Finance/Personnel Committee

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

Regular Meeting

Agenda

Tuesday, September 11, 2018 | **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 11, 2018** 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 14, 2018, Regular Meeting of the Finance/Personnel Committee.
3. Public Comment and announcements.
4. Approval of August 2018 Police Overtime
5. Fire Department Overtime and LifeQuest Services Billing Report for August, 2018.
6. Consideration of AECOM contract amendment for environmental remediation work on the O'Keefe property *
7. Consideration of Development Agreement Terms with Milwaukee View LLC for 428 N. Superior (ED-477) *
8. Consideration of feasibility study in order to explore hotel development *
9. Recommendation to increase Outreach Activity Coordinator one pay grade as part of the 2019 Compensation Study/Review *
10. Consideration of 2019 Benefit Renewal and Plan Design Changes*
11. Consideration of City Investment Policy Changes.*
12. Request of Ald. Hansen to consider adopting an ordinance allowing for towing/booting vehicles owned by habitual parking violators (Ald. Hansen has requested to withdraw this item).
13. Discuss the Status of the 2019 Budget
14. Consider Fire Department Staffing Considerations. *

    PLEASE TAKE NOTICE THAT, pursuant to Wis. Stats. §19.85(1)(e), the Committee may convene in closed session for the purpose of deliberating fire department staffing considerations which may involve the investing of public funds and implicate competitive or bargaining reasons of the City, requiring a closed session.
    The Committee may then reconvene in open session to take action on any matter discussed in closed session or for such other purposes as are allowed by law.

15. Future agenda items.

16. Adjournment

Notice is also given that a majority of the members of the Common Council of the City of De Pere will attend this meeting to gather information about a subject(s) over which they have decision-making responsibility. As such, this committee meeting is also considered a meeting of the Common Council.

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.

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

Agenda Sent To:
Alderpersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Jeff Maletzke, AECOM
Anuj Rastogi, Milwaukee View LLC
Lindsey Bovinet, Milwaukee View LLC

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE:	**September 11, 2018**
DEPARTMENT:	**City Attorney**
FROM:	**Angela Zills**
SUBJECT:	**Approval of the Minutes of the August 14, 2018, Regular Meeting of the Finance/Personnel Committee.**

ATTACHMENTS:

- August 14, 2018 DRAFT Minutes (PDF)

Finance/Personnel Committee

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

Regular Meeting

Draft Minutes

Tuesday, August 14, 2018 **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 Tuesday, August 14, 2018, at De Pere City Hall Council Chambers, 335 South Broadway Street, De Pere, Wisconsin 54115.

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

Also Present: Finance Director Joe Zegers, City Attorney Judith Schmidt-Lehman, Police Chief Derek Beiderwieden, Assistant Fire Chief Rich Annen, Human Resources Director Shannon Metzler, Public Works Director Scott Thoresen, IT Director Steve Massey, Development Services Director Kim Flom, Alderperson Jonathan Hansen, and Patrick Glynn of Carlson Dettmann Consulting.

2. Approval of the Minutes of the July 10, 2018, Regular Meeting of the Finance/Personnel Committee.

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

3. Public Comment and announcements. Mayor Walsh announced that the polls are closing in approximately 30 minutes and encouraged voter participation. He then offered the audience an opportunity to speak on any item not on the Agenda; no one came forward.

4. Fire Department Overtime and LifeQuest Services Billing Report for July, 2018.

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

5. Approval of July 2018 Police Overtime.

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

6. Approval of $2,500 Donation from Wal-Mart to Police Department for Speed Sign on N Broadway.*

Alderperson Lueck asked if there was a sign currently in that location, and Chief Beiderwieden advised there is nothing permanent in that spot. This sign will be mounted permanently on a sign or pole, similar to the sign on the bridge and is different from the temporary mobile sign on the trailer. In response to the Mayor, the Chief indicated that more donations are anticipated, as the sign is estimated to cost $4,000, plus installation. Alderperson Nelson asked if the sign on the bridge encourages changes in driver patterns, and the Chief indicated that it is a good reminder of speed and helps in the big picture.

