



Finance/Personnel Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Tuesday, September 12, 2017

7:30 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Finance/Personnel Committee** of the City of De Pere will be held on **September 12, 2017 at 7:30 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

This meeting can be viewed LIVE at www.depere.tv. This meeting is also rebroadcast on TW Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at www.depere.tv.

Call to Order

1. Roll Call
2. Approval of the Minutes of the August 8, 2017, Regular Meeting of the Finance/Personnel Committee.
3. Approval of Police Overtime Report for August 2017
4. Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.
5. Consider donation from the Pink Flamingo to the Fire Department.*
6. Request for one year farm lease to be established for undeveloped City owned land on the east side of De Pere.*
7. Consider changes to the Chapter 54 Building Code and Chapter 94 Building and Property Maintenance Code.*
8. Consider Creation of Chapter 9 DPMC Non-Discrimination in Housing, Accommodation and Employment*
9. Consider changes to 2018 Seasonal/Part-time Employee Wages
10. Recommendation to offer paid time off benefits to Staff Attorney position *
11. Re-Consideration of Definitely De Pere Public Art Proposal: Downtown Mural Program. (Requested by Alderperson Crevier.)
12. Discussion Regarding Status of 2018 Budget Development.
13. Public Comment and announcements.
14. Future agenda items.
15. Adjournment

Notice is hereby given that a majority of the members of the Common Council of the City of De Pere may attend this meeting to gather information about a subject(s) over which they have decision-making responsibility.

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

Agenda Sent To:

Alderspersons

City Administrator

Mayor

Department Heads

TV, Newspapers & Radio Stations

Kress Family Library

De Pere Chamber of Commerce

City of De Pere, Wisconsin



Request For Finance/Personnel Committee Action

MEETING DATE: September 12, 2017

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Approval of the Minutes of the August 8, 2017, Regular Meeting of the Finance/Personnel Committee.

ATTACHMENTS:

- August 8, 2017 DRAFT Minutes (DOCX)



Finance/Personnel Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Tuesday, August 8, 2017

7:30 PM

De Pere City Hall Council Chambers

1. Call to Order. Mayor Walsh called the regular meeting of the Finance/Personnel Committee to order at 7:30 PM on August 8, 2017, at De Pere City Hall Council Chambers, 335 South Broadway Street, De Pere, Wisconsin 54115.

Attendee Name	Title	Status	Arrived
Scott Crevier	Alderman	Present	
Ryan Jennings	Alderman	Present	
Larry Lueck	Alderman	Present	
Casey Nelson	Alderman	Present	
Michael J. Walsh	Mayor	Present	

Also Present: Finance Director Joe Zegers, City Attorney Judith Schmidt-Lehman, Police Chief Derek Beiderwieden, Assistant Fire Chief Richard Annen, Economic Development and Planning Director Kimberly Flom, Tina Quigley of Definitely De Pere and Members of the Public.

2. Approval of the Minutes of the July 11, 2017, Regular Meeting of the Finance/Personnel Committee.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael J. Walsh, Mayor
SECONDER: Larry Lueck, Alderman
AYES: Crevier, Jennings, Lueck, Nelson, Walsh

3. Fire Department Overtime and LifeQuest Services Billing Reports for July, 2017.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael J. Walsh, Mayor
SECONDER: Larry Lueck, Alderman
AYES: Crevier, Jennings, Lueck, Nelson, Walsh

4. Approval of Police Overtime Report for July 2017.

Alderman Nelson asked about reimbursed overtime, and Chief Beiderwieden explained grant requirements for funding, deployment and current Task Force hours (OWI/Click it or Ticket) being reimbursed from DOT Safety Grants, which are facilitated through the Green Bay Police Department. Other departments in the county participate collectively in specific areas and obtain reimbursement for the overtime hours through the grant.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Larry Lueck, Alderman
SECONDER: Scott Crevier, Alderman
AYES: Crevier, Jennings, Lueck, Nelson, Walsh

5. Review of Sale and Purchase Terms for Parcel WD-L179 (northeast corner of RichCo Court and American Boulevard) for Midland Plastics, Inc. *

Alderman Jennings asked about this location being next to Southbridge Road in terms of its benefit from the potential southern bridge. Economic Development and Planning Director Flom expressed that in her opinion the southern bridge would be a benefit for a business located there, but would defer to the developer as to whether that factored into

their purchase decision. Preliminary plans indicate a building will be constructed on the southern part of the property and design standards for the facade will be expected to be of higher quality due its location along Southern Bridge Corridor. The Mayor clarified that there will be no access to the business from Southbridge Road and Economic Development and Planning Director indicated that access will be off Richco Court and potentially off American Boulevard if it aligns with a median cut that is already present.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Crevier, Jennings, Lueck, Nelson, Walsh

6. Review of Definitely De Pere Public Art Proposal: Downtown Mural Program. *

Economic Development and Planning Director Flom provided an overview of the summary included in the Agenda packet. Definitely De Pere put together a comprehensive process from the excess stadium tax refund, which outlines the method of funding for each project. Alderperson Crevier questioned this program being called "Downtown" Mural Program, as he didn't recall it being approved by council that way. A discussion followed regarding the request being made to council from Definitely De Pere and that Definitely De Pere functions only in the downtown district.

Alderperson Nelson asked about the Design Committee Members. Mayor Walsh moved to open meeting, which was seconded by Alderperson Nelson. Upon vote, motion carried unanimously. Tina Quigley spoke on behalf of Definitely De Pere and advised that the Design Committee will consist of representatives from the Definitely De Pere Board, City Planner Peter Schleinz, downtown business owners, design specialists and artists. Tina Quigley added that the City already has a cultural aspect that attracts businesses, residents and visitors and that the Mural program can help shape visioning and branding. Mayor Walsh moved to go back to regular order, which was seconded by Alderperson Nelson. Upon vote, motion carried unanimously. Mayor Walsh moved to go forward with the proposal, which was seconded by Alderperson Lueck. Alderperson Jennings indicated that he would abstain from voting on this item.

Alderperson Crevier expressed that he would like to see this opportunity outside of downtown as well. Administrator Delo advised that the streetscaping money is being controlled by City (with input from Definitely De Pere), through the Department of Public Works due to right of way placement, and some of those funds could potentially be spent outside of the downtown. The Mayor commented that he believed the intent of the Mural Program was the downtown area, as the request for funding came from Definitely De Pere. Alderperson Nelson pointed out that the Mural Program proposal utilizes approximately half of the money awarded to Definitely De Pere and clarified that there is additional money available for other public art projects, not only murals.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Larry Lueck, Alderperson
AYES:	Scott Crevier, Larry Lueck, Casey Nelson, Michael J. Walsh
ABSTAIN:	Ryan Jennings

7. Accept Donation to Police Department from Shopko Foundation and Kwik Trip Kares.*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Crevier, Jennings, Lueck, Nelson, Walsh

8. Acceptance of Pink Flamingo Donation to Police Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Crevier, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Crevier, Jennings, Lueck, Nelson, Walsh

9. Consider Proposed Eagle Scout Project for Fire Department Station #1.*

Mayor Walsh moved to open the meeting, seconded by Alderperson Jennings. Upon vote, motion carried unanimously.

Sam VanStraten spoke on behalf of his Eagle Scout Project "Fire Station Facelift." He intends to provide new landscaping around the fire station building, install a new sign above the center garage stall and clean and refresh the bell tower, with the project starting in September or October.

Mayor Walsh wished him good luck and thanked him for undertaking this project.

Mayor Walsh moved to go back to regular order, seconded by Alderperson Crevier. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Ryan Jennings, Casey Nelson
AYES:	Crevier, Jennings, Lueck, Nelson, Walsh

10. Amendments to Chapters 10 and 14 De Pere Municipal Code Regarding Amending City Office Designations (Ch.10) and Regarding Re-designation of Zoning Administrator and Attendant Responsibilities (Ch.14).

Alderperson Crevier expressed difficulty in following changes, which City Attorney Schmidt-Lehman explained is a redistribution of the Zoning Administrator duties to the Economic Development and Planning Department and the red-lining in Agenda packet was meant to accomplish this. The other component is to remove the Assistant City Engineer position as a designated City Officer, and the Street Superintendent position will likely be brought for removal as well when this item goes before the Common Council. Administrator Delo mentioned the Assistant City Assessor position, and City Attorney Schmidt-Lehman added that this title is being proposed to be removed from Building Inspector position title and shift the liaison responsibilities to the City Clerk, due to the contact that position already has with the Contract Assessor. The proposed changes require a re-delegation of duties.

Alderperson Jennings asked about these changes being in connection with the rewrite of zoning code, and City Attorney Schmidt-Lehman explained that these changes attempt to streamline zoning and planning function in one department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Larry Lueck, Alderperson
AYES:	Crevier, Jennings, Lueck, Nelson, Walsh

11. Discussion Regarding Status of 2018 Budget Development.

Administrator Delo advised that department budgets are due to Finance Department this Friday. The Finance Department, along with Administrator Delo, will review the proposed budgets and have already begun working on budget model. Review meetings with Departments will start on 8/22. Total equalized value of the city increased approximately 5% for 2016 and net new construction was up 1.13%. The Budget Study session is scheduled for the first part of October.

RESULT:	DISCUSSED
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12. Public Comment and announcements.

None.

13. Future agenda items.

None.

14. Adjournment.

Upon Motion of Mayor Walsh, seconded by Alderperson Crevier, the Finance/Personnel Committee unanimously adjourned at 7:54 PM.

Respectfully submitted,
Angela Zills

City of De Pere, Wisconsin

**Request For Finance/Personnel Committee Action**

MEETING DATE: September 12, 2017

DEPARTMENT: Police

FROM: Derek Beiderwieden

SUBJECT: Approval of Police Overtime Report for August 2017

The overtime (OT) report covers a four-week period. Two previous years of overtime report summaries are attached for comparison.

Miscellaneous OT of 11.5 hours is comprised of 7.5 hours of Patrol fraction allotments, and 4 hours for new hire background investigation.

The Reimbursed Miscellaneous OT of 51 hours are comprised of 28 Click it or Ticket Task Force hours, and 23 Drug Task Force Hours.

Please let me know if you have any questions about this overtime report.

ATTACHMENTS:

- 2015 PD OT Report Summary (PDF)
- 2016 PD OT Report Summary (PDF)
- August 2017 PD OT Report (PDF)

**DE PERE POLICE DEPARTMENT
OVERTIME BY REASON
2015**

REASON	JAN*	FEB**	MAR***	APR+	MAY++	JUN ^	JUL #	AUG ##	SEPT^^	OCT^^^	NOV*+	DEC**	TOTAL
OFFICER SICK RELIEF	32.00	77.50	59.50	59.50	54.50	23.50	23.00	70.50	29.00	22.50	45.00	28.00	524.50
OFFICER WORKED ON HOLIDAY	8.00	18.00	4.00	26.00	12.00	97.50	63.00	13.00	129.25	14.00	16.00	233.25	634.00
OFFICER FOR COURT	14.00	22.00	18.50	8.00	6.00	16.00	12.00	10.00	11.00	12.00	6.00	11.50	147.00
OFFICER TRAINING	19.00	144.50	132.50	73.75	78.00	54.50	17.00	65.50	179.50	97.50	99.25	75.50	1036.50
OFFICER RELIEF FOR FUNERAL			7.50										7.50
OFFICER ATTEND MEETING	12.00		12.00	7.50	0.50	16.00	4.00	22.50		17.00	8.50	18.00	118.00
STAFFING LEVEL	45.00	47.50	49.50	67.00	103.00	105.00	112.00	102.25	98.00	59.00	105.00	119.00	1012.25
INVESTIGATION	20.25	78.00	43.25	34.50	35.00	48.00	49.00	25.00	26.00	26.00	51.50	37.00	473.50
HONOR GUARD FOR FUNERAL				22.00	8.00	2.00				3.00	12.00		47.00
SCHOOL LIAISON REIMBURSED	17.00	35.00	19.00	21.50	8.50	21.50		14.00	30.50	38.50		9.00	214.50
COMMUNITY RELATIONS	1.00		2.00							3.50			6.50
SPECIAL ASSIGNMENT									22.50	24.50			47.00
SPECIAL ASSIGNMENT REIMBURSED		10.00		10.50	26.00	178.00	6.00		10.00			38.50	279.00
MISCELLANEOUS	6.00	14.25	7.75	8.75	35.00	18.50	9.75	8.75	53.25	6.25	25.50	22.00	215.75
MISCELLANEOUS REIMBURSED	59.50	33.50	24.00	39.00	20.50	28.50	33.25	30.00	44.00	15.00	46.00	71.50	444.75
Gross OFFICER OVERTIME	233.75	480.25	379.50	378.00	387.00	609.00	329.00	361.50	633.00	338.75	414.75	663.25	5207.75
SUBTOTAL REIMBURSED OVERTIME	(76.50)	(78.50)	(43.00)	(71.00)	(55.00)	(228.00)	(39.25)	(44.00)	(84.50)	(53.50)	(46.00)	(119.00)	(938.25)
NET OFFICER OVERTIME	157.25	401.75	336.50	307.00	332.00	381.00	289.75	317.50	548.50	285.25	368.75	544.25	4269.50
SECRETARY OVERTIME													0.00
Community Service Officer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Total Overtime Budget: \$150,000.00

Est. Expenditures through 1/06/2016 \$122,227.00

Percent of Total Budget: 81.48%

NOTES:

* Period 1/3/2015 - 1/30/2015

+Period 3/28/2015 - 4/24/2015

#Period 7/4/2015 - 7/31/2015

^^Period 9/26/2015 - 10/23/2015

**Period 1/31/2015 - 2/27/2015

++Period 4/25/2015 - 5/22/2015

##Period 8/1/2015 - 8/28/2015

*+Period 10/24/2015 - 11/20/2015

***Period 2/28/2015 - 3/27/2015

^Period 5/23/2015 - 7/03/2015

^^Period 8/29/2015 - 9/25/2015

*+*Period 11/21/2015 - 1/1/2016

Attachment: 2015 PD OT Report Summary (6216 : Police August Overtime Report)

**DE PERE POLICE DEPARTMENT
OVERTIME BY REASON
2016**

REASON	JAN*	FEB**	MAR***	APR+	MAY++	JUN ^	JUL #	AUG ##	SEPT^^	OCT^^^	NOV*+	DEC*++	TOTAL
OFFICER SICK RELIEF	42.00	8.00	21.00	29.00	71.50	12.50	30.50	71.75	60.50	119.50	113.50	38.50	618.25
OFFICER WORKED ON HOLIDAY	8.00	8.00	36.00	4.00	80.75	20.00	60.00	2.25	121.75	4.00	64.00	77.00	485.75
OFFICER FOR COURT	13.00	10.50	12.00		22.00	34.00	8.00	2.00	48.25	29.50	14.50	6.00	199.75
OFFICER TRAINING	40.50	42.50	155.75	227.50	132.25	191.00	35.00	90.25	45.25	131.00	209.50	103.25	1403.75
OFFICER RELIEF FOR FUNERAL		7.50		7.50	4.00								19.00
OFFICER ATTEND MEETING	14.00	10.00	20.00	14.00	4.50	15.50	10.00	7.50	16.00	7.00	2.50	11.50	132.50
STAFFING LEVEL	8.00	19.00	34.50	28.50	135.50	142.50	159.00	172.00	131.00	173.00	154.00	107.50	1264.50
INVESTIGATION	39.50	25.50	18.25	49.50	47.00	28.75	55.00	41.00	26.00	37.75	73.00	21.00	462.25
HONOR GUARD FOR FUNERAL		7.50						3.00			15.00		25.50
SCHOOL LIAISON REIMBURSED	21.50	20.00	7.00	17.50	26.00	13.50		9.50	56.50	39.00	15.50	11.00	237.00
COMMUNITY RELATIONS										16.50	5.50		22.00
SPECIAL ASSIGNMENT						9.00	2.00		4.00	4.00	28.00		47.00
SPECIAL ASSIGNMENT REIMBURSED		12.50			197.75								210.25
MISCELLANEOUS	8.00	17.25	46.00	15.50	36.75	18.00	11.25	27.50	23.25	21.75	32.00	16.75	274.00
MISCELLANEOUS REIMBURSED	76.50	42.00	112.00	89.00	43.00	24.00	14.00	19.50	7.00	25.00	39.50	5.50	497.00
Gross OFFICER OVERTIME	271.00	230.25	462.50	482.00	801.00	508.75	384.75	446.25	539.50	608.00	766.50	398.00	5898.50
SUBTOTAL REIMBURSED OVERTIME	(98.00)	(74.50)	(119.00)	(106.50)	(266.75)	(37.50)	(14.00)	(29.00)	(63.50)	(64.00)	(55.00)	(16.50)	(944.25)
NET OFFICER OVERTIME	173.00	155.75	343.50	375.50	534.25	471.25	370.75	417.25	476.00	544.00	711.50	381.50	4954.25
Community Service Officer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Total Overtime Budget: \$140,000
Expenditures through 12/23/2016 \$173,667
Percent of Total Budget: 124.05%

