it with TID funds with a \$6 million gap that we can't cover in segments 4 & 5 at this point. City Administrator Delo asked Director Lindstrom to go over the change in the Wisconsin State Law. In the packet, there is information after the TID closes on what the growth is going to be to the

tax levy. Per current state law, whatever the growth is, we can take 50% of our levy. Starting in 2026, we will only be able to take 10%. We will most likely see a rush of TIDs created in 2026 so they can be grandfathered into the old Wisconsin state law of receiving 50%. This will put us at a disadvantage when we compete with other states. The law can be changed, but it is up to our elected officials to make that change.

9. Consideration and Possible Action for a proposed Development Agreement terms with WASHWORLD OF DE PERE LLC for an approximately 37,000 square foot manufacturing facility located at 2222 American Blvd (WD-1136-1).*

Development Services Director Dan Lindstrom talked about the expansion of Washworld. Washworld came into the Business Park over a decade ago. They have had an option on their piece of property for 8 years and have kept extending that but exercised that option last year and are trying to move forward with the project. Construction prices and interest rates have delayed that. We had a meeting with them about the project and what the project could be and what it could generate for revenue and where we could assist. In an effort to help, they wouldn't request an up-front cash borrow but instead would seek a PAYGO agreement for \$200,000 in TIF assistance over 7-8 years. New potential value of the building of about \$5 million, which almost doubles the value of the current building. They need the extra manufacturing and warehouse space. Overall increment generated would be about \$33,000 over the remainder of the life of the TID. Recommended approval of the term sheet was passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

10. Consideration and Possible Action on a proposed purchase/sale agreement terms with GMS, INC for approximately 42,000 square foot (0.96 acre) portion of Parcel WD-1138 for an expansion to Badgerland Supply located adjacent at 1414 BUILDERS CT*

Director Lindstrom talked about the proposed purchase/sale agreement terms with GMS, Inc. Badgerland Supply was one of our first manufacturing/industrial businesses south of Maple Rd. They have been in operation and are one of the biggest rail line users. They are trying to expand but they need to stay by the rail lines. They were observing Infinity Machine this year and looking at the option on that parcel. They requested a 1.5-acre piece but we narrowed it down to a 1 acre piece. Infinity machine was able to still make that work, as a result, we can have a solution that works for everyone. Infinity Machine's expansion will not shrink with going with this solution, it just needs to be reconfigured. This isn't a TIF situation but a flat-out sale, so the terms are a little lighter. We are looking at doing a TID No. 12 Amendment in the next year. They aren't looking to expand until next year as well.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

11. Consideration and Possible Action revised purchase/sale agreement option terms with And Beyond, LLC for Parcel WD-1138 for a future expansion for Infinity Machine currently located at 2249 American Boulevard*

Revising the terms that we talked about in the previous agenda item. We are taking the parcel acreage from 8.99 to 8.02 and keeping all the terms the same except for the option value. Recommendation to approve the terms in the packet were passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	John Quigley, Alderperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

12. Consideration and Possible Action on the City of De Pere Investments and Cash Detail report for July 2023.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	John Quigley, Alderperson
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

13. Future agenda items.
None

14. Consideration and Possible Action on Fire Union Grievance Denials and Appeals

Motion to:

PLEASE TAKE NOTICE, that the Committee may convene in closed session pursuant to any of all of the following subsections of Wis. Stat. §19.85(1), for the purpose of :

(a.) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

(b.) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) to not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.

(c.) Considering employment, promotion, compensation or performance evaluation data or any public employee over which the governmental body has jurisdiction or exercises responsibility.

(f.) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon

the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

(g.) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

The Committee may then reconvene in open session to take action on any matter discussed in closed session or for such other purposes as are allowed by law.

A. Fire Officer Performance Evaluation Grievance.

Assistant City Attorney Eric Erdman asked for an update on the status of these grievances before explaining the procedure. City Attorney Anthony Wachewicz said that he and Attorney Lees had a discussion before the meeting and have agreed to hold Grievance A. in abeyance for tonight's meeting and potentially the future.

B. Overtime Call-In Grievance.

Attorney Erdman advised the parties and this Committee of the ground rules. Attorney Sean Lees is from MacGillis Wiemer, LLC and they represent the Local (the Union). Attorney Lees wanted to add one point regarding the performance evaluation. He agrees with everything Attorney Wachewicz stated, but also wanted to state that their intention is for the parties to meet and bargain over the impact of the evaluation procedure.

This overtime grievance stems from an MOU approved by this committee in July 2020. More specifically, the grievance stems from the posting requirements stated in the MOU in regards to overtime opportunities. The MOU states that overtime known from 14 days to 4 days prior to 0700 the date of vacancy will be posted as soon as known. Overtime postings should be open for 48 hours. The overtime will be closed after 48 hours and the overtime will be awarded. The grievance is with the obligation of the City to post the overtime opportunities when they become available based on the language in the MOU. In this case, on June 8, a vacancy for July 8 came up. Per the MOU, the vacancy was posted for 19 days and closed on June 26. No one picked up the overtime opportunity and, per the MOU, it was awarded to the most junior member for the overtime. Three days after that, the junior member was unable to fulfill that overtime. Attorney Lees states that this is when another vacancy was created for the July 8 overtime opportunity. The posting obligations under the MOU are then triggered. Per the language that was previously discussed, there is an obligation to post the overtime opportunity for 48 hours. Rather than posting the overtime opportunity, Attorney Lees states that the Department started calling members directly. He claims that the Department didn't follow the language in the agreement. They aren't asking for any monetary damage in this case. They just want to enforce the plain language in the MOU and make sure the Department follows that when a vacancy arises, which includes the posting time.