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

7. Strategic Visioning and Branding - Brand Imagery. *

Development Services Director Flom shared a PowerPoint presentation on City's brand architecture and imagery, which provided an overview of the project and the status of its three phases. The public can view the results of the community survey (which had participation of 1,600), view videos of meetings and obtain project status updates at www.yourdepere.com. After reviewing community engagement results and gathering additional information, the consultant provided three brand architecture proposals to the steering committee, and the chosen imagery of brand was shared for "De Pere Runs Deeper" and examples of branding imagery uses were shown. Mayor Walsh commended the work on the project, the community engagement aspect and expressed appreciation of the time and effort put into the project by the Development Services Director and her team. Alderperson Nelson also expressed his appreciation and support of the logo. Mayor Walsh added that the consultant team was first-class. Alderperson Crevier indicated he enjoyed being part of the process and looks forward to supporting the brand. Alderperson Nelson asked about other images prepared and Development Services Director Flom indicated that those were not provided to her, and she would need to check with the consultant whether those images could be shared.

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

8. Request to purchase fonts for the Strategic Visioning & Branding Initiative.*

Development Services Director Flom advised that as part of the brand architecture, the consultant identified two font families recommended to implement the project. This item is a request to purchase the font families from unassigned reserves, over and above the stadium tax excess funds allocated to this project. Further, the font families offer a number of fonts with no financial advantage to buy them separately, and the consultant recommended this as a way to make brand communication unique and polished. In response to Alderperson Jennings, Development Services Director Flom confirmed this is a one-time purchase for licenses for three computers, with the intent of the fonts to be used for items such as headline words and banners and not for day-to-day memos and word documents. In addition, a font displays how the brand image is represented and comparable free or less expensive fonts won't necessarily portray the image in the same way. Alderperson Nelson asked about web fonts and views; discussion followed.

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

9. League of Wisconsin Municipalities Funding Request. *

Mayor Walsh explained that this item is a request from the League of Wisconsin Municipalities for contributions for Dark Store and Walgreens tax shift lobbying. The League has authorized $75,000 from its coffers for this effort and is asking municipalities to consider a $1,200 minimum contribution. Alderperson Nelson confirmed any City contribution would come from unassigned reserves. In response to Alderperson Crevier, who questioned the lack of supporting information to determine whether $1,200 is sufficient or if the City is expected to pay more, the Mayor indicated that the League will lobby as much as they can with whatever funds they receive, and this is an important issue down the road, as taxes will shift from the big box stores to citizens' property taxes. Alderperson Nelson added that this is an important issue and now is the time to push those running for state office to make it a priority. Alderperson Nelson made a Motion to allocate $5,000 for this effort, seconded by Alderperson Jennings. Alderperson Crevier asked about other efforts that would need to be funded on this subject or if there are other issues to factor in, and the Mayor responded that while there's no way to know what will happen, the City does have several of these stores in the community. City Attorney Judith Schmidt-Lehman added that Walgreens is currently under a guaranteed value requirement from a TIF incentive, and the assessor may try to work with big box stores on some assessments that are challenged to come to a mutual agreement to avoid litigation. In response to Alderperson Crevier, City Attorney Schmidt-Lehman explained that when the City is involved in litigation on these issues, the insurance policy covers the City's defense costs (less the deductible), and the League is looking to amass funds to get more lobbying. The Mayor added that this request doesn't have anything to do with litigation, rather it is for lobbying the legislature and governor to change law. Alderperson Jennings indicated that $5,000 is money well-spent to lessen the tax increase to homeowners and keep the Dark Stores at bay. Alderperson Lueck confirmed that this item moves forward to council and requested that it would be helpful to have a list of what other cities are contributing, to the extent it is known. Alderperson Nelson also added, that while not contingent upon his Motion, it might be helpful to have someone from the League address this Committee or the Common Council about their efforts and what the money is being used for, as was offered in the League's letter.

RESULT:	**ADOPTED [4 TO 1]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Scott Crevier, Ryan Jennings, Casey Nelson, Michael J. Walsh
NAYS:	Larry Lueck

10. Consider Municipal Court Request for Funds to Replace Video Camera in Judge's Chamber.*

In response to Alderperson Crevier's clarification about how the camera is utilized, discussion followed, and IT Director Steven Massey advised that the camera used for video conferencing is located in the Judge's office in City Hall and the Brown County Jail has a dedicated cell for De Pere's usage for prisoners to appear from jail, which alleviates the need for prisoners to be transported to court by police. He further added that the audio is out on the system at City Hall, and this request is to replace this system now and replace the jail system later as part of the 2019 budget.