NOTES:

* Period 01/02/2016 - 01/29/2016
 **Period 1/30/2016 - 02/26/2016
 ***Period 02/27/2016 - 03/25/2016

+Period 3/26/2016 - 4/22/2016
 ++Period 4/23/2016 - 6/3/2016
 ^Period 6/4/2016 - 7/1/2016

#Period 7/2/2016 - 7/29/2016
 ##Period 7/30/2016 - 8/26/2016
 ^^Period 8/27/2016 - 9/23/2016

^^^Period 9/24/2016 - 10/21/2016
 *+Period 10/22/2016 - 12/2/2016
 **Period 12/3/2016 - 12/30/2016

Attachment: 2016 PD OT Report Summary (6216 : Police August Overtime Report)

**DE PERE POLICE DEPARTMENT
OVERTIME BY REASON
2017**

REASON	JAN*	FEB**	MAR***	APR+	MAY++	JUN ^	JUL #	AUG ##	SEPT^^	OCT^^^	NOV*+	DEC*+*	TOTAL
OFFICER SICK RELIEF	12.00	64.75	39.50	24.75	23.50	15.00	38.00	37.00					254.50
OFFICER WORKED ON HOLIDAY	97.00	13.75		31.00	97.00	21.75	54.75	8.00					323.25
OFFICER FOR COURT	9.00	10.00	6.00	1.75	21.00	10.00	4.00	25.00					86.75
OFFICER TRAINING	207.00	65.50	36.00	39.00	241.75	60.25	16.50	46.75					712.75
OFFICER RELIEF FOR FUNERAL													0.00
OFFICER ATTEND MEETING	5.50	27.25	10.50	16.00	17.50	9.50	16.50	3.00					105.75
STAFFING LEVEL	63.00	22.50	39.25	39.50	199.50	74.00	66.50	97.50					601.75
INVESTIGATION	37.50	44.50	43.50	36.50	73.75	24.50	47.00	26.25					333.50
HONOR GUARD FOR FUNERAL		2.00		11.00									13.00
SCHOOL LIAISON REIMBURSED	18.00	23.50	25.00	7.00	31.50	15.00		5.00					125.00
COMMUNITY RELATIONS					2.00			3.50					5.50
SPECIAL ASSIGNMENT		6.25					9.00						15.25
SPECIAL ASSIGNMENT REIMBURSED		6.25		18.50	219.50	13.00							257.25
MISCELLANEOUS	27.50	13.50	42.75	20.25	26.25	17.75	10.75	11.50					170.25
MISCELLANEOUS REIMBURSED	66.00	130.00	45.00	60.00	104.00	67.50	57.50	51.00					581.00
Gross OFFICER OVERTIME	542.50	429.75	287.50	305.25	1057.25	328.25	320.50	314.50	0.00	0.00	0.00	0.00	3585.50
SUBTOTAL REIMBURSED OVERTIME	(84.00)	(159.75)	(70.00)	(85.50)	(355.00)	(95.50)	(57.50)	(56.00)	0.00	0.00	0.00	0.00	(963.25)
NET OFFICER OVERTIME	458.50	270.00	217.50	219.75	702.25	232.75	263.00	258.50	0.00	0.00	0.00	0.00	2622.25

Total Overtime Budget: **\$145,000.00**
Expenditures through 08/30/2017: **\$106,306.94**
Percent of Total Budget: **73.32%**

08/30/2017
Report Date

NOTES:

* Period 12/31/2016 - 1/27/2017
**Period 1/28/2017 - 2/24/2017
***Period 02/25/2017 - 3/24/2017

+Period 03/25/2017 - 4/21/2017
++Period 4/22/2017 - 6/02/2017
^Period 6/03/2017 - 6/30/2017

#Period 7/1/2017 - 7/28/2017
##Period 7/29/2017 - 8/25/2017
^^Period

^^^Period
*+Period
**+Period

Attachment: August 2017 PD OT Report (6216 : Police August Overtime Report)

City of De Pere, Wisconsin



Request For Finance/Personnel Committee Action

MEETING DATE: September 12, 2017

DEPARTMENT: Fire Department

FROM: Lea Taylor

SUBJECT: Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.

ATTACHMENTS:

- FIRE DEPT OT REPORT_AUG 2017 (PDF)

DE PERE FIRE RESCUE
OVERTIME BREAKDOWN BY REASON
FOR THE YEAR OF 2016

REASON	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
DUTY CREW	124.25	126.00	168.00	126.00	108.75	137.75	186.00	101.25	170.00	239.75	221.50	203.75	1,913.0
EMS TRAINING	84.00	86.50	66.25	74.25	17.50	2.25	0.00	27.00	90.00	72.75	67.50	67.50	655.50
FIRE TRAINING	0.00	368.50	357.25	61.50	31.25	4.25	4.50	28.50	18.00	86.50	57.25	0.00	1,017.5
RESCUE CALLS	7.50	7.50	8.00	9.00	4.50	6.25	16.00	9.25	9.50	8.25	26.50	4.00	116.25
FIRE CALLS	7.25	0.00	0.00	0.00	5.50	0.00	0.00	0.00	3.25	7.50	0.00	3.50	27.00
MEETINGS	89.00	33.25	29.25	60.75	57.75	24.25	11.50	156.50	47.25	40.50	85.50	43.25	678.75
STAFFING REP.	0.00	4.50	0.00	132.75	0.00	0.00	144.00	231.00	13.50	43.00	734.25	144.00	1,447.0
MAINTENANCE	0.00	0.00	3.00	20.25	9.50	11.00	0.00	0.00	0.00	0.00	0.00	0.00	43.75
PUB. ED.	9.00	59.25	2.75	7.50	38.75	3.00	0.00	27.00	105.50	13.50	22.50	1.50	290.25
SPECIAL EVENTS	0.00	0.00	0.00	0.00	235.00	0.00	0.00	26.50	73.50	0.00	0.00	0.00	335.00
# FIRE RUNS	34.00	31.00	42.00	22.00	23.00	49.00	36.00	35.00	33.00	30.00	25.00	51.00	411.00
# of EMS RUNS	137.00	115.00	130.00	169.00	182.00	153.00	178.00	154.00	175.00	145.00	148.00	170.00	1,856.0
DISPATCH ERRORS	6.00	3.00	11.00	11.00	8.00	5.00	3.00	11.00	1.00	2.00	2.00	3.00	66.00
TOTAL HRS.	321.00	685.50	634.50	492.00	508.50	188.75	362.00	607.00	530.50	511.75	1,215.00	467.50	6,524.0

OVERTIME BREAKDOWN BY REASON
FOR THE YEAR OF 2017

REASON	Jan.	Feb.	Mar. *	Apr.**	May***	June+	July++	Aug.+++	Sept.^	Oct.^	Nov.^^	Dec.*+	TOTAL
DUTY CREW	219.75	184.50	154.50	147.00	184.75	75.00	132.00	78.00					1,175.5
EMS TRAINING	24.00	257.50	72.00	40.50	89.00	0.00	0.00	0.00					483.00
FIRE TRAINING	35.00	0.00	10.50	89.50	316.25	21.25	12.75	0.00					485.25
RESCUE CALLS	5.50	6.75	39.25	8.50	6.00	9.25	0.00	19.50					94.75
FIRE CALLS	0.00	0.00	8.75	0.00	0.00	0.00	6.00	0.00					14.75
MEETINGS	37.00	55.25	60.00	53.00	16.75	22.50	5.25	0.00					249.75
STAFFING REP.	34.50	0.00	0.00	72.00	99.75	72.00	64.25	0.00					342.50
MAINTENANCE	0.00	0.00	0.00	0.00	0.75	14.25	0.00	0.00					15.00
PUB. ED.	9.75	0.00	9.00	15.00	3.75	5.00	0.00	3.75					46.25
SPECIAL EVENTS	0.00	0.00	0.00	0.00	274.00	0.00	0.00	29.50					303.50
# FIRE RUNS	42.00	32.00	33.00	15.00	35.00	31.00	41.00	41.00					270.00
# of EMS RUNS	174.00	163.00	172.00	178.00	187.00	180.00	170.00	182.00					1,406.0
DISPATCH ERRORS	2.00	5.00	7.00	7.00	0.00	6.00	4.00	1.00					32.00
TOTAL HRS.	365.50	504.00	354.00	425.50	991.00	219.25	220.25	130.75	0.00	0.00	0.00	0.00	3,210.2

Special Events included in Overtime

Total Overtime Budget \$95,000, Expenditures through September 5, 2017 \$49,414, 52%

Notes: Effective March, 2017

*Period: 02/25/17-03/24/17 +Period: 06/03/17-06/30/17 ^Period: *+Period:
 **Period: 03/25/17-04/21/17 ++Period: 07/01/17-07/28/17 ^^Period:
 ***Period: 04/22/17-06/02/17 +++Period: 07/29/17-08/25/17 ^^Period:

DE PERE FIRE RESCUE
***OVERTIME CAUSED BY SICK LEAVE**
AUGUST, 2017

DATE	HOURS OF SICK LEAVE	OVERTIME PAID
TOTAL:	0	0

*Overtime generated when staffing levels fall below minimum as a result of sick leave.

**LIFEQUEST MEDICAL BILLING - 2017
MONTHLY REPORT**

	JAN.	FEB.	MARCH	APRIL	MAY	JUNE
CHARGES	155,297	111,851	117,957	107,123	147,335	111,145
PAYMENTS	65,035	53,532	79,615	47,651	37,737	60,272
CREDIT ADJUSTMENTS	70,467	39,304	53,476	37,865	50,331	45,957

	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
CHARGES	151,958	110,021				
PAYMENTS	73,959	61,576				
CREDIT ADJUSTMENTS	87,127	56,791				

Payments to LifeQuest	
Jan. 2017	2,927
Feb. 2017	2,409
March 2017	3,535
April 2017	2,177
May 2017	1,757
June 2017	2,771
July 2017	3,336
Aug. 2017	3,044
Sept. 2017	
Oct. 2017	
Nov. 2017	
Dec. 2017	
Total Paid	\$21,954

**See attached details



Billing, Collection, & Data Management Services

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N2930 State Road 22, Wautoma, WI 54982-5267

De Pere Fire Rescue

Income and Expenditures

252

August 2017

All Phases

Charges	Billing Phase 1	Collections Phases 2 & 3	Total
Collection Placements / Charges	\$101,646.80	\$8,370.84	\$110,017.64
Interest on Delinquent Accounts	\$0.00	\$0.00	\$0.00
Insurance Interest	\$0.00	\$0.00	\$0.00
Transaction Fees	\$0.00	\$0.00	\$0.00
Probate Fees	\$0.00	\$3.00	\$3.00
Subtotal of Charges	\$101,646.80	\$8,373.84	\$110,020.64
Account Transfers	\$7,567.89	\$802.95	\$8,370.84
Credit Summary			
Total Credits - All Types	\$122,196.20	\$439.75	\$122,635.95
Total Credit Adjustments	\$56,793.54	\$(3.00)	\$56,790.54
Total Closed Account Adjustments	\$0.00	\$0.00	\$0.00
Total Payments Received (Applied to Acct Bal's)	\$65,402.66	\$442.75	\$65,845.41
Total Overpayments (OP)	\$(2,266.68)	\$0.00	\$(2,266.68)
Total Payments Received (plus overpayments)	\$67,669.34	\$442.75	\$68,112.09
Total Overpayment Returns (\$ not deposited)	\$(50.00)	\$0.00	\$(50.00)
Total Payments Received (less OP returns)	\$67,619.34	\$442.75	\$68,062.09
Less Payment Kept By (PKB, \$ kept by service)	\$6,485.96	\$0.00	\$6,485.96
Total Deposits	\$61,133.38	\$442.75	\$61,576.13
Summary of Disbursement			
Total Deposits & Payments Kept By	\$67,619.34	\$442.75	\$68,062.09
Less Overpayment Refunds (patient / ins reimbursement)	\$(2,216.68)	\$0.00	\$(2,216.68)
Gross Revenue	\$65,402.66	\$442.75	\$65,845.41
Total LifeQuest Fee	\$2,943.12	\$97.40	\$3,040.52
Probate Fees	\$0.00	\$3.00	\$3.00
Other / Fees			\$0.00
Total Due LifeQuest	Check #	EFT	\$3,043.52
Total Service Revenue	\$62,459.54	\$345.35	\$62,804.89
Total Payment Kept By	\$6,485.96	\$0.00	\$6,485.96
Total Service Payable	\$0.00	\$0.00	\$0.00
Probate Fees	\$0.00	\$(3.00)	\$(3.00)
Other / Fees	\$(0.01)	\$0.00	\$(0.01)
Total Due Service	Check #	EFT	\$55,973.58
			\$342.35
			\$56,315.92

Attachment: FIRE DEPT OT REPORT_AUG 2017 (6219 : Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.)



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De Pere Fire Rescue

Billing Summary

252

August 2017

Phase 1 - 4.500%

Charges		
Charges	\$101,646.80	
Interest on Delinquent Accounts	\$0.00	
Insurance Interest	\$0.00	
Transaction Fees	\$0.00	
Probate Fees	\$0.00	
Subtotal of Charges		\$101,646.80
Account Transfers		
Transferred out of Phase 1	-\$7,567.89	
Credit Summary		
Total Credits - All Types	\$122,196.20	
Total Credit Adjustments	\$56,793.54	
Total Closed Account Adjustments	\$0.00	
Total Payments Received (Applied to Acct Bal's)	\$65,402.66	
Total Overpayments (OP)	\$(2,266.68)	
Total Payments Received (plus overpayments)	\$67,669.34	
Less Overpayment Returns (\$ not deposited)	\$(50.00)	
Total Payments Received (less OP returns)	\$67,619.34	
Net Monthly Activity		\$(20,549.40)
Summary of Disbursement		
Total Deposits & Payments Kept By	\$67,619.34	
Less Overpayment Refunds (patient / Ins reimbursement)	\$(2,216.68)	
Gross Revenue	\$65,402.66	
Total LifeQuest Fee	\$2,943.12	
Probate Fees	\$0.00	
Total Due LifeQuest	\$2,943.12	
Total Service Revenue	\$62,459.54	
Total Payment Kept By	\$6,485.96	
Total Service Payable	\$0.00	
Probate Fees	\$0.00	
Other / Fees	\$0.00	
Total Due Service	\$55,973.58	

Messages:

Attachment: FIRE DEPT OT REPORT_AUG 2017 (6219 : Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.)