Fire Chief Al Matzke advised the Committee that his memo states the timeline of events. He disagrees with the statements made by Attorney Lees. When the overtime was generated, per the MOU, it is one of 4 reasons. It was noticed 14 days prior to the overtime opportunity. When the Department posted the vacancy, they go through a Software Program that all members have access to. It will come up like a text message on all the members' phones. Chief Matzke stated that everything in the MOU is tailored to

make it easy for the employee so we can give them the most advanced notice possible when they are looking for help at a shift or when they do end up having to force someone in. In this situation, the vacancy was posted for 19 days. Once the order in process starts, they start calling by phone, which is outlined in the MOU. We did our normal process and if no one posts for it, which is a majority of the time, then the Department starts to call. The Department called every member that was going to be off on July 8, and no one answered their phones. At this point, they ordered in the most junior member that was not going to be on duty that day. The next day that member presented the Department with a medical excuse and not able to work up to and including the July 8 vacancy. Everyone knew it was available because it was open for 19 days, and they called all the members. Chief Matzke doesn't believe this is a new notification of overtime. They have known about this overtime vacancy for quite some time now. They continued with Step A, once that person informed the Department that they couldn't work they went to the next Junior member. They notified that member as early as possible to let him know that he will need to work on July 8. They did not repost it because, under their interpretation, they were following Step A since it had been less than 24 hours since they started the call back system and no one answered their phones. The Department felt within their rights, they could inform the next junior member that they needed to work that open shift so they could make other arrangements.

Mayor Boyd asked if this scenario has happened before. Chief Matzake said there have been times where they have had postings and have called all the members of the Department and no one answered, so they moved to having the most junior member come in, though they have not had this exact situation happen before in the Department.

Attorney Lees came back and said that he believes the parties agree that the vacancy was filled by being ordered to come in, and then a new vacancy was created. The MOU is very clear, there isn't room for interpretation. When there is a new vacancy in that 14 to 4 day period, the posting does need to be made for 48 hours. During that time when calls are made, circumstances can change with the members. The posting requirement is there so members have the opportunity to pick up the vacancy. Once that time lapses, then the Chief would be allowed to move with the force in procedure of the most junior member.

Mayor Boyd brought up the concern of what happens when you are within the 24 hours of the vacancy since they can't wait for 48 hours to sit on the posting. Attorney Lees came back and said that the posting still needs to be made, even if you are within the 24 hours, as long it is greater than 2 hours away. The MOU is clear that there always needs to be a posting. He states that the window for the posting period will just decrease.

Alderson Kunder raised a concern that it seems like it encourages the never-ending cycle of thinking you have the position full, and then not, and then never being able to catch up, as opposed to managing an opening and carrying it through. If the understanding is that it needs to be reposted again, the difference pointed out between what the Chief is saying and what Attorney Lees is saying is through interpretation of the posting.

Chief Matzke adds that the occurrence happened on June 27. When the junior member was ordered to fill that vacancy (July 8) on June 27, that is when the objection should have been made. That member waited until July 8 to file his grievance, which was exactly 20 days after the day he worked. Chief Matzke states that if we want to stick with

the language in the union contract, he believes that the junior member was out of the time frame to file a grievance.

Attorney Lees comments that regarding the timing issue of the grievance, he respectfully disagrees. The issue presents itself when there is harm, and he states that the harm is the actual working on July 8, since someone is forced in.

Aldersperson Kunding also asked how this would turn out any different if they had called through the whole list. Chief Matzke explained that it was the junior member that was working on the date of June 27 that got forced in for July 8. He states that if they would have waited 48 hours (until June 29), that person might not still be the junior member that would have been forced in. Attorney Lees states that there are always hypothetical situations that could occur under different circumstances, which is important to consider. He states that during a grievance, the decision maker always needs to look to see what the contract says. He says that the language is very clear in the contract that when there is a vacancy, there is a posting requirement. He knows there are always going to be different situations, but he wants both parties to be held to that language.

Aldersperson Gantz asked if the posting has to be reposted, or can they go ahead with their procedure since it was on the same day. Attorney Lees responded that he believes that the process was completed and there was a filling since the member who was meant to fill the vacancy came back saying they weren't able to. Even though it was the same date, he believes it was another vacancy, and therefore needing to complete the process all over.

Mayor Boyd made a motion to go to closed session at 8:27pm.; seconded by Aldersperson Gantz. Motion approved by roll call vote. Mayor Boyd made a motion to reconvene in open session at 8:41pm.; seconded by Aldersperson Gantz. Motion approved by roll call vote.

Alderson Quigley made a motion to uphold the Chief's decision and to deny the grievance at this time. Mayor Boyd seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Quigley, Aldersperson
SECONDER:	James Boyd, Mayor
AYES:	Perock, Gantz, Boyd, Kunding, Quigley

15. Adjournment

Mayor Boyd made a motion to adjourn; seconded by Aldersperson Gantz. The meeting adjourned at 8:43 PM by unanimous vote.

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk's office at 339-4050 by Noon, the previous day so that arrangements can be made.

***Items with an asterisk require City Council approval.**

Agenda Sent To:
Alderspersons

City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce

Respectfully submitted,
Amy Darnick