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

11. Recommendation to approve the 2019 Compensation Market Study/Review*

The Mayor announced this item to be heard following Agenda Item #6.

Human Resources Director Metzler and Patrick Glynn of Carlson Dettmann reviewed the compensation market study results with the Committee and shared a Power Point presentation. Patrick Glynn, who has former public sector experience with Calumet County, shared public sector challenges: a shifting marketplace, hot jobs and offering competitive wages within budget confines. Data was shared from City's Age Profile Study and Service Study for overall trends, challenges and a successful model based upon internal equity, external competitiveness, consistent methodology and transparency. City has been diligent with its compensation structure and is aligned with the marketplace, although as jobs evolve, or recruitment becomes challenging, there is a need to make market exceptions and determine if and when exceptions are truly warranted. HR Director Metzler added the City's Performance Management Team is working on new structure to be more competitive beyond Step 6 of City's pay scale, and those ideas will be brought forward in fall. Mr. Glynn commented that the City has been rigid its compensation structure by doing necessary things to maintain the plan philosophy, reviewing market movement, conducting regular reviews of the marketplace and building internal equity.

HR Director Metzler referenced her memo in the packet which shared options of how to implement the comp study results for the 19 positions recommended for adjustment. Alderperson Lueck expressed his concerns with internal equity regarding a position placed higher than a department head; discussion followed regarding positions that may not have department head status within the organization but have certain responsibilities that the market dictates rate of pay. In response to Alderperson Crevier, discussion occurred regarding City employees with tenure of less than five years, the percentage of employees in the 50-55 age range and that the City's workforce age has decreased since the last study, but data reflects City is active in hiring workforce over the age of 30. HR Director Metzler added that overall turnover is very low, but retirements will continue.

Mayor Walsh made a Motion to approve the staff recommendation, seconded by Alderperson Nelson.

RESULT:	**ADOPTED [4 TO 1]**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Casey Nelson, Alderperson
AYES:	Scott Crevier, Ryan Jennings, Casey Nelson, Michael J. Walsh
NAYS:	Larry Lueck

12. Consideration of Johnson Controls Quotation to Upgrade the Door Access Controllers. *

In response to Alderperson Nelson, IT Director Steve Massey clarified the SSA for support software would require renewal regardless of the upgrade request and the operating system is now a security risk due to the age of the equipment.

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

13. Request of Ald. Hansen to consider adopting an ordinance allowing for towing/booting vehicles owned by habitual parking violators (Ald. Hansen has requested to withdraw this item).

Alderperson Hansen presented for consideration, a summary he reviewed of the League of Municipalities last session regarding the unanimous passage of Act 286, which gives the City authority to enact an ordinance allowing the Police Department to impound or immobilize vehicles of habitual parking violators. He explained that this is a proactive measure to give the Police Department authority to address habitual violators in the future under this criteria. Alderperson Crevier asked if the Police Chief supports this recommendation, and Alderperson Hansen indicated he had not spoken with the Chief.

Mayor Walsh indicated that he does not believe this is a problem in the City, doesn't want to enact an ordinance just for the sake of having an ordinance on an issue that the City doesn't have any complaints about and feels this provides a useful tool for bigger communities who may have this issue. Alderperson Jennings would like to hear from the Chief of Police before taking any action as to whether there is a need for it. Alderperson Jennings made a Motion to table this item, seconded by Alderperson Nelson. The Mayor indicated that this item will be on the next Finance Meeting Agenda.

RESULT:	**TABLED [3 TO 2]** **Next: 9/11/2018 7:30 PM**
MOVER:	Ryan Jennings, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Ryan Jennings, Larry Lueck, Casey Nelson
NAYS:	Scott Crevier, Michael J. Walsh

14. Consideration of Bid from Schenck SC for Water Rate Increase Application to the Public Service Commission of Wisconsin.*

Finance Director Zegers advised that this item results from auditor recommendations for a water utility rate increase. City's last increase was in 2012, and Finance Director Zegers believes timing is appropriate as meter replacement and main replacement infrastructure programs are concluding. Schenck's proposal would include a water utility rate study and presentation to the Public Service Commission.