Quality

Speed

Service

Total Page : 1 of 1
Page : 1 of 1
Date : 09/01/2017
Time : 10:57:23

Receivables Distribution Report

Receivables Cash

All Companies

All Directories

Charges	Sep 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	Jun 2017	Jul 2017	Aug 2017	Totals
Sep 2016	0	10194	21964	14188	5161	1419	1770	275	3147	614	85	29 \$	5884
108605	0	9.4	20.2	13.1	4.8	1.3	1.6	0.3	2.9	0.6	0.1	0 %	54.1
Oct 2016		230	18996	12712	10045	2854	3433	130	84	561	456	0 \$	4950
90309		0.3	21	14.1	11.1	3.2	3.8	0.1	0.1	0.6	0.5	0 %	54.1
Nov 2016			531	15227	19568	6287	2859	1264	318	476	768	700 \$	4799
90282			0.6	16.9	21.7	7	3.2	1.4	0.4	0.5	0.9	0.8 %	53.1
Dec 2016				272	22826	21099	10483	2516	742	1239	1028	1080 \$	6128
106304				0.3	21.5	19.8	9.9	2.4	0.7	1.2	1	1 %	57.1
Jan 2017					1058	17240	24091	10789	1553	4176	854	92 \$	5985
112345					0.9	15.3	21.4	9.6	1.4	3.7	0.8	0.1 %	53.1
Feb 2017						0	24766	11607	5859	1544	3858	2486 \$	5012
110798						0	22.4	10.5	5.3	1.4	3.5	2.2 %	45.1
Mar 2017							6291	15478	13033	8750	4355	2979 \$	5088
109191							5.8	14.2	11.9	8	4	2.7 %	46.1
Apr 2017								0	8066	20412	7986	8243 \$	4470
107626								0	7.5	19	7.4	7.7 %	41.1
May 2017									1798	22981	23795	7792 \$	5636
133686									1.3	17.2	17.8	5.8 %	42.1
Jun 2017										3377	21992	14962 \$	4036
105523										3.2	20.8	14.2 %	38.1
Jul 2017											728	22797 \$	2356
102380											0.7	22.3 %	1.1
Aug 2017												2988 \$	298
74360												4 %	
Averages	1st Mo	2nd Mo	3rd Mo	4th Mo	5th Mo	6th Mo	7th Mo	8th Mo	9th Mo	10th Mo	11th Mo	12th Mo	
Extended	1.4	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	
Weighted	1.4	17	17.1	8.5	3.5	2.5	1.1	0.4	1.4	0.6	0	0	

Attachment: FIRE DEPT OT REPORT_AUG 2017 (6219 : Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.)

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 Date : 08/31/2017
 Time : 18:36:39
 History ID : 42282829

Credit Summary

Summary By Credit Code - Report Category/Code ID
 Phase 1 Credit Report

DE PERE FIRE RESCUE

<u>ID</u>	<u>Description</u>	<u>Credits</u>	<u>QTY %</u>	<u>Amount</u>	<u>Amount %</u>
Report Category	ADJUSTMENTS				
8	A--MEDICARE ADJUSTMENT	75	13.74	7355.31	6.02
9	A--MEDICAL ASSIST ADJUST	20	3.66	3557.48	2.91
14	A--MISC MINIMUM BAL ADJ < \$5	1	0.18	1.20	0.00
223	A--MC 2% SEQUESTERED AMT ADJ	51	9.34	305.31	0.25
466	A--W/COMP ADJUSTMENT	2	0.37	30.58	0.03
518	A--CONTRACTUAL ADJUSTMENT	1	0.18	230.12	0.19
667	A--NOT MEDICALLY NECESSARY	1	0.18	743.60	0.61
778	A--OTHER MC/MA MANDATORY ADJ	73	13.37	37002.28	30.28
IO	A--INTEREST OFFSET	4	0.73	-0.23	0.00
LC	A--LIFEQUEST COLLECTIONS	10	1.83	7567.89	6.19
		238		56793.54	

Attachment: FIRE DEPT OT REPORT_AUG 2017 (6219 : Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.)

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 History ID : 42282826

Aging Summary

Phase 1 Aging Report

Report As Of August 31, 2017

Grouped By Schedule on Call

DE PERE FIRE RESCUE

ID	Description	Calls	Current	31 to 60	61 to 90	91 to 120	121 to 150	151 to 180	Over 180	Total
ATTY-EMS	Attorney (EMS)	2	0.00	0.00	793.20	0.00	0.00	0.00	1007.20	1800.40
Bank	Bankruptcy Move to L	1	238.00	0.00	0.00	0.00	0.00	0.00	0.00	238.00
CONT	CONTRACT SCHEDUL	1	0.00	0.00	0.00	752.20	0.00	0.00	0.00	752.20
DENY	INSURANCE DENIED	12	1800.60	2287.60	255.00	1070.60	1819.00	0.00	0.00	7232.80
I	INSURANCE Electronic	44	17131.20	10833.00	3060.60	3375.40	3816.20	1085.00	3088.00	42389.40
IMA	INSURANCE/MA	6	2888.00	1020.20	0.00	0.00	1004.20	0.00	0.00	4912.40
IMAR	Insurance/MA Review	1	0.00	0.00	0.00	0.00	255.00	0.00	0.00	255.00
Innovis	Innovis Skip Trace Pro	11	0.00	737.20	3075.40	979.80	2053.60	2300.40	1790.40	10936.80
IP	Insurance Paper HCF	4	0.00	0.00	997.00	550.00	0.00	0.00	1692.60	3239.60
IPAY	INSURANCE Elec MAY	23	5673.80	4290.60	2911.60	4728.20	1531.20	0.00	1892.80	21028.20
IPMA	INSURANCE PAPER H	1	1112.40	0.00	0.00	0.00	0.00	0.00	0.00	1112.40
Lat	Latitude - Export to	2	345.00	0.00	0.00	0.00	1162.00	0.00	0.00	1507.00
MAHO	MA HMO/OUT OF STA	2	275.00	0.00	974.80	0.00	0.00	0.00	0.00	1249.80
MAHOR	MA HMO/Out of State	1	0.00	0.00	0.00	159.20	0.00	0.00	0.00	159.20
MAWI	MEDICAID - WISCONSI	9	2282.63	275.00	894.00	0.00	0.00	0.00	0.00	3451.63
MCB	Medicare Part B	25	13947.48	2640.20	1002.20	0.00	5012.20	0.00	0.00	22602.08
MCIN	PRIM PAID/DENY 2ND I	3	341.04	533.25	0.00	0.00	0.00	0.00	0.00	874.29
MOPP	PRIMARY PAID - PRN	69	13070.78	5667.34	4397.93	231.30	0.00	0.00	275.00	23642.35
NSA	NO SCHEDULE ASSIG	3	1422.60	838.00	0.00	0.00	0.00	0.00	0.00	2260.60
OPMT	OVERPAYMENT SCHE	4	-655.94	0.00	0.00	0.00	0.00	0.00	-112.88	-768.82
OPMTL	OVERPAYMENT - NEE	1	0.00	0.00	0.00	-1066.00	0.00	0.00	0.00	-1066.00
PCV	PreCollection Validatio	26	0.00	0.00	3735.19	1456.64	1814.58	2636.60	5034.43	14677.44
PRIV	Private (Self) Pay - EM	70	20903.80	22102.80	7041.00	2948.80	5375.20	1070.80	2849.92	62292.32
PRMX	PRIMARY PAID/DENY-	11	1632.89	0.00	94.15	0.00	0.00	0.00	0.00	1727.04
PSMA	PRIMARY PAID - HOL	1	93.13	0.00	0.00	0.00	0.00	0.00	0.00	93.13
RCP	RECOUPMENT SCHED	4	-445.85	0.00	103.40	0.00	-75.65	0.00	0.00	-418.10
SIG	SIGNATURE NEEDED	11	5557.80	2494.20	737.20	0.00	893.40	0.00	0.00	9682.60
T1	TIME PAY PHASE 1	23	4426.03	1696.12	284.82	0.00	0.00	0.00	980.34	7387.31
UHC	UHC DO NOT USE A0	4	0.00	1123.80	0.00	1336.20	0.00	2010.00	997.00	5467.00
VA	Veterans Admin Ins	2	0.00	0.00	0.00	320.84	849.20	0.00	0.00	1170.04

Company Totals: 252 DE PERE FIRE RESCUE

377	92040.39	56539.31	30357.49	16843.18	25510.13	9102.80	19494.81	249888.11
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Attachment: FIRE DEPT OT REPORT_AUG 2017 (6219 : Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.)



Billing, Collection, & Data Management Services

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N2930 State Road 22, Wautoma, WI 54982-5267

DE PERE FIRE RESCUE

Billing Reconciliation Summary
August 2017

252

Charges

Prior Month's Balance	\$270,437.51	
August Charges	\$101,646.80	
Subtotal of Charges		\$372,084.31

Adjustments

Intercept	\$0.00	
Credit Tagged	\$0.00	
Per Contract	\$0.00	
LifeQuest Collections	\$7,567.89	
Closed	\$0.00	
Other	\$49,225.65	
Total Adjustments for the Month		\$56,793.54

Credits

Cash / Check	\$18,202.90	
Contract Payments	\$636.16	
Credit Card	\$0.00	
Direct Deposit	\$34,678.36	
Hospital	\$0.00	
Insurance	\$7,665.96	
Payment Kept By	\$6,485.96	
Total Payments Received for the Month		\$67,669.34

Overpayment

Recoupment	\$0.00	
Refunds	\$-2,216.68	
Returns	\$-50.00	
Service Payable	\$0.00	
Other	\$0.00	
Total Overpayments for the Month		-\$2,266.68

Total for Reconciliation Summary	\$249,888.11
Ending Balance of Accounts Receivables	\$249,888.11

Attachment: FIRE DEPT OT REPORT_AUG 2017 (6219 : Fire Department Overtime and LifeQuest Services Billing Report for August, 2017.)

DE PERE FIRE RESCUE
STRUCTURAL FIRE "STILL" ALARMS FOR AUGUST 2017



Incident Date	Incident Location	Shift	Reported Situation	Units Dispatched	Disposition
08/01/2017	2000 American Blvd.	A	Fire alarm sounding	C101, E121	Investigate, malfunction
08/02/2017	1325 Hockers Street	A	Fire alarm sounding	E111	Investigate, unintentional
08/04/2017	418 Destiny	B	Fire alarm sounding	E111	Investigate, malfunction
08/07/2017	1008 S. Erie Street	C	Carbon monoxide detector sounding	E111	Investigate, replace batteries
08/07/2017	418 Destiny	C	Fire alarm sounding	E121	Investigate, malfunction
08/08/2017	840 Basel	B	Cooking fire, confined to container	C102, E111, E121	Investigate, remove hazard
08/10/2017	N. Webster/LeBrun	C	Gas leak	E111	Investigate, refer to proper authority
08/11/2017	1520 Turtle Dove	C	Fire alarm sounding	E111, E121	Investigate, unintentional
08/11/2017	1600 Lawrence Drive	A	Passenger vehicle fire	E111, E121	Extinguishment
08/12/2017	250 S. 9th Street	A	Fire alarm sounding	E121	Investigate, malfunction
08/12/2017	250 S. 9th Street	A	Fire alarm sounding	E111, E121	Investigate, malfunction
08/15/2017	1665 Yellow Briar	B	Electrical odor	E121	Investigate, overheated motor
08/17/2017	665 Grant Street	C	Fire alarm sounding	E111, E121	Investigate, unintentional
08/21/2017	302 George Street	A	Cooking fire	C102, E111, E121, L111	Investigate, ventilate

Incident Date	Incident Location	Shift	Reported Situation	Units Dispatched	Disposition
08/22/2017	200 S. 9th Street	B	Fire alarm sounding	C102, E111, E121, L111	Investigate, unintentional
08/22/2017	2191 American Blvd.	C	Fire alarm sounding	E121	Investigate, unintentional
08/23/2017	2191 American Blvd.	A	Fire alarm sounding	E121	Investigate, unintentional
08/25/2017	753 Mollies Way	C	Gas leak	E111, E121	Investigate, grill gas turned on
08/25/2017	701 3rd Street	C	Smoke or odor removal	E121	Investigate, burnt pizza in oven
08/31/2017	519 Lande	B	Smoke odor	C190, E121	Investigate, normal foundry odor

City of De Pere, Wisconsin



Request For Finance/Personnel Committee Action

MEETING DATE: September 12, 2017

DEPARTMENT: Fire Department

FROM: Lea Taylor

SUBJECT: Consider donation from the Pink Flamingo to the Fire Department.*

ATTACHMENTS:

- PINK FLAMINGO DONATION (PDF)

Memo



To: Honorable Mayor Michael Walsh
Members of the Finance & Personnel Committee

From: Alan Matzke, Fire Chief *AM*

Date: September 5, 2017

Re: Consider Donation from the Pink Flamingo

The Fire Department is requesting acceptance of a donation from the Pink Flamingo event.

This year's theme for the Pink Flamingo event was to honor military and fire responders (Fire and Police). The Pink Flamingo has graciously donated \$1,000 to the Fire Department. The accepted donation will be placed in the Fire Department donation account.

Thank you for your consideration of this request. We respectfully ask for your support to move this item forward to the City's Common Council for final action and acceptance. If you have any questions, please do not hesitate to ask.

Attachment: PINK FLAMINGO DONATION (6211 : Consider donation from the Pink Flamingo to the Fire Department.*)

City of De Pere, Wisconsin

**Request For Finance/Personnel Committee Action**

MEETING DATE: September 12, 2017

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Request for one year farm lease to be established for undeveloped City owned land on the east side of De Pere.*

A lease for the farming of City owned land in the East Industrial Park area expired in 2017. The City planned to seek a renewal with the existing lessee but did not come to a final agreement. Another local farmer expressed interest in taking over the lease of the area, beginning in the fall of 2017. Farming the City owned property is a key factor in maintaining the land for future development.

1. The subject area includes the following parcels:
 - A. Approximately 77 acres of crop land [shaded yellow on attached map]
(Parcels: ED-D43-1, part of ED-F0080, ED-F0082, ED-F0083, part of ED-F0085, part of ED-R117, ED-2381, ED-2382, ED-2384, ED-2385, ED-2386, ED-344-102-5, ED-2311, ED-2313-1, ED-2314, ED-2315)
 - B. Approximately 11 acres of grass cutting land [shaded yellow with stripes on attached map]
(Parcels: ED-D69-2, ED-F0081-5, part of ED-R117, ED-2387, ED-2388)
2. Lease Terms:
 - A. No payment in 2017 (allows for necessary preparation work that needs to be done to fallow soils).
 - B. Lease amount equal to prior lease (\$1,955.31 due in January 2018, and \$1,955.31 due in July 2018).
3. Length of Lease:
 - A. September 2017 through December 2018

The City has plans to renew leases for all farmed properties in early 2019. By establishing the lease for the East Industrial Park area, all farm leases in the City will fall into the same timeline for future renewals.

STAFF RECOMMENDATION:

Staff requests that the Finance/Personnel Committee recommend establishing a farm lease with Mr. Larry Binsfield, per the above terms, and forwarding the recommendation for a contract to be drafted and approved by the Common Council on September 18, 2017. Any renewal lease of land beyond 2018 should be placed up for bid.

ATTACHMENTS:

- East_2017_Was_Dahl (PDF)

City Land Available off Ryan Road

Ryan Rd.

Area Available off Ryan Road

 70 Acres for Crop Production (Industrial Park)

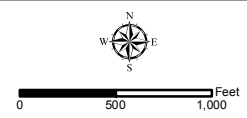
 7 Acres for Crop Production (Ryan Rd.)