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

15. Consideration of General Fund Transfer of $167,117 to Cable Access Fund to cover December 31, 2017 Deficit.*

    Finance Director Zegers advised this item results from a recommendation in City's audit management letter to clean up the Cable Fund deficit, which has accumulated at a rate of approximately $30,000 per year. This transfer would not adversely affect City's unassigned general fund or City's ability to obtain a favorable bond rating.

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

16. Discuss the Status of the 2019 Budget.

    Finance Director Zegers advised that budgets were received from department heads, review meetings will occur over the next few weeks (completed by September 6) and budget guidelines will be distributed to council members in late September. The levy is tied to city's net new construction growth, with .99% improvement from last year and the ability to raise the levy by approximately $120,000.

RESULT:	**DISCUSSED**

17. Future agenda items.

    None.

18. Consideration of Request of Virginia Huempfner for Deferment of Sidewalk Repair Assessments. *

    Mayor Walsh moved to go into closed session, seconded Alderperson Nelson. Upon roll call vote, motion carried unanimously.

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

    Alderperson Crevier made a motion to deny the request, seconded by Alderperson Jennings.

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

19. Adjournment. Upon Motion of Mayor Walsh, seconded by Alderperson Nelson, the Finance/Personnel Committee unanimously adjourned at 9:55 PM.

Respectfully submitted,
Angela Zills

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE: September 11, 2018

DEPARTMENT: Police

FROM: Derek Beiderwieden

SUBJECT: Approval of August 2018 Police Overtime

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

Miscellaneous OT of 18.5 total hours is comprised of 7.5 hours of Patrol fraction allotments and 11 hours for personnel background investigations.

Reimbursable Miscellaneous OT of 34 total hours is comprised of 9.5 hours for OWI Task Force deployments and 24.5 hours for the agent we have assigned to the Drug Task Force.

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

ATTACHMENTS:

- 2016 PD OT Report Summary (PDF)
- 2017 PD OT Report Summary (PDF)
- August 2018 PD OT Report_1 (PDF)

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

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	18.00	32.75	4.00	23.00	332.25
OFFICER WORKED ON HOLIDAY	97.00	13.75		31.00	97.00	21.75	54.75	8.00	121.75	16.00	66.00	87.00	614.00
OFFICER FOR COURT	9.00	10.00	6.00	1.75	21.00	10.00	4.00	25.00	4.00	22.00	15.00	4.00	131.75
OFFICER TRAINING	207.00	65.50	36.00	39.00	241.75	60.25	16.50	46.75	259.25	203.00	51.25	97.00	1323.25
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	2.00	12.00	2.00	14.00	135.75
STAFFING LEVEL	63.00	22.50	39.25	39.50	199.50	74.00	66.50	97.50	130.50	209.50	98.00	69.00	1108.75
INVESTIGATION	37.50	44.50	43.50	36.50	73.75	24.50	47.00	26.25	23.50	108.50	28.50	57.50	551.50
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	41.00	61.00	10.00	16.00	253.00
COMMUNITY RELATIONS					2.00			3.50	3.50	3.00			12.00
SPECIAL ASSIGNMENT		6.25					9.00						15.25
SPECIAL ASSIGNMENT REIMBURSED		6.25		18.50	219.50	13.00			8.00	29.50	29.00		323.75
MISCELLANEOUS	27.50	13.50	42.75	20.25	26.25	17.75	10.75	11.50	9.75	35.50	17.00	20.25	252.75
MISCELLANEOUS REIMBURSED	66.00	130.00	45.00	60.00	104.00	67.50	57.50	51.00	30.50	42.50	26.00	19.00	699.00
Gross OFFICER OVERTIME	542.50	429.75	287.50	305.25	1057.25	328.25	320.50	314.50	651.75	775.25	346.75	406.75	5766.00
SUBTOTAL REIMBURSED OVERTIME	(84.00)	(159.75)	(70.00)	(85.50)	(355.00)	(95.50)	(57.50)	(56.00)	(79.50)	(133.00)	(65.00)	(35.00)	(1275.75)
NET OFFICER OVERTIME	458.50	270.00	217.50	219.75	702.25	232.75	263.00	258.50	572.25	642.25	281.75	371.75	4490.25

Total Overtime Budget: **$145,000.00**
Expenditures through 1/02/2018 **$182,422.00**
Percent of Total Budget: **125.81%**

01/02/2018
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 8/26/2017 - 9/22/2017
^^^Period 9/23/2017 - 11/3/2017
*+Period 11/4/2017 - 12/1/2017
*+*Period 12/2/2017- 12/29/2017

DE PERE POLICE DEPARTMENT
OVERTIME BY REASON
2018

REASON	JAN*	FEB**	MAR***	APR+	MAY++	JUN ^	JUL #	AUG ##	SEPT^^	OCT^^^	NOV*+	DEC*+*	TOTAL
OFFICER SICK RELIEF	41.50	19.50	10.00	15.50	23.00	14.00	20.00	97.50					241.00
OFFICER WORKED ON HOLIDAY	105.75	8.00	12.00	42.00	98.25	22.00	70.50	4.00					362.50
OFFICER FOR COURT	4.00	14.00	13.00	12.00	18.00	12.00	23.50	6.00					102.50
OFFICER TRAINING	82.00	122.00	71.75	140.00	277.00	164.75	104.50	73.50					1035.50
OFFICER RELIEF FOR FUNERAL			4.50										4.50
OFFICER ATTEND MEETING	10.50		3.50	15.00	0.50		7.50						37.00
STAFFING LEVEL	68.00	51.25	97.75	61.50	87.50	92.00	83.00	73.75					614.75
INVESTIGATION	50.75	77.00	82.25	87.50	40.75	27.50	39.00	55.50					460.25
HONOR GUARD FOR FUNERAL						15.50		3.00					18.50
SCHOOL LIAISON REIMBURSED	12.50	25.50	10.00	19.00	33.75	27.50		15.00					143.25
COMMUNITY RELATIONS						1.50		2.00					3.50
SPECIAL ASSIGNMENT						6.50							6.50
SPECIAL ASSIGNMENT REIMBURSED		17.50	9.50		212.75		26.50						266.25
MISCELLANEOUS	16.00	19.00	10.75	25.75	35.00	10.75	9.00	18.50					144.75
MISCELLANEOUS REIMBURSED	33.00	41.50	79.00	20.00	32.50	23.50	25.00	34.00					288.50
Gross OFFICER OVERTIME	424.00	395.25	404.00	438.25	859.00	417.50	408.50	382.75	0.00	0.00	0.00	0.00	3729.25
SUBTOTAL REIMBURSED OVERTIME	(45.50)	(84.50)	(98.50)	(39.00)	(279.00)	(51.00)	(51.50)	(49.00)	0.00	0.00	0.00	0.00	(698.00)
NET OFFICER OVERTIME	378.50	310.75	305.50	399.25	580.00	366.50	357.00	333.75	0.00	0.00	0.00	0.00	3031.25

Total Overtime Budget:	**$150,000.00**
Expenditures through 08/28/2018	**$102,035.83**
Percent of Total Budget:	**68.02%**

NOTES:

* Period 12/30/2017 - 1/26/2018
**Period 1/27/2018 - 2/23/2018
***Period 2/24/2018 - 3/23/2018
+Period 3/24/2018 - 4/20/2018
++Period 4/21/2018 - 6/1/2018
^Period 6/2/2018 - 6/29/2018
#Period 6/30/2018 - 7/27/18
##Period 7/28/2018 - 8/24/2018
^^Period
^^^Period
*+Period
*+*Period

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE:	**September 11, 2018**
DEPARTMENT:	**Fire Department**
FROM:	**Lea Taylor**
SUBJECT:	**Fire Department Overtime and LifeQuest Services Billing Report for August, 2018.**

ATTACHMENTS:

- FIRE DEPT AUG 2018 OT REPORT (PDF)