 11 Acres for Grass Harvest for Feed

2017 Farm Lease & Grass Cutting Map

City Land Available on the East Side

-  Tax Parcels
-  Lease Area
-  Grass Cutting



City of De Pere

City of De Pere, Wisconsin



Request For Finance/Personnel Committee Action

MEETING DATE: September 12, 2017

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Consider changes to the Chapter 54 Building Code and Chapter 94 Building and Property Maintenance Code.*

ATTACHMENTS:

- Code Update Memo (DOC)
- Chapter54_BUILDING CODE (DOCX)
- Chapter94_PROPERTY MAINTENANCE CODE (DOCX)

City of De Pere

Building Inspection Department

Memo

To: Finance/Personnel Committee
From: Dave Hongisto, Chief Building Inspector
Date: September 5, 2017
Subject: Municipal Code Revisions to Chapter 54 Building Code and Chapter 94 Housing Code

The existing Chapter 94 Housing Code shall be revised and parts repealed for the newly created Chapter 94 Building and Property Maintenance Code, recreated for the adoption of the 2015 Property Maintenance Code. The Chapter 54 Building Code is to be revised to better align with the language in the Wisconsin administrative code SPS 360-366. During a DSPS viewing of the municipality's chapter 54 Building Code, it was brought to our attention there were some conflicts, which need to be addressed to align with the state adoption of the 2015 ICC suite of codes.

October is the deadline for providing ISO any updates to our building codes to enhance the municipality's ISO ratings. The adoption of the 2015 International Property Maintenance Code will repeal our outdated 1974 Housing Code, and will also scope commercial buildings and properties for maintenance, which were never covered under the old Housing Code. The Building inspection Department was hoping to have this adopted by October 2017. Please see the attached Housing and Building Codes, with the proposed changes.

Attachment: Code Update Memo (6214 : Consider changes to the Chapter 54 Building Codes and Chapter 94 Building and Property

Chapter 54 - BUILDING CODE^[1]

Footnotes:

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Editor's note—Ord. No. 08-31, § X, adopted Nov. 18, 2008, repealed the former Ch. 54, §§ 54-1—54-13, and enacted a new Ch. 54 as set out herein. The former Ch. 54 pertained to the building code and derived from the Code of 1974, §§ 15.01—15.11, § 15.035, § 15.055; Ord. No. 02-20, §§ 1—3, 7-16-2002; Ord. No. 04-09, §§ 1, 2, 3-16-2004; Ord. No. 06-33, §§ 5, 6, 11-8-2006.

Cross reference— Streets, alleys and sidewalks, ch. 22; historic preservation, ch. 38; platting and division of land, ch. 46; fire prevention, ch. 58; electrical code, ch. 62; plumbing code, ch. 66; sewer system regulations, ch. 70; public health, ch. 74; solid waste/curbside recyclable collection, ch. 82; mobile home parks, ch. 90; housing code, ch. 94; sign ordinance, ch. 98; handicapped access to city facilities, programs and activities, ch. 102; noise control, ch. 146; zoning, app. A.

Sec. 54-1. - Scope of this chapter.

The purpose of this chapter is to:

- (1) Exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings, additions or alterations to existing one and two-family dwellings, detached garages and accessory buildings.
- (2) Provide for plan review and onsite inspections of one and two-family dwellings by inspectors certified by the state department of ~~commerce safety and buildings divisions~~safety and professional services.
- (3) Provide for review and onsite inspection of commercial structures to the extent permitted by, and subject to, state law.
- (4) Provide for the collection and establishment of fees to defray administrative costs.
- (5) To adopt relevant state statute and administrative code provisions to promote the interests stated in this section.

(Ord. No. 08-31, § 1, 11-18-2008)

Sec. 54-2. - Definitions.

Accessory building means a detached building or structure, not used as a dwelling unit but is incidental to that of the main building which is located on the same lot.

Accessory use means a use incidental to the use of the main building or to the principal use of the premises.

Addition means new construction performed on a building which increases the outside dimension of the building.

Alteration means an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to the electrical, plumbing, heating, ventilating, air conditioning and other systems within a dwelling.

Approved means an approval by the department of ~~commerce safety and professional services~~ or its authorized representative. Approval is not to be construed as an assumption of any legal responsibility for the design or construction of the dwelling or building component.

Apartment means a part of a building occupied or designed or intended to be occupied by one or more persons as a single-living unit or as a single-family housekeeping unit and which includes the use of kitchen facilities, either in private or in common with others.

Apartment house means any building, which is occupied or designed to accommodate three or more apartments.

Attic means a space under the roof and above the ceiling of the topmost part of a dwelling.

Balcony means a landing or porch projecting from the wall of a building.

Base flood elevation; means the elevation shown on a flood insurance rate map (FIRM) that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means that portion of a dwelling below the first floor or ground floor with its entire floor below grade.

Best management practices means practices, techniques or measures that the department determines to be effective means of preventing or reducing pollutants of surface water generated from construction sites.

Building means Any structure built, used, designed for support, shelter, protection, or enclosure of people, animals, or property of any kind.

Carport means a structure used for storing motorized vehicles that is attached to a dwelling and that has at least two sides completely enclosed.

Certified inspector means a person certified by the department of ~~commerce safety and buildings~~ division safety and professional services to engage in the administration and enforcement of the uniform dwelling code.

Conditioned space means space within a dwelling envelope, which is provided with heated or cooled air or surfaces to provide a heated or cooled space.

Crawl space means that portion of a dwelling below the first floor with its entire floor below grade, which has a clearance of 18 inches or more between the crawl space floor and the underside of the dwelling floor joist framing..

Dead load means the vertical load due to all permanent structural and nonstructural components of the building such as joists, rafters, sheathing, finishes and construction assemblies such as walls, partitions, floors, ceilings and roofs.

Deck means an open, unenclosed exterior floor structure attached or adjacent to the exterior wall of a building.

Detached building means any building ~~200 square feet or greater~~, which is not physically connected to the principal structure.

Direct-vent appliance means a gas burning appliance that is constructed and installed so that all air for combustion is obtained directly from the exterior of the building and all flue gases are discharged to the outside of the building.

Dwelling means a building or portion thereof, but not a manufactured or mobile home, designed or used exclusively for residential occupancy, including single-family, two-family, and multiple family buildings, but not including hotels or motels.

Dwelling envelope means the elements of a dwelling with enclosed conditioned space through which thermal energy may be transferred to or from the exterior.

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Dwelling unit means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used for living, sleeping, cooking and eating of meals by one person or by two or more persons maintaining a common household, to the exclusion of all others.

Exit means a direct, continuous, unobstructed means of egress from inside the dwelling to the exterior of the dwelling.

Existing dwelling means a dwelling erected prior to the effective date of the [State of Wisconsin Uniform Dwelling Code](#) (June 1, 1980).

First floor means the first floor level above any ground floor or basement or, in the absence of a ground floor or basement, means the lowest floor level of a building.

Flight means a continuous series of steps with no intermediate landings.

Floor area means the habitable area of a room that has a ceiling height of at least seven feet. Rooms with less than seven feet in height for more than 50 percent of the area are not considered to be floor areas.

Garage means a structure used for storing motorized vehicles that has more than two sides completely enclosed.

Ground floor means that level of a dwelling, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.

Habitable room means any room used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

[Hotel. See appendix A, section 14.03\(89\) of this Code.](#)

Infiltration means the uncontrolled inward air leakage through cracks and interstices in any dwelling and around windows and doors of a dwelling caused by the pressure effects of wind, and the effect of differences in the indoor and outdoor air density.

Kitchen means an area used, or designed to be used, for the preparation of food.

Landing means the level portion of a stairs located between flights of stairs or located at the top and foot of a stairs.

Listed and listing means equipment or building components, which are tested by an independent testing agency and accepted by the department of commerce.

Live load means the weight superimposed on the floors, roof and structural and nonstructural components of the dwelling through use and by snow, ice or rain.

Mechanical draft venting system means a venting system for a gas burning appliance that is designed to remove flue or vent gases by mechanical means, such as a fan which may consist of an induced draft portion under nonpositive static pressure or a forced draft portion under positive static pressure.

Naturally vented appliance means an appliance with a venting system designed to remove flue or vent gases under nonpositive static vent pressure entirely by natural draft.

Occupant means an individual or individuals residing in a dwelling or dwelling unit.

Owner means any person having a legal or equitable interest in the dwelling.

Porch means an unenclosed exterior structure at or near grade attached or adjacent to the exterior wall of any building, having a roof and floor.

Repair means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.

Stabilized means action taken at a site to minimize erosion by mulching and seeding, sodding, landscaping, placing concrete or gravel, or other techniques to prevent soil loss.

Stairway means one or more flights of steps, and the necessary platforms or landings, winder treads, to form a continuous passage from one elevation to another.

Step(s) means a unit(s) consisting of one riser and one tread, alone or in series.

Storage shed means an accessory structure not attached to the principal dwelling, 200 square feet or smaller.

Story means is that portion of a building located above the basement, between the floor and the ceiling.

Structure means anything constructed, the use of which requires location on the ground or attachment to something having location on the ground.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except such alteration as may be required for the safety of the building.

Structural analysis means a branch of physical sciences, which uses the principal of mechanics in analyzing the impact of loads and forces and their affect on the physical properties of materials in the form of internal stress and strain.

Vent means a vertical flue or passageway to vent fuel-burning appliances.

Window means a glazed opening in an exterior wall, including glazed portions of doors, within a condition space.

(Ord. No. 08-31, § 1, 11-18-2008)

Sec. 54-3. - Uniform Dwelling Code.

- (a) State uniform dwelling code adopted. Wis. Admin. Code ~~Comm~~SPS. Chapters ~~20-321~~ through ~~25325~~, in association with ~~Comm~~-~~27~~SPS~~326~~, Manufactured Homes, and ~~Comm~~-~~28~~SPS ~~328~~, smoke detectors are hereby adopted by reference and made part of this chapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this chapter. Future amendments, revisions, or modifications of the Wisconsin Administrative Code provisions incorporated in this chapter are intended to be made a part of this chapter to secure uniform state regulation of one-family and two-family dwellings in this city. The Wisconsin Administrative Codes, as adopted in this chapter, are intended to apply to additions and alterations to one and two-family dwellings, including existing one-family and two-family dwellings, which were built prior to June 1, 1980 (effective adoption date of the uniform dwelling code), detached garages, accessory buildings, as well as new construction. A copy of these Wisconsin Administrative Code provisions and any future amendments shall be kept on file in the office of the city building inspector.
- (b) Enforcement and right to inspect. The building inspector or any inspector of the building inspection department, are hereby authorized and directed to administer and enforce all of the provisions of the uniform dwelling code. The building inspector or any inspector of the of the building inspection department, as a condition of the issuance of a building permit, shall have the authority to enter at any reasonable time during normal work hours, during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance of all state and municipal codes in this chapter.
- (c) Building permits required. No one-family or two-family dwelling shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his or her agent from the building inspector. Application for a building permit shall be in writing upon the form designated by the state uniform dwelling permit application.

- (d) (1) Repairs and additions requiring a permit. No addition, alteration or repair to an existing one-family or two-family dwelling shall be undertaken unless a building permit for this work is first obtained by the owner or his or her agent from the building inspector. The inspector may not require a permit for minor repairs (i.e., repairs or alterations not affecting occupancy, area, structural integrity, fire protection, exits, lighting or ventilation).
- (2) Accessory buildings. No accessory building or structure, including detached garages, open sheds, roof covered patios, gazebos, pergolas, fences, or any other accessory building or structure, shall be constructed, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his or her agent from the building inspector.
- (3) One-family and two-family homes built prior to June 1, 1980. No addition, alteration, or repair to a one-family or two-family dwelling that was built before June 1, 1980 as per the effective date of the adoption of the uniform dwelling code shall be undertaken unless a building permit for this work is first obtained by the owner or his or her agent from the building inspector. The inspector may not require a permit for minor repairs (i.e., repairs as defined in ~~comm-20~~SPS 320.05(3) of the uniform dwelling code, alterations not affecting occupancy, area, structural integrity, fire protection, exits, lighting or ventilation). The following conditions shall be exempt from compliance with the uniform dwelling code when the following conditions exist including but not limited to:
 - a. Stairways in existence prior to June 1, 1980 serving existing habitable space and basements may be rebuilt within the same stairwell opening provided that the remodeled stair system shall not be less compliant than the preexisting stair system. The dimension of the riser shall not be greater than the dimension of the tread or nine inches. A minimum of six feet of headroom shall be provided. The minimum width shall not be less than 32 inches.
 - b. Ceiling height in existence prior to June 1, 1980 serving existing habitable space and basements may have a ceiling height not less than 6 feet 10 inches.
 - ~~bc.~~ Habitable areas above the second floor with a single exit may continue to exist unless an addition is built to the third floor or the floor area is expanded, a second exit would be required in accordance with the uniform dwelling code.
 - ~~ed.~~ Windows that do not conform to the required minimum egress size in accordance with the uniform dwelling code ~~comm-21.03 (6)SPS 321.03(6)~~ that are not altered may continue to exist unless an addition or alteration is performed. A bedroom in a basement shall be required to conform to ~~comm-21.03 (6)SPS 321.03(6)~~.
- (4) Submission of plans. The applicant shall submit two sets of plans along with a comprehensive site plan and soil erosion control plan for new construction to one-family and two-family dwellings at the time that the building permit application is filed. A complete set of building, electrical, plumbing and HVAC plans shall accompany every permit application for alterations and remodeling to all one-family and two-family additions, alterations and remodeling. All required plans submitted for approval, shall be accompanied by sufficient data, calculations and information to determine if the dwelling will meet the minimum requirements of the uniform dwelling code.
- (5) Issuance of the permit. If the building inspector finds that the proposed building repair, alteration or addition complies with all city ordinances and the uniform dwelling code, the building inspector shall approve this application. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the building inspection department. All issued permit becomes null and void if work or construction authorized is not commenced within 12 months or if construction or work is suspended or abandoned for a period of 12 months at any time after work is commenced.
- (6) Required inspections and requests. Prior to concealment of any electrical, plumbing, or HVAC installations, buildings shall be inspected at such times and in such manner to be in accordance with all state and local codes, ordinances, or rules applicable thereto. No structural portion of

any building or structure shall be covered or concealed until the completion of the required inspections and approval by the building inspector. The permit applicant or an authorized representative shall notify the building inspector after completion of the required inspections as listed below (inspection types) orally, email or in writing. The building inspector shall make a reasonable effort to conduct all inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval by the building inspector, except that construction may proceed if an inspection has not been performed within two business days after proper notification has been given.

- (7) Inspection types. The following inspections shall be completed for all projects whenever applicable.
- a. Erosion control inspection. Erosion control measures shall be inspected after implementation and concurrently with the following required inspections for proper maintenance.
 - b. Building sanitary, storm, and water service inspection. The building sanitary, storm sewer, and water service shall be inspected in accordance with chapter ~~82-SPS 382.21(1)~~ of the state plumbing code prior to be covered or concealed.
 - c. Footing, drain tile, and foundation inspection. Footings, drain tiles systems at the footings, and foundations shall be inspected after forms have been removed and required insulation and washed stone over the drain tile are in place, prior to backfilling.
 - d. Underground building drains and drain tile inspection. Plumbing building drain, drain tile, washed stone base, and required sub slab vapor retarder shall be inspected prior to backfilling or placement of basement slab floors.
 - e. Rough inspection. General building construction, plumbing, HVAC, and electrical installations shall be inspected after all work is complete, but before any of the installations are covered or concealed.
 - f. Insulation inspection. Insulation, vapor retarders, air barriers, and exterior drainage planes shall be inspected after installation is complete, but before any of the installations are covered or concealed.
 - g. Final inspection. The dwelling shall not be occupied until a final inspection has been made. The permit applicant shall notify the building inspector orally, [email](#) or by written notification for a final inspection upon completion of the permitted work, and not more than 30 days after completion. The final inspection shall be performed within five business days after proper notification and prior to the issuance of a certificate of occupancy. The building inspector shall notify the applicant and/or owner in writing of any code violations to be corrected. All code violations shall be corrected within 30 days after written notification unless an extension of time is granted. Failure to obtain a final inspection upon completion of the permitted work, and/or correct noted code violations prior to occupancy, and refused or neglected to pay for previous permits shall be considered in violation of this section and may be subjected to citations and/or a reinspection fee. The building inspector may refuse to issue permits to any person or applicant who has refused or neglected to correct any violations of this chapter.
 - h. Stop work order. If a noted violation is not corrected within 30 days, a stop work order may be served on the owner or the owner's representative, and a copy shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been provided that the noted violation(s) have been corrected.
- (8) Inspection disclaimer. All inspections are intended to cite conditions of noncompliance in accordance with all state and local code standards that are evident at the time of inspections. An inspection does not involve a thorough examination to all appliances, mechanical systems, and closed structural elements of the building or structure.

~~(9) Pursuant to Wis. Stats. §101.65 (1m) a state uniform building permit may not be issued to a person unless the person holds a dwelling contractor certification, dwelling contractor restricted certification, dwelling contractor financial responsibility certification, or a dwelling contractor financial responsibility restricted certification credential issued by the department of commerce as a registration under s. comm. 5.31, except as provided under Wis. Stats. § 101.654(1)(b).~~

~~Note: Wis. Stats. § 101.654 (1) (b) exempts an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on the dwelling from obtaining a dwelling contractor financial responsibility registration. Under Wis. Stats. § 101.65 (1r), an owner who obtains a building permit needs to sign a statement advising the owner of the potential consequences of hiring a contractor to perform work under the permit who is not bonded or insured under Wis. Stats. § 101.654 (2)(a). 101.654(1)(a)(b) Contractor certification: education: Subject to par. (b), no person may obtain a building permit unless the person annually obtains from the department a certificate of financial responsibility showing that the person is in compliance with sub. (2), completes the continuing education requirements described under sub. (1m), and furnishes to the issuer of the permit proof of completion of those continuing education requirements. Paragraph (a) does not apply to an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on that dwelling.~~

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~~(a) The department shall promulgate rules establishing continuing education requirements for persons seeking to obtain a building permit under sub. (1)(a).~~

~~(b) The rules promulgated under this subsection shall require all of the following:~~

~~1. Completion every 2 years of at least 12 hours of continuing education relevant to the professional area of expertise of the person seeking to obtain a building permit, approved by the department.~~

~~2. Attendance at one or more professional meetings or educational seminars designed for both building contractors and building inspectors.~~

~~3. For a person who does not hold a certificate of financial responsibility on April 11, 2006, successful completion of an examination developed by the department on the continuing education courses required under this subsection.~~

~~(c) The rules promulgated under this subsection may not require a person who holds a certificate of financial responsibility on April 11, 2006, to take an examination on the continuing education courses required under this subsection.~~

~~(cm) The rules promulgated under this subsection may not require a person to take continuing education courses, or to take an examination on continuing education courses, that are not relevant to that person's professional area of expertise.~~

~~(d) Subject to the continuing education requirements under pars. (b) and (c), the rules promulgated under par. (a) may specify different continuing education course requirements for persons who hold a certificate of financial responsibility on April 11, 2006, and for persons who do not hold a certificate of financial responsibility on April 11, 2006.~~

~~(e) The department may approve continuing education courses that are offered by other states.~~

~~(d9) Certificate of occupancy and use.~~

~~(1) One and two-family dwellings. No one-family and two-family dwelling shall be used or occupied until the building inspector has issued a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final~~

inspection report and that the use or occupancy complies with provisions of this chapter. Every applicant for a building permit shall be deemed to be an application for an occupancy permit.

- (2) Alterations and additions of building. No addition, alteration or repair to an existing building shall be used or occupied until the building inspector has issued a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with the provisions of this chapter. Every applicant for a building permit shall be deemed to be an applicant for an occupancy permit.
- (3) Change in use. No change in use shall be made to an existing building to another use unless all the applicable provisions of the uniform dwelling code and this chapter are complied with.

(Ord. No. 08-31, § 1, 11-18-2008; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 54-4. - Commercial buildings.

- (a) ~~Wisconsin Commercial Building Code~~ Wisconsin Uniform Commercial Building Code (UCBC). Wis. Admin. Code ~~comm. 61SPS 361~~ and the ~~Wisconsin Commercial Building Code comm. 60-66SPS 360-66~~ are hereby adopted by reference and made part of this chapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this chapter. Any future amendments, revisions, or modifications of the state commercial building code provisions incorporated in this chapter are intended to be made a part of this chapter to secure uniform state regulation.
- (b) Commercial buildings. Notwithstanding the provisions of the state uniform commercial building code, no commercial building (i.e., any building not covered by the uniform dwelling code) shall be built, enlarged, altered or repaired unless a building permit for that work has first been obtained by the owner or owner's agent from the building inspector. Application for such building permit shall be made as required by Wis. Admin. Code ~~comm. 61SPS 361~~ and a copy of such permit, together with the plans and specifications for such construction activities, shall be filed with the building inspector for review in accordance with the requirements of the Wis. Admin. Code ~~comm. 61SPS 361~~, and the state uniform commercial building code ~~comm. 60-66SPS 360-66~~.
- (c) Design.
 - a. Pursuant to Wis. Stats. § 443.14, a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under Wis. Stats. §§ 443.14 and 443.15;
 - b. Pursuant to Wis. Stats. § 443, a component or a system, including an electrical system, a fire protection system, a heating ventilating and air conditioning system shall be designed by an architect, engineer, or a designer of engineering systems, except as provided under Wis. Stats. §§ 443.14 and 443.15.
- (1) Pursuant to ~~s. comm. 61-30SPS 361.30-1~~, the following buildings are exempt from state plan review containing less than 25,000 cubic feet in volume:
 - Buildings of group assembly A-2; A-3
 - Business B;
 - Factory F;
 - Mercantile M;
 - Storage S; and
 - Utility and miscellaneous Group U containing less than 25,000 cubic feet in volume.
- ~~(2) Buildings exempt from plan review if registered:~~
~~Buildings of group A-2;~~

~~Business B;~~

~~Factory F;~~

~~Mercantile M;~~

~~Storage S;~~

~~Utility; and~~

~~Miscellaneous U containing 25,000 to less than 50,000 cubic feet in volume.~~

- (d) ~~Plan review and approval. Except as provided below the construction of, the alteration of or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by the department of commerce or its authorized representative.~~

~~(1) Buildings exempt from plan review:~~

~~Assembly group A-2;~~

~~Business group B;~~

~~Factory group F;~~

~~Mercantile group M;~~

~~Storage group S; and~~

~~Utility and miscellaneous group U, if such building contains less than 24,000 cubic feet in volume, as set forth in Wis. Admin. Code comm. 61.30.~~

~~(2) Buildings exempt from plan review, if registered:~~

~~Assembly group A-2;~~

~~Business group B;~~

~~Factory group F;~~

~~Mercantile group M;~~

~~Storage group S;~~

~~Utility and miscellaneous group U, if such building contains 25,000 to less than 50,000 cubic feet in volume, as set forth in Wis. Admin. Code comm. 61.30.~~

~~(d)(e) Supervision and inspections. Pursuant to SPS 361.40~~

- ~~(1) The proposed construction of a project within the scope of the state commercial building code shall be supervised by a state-registered architect or engineer, except that a state-registered designer may supervise the installation of heating, ventilation and air conditioning systems, fire protection systems and illumination systems.~~
- ~~(2) A project does not require supervision by a state-registered architect or engineer, if the project or building contains less than 50,000 cubic feet total volume or an addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.~~
- ~~General.~~

~~(a1) Except as provided in par. (ba), the proposed construction of a project within the scope of this code shall be supervised by one or more Wisconsin registered architects or engineers, except that Wisconsin registered designers may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising~~

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architect, engineer or designer is confronted with a nonconformance with the code during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the department of the noncompliance.

(ba) 1. A project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one of the following conditions:

a. The building contains less than 50,000 cubic feet total volume.

b. An addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.

(bb) 2. For the purposes of this paragraph, the utilization of fire walls to divide up a building does not create separate buildings.

(3)(2) — Compliance statement. Pursuant to SPS 361.40 (4) Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer, or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of his or her knowledge and belief, construction of that portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the department.

(fe) Change of occupancy or use. Pursuant to SPS 361.03 (c)(11). Except as provided in sub. (12), No change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with the state commercial building code this code's requirements for the new division or group of occupancies, as these requirements exist on the following dates:

(1) Pursuant to Wis. Admin. Code ~~comm. 61.30~~ SPS 361.30, the date when plans for the change of in occupancy or use are approved by the department of commerce or authorized representative;

(2) The date the a local building permit is issued, if plan submittal and approval is not required under Wis. Admin. Code ~~comm. 61.30~~ SPS 361.30;

(3) The date construction is initiated, where pars. (a1) and (b2) do not apply.

(3)(4) — The date the an occupancy permit is issued, where pars. (a1) to (e3) do not apply.

(gf) Existing buildings and structures. Unless otherwise stated in the state uniform commercial building code, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the building code requirements that applied when the building, structure, element, system, or component was constructed, and to conform to the International Existing Building Code as adopted into the state uniform commercial building code.

(Ord. No. 08-31, § 1, 11-18-2008)

Sec. 54-5. - Excavation and grading.

(a) Excavations as public nuisance. Excavations started and not used within six months from the date of initial excavation shall be deemed a nuisance and shall be restored to the original grade level by backfilling, and the owner shall, upon notification from the building inspector in writing, cause such excavation to be properly filled and leveled off within ten days after receiving such notice. Upon failure to comply with such notice, the building inspector may enter upon the premises with such assistance as may be necessary, causing the condition to be corrected and the costs charged against the property and may become a lien against such property and be assessed and collected as a special tax. This section shall also apply to excavations left by the removal or razing of a building, except that such type of excavation shall be deemed a nuisance 30 days after its creation. Nothing in

this subsection is intended to in any way abrogate the responsibility of guarding, fencing or otherwise prohibiting access to open excavations.

(b) Grading.

- (1) Stormwater drainage plan. At the time a building permit is issued, the building inspector shall provide the permit applicant with a copy of the subdivision stormwater drainage plan prepared by the city in addition to the erosion control permit for such parcel. The stormwater drainage plan shall be accompanied by a copy of subsection 46-4(e) DPMC regarding stormwater drainage easement restrictions.
- (2) Front and side yard elevations. The finished grade or elevation of a lawn for any structure measured at a point along the front or sides of such structure shall be not less than 18 inches, nor more than 30 inches above the highest point of the established curb elevation of the abutting street(s). In any situation where a building cannot meet the grading requirements set forth in this section due to the topography of such lot or the topography of an abutting street, the building inspector may allow for reasonable variations of such grading requirements.
- (3) Rear yard elevations. The rear lot finished grades or elevations before seeding or sodding shall conform within +/- one inch, to the grade elevations established by the city s-as entered on the erosion control permit issued for the subject property approved storm water drainage plan for the subdivision in which subject property is located. The property owner shall maintain such elevation.

(Ord. No. 08-31, § 1, 11-18-2008)

Sec. 54-6. - Littering and damage to property during construction.

- (a) Prohibited acts. No person shall cause, maintain or permit the littering of any public or private property with mud, dust, brush, stumps, tree limbs, construction or other types of debris as the result of any construction undertaken within the city. No person shall cause damage to any public street, sidewalk, alley, curb, gutter, sewer system or property. No person shall disturb, damage, or otherwise alter the grade elevation established within any city stormwater drainage easement noted on the property subdivision.
- (b) Enforcement.
 - (1) Upon issuance of a building or wrecking permit, except for minor alterations, a refundable cash deposit of \$100.00 shall be deposited with the city clerk-treasurer by the person securing the permit, referred to in this section as the "owner." In lieu of a \$100.00 cash deposit for each building or wrecking permit, an individual or firm may provide a cash deposit of \$100.00 covering all permits issued to that individual or firm. This deposit shall be maintained at \$100.00, and the building inspector shall not issue additional permits if the deposit is not maintained at \$100.00 and any deficit incurred in correcting the violation is first reimbursed to the city. This deposit shall be refunded when the individual or firm no longer has any active permits, provided that no violations are outstanding at the time of refund. This deposit shall constitute an agreement on the part of the owner to assume responsibility for compliance with the terms of this section on behalf of all persons directly or indirectly employed in the work for which such permit was secured. In addition to such deposit, the owner shall submit a signed, written statement, filed with the building inspector, setting forth the condition of the street, sidewalk, alley, curb, gutter, sewer system or other public property. Any claim of damage or debris existing prior to commencement of work under the building permit may be inspected and certified by the building inspector and shall not be the liability of the claimant. The building inspector may waive the requirements of a cash deposit if he or she determines that the proposed construction is limited in scope and unlikely to cause any littering or damage.
 - (2) If any authorized deputy of the director of public works determines that a violation exists, written notice shall be given the foreman on the site and/or the owner, ordering compliance within not

less than four hours nor more than 48 hours. Upon expiration of the order, if compliance has not been achieved, the city may undertake to correct the violation, with all costs being deducted from the cash deposit posted by the owner. If the cost to the city of correcting a violation shall be more than \$100.00, the remainder shall be charged to the owner in the form of a special assessment on the property taxes.

- (3) If the owner transfers title of the property prior to payment of all charges for the correction of violations of this section, responsibility for payment shall remain with him or her and no further permits will be issued until such payment is made.
- (4) Upon completion of final inspection by the building inspector, the cash deposit shall be returned, less any deductions made for the corrections of violations by the city.

(Ord. No. 08-31, § 1, 11-18-2008; Ord. No. 13-17, §§ 13, 14, 8-20-2013)

Sec. 54-7. - Swimming pools, hot tubs, spas and backyard ponds.

- (a) Purpose. The purpose of this section is to provide for the health, safety and welfare of all individuals and to provide land use controls in the city.
- (b) Application. This section shall apply to all new, remodeled, altered and relocated private swimming pools, hot tubs, spas and ponds.
- (c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Portable pool means a container of water less than 18 inches in depth that can be readily be disassembled for storage and reassembled to its original integrity.

Spa or hot tub means a hydro massage pool or tub for recreational or therapeutic use, designed for immersion of users, which may or may not have a filter, heater and motor driven blower.

Swimming pool means any depression in the ground, either temporary (installed for a period of less than seven days) or permanent (installed for a duration of more than seven days), or an above ground or below ground container of water, either temporary or permanent, which is 18 inches or greater in depth used primarily for the purpose of wading or swimming, excluding portable pools.

Backyard ponds or landscape pond means any naturally occurring or manmade depression in the ground containing or detaining water, either temporary or permanent which is 18 inches or greater in depth and is used for the purpose of a fish pond or landscape water garden. The definition does not include retention or detention ponds used for a stormwater management plan required by the city as a requirement under chapter 28 of this Code.

- (d) Permit required. Before commencing the construction and installation of a swimming pool, hot tub, spa, or pond, a permit authorizing such construction must be obtained from the building inspector. Permit applications shall be accompanied by fully dimensioned plans showing the following information:
 - (1) Location of swimming pool, hot tub, spa or pond on the lot showing the distance from property lines, easements and structures;
 - (2) Location of overhead and/or underground wiring in relation to swimming pool, hot tub, spa, or pond;
 - (3) Dimensions and depth of swimming pool, hot tub, spa or pond;
 - (4) Type, location and height of fence either if existing or proposed;
 - (5) Type, dimensions and location of deck if proposed.
- (e) General requirements.

- (1) Swimming pools, hot tubs, spas, and ponds shall not be allowed in the front yard and interior side yard building setbacks of interior lots.
 - (2) Swimming pools, hot tubs, spas and ponds shall not be allowed in the front yard, corner side yard and interior building setbacks of corner lots.
 - (3) Interior side yard and rear yard setbacks for swimming pools, hot tubs, spas and ponds shall be a minimum of ten feet measured from the property line.
 - (4) Swimming pools shall not be located closer than five feet to any structure other than a deck.
 - (5) Swimming pools, hot tubs and spas shall not be located in utility or drainage easements and shall not be located in a conservancy.
 - (6) All plumbing shall meet the requirements of the state plumbing code ~~comm. 81-85~~SPS 382-85.
 - (7) All electrical work shall meet the requirements of the state electrical code, ~~comm. 16~~SPS 316 and the National Electrical Code.
- (f) Fence requirements.
- (1) A fence of not less than four feet in height, measured from grade, shall completely enclose all swimming pools, hot tubs, spas and ponds with the following exceptions:
 - a. Hot tubs and spas do not need fence protection as long as their covers can be fastened and key locked when unattended and shall be able to withstand 150 pounds.
 - b. Where decks surround or adjoin an aboveground swimming pool, hot tub, spa or pond, a three-foot minimum height guardrail mounted to and measured from the deck surface to the top of the guardrail will be considered as meeting the fencing requirements as long as the design and construction regulations of this section are complied with and the overall vertical measurement from grade (ground) level to the top of the guardrail is a minimum height of four feet. Sides of stairs and gates leading to a deck shall also comply with the requirements of this section. Interior side yard and rear yard setbacks for a detached deck surrounding a swimming pool, hot tub, or spa shall be measured ten feet from the property line.
 - c. Ponds may be exempt from the fence requirements if an approved wire screen, mesh or grate is placed and maintained three to four inches below the waterline of sufficient strength to withstand a weight of 100 pounds.
 - (2) Fences shall be located a minimum of four feet beyond the outside perimeter of a swimming pool, hot tub, spa or pond.
 - (3) Fences shall be constructed and designed so as to prevent penetration of an object greater than four inches in diameter through or under the fence.
 - (4) Fences shall be able to withstand 200 pounds of force in any direction and shall be properly maintained in a good state of repair and appearance.
 - (5) Fences with horizontal boards spaced more than one inch apart are prohibited.
 - (6) All gates or doors opening through a fence enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed to keep such gate or door securely closed. All gates or doors shall comply with all other height and structural requirements of this section.
 - (7) Portable pools do not need fence protection but must be drained or covered in such a manner as to provide public safety when left unattended.
 - (8) To ensure public safety, variances for lesser fence heights than specified in this section shall not be granted.
- (g) Shielding lights. Lights used to illuminate any residential swimming pool, hot tub or spa shall be so arranged and shaded as to reflect light away from adjoining premises.

- (h) Drainage. In no case shall any swimming pool, hot tub, or spa be drained on to properties other than that of the owner of the swimming pool, hot tub or spa.
- (i) Sanitation. Filtration systems shall be maintained in proper working order. The swimming pool, hot tub or spa shall be kept clean and in sanitary condition at all times.
- (j) Unnecessary noise. No person shall make, continue or cause to be made or continued, at any swimming pool, hot tub, or spa any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of the swimming pool, hot tub or spa, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the residential swimming pool, hot tub or spa premises, shall be unlawful.
- (k) Interference with enjoyment of property rights. No residential swimming pool, hot tub or spa, shall be so located, designed, operated or maintained so as to interfere unduly with the enjoyment of the property rights of owners of property rights of owners of property adjoining such residential swimming pool, hot, tub or spa located in the neighborhood of such residential swimming pool, hot tub or spa.

(Ord. No. 08-31, § 1, 11-18-2008)

Sec. 54-8. - Moving or razing buildings.

- (a) Permit required.
 - (1) Except as provided below, a permit is required to move or raze any building in the city. Before such permit is granted by the building inspector, the party applying therefore shall submit a properly completed application for the permit to the building inspection department. Such application shall include:
 - a. Name of applicant;
 - b. Name and address of property owner(s);
 - c. Address and legal description(s) of property involved;
 - d. Description of work to be completed, including street route and travel time where building moving is involved; and
 - e. Such other information as determined necessary by the building inspector.
 - (2) The permit shall require the applicant to indemnify and hold harmless the city from any and all liability arising from said moving or razing activities.
 - (3) A permit shall not be required for moving or razing private accessory sheds.
- (b) Bond required. The applicant shall include with such application a surety bond in the sum of ~~\$250,000.00~~ 5,000.00, which bond shall indemnify the city from any costs and expenses which may accrue against the city as the result of granting such permit.
- (c) Insurance requirements. No permit to move or raze any building shall be granted until the applicant files a certificate of insurance naming the city as an additional insured with the city clerk-treasurer, giving evidence of liability insurance in the following amounts:
 - (1) Moving permit.
 - a. Public liability:
 - i. Bodily injury: \$1,000,000.00 each occurrence, \$2,000,000.00 aggregate.
 - ii. Property damage: \$500,000.00 each occurrence, \$1,000,000.00 aggregate.

- b. Auto liability:
 - i. Bodily injury: \$100,000.00 each occurrence, \$300,000.00 aggregate.
 - ii. Property damage: \$100,000.00 each occurrence.
- (2) Razing permit.
 - a. Public liability:
 - i. Bodily injury: \$1,000,000.00 each occurrence, \$2,000,000.00 aggregate.
 - ii. Property damage: \$500,000.00 each occurrence, \$2,000,000.00 aggregate.
- (d) Compliance with state law. The permit holder shall comply with all relevant state statutes and other applicable provisions of this Code.
- (e) Additional conditions for moving permit.
 - (1) Applicant shall obtain a street closure permit from the department of public works. Such permit request shall include all necessary approvals from public utilities or communications carriers.
 - (2) The street closure permit may order the move to occur between the hours of 6:30 p.m. and 6:00 a.m. for public safety reasons.
 - (3) The progress in moving any building shall be as continuous as possible during the hours of the day, and day by day, and night if the building inspector or street closure order requires, until complete, with the least possible obstruction of traffic movement.
 - (4) No building shall be allowed to remain overnight on any street crossing or intersection so near thereto as to prevent easy access to any fire hydrant, driveway or within 50 feet of the property line of the intersection of the street extended. Any building left in the street overnight shall be barricaded to protect traffic in accordance with the latest state department of transportation Manual of Uniform Traffic Devices.
 - (5) Tree trimming.
 - a. No permit shall be granted to move a building in, along or upon the public streets of the city if the measurements shown on the application indicate that street trees along the proposed route will be injured. Trees and shrubs shall not be trimmed or otherwise disturbed without the approval of the director of parks, recreation and forestry and their owner.
 - b. If it is necessary to trim any city-owned trees or shrubs to move the building and such trimming is approved by the director of parks, recreation and forestry, such department will trim the trees or shrubs and bill the party receiving the permit. The sureties referred to in this section shall be held until full payment of the costs of such trimming is received from the permit holder.
- (f) Additional conditions for razing permit.
 - (1) Except as provided below, a raze permit may be issued not less than ten calendar days following the building inspector's receipt of a fully completed application, unless the chair of the [Historic Preservation](#) commission, in writing, earlier notifies the chief building inspector or assistant building inspector of its non-interest in or completion of documentation of the property.
 - a. [The building inspector shall forward such completed application to the chair of the historic preservation commission for it to determine whether the structure subject to the raze permit is listed on the national, state or local register of historic places or if the structure is included in a federal, state or local historic district as a contributing structure. The historic preservation commission may document such structure within the ten calendar day period as permitted by property owner.](#)
 - b.

If such structure is listed as on the local register of historic places or if such structure is listed as a contributing property in a local historic district under section 38-6 of this Code, the regulations of that chapter shall govern the issuance of any permit to raze the structure.

c.

This subsection shall not apply to structures for which an order has been issued for razing or rehabilitation in accordance with Wis. Stats. § 66.0413 or section 94-12 of this Code.

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(Ord. No. 14-01, § 1, 1-7-2014; Ord. No. 15-30, § 1, 11-3-2015)

Editor's note— Ord. No. 14-01, § 1, adopted Jan. 7, 2014, repealed the former § 54-8, and enacted a new section as set out herein. The former § 54-8 pertained to moving buildings and derived from Ord. No. 08-31, § 1, 11-18-2008.

Sec. 54-9. - Fees for building permits and inspections.

- (a) At the time the application for a building permit is filed, the applicant shall pay such fees for such services as are determined by resolution of the common council. Such fees may include late fees, inspection fees and fees for expedited process.
- (b) For all fees based upon building square footage, the square footage calculation shall include all floor levels, basements, attached garages and all spaces enclosed under a roof. All fees so calculated shall be rounded to the nearest dollar.
- (c) Permit duration. All permits requiring state approval and all permits for initial construction of one-family and two-family dwellings shall be valid for a period of two years from date of issuance. All other permits shall be valid for one year from date of issuance. Renewal of expired permits shall include fee assessments for such renewal in addition to other fees required by law.

(Ord. No. 08-31, § 1, 11-18-2008)

Sec. 54-10. - Heating, ventilating and air conditioning permit fees.

- (a) Permit required. No person shall repair or install any furnace/boiler, air conditioner, fireplace or wood burning stove, or commence any other heating, ventilating or air conditioning work in any structure under the scope of this chapter, or as provided by any Wisconsin Administrative Code provisions adopted under this section, without first obtaining a permit therefore from the building inspector. In addition to any plans and specifications which may be otherwise required by this chapter, the building inspector may require additional information consistent with his or her duty to review such plans prior to issuing a permit under this section.
- (b) Fees. The applicant shall, at the time such permit application is filed, shall pay such fee for such services as determined by resolution of the common council. Such fees may include late fees, inspection fees and fees for expedited process.
- (c) For all fees based upon building square footage, the square footage calculation shall include all heated floor levels, basements, attached garages and all spaces enclosed under a roof. All fees so calculated shall be rounded to the nearest dollar.

(Ord. No. 08-31, § 1, 11-18-2008; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 54-11. - Violations and penalties.

- (1) Records. The building inspector shall perform all acts and keep all records required under the uniform dwelling code or other state or municipal code adopted hereby. In addition thereto, the inspector shall keep applications for building permits for such purposes and shall regularly number each such permit. A record showing the number, description, and size of all buildings erected indicating the kind of materials used and the cost of each building aggregate cost of all one-family and two-family dwellings shall be kept.
- (2) Penalty. No person shall erect, use, occupy or maintain any building or structure subject to regulation under this chapter in violation of any provision of this chapter or to cause or permit any such violation to be committed. Any person violating any provision of this chapter shall, upon conviction, be subjected to a forfeiture as determined by resolution of the common council, together with the costs of prosecution, and if in default of payment, shall be imprisoned for a period of not less than one day nor more than six months, or until such forfeiture and costs are paid. For purposes of this subsection, each 24-hour period any such violation is allowed to exist shall constitute a separate violation.

(Ord. No. 08-31, § 1, 11-18-2008; Ord. No. 14-20, § 1, 12-16-2014)

Sec. 54-12. - Appeal of building inspection decisions.

Any person feeling aggrieved by an order or determination of the building inspector may appeal from such order or determination as provided by state law. If state law is not applicable, appeal may be to the board of appeals under procedures customarily used to effectuate an appeal to the board of appeals.

(Ord. No. 08-31, § 1, 11-18-2008)

Chapter 94

BUILDING AND PROPERTY MAINTENANCE CODE

- Sec. 94-1. Purpose and scope of chapter
- Sec. 94-2. International Property Maintenance Code
- Sec. 94-3. Heating facilities
- Sec. 94-4. Condemnation of unsafe and unfit buildings, dwellings and dwelling units.
- Sec. 94-5. Maintenance of nondwelling structures, fences and premises.

Sec. 94-1. Purpose and scope of chapter.

The purpose of the building and property maintenance code is to protect the public health, safety and welfare of the people of the city by:

- (1) Establishing minimum standards governing the condition and maintenance of buildings and other structures, either occupied or unoccupied and exterior properties.
- (2) Establishing the responsibilities of owners and occupants for the maintenance of the prescribed minimum standards.
- (3) Providing the means of administering and enforcing such minimum standards.

This code shall apply to all buildings, including single-family, two-family, multiple-family dwellings; roominghouses, commercial buildings/industrial, and to the property on which they are located, and to all structures that are accessory to such buildings. It is hereby found and declared that the buildings and property that have become or are becoming dilapidated, neglected, overcrowded with occupants, fire hazards, vermin infected, unsanitary, or otherwise unfit for human habitation, jeopardize and are detrimental to the health, safety, morals and welfare of the residents of the community, and the prevention of the occurrence of such condition is in the best interests of the citizens of the community.

Sec. 94-2 International Property Maintenance Code adopted by reference:

An ORDINANCE of the City of De Pere adopting the 2015 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of De Pere; providing for the issuance of permits and collection of fees therefor; repealing Chapter 94-2 through 94-11 of the housing code, except for newly created 94-3 Heating Facilities (a) (b), 94-4 Condemnation of unsafe buildings, dwellings and dwelling units; 94-5 Maintenance of nondwelling structures, fences and premises; and all other ordinances or parts of laws in conflict therewith.

The Common Council of the City of De Pere does ordain as follows:

Section 1. That a certain document, being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, and any future amendments, revisions, or modifications of the IPMC code provisions incorporated in this chapter are intended to be made a part of this chapter, be and is hereby adopted as the Property Maintenance Code of the City of De Pere, in the State of Wisconsin for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use. Said Property Maintenance Code is on file in the office of the Building Inspection Department of the City De Pere is hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

1. **Section 101.1** Insert: *City of De Pere Building Inspection Department*
2. **Section [A] 103.** All of section 103 shall not be made part of this code.
3. **Section [A] 107.6.** Shall not be made part of this code.
4. **Section [A] 109.3 Closing Streets.** Shall not be made part of this code.
5. **Section [A] 109.4 Emergency Repairs.** Shall not be made part of this code.
6. **Section [A] 109.5 Costs of Emergency Repairs.** Shall not be made part of this code.
7. **Section [A] 109.6 Hearing.** Shall not be made part of this code.
8. **Section 110 Demolition.** All of section 110 shall not be made part of this code.
9. **Section 111 Means of appeal.** All of section 111 shall not be made part of this code.
10. **Section 112.4 Failure to comply.** Shall not be a part of this code.
11. **Section 202 General Definitions.** Add municipal definitions to be a part of this code:
 - a) *Accessory building* means a detached building or structure not used as a dwelling, residential building, and which is located on the same lot.
 - b) *Duplex* means a structure with two dwelling units.
 - c) *Dwelling* means a building or portion thereof, but not a manufactured or mobile home, designed or used exclusively for residential occupancy, including single family, two family and multiple family buildings, but not including hotels and motels.
 - d) *Code Official* means an inspector in any of the following: Building inspector or assistant building inspector; Health officer; and Sanitarian.
 - e) *Family* means two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this chapter, a group of not more than five persons not related by blood, marriage, adoption or legal guardianship living together in a single unit will be considered equivalent to a single family.
 - f) *Kitchen* means a habitable room used, or intended to be used for cooking or the preparation of meals.
 - g) *Living room* means a habitable room within a dwelling unit which is used, or intended to be used, primarily for general living purposes.
12. **Section 302.4 Weeds.** Shall not be made part of this code.
13. **Section 302.5 Rodent harborage.** Shall not be made part of this code.
14. **Section 302.8 Motor vehicles.** Shall not be made part of this code.
15. **Section 302.9 Defacement of property.** Shall not be made a part of this code.
16. **Section 303 Swimming pools, spas and hot tubs.** All of section 303 shall not be made part of this code.
17. **Section [F] 304.3 Premises Identification.** Shall not be made part of this code.
18. **Section 304.14 Insect screens.** Shall not be made part of this code.
19. **Section 304.18. Building Security.** All of section 304.18 shall not be made part of this code.
20. **Section 304.19 Gates.** Shall not be made part of this code.
21. **Section 305.1 General.** Insert *single-family residence* in code section after “dormitory.”
22. **Section 307.1 General.** Shall read every exterior and interior stairs having more than three risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 24 inches above the

floor or grade below shall have guards. Handrails shall not be less than 30 inches in height or more than 38 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches in height above the floor or landing, balcony, porch, deck, or ramp.

23. **Section 309 Pest Elimination.** All of section 309 shall not be made part of this code.
24. **Section [P] 502.5 & 505.1 General.** Replace *International Plumbing Code* with the *Wisconsin Uniform Plumbing Code*.
25. **Section 507 Storm Drainage.** All of section 507 shall not be made part of this code.
26. **Section 602 Heating Facilities.** All of section 602 shall not be made part of this code, but shall be replaced with the current city of De Pere heating facilities renumbered 94-3 (1) (2).
27. **Chapter 7 Fire Safety Requirements.** All of chapter 7 shall not be made part of this code.
28. **Chapter 8 Referenced Standards. ICC:** IFC-15, IPC-15, IRC-15 shall not be made part of this code.
29. **Appendix A Boarding Standard:** All of the appendix A shall not be made part of this code.

Sec. 94-3 Heating facilities.

- (1) Any building, dwelling or dwelling unit designed to be used for dwelling purposes shall be supplied, maintained and equipped with heating facilities, which shall be properly installed, be maintained in good working condition, and be capable of adequately heating all habitable rooms, bathrooms, and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least 70 degrees Fahrenheit, at a distance of (3) three feet above floor level, when the outside temperature is at or above 15 degrees below zero Fahrenheit. This subsection shall not act to permit the use of space heaters where such use is prohibited by either the city building or heating code, or the state uniform dwelling code and HVAC codes, when applicable. Every supplied central heating system shall comply with the city building and heating codes and with the state Uniform dwelling and HVAC codes, when applicable. It shall also comply with the following requirements:
 1. The central heating unit shall be in good operating condition.
 2. Every heat duct, steam pipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.
 3. Every seal between the sections of a warm air furnace shall be tight so noxious gases will not escape into the heat ducts.
- (2) Every space heater shall comply with the city building and heating codes and the state uniform dwelling code and HVAC codes when applicable, and all of the following requirements:
 1. No space heater burning solid, liquid or gaseous fuels shall be of portable type.
 2. Every space heater burning solid, liquid or gaseous fuels shall be properly vented.
 3. The location of space heaters, the insulation of walls and ceilings close to such heaters, the construction, installation and guarding of smoke pipes and walls or ceilings which they go through, shall be in accordance with the uniform dwelling code and HVAC codes.

Sec. 94-4. Condemnation of unsafe and unfit buildings, dwellings and dwelling units.

- (a) Any building, dwelling or dwelling unit which the inspector finds to have any of the following defects shall be condemned as unfit for human habitation, occupants or of the public;
 - (1) One which is so old and so damaged, out of repair, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin infested or otherwise unfit for human habitation that it creates a hazard to the health or welfare of the owner or of the occupants or of the public;
 - (2) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or welfare of the occupants, or the general public; or
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or welfare of the occupants or of the general public. Any building, dwelling or dwelling unit may be condemned as unfit for human habitation by the city if the owner or occupant fails to comply with any order based on the provisions of this section, or any rule or regulations adopted pursuant thereto, provided that such building, dwelling or dwelling unit is, in the opinion of the inspector, unfit for human habitation by reason of such failure to comply.
- (b) *Vacation by inhabitants.* Any building, dwelling or dwelling unit condemned as unfit for human habitation and use so designated shall be repaired or vacated within a reasonable time as ordered by the inspector.
- (c) *Condemnation procedures.* This condemnation of buildings, dwellings and dwelling units as unfit for human habitation, occupancy or use, shall be carried out according to the provisions of Wis. Stats. 66.05.

Sec. 94-5. Maintenance of non-dwelling structures, fences and premises.

No owner shall permit any non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:

- (1) *Maintenance of non-dwelling structures.* Every foundation, exterior wall, roof, window, exterior door, basement hatchway and every other entranceway of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harbor for rats and shall be kept in a reasonably good state of maintenance and repair.
- (2) *Protection of exterior wood surfaces and fences.* All exterior wood surfaces of all non-dwelling structures and fences shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. All exterior wood surfaces and fences shall be kept in a reasonably good state of maintenance and repair or shall be removed.

City of De Pere, Wisconsin**Request For Finance/Personnel Committee Action**

MEETING DATE: September 12, 2017

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Consider Creation of Chapter 9 DPMC Non-Discrimination in Housing, Accommodation and Employment*

ATTACHMENTS:

- Anti-Discrimination Ord 2017 compilation (DOCX)
- Prohibited Discrimination Proposal Memo - (Aldersperson Nelson) (DOCX)

CHAPTER 9

NON-DISCRIMINATION IN HOUSING, ACCOMODATION AND EMPLOYMENT

Sec. 9-1.

(a) Policy and Intent.

A vibrant, productive and economically successful city is made possible by the talents, contributions and well-being of its diverse residents. It is the policy of the City of De Pere that equal rights and equal opportunity within the context of the larger commercial and social fabric of the De Pere community are promoted.

Provision for adequate safeguards against discrimination is a proper and necessary function of city government. To protect the health, safety and general welfare of all inhabitants of the city, and all persons employed and living within the city, it is declared to be the public policy of this city to foster and enforce to the fullest extent of the law equal opportunity employment, housing and public accommodations without regard to actual or perceived age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, military service or veteran status, person with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking.

Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. sections 3601, et seq., 24 C.F.R. sections 100, et seq., and ss. 66.1011, 106.50 and 111.31, Wis. Stats., and any successor provisions of state and federal law.

(b) Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Age means being age 40 or older.

Ancestry means the country, nation, tribe or other identifiable group from which one descends.

Color means color of skin.

Committee means the City Finance/Personnel Licensing Committee.

Disability means, with respect to a person, any of the following:

- (1) A physical or mental impairment which substantially limits one or more of the person's major life activity.

- (2) A record of having impairment.
- (3) Being perceived as having impairment.
- (4) This term does not include current, illegal use of or addiction to a controlled substance. The behavioral manifestations of a mental disability may be taken into consideration in determining whether or not the applicant is qualified.

Discriminate, discrimination or discriminatory shall mean any act, policy, advertisement or practice which, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's actual or perceived age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, military service or veteran status, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking.

Dwelling means any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence by one (1) or more families, and vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Employee shall mean any individual employed or seeking employment from an employer.

Employer shall mean any person who, for compensation, regularly employs five or more individuals, not including the employer's parents, spouse or children. For purposes of [this ordinance] an "employer" is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

Gender identity and/or gender expression means a person's gender-related self-identity, appearance, expression or behavior, regardless of the person's assigned sex at birth.

Family includes one or more natural person.

Family status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.
- (2) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
- (3) A person's household includes one (1) or more minor or adult relatives.
- (4) A person's household includes one (1) or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
- (5) A person's household includes one (1) or more adults or minor children placed in his or her care under a court order, under guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child, or adopted person.

Marital Status means the status of being married, single, divorced, separated or widowed.

Military Service or Veteran Status means current or former service in the U.S. armed forces, the state defense force, the national guard of any state, or any other reserve component of the U.S. armed forces.

National origin means generally a member of a nation by origin, birth or naturalization or having common origins.

Person shall mean one or more individuals, firms, corporations, partnerships or other organizations, associations or groups of persons however arranged, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Place of public accommodation shall mean all establishments within the City of De Pere which offers goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution or club which by its nature is distinctly private.

Protected classes are defined as:

- (1) **Age.** Persons 40 years of age or older.
- (2) **Color.** A person's skin color.
- (3) **Disability/Handicap.** A physical or mental impairment that substantially limits one or more major life activities.
- (4) **Domestic Abuse, Sexual Assault and Stalking Victims.** Persons who have been or are victims of domestic abuse, sexual assault or stalking.
- (5) **Family Status.** Household composition, including the presence of children.
- (6) **Gender Identity and/or Gender Expression.** A person's gender-related self-identity, appearance, expression or behavior, regardless of the person's assigned sex at birth.
- (7) **Lawful Source of Income.** A person's legal means of income, including such subsidized forms as Social Security, food stamps, unemployment compensation, etc.
- (8) **Marital Status.** Married, unmarried, single, divorced, widowed or separated.
- (9) **Military Service or Veteran Status.** Active or former military service, including retirement or honorable discharge therefrom.
- (10) **National Origin/Ancstry.** The country of one's birth and/or the nationality of one's ancestors.
- (11) **Race.** A person's race or the race of persons with whom one associates.
- (12) **Religion.** A person's religious beliefs or denominational affiliation.
- (13) **Sex.** A person's sex, including sexual harassment or intimidation.
- (14) **Sexual Orientation.** Individuals identified as heterosexual, gay, lesbian, bisexual or any sexual orientation identity.

Race means generally a member of a group united or classified together on the basis of common history, nationality or geography.

Religion or creed means a system of religious beliefs including moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views.

Sex/gender means being female or male.

Sexual Orientation means a person's actual or perceived heterosexuality, homosexuality, asexuality, or bisexuality.

To rent includes to lease, to sublease, to let and to otherwise grant for consideration the right to occupy premises not owned by the occupant.

(c) Discrimination in Housing Prohibited.

(1) Subject to other provisions of this article, no person may discriminate in the rental of housing, procurement of property owner's insurance or commit any sale or discriminatory housing practice against a person on the basis of actual or perceived: age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, military service or veteran status, person with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking.

(2) **Discriminatory housing practice** means:

- (A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of any basis listed in this chapter.
- (B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of any basis listed in this chapter.
- (C) To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale, financing or rental of a dwelling that indicates any preference, limitation or discrimination because of any basis listed in this chapter or an intention to make such preference, limitation or discrimination.
- (D) To represent to any person because of any basis listed in this chapter that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
- (E) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of persons of a particular economic status or a member of a protected class as set forth in this chapter or by representations to the effect that such present or prospective entry will or may result in any of the following:
 - i. The lowering of real estate values in the area concerned.
 - ii. A deterioration in the character of the area concerned.
 - iii. An increase in criminal or antisocial behavior in the area concerned.

- iv. A decline in the quality of the schools or other public service facilities in the area.
 - (F) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part of the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against such person in the fixing of the amount, interest, rate, duration or other terms or conditions of such loan or other financial assistance, because of any basis listed in this chapter applicable to such person or to any associated person in connection with such loan or financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling in relation to which such loan or other financial assistance is given.
 - (G) By advertising in a manner that indicates discrimination by a preference or limitation based upon the classes of persons protected by this chapter.
 - (H) For a person in the business of insuring against hazards, by refusing to enter into, or to do so by exacting terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling based upon the classifications of persons protected by this chapter.
- (3) ***Discrimination against victims of domestic abuse prohibited.*** A person may not evict a tenant or refuse to rent or lease residential property based on the fact that a tenant or prospective tenant or a member of the tenant's or prospective tenant's household has been or may be the victim of domestic abuse, as defined in §813.12(1)(a), Wis. Stats., or has been a victim of a crime prohibited by Chapter 948, Wis. Stats.
- (4) ***Discrimination against persons with disabilities prohibited.*** For the purposes of this section, "discrimination" includes but is not limited to:
- (A) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
 - (B) A refusal to make reasonable accommodation in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.
 - (C) In connection with the design and construction of covered multi-family dwellings for first occupancy after March 31, 1991, a failure to design and construct the dwelling in a manner that the public use and common use areas of the dwelling are easily accessible to and useable by disabled persons; or, a failure to comply with the appropriate requirements providing accessibility and usability for physically disabled

people as set forth within, or adopted by, this code including the American National Standard for buildings and facilities requirements.

(5) *Animals assisting persons with disabilities.*

(A) If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:

- i. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.
- ii. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

(B) Subdivision (A) does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(d) Discrimination in Employment Prohibited

With regard to employment, it shall be unlawful for any employers or labor organizations, to engage in any of the following acts, wholly or partially for a discriminatory reason:

- (1) To discriminate against any individual, with respect to failure to hire, refusal to hire, discharge, compensation, terms, conditions, or privileges of employment, including promotion; however nothing in this subsection shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
- (2) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee; or
- (3) To fail or refuse to refer for employment, or to give negative information to a potential employer of any individual, in such a manner that would deprive or limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as an applicant or prospective employee.

(e) Discrimination in Public Accommodations Prohibited

It shall be unlawful for a business establishment or place of public accommodation to deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations wholly or partially for a discriminatory reason.

(f) Exceptions.

(1) Nothing in this article shall prohibit:

- (A) A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons.
- (B) A private club, not in fact open to the public, which as incident to its primary purpose provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (C) Discrimination on the basis of age or persons with disability in relation to housing designed to meet the needs of the elderly or persons with disabilities.

(2) With the exception of prohibitions against discriminatory advertising and statements, this article shall not apply to:

- (A) An owner-occupied building containing no more than four units when the units are being sold or rented without the assistance of a real-estate broker, agent or such facilities or services in the business of selling or renting dwellings.
- (B) A single-family residence if it is rented or sold by an owner who does not own more than three such single-family residences at any one time and; provided that in the case of the sale of any such single-family residence by a private individual owner not residing in the house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within a twenty-four (24) month period and; provided any such single-family residence is being sold or rented without the assistance of a real-estate broker, agent or such facilities or services in the business of selling or renting dwelling.

(g) Enforcement.

(1) Any person who claims to have been aggrieved or injured under this ordinance may file a written complaint with the City Administrator (or authorized designee), setting forth therein the details, including location of property, names, dates, witnesses, and other factual matters. All such complaints shall be signed by the complainant. Such complaints shall be filed within 300 days after the alleged violation of this ordinance.

- (2) The City Administrator shall provide a copy of a timely-filed complaint to the City Attorney for review and jurisdictional determination.
- (3) The City Administrator may receive and provide resolution to complaints on a voluntary, informal dispute resolution basis, may adopt rules, policies and regulations, and involve City staff as deemed appropriate and consistent with this ordinance and the laws of this state to carry out the policy and provisions of this ordinance and the powers and duties of the City Administrator.
- (4) Any complaint not voluntarily resolved through an informal dispute resolution process shall be forwarded to the City Attorney for an ordinance enforcement determination.

(h) Jurisdiction.

- (1) The City shall not exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are subject matter within the jurisdiction of any state or federal agency, including but not limited to the U.S. Equal Employment Opportunity Commission or the State of Wisconsin, Department of Workforce Development, regardless of whether the complainant has chosen to file with that said agency or not. If it appears that the City does not have jurisdiction over a filed complaint, the complainant shall be referred to the appropriate state or federal enforcement agency.
- (2) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system based on age such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this ordinance.
- (3) Nothing contained in this ordinance shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification, a bona fide physical requirement, or, as to a religious or denominational institution, based upon a preference for applicants of the same religion or denomination.

(i) Penalty for violation of Chapter.

Penalty for violation of chapter. Any person who violates any provision of this chapter shall be subject to a municipal ordinance forfeiture in such amount as determined by resolution of the common council. Each such violation shall constitute a separate offense.

PROPOSAL

Proposal to draft an ordinance that defines protected classes in which discrimination is prohibited in areas of housing, employment and public accommodation in the city of De Pere.

Protecting citizens from discrimination is an important responsibility for any governing body, and publicly displaying a steadfast dedication to this issue will help our city attract a vibrant, diverse citizenry. This proposal requests approval to draft an ordinance prohibiting discrimination in housing, employment and public accommodation for specific defined protected classes. The main objective of this ordinance is to illustrate that the city of De Pere understands and appreciates the importance of equal treatment for all of its citizens. This may very well provide economic benefits by making our city more appealing to visitors and individuals looking for a progressive place to live.

This ordinance will prohibit discrimination in housing, employment and public accommodation for the following protected classes: age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking. The primary intention in regards to housing will be to make it unlawful to refuse to sell, rent to, negotiate with or provide financing to any person because of their inclusion in a protected class. For employment, the ordinance will bar any act, policy, advertisement or practice which, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's inclusion in a protected class. In regards to public accommodation, the ordinance will prohibit a business establishment or place of public accommodation to deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations wholly or partially for a discriminatory reason.

Any person who claims to have been wronged under this ordinance will first have their complaint heard by the Mayor, who will attempt to rectify the situation. If a resolution cannot be reached or discrimination continues a fine may be instituted. With the exception of egregious violations, an informal resolution will be preferred over municipal prosecutions. This ordinance will be designed to cover only those situations that are not currently covered under state and federal anti-discrimination laws. The major difference in this ordinance compared to protected classes included in federal and/or state anti-discrimination laws is protection for gender identity or expression. Enacting this ordinance will convey that De Pere is a progressive, open minded city that accepts and protects everybody. There are communities and states that have enacted or are proposing legislation to further single out and allow discrimination against this portion of the population and we have an opportunity to stand out and display a commitment to protect persons regardless of their gender identity or expression.

City of De Pere, Wisconsin**Request For Finance/Personnel Committee Action**

MEETING DATE: September 12, 2017

DEPARTMENT: Human Resources

FROM: Shannon Metzler

SUBJECT: Consider changes to 2018 Seasonal/Part-time Employee Wages

ATTACHMENTS:

- 2017 memo to Finance and Council on 2018 Seasonal etc rates (DOC)
- 2018 Proposed Seasonal Part-time-Non-Benefit Eligible- Employee Wage Scale -Comparison- 1 Column all positions-Finance Copy (XLSX)

Memo

City of De Pere

To: Members of the Finance/Personnel Committee
 From: Shannon Metzler, Human Resources Director
 Re: Consider changes to Seasonal/Part-time Employee Wages
 Date: September 12, 2017

Attached please find the 2018 pay recommendations for part-time and seasonal employees working at the Parks and Public Works Departments, and other employee classifications.

The City of De Pere currently has two wage schedules for seasonal and part-time employees. The pay schedule for Park Department & Public Works Department seasonal/part time (non-benefit eligible) employees has four steps which provide employees a wage increase, based on length of service with the City, over a four year period. The salary schedule for other part-time/seasonal employee classifications has only a starting wage rate; employees do not have the ability to increase their wage based length of service with the City. We recommend combining the two wage schedules into one wage schedule, which would provide step increases for all employees within the schedule, with the exception of the Medical Advisor in which we pay a set yearly fee for.

In addition to combining the two wage schedules into one schedule, we reviewed what other communities are paying for their seasonal positions. Based on market data there are two pay levels which we are recommending increasing. Based on market data and/or difficulty filling positions, there are seven positions we are recommending moving to a higher level. The attached document highlights the positions and pay levels with recommended changes.

The Board of Review currently receives \$35 for a half day and \$60 for a full day. We are also recommending the Board of Review be a volunteer board instead of a paid board to be consistent with other board positions. The board members were contacted and all members are okay with this change.

Current employees in affected positions would start 2018 at step 1 regardless of how many years they have been employed with the City, except current Crossing Guards would be increased to step 2 as the current rate is more than step 1. There would be a few exceptions within the Park and Recreation department with positions that were reclassified.

All rates included in the attached chart were included in the department budgets for 2018.

Please feel free to contact me at 339-4045 if you have questions prior to the meeting.

Thank you.

Recommended Changes
2018 Seasonal/Part Time (Non-Benefit Eligible) Employee Wage Scale

Wages Effective January 1, 2018

Please note: Changes for 2018 are bolded and highlighted

Position	2017 Wage	Recommended 2018 Wage			
		Step 1	Step 2	Step 3	Step 4
Level 1	\$8.75 - \$9.50	\$9.25	\$9.50	\$9.75	\$10.00
- Pool - Concession Staff - Pool - Basket/Maintenance - Playground Leader - Assistant Instructor - Recreation Intern					
Level 2	\$9.50 - \$10.25	\$10.00	\$10.25	\$10.50	\$10.75
- Recreation Office Assistant - Community Center Facility Attendant - Kidz Zone & Camp Counselors - Lifeguard*** - Park, Street & Water Maintenance Laborer - Sign Maintenance Aide					
- Election Inspector	\$8.00				
Level 3	\$10.50 - \$11.25	\$10.50	\$10.75	\$11.00	\$11.25
- Youth Recreation Supervisor - Park Maintenance Lead - Building Maintenance Assistant - Shop Assistant					
Level 4	\$11.00 - \$11.75	\$11.00	\$11.25	\$11.50	\$11.75
- Community Center Maintenance - Basketball Supervisor					
- Lifeguard/WSI Instructor***	\$10.50 - \$11.25				
- Chief Election Inspector	\$9.00				
- Community Services Officer	\$10.00				
Level 5	\$12.00 - \$12.75	\$12.00	\$12.25	\$12.50	\$12.75
- Tennis Instructor - Flag Football Official					
- GIS Intern	\$11.24				
Level 6	\$13.00 - \$13.75	\$13.00	\$13.25	\$13.50	\$13.75
- Art/Theatre Instructor	\$12.00 - \$12.75				
- Fitness Instructor - Tae Kwon Do Instructor/Tai Chi Instructor - Water Aerobics Instructor					
- Youth Activity Instructor	\$12.00 - \$12.75				
- Election Specialist	\$12.09				
Level 7	\$14.00 - \$14.75	\$14.00	\$14.25	\$14.50	\$14.75
- Dance, Pom, Twirling & Tumbling Instructor	\$13.00 - \$13.75				
- Enrichment Instructor	\$13.00 - \$13.75				
- Pool Manager					
- Engineering Aide	\$12.00 - \$12.75				
Level 8		\$15.00	\$15.25	\$15.50	\$15.75
- Paid On Call Firefighter****	\$15.00				
- Training & Safety Officer (Fire)****	\$15.00				
- Weed Commissioner	\$15.00				
Level 9	\$16.50 - 17.25	\$16.50	\$16.75	\$17.00	\$17.25
- Band Director - Yoga/Pilates/Zumba with basic certification *					

- Video Production Assistant	\$16.07				
Level 10		\$17.00	\$17.25	\$17.50	\$17.75
- Crossing Guard*****	\$17.14				
Level 11	\$20.00 - \$20.75	\$20.00	\$20.25	\$20.50	\$20.75
- Yoga/Pilates/Zumba with advance certification after 1 yr. employment unless approved by Mgr. (ACE, AFAA, E-RYT 500 hrs) *					
Non-Classified Wage Rates					
- Scorekeeper	\$9.50 - \$10.25/ga	\$9.50/ga	\$9.75/ga	\$10.00/ga	\$10.25/ga
- Kickball Official**	\$12.00 - \$12.75/ga	\$12.00/ga	\$12.25/ga	\$12.50/ga	\$12.75/ga
- Slow/Co-ed Softball Umpire**	\$15.00 - \$15.75/ga	\$16.00/ga	\$16.25/ga	\$16.50/ga	\$16.75/ga
- Basketball Official**	\$19.00 - \$19.75/ga	\$19.00/ga	\$19.25/ga	\$19.50/ga	\$19.75/ga
- WIAA Certified Basketball Official**	\$22.00 - \$22.75/ga	\$22.00/ga	\$22.25/ga	\$22.50/ga	\$22.75/ga
Misc. Wage Rates					
- Medical Advisor		\$1,500/yr			

The step scale is designed to reward employees for good and continual years of service. Employees are given a step increase with supervisor approval, for each year they return to same employment.

-First year employees in any classified level shall start at Step 1, unless approved otherwise approved by the department head.

-Supervisors shall only approve step increases if an employee returns the following year and if the employee had satisfactory work performance.

-All classified positions are not eligible for additional step increases past Step 4. Non-Classified wage rates are reviewed on an annual basis.

The City of De Pere has an incentive program established for seasonal Park and Recreation employees.

The program includes: admission to one program per season (up to 3 per year). The incentive program is administered at the discretion of the supervisor of the department.

*Eligible to earn incentive pay based upon number of participants enrolled. Incentive pay ranges an additional .25 hours to 1.25 hours per class.

**Umpires or officials that are scheduled with a partner and work a game alone will be paid at 1.5 times the game rate.

*** Effective 4/2015, the City will pay for lifeguard certification for new lifeguards, and WSI certified lifeguards, contingent on staff successfully completing one season of employment as a full time staff. Substitute guards are not eligible for reimbursement of their lifeguard certification.

**** Also receives \$50/month

***** Receives \$20/month gas stipend for regular assigned guards

City of De Pere, Wisconsin

**Request For Finance/Personnel Committee Action**

MEETING DATE: September 12, 2017

DEPARTMENT: Human Resources

FROM: Shannon Metzler

SUBJECT: Recommendation to offer paid time off benefits to Staff Attorney position *

ATTACHMENTS:

- memo to finance change in staff attorney offer letter (DOCX)

MEMOCITY OF DE PERE

To: Members of the Finance/Personnel Committee

From: Shannon Metzler, De Pere Human Resources Director

Date: September 12, 2017

Re: Recommendation to offer paid time off benefits for Staff Attorney position

We recently hired a Staff Attorney to work in the City Attorney's office 20 hours per week. Per the City policy, employees that are regularly scheduled to work at least 20 hours per week are "benefit eligible" for things such as health insurance, dental insurance, paid time off, etc.

Per the policy, the Staff Attorney was offered health insurance. Employees working part-time pay a higher premium rate than full-time employees. In this case, the employee would pay 57.5% towards health insurance versus the 15% that a full-time employee pays.

The attorney did not need to take the insurance because her husband works in a full-time capacity. At the end of August, the employee's spouse started a new job. The new job has a "spousal carve out" provision to their plan which doesn't allow spouses to be enrolled on their plan as primary if their spouse has access to an employer sponsored plan where the employee pays less than \$500 per month for a single insurance plan.

The employee's monthly premium under the City's plan would be \$422.65. Therefore, our employee is not eligible to be enrolled as primary under her spouse's health insurance plan. Our employee can sign up for single insurance through the City, but unfortunately would spend a significant portion on her City salary on health insurance. If she didn't work in the part-time capacity for the City, she would be allowed to be on her husband's plan at no additional cost. The employee really enjoys her new position at the City, but given the current arrangement would need to resign from her position.

To deal with this issue at hand, we are recommending amending the employment offer and having this position regularly work less than 20 hours per week. The attorney would be scheduled 19 hours per week on average versus 20 hours. Being scheduled less than 20 hours a week, the position would not be eligible for health insurance, dental, life insurance, flex spending, deferred compensation, and LTD. We would still like to offer paid time off benefits to this employee (i.e. vacation, sick time, etc.) Therefore, I am asking that the City Council grant an exception to the City policy in this situation and allow the City to still offer paid time off benefits to the Staff Attorney position that will work on average 19 hours per week.

If you have any questions prior to the meeting, please contact me at 339-4045.

Thank you for your consideration of this matter.

City of De Pere, Wisconsin**Request For Finance/Personnel Committee Action**

MEETING DATE: September 12, 2017

DEPARTMENT: Finance/Personnel Committee

FROM: Lisa Renier

SUBJECT: Re-Consideration of Definitely De Pere Public Art Proposal:
Downtown Mural Program. (Requested by Alderperson Crevier.)

ATTACHMENTS:

- Mural Program FP Memo 8-2017 (DOCX)

City of De Pere
MEMORANDUM



To: Finance & Personnel Committee
 From: Kimberly Flom, Economic Development & Planning Director
 Date: August 8, 2017
 RE: Mural Program – Definitely De Pere Public Art Proposal (Excess Stadium Tax Project)

Project History

In February of 2017, the Common Council approved \$100,000 of Excess Stadium Tax funds to be allocated to Definitely De Pere for the design and installation of public art. Definitely De Pere has been working to develop a mural program as described below and to formalize an initial funding request of \$36,000 - \$49,000. The Council will review this item at their August 15, 2017 meeting.

Funding and Payment Process

Excess Stadium Tax revenue will fund this project in an amount not to exceed \$49,000. Payments are proposed to be made on a per mural basis, not to exceed 50% artist selection and 50% when the mural is complete. Definitely De Pere will submit invoices and supporting material to the Economic Development and Planning Director for review and administrative approval. Upon completion of the mural program, a report will be submitted to Council that includes mural information and associated costs.

Mural Program Summary

Submitted by: Definitely De Pere

Mural Project Goal

Definitely De Pere is preparing to issue an RFP to artists for wall murals for various locations around downtown. The overall mural sizes will be determined by location and by the artist's concept.

The goal of the mural call for artists is to provide public art that is of interest to residences and visitors and that conveys a piece of De Pere's history. The overall theme of the murals will celebrate the community's cultural traditions, reflect the current vibe of the city, and/or the vision of the future.

Application and Review Process

Artists will submit sketches of proposed murals that will be reviewed by the Design Committee. Finalists will be asked to submit detailed working drawings showing dimensions and placement on the building, materials and methods of installation, anticipated process and timeline, and maintenance plan. A panel of artists, design professionals and community members will review the proposed designs and make recommendations to property owners for approval. Selection criteria will be considered to ensure that the murals are relevant within the cultural, historical, social, and environment context of downtown De Pere.

Attachment: Mural Program FP Memo 8-2017 (6153 : Mural Program - Public Art Proposal by Definitely De Pere *)

Locations and Budget

The below locations are targeted for mural installation. Responses to the call for artists and reviews of each submittal will determine if all or some of the below will be installed.

Downtown East Locations

Paintin Pottety, 520 George St (east side of building) \$3,000 - 5,000

Broadway Theatre, 123 S Broadway (north and south facing buildings, 2nd story) \$2,000 - 3,000

Turba Building, 100 S Broadway (north side of building) \$8,000 - 10,000

Northwestern Building, 131 N Broadway (lower level facing James St) - 2,000 - 3,000

Title & Stone Gallery, 126 S Broadway 5,000 - 7,000

Systems Furniture, 125 S Broadway (north wall, 2nd story, facing Mission Square) - 2,000 - 3,000

Downtown West Locations

Credo, 301 Main Ave (south side of building facing Nicolet Square) 3,000 - 4,000

Jenstar, 365 Main Ave (east side of building, 2nd story) - 2,000 - 3,000

Matyas Law Office, 366 Main Ave (east side of building) 5,000 - 6,000

Gyro Kabobs/Nicky's Alley, 331-337 Main Ave, 4,000 - 6,000

Mural Project Budget - \$36,000 - 49,000

Timeline

Definitely De Pere will issue the mural call by the end of August. The submission deadline will be the end of September. The Design Committee will select finalists by mid September and final submissions will be due mid October. Installation will be determined by property preparation, artist schedule, and weather. We anticipate at least 2-3 murals completed in 2017 and the remaining by spring of 2018.

City of De Pere, Wisconsin

**Request For Finance/Personnel Committee Action**

MEETING DATE: September 12, 2017

DEPARTMENT: Finance/Personnel Committee

FROM: Lisa Renier

SUBJECT: Discussion Regarding Status of 2018 Budget Development.