DE PERE FIRE RESCUE
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	51.00	100.25	54.00	168.00	1,548.7
EMS TRAINING	24.00	257.50	72.00	40.50	89.00	0.00	0.00	0.00	75.00	81.00	81.00	66.50	786.50
FIRE TRAINING	35.00	0.00	10.50	89.50	316.25	21.25	12.75	0.00	3.75	54.25	22.25	62.50	628.00
RESCUE CALLS	5.50	6.75	39.25	8.50	6.00	9.25	0.00	19.50	7.25	18.00	6.75	8.50	135.25
FIRE CALLS	0.00	0.00	8.75	0.00	0.00	0.00	6.00	0.00	1.25	0.00	0.00	14.50	30.50
MEETINGS	37.00	55.25	60.00	53.00	16.75	22.50	5.25	0.00	15.00	32.00	33.25	4.50	334.50
STAFFING REP.	34.50	0.00	0.00	72.00	99.75	72.00	64.25	0.00	20.25	11.00	85.50	36.00	495.25
MAINTENANCE	0.00	0.00	0.00	0.00	0.75	14.25	0.00	0.00	0.00	16.50	12.00	0.00	43.50
PUB. ED.	9.75	0.00	9.00	15.00	3.75	5.00	0.00	3.75	9.00	81.25	0.00	0.00	136.50
SPECIAL EVENTS	0.00	0.00	0.00	0.00	274.00	0.00	0.00	29.50	66.00	22.50	6.00	0.00	398.00
# FIRE RUNS	42.00	32.00	33.00	15.00	35.00	31.00	41.00	41.00	22.00	31.00	25.00	48.00	396.00
# EMS RUNS	174.00	163.00	172.00	178.00	187.00	180.00	170.00	182.00	161.00	180.00	151.00	204.00	2,102.0
DISPATCH ERRORS	2.00	5.00	7.00	7.00	0.00	6.00	4.00	1.00	1.00	3.00	4.00	1.00	41.00
TOTAL HRS.	365.50	504.00	354.00	425.50	991.00	219.25	220.25	130.75	248.50	416.75	300.75	360.50	4,536.7

OVERTIME BREAKDOWN BY REASON
FOR THE YEAR OF 2018

REASON	Jan.*	Feb.**	Mar. ***	Apr.+	May++	June+++	July^	Aug.^^	Sept.^^^	Oct.#	Nov.##	Dec.###	TOTAL
DUTY CREW	153.00	117.00	196.50	190.25	135.00	129.00	48.25	129.00					1,098.0
EMS TRAINING	79.50	31.50	98.00	67.00	61.50	17.75	0.00	0.00					355.25
FIRE TRAINING	21.75	31.50	24.00	18.00	94.25	16.00	18.50	15.75					239.75
RESCUE CALLS	17.00	6.75	16.50	10.50	4.00	10.75	4.50	0.00					70.00
FIRE CALLS	1.00	4.00	0.50	1.25	0.00	0.00	0.00	1.75					8.50
MEETINGS	30.25	41.25	10.50	12.75	3.75	5.50	4.25	31.50					139.75
STAFFING REP.	0.00	0.00	77.25	109.00	93.75	36.00	83.00	69.75					468.75
MAINTENANCE	26.50	6.75	0.00	0.00	0.00	0.00	0.00	0.00					33.25
PUB. ED.	13.50	0.00	17.75	0.75	14.25	6.00	6.00	19.50					77.75
SPECIAL EVENTS	58.75	0.00	0.00	0.00	211.50	0.00	0.00	32.50					302.75
# FIRE RUNS	39.00	35.00	31.00	47.00	38.00	39.00	46.00	48.00					323.00
# EMS RUNS	193.00	168.00	164.00	196.00	179.00	179.00	169.00	194.00					1,442.0
DISPATCH ERRORS	6.00	1.00	2.00	4.00	5.00	4.00	6.00	4.00					32.00
TOTAL HRS.	401.25	238.75	441.00	409.50	618.00	221.00	164.50	299.75	0.00	0.00	0.00	0.00	2,793.7

Special Events included in Overtime
Total Overtime Budget $95,000, Expenditures through September 5, 2018 $60,075, 63%

*Period: 12/30/17-01/26/18
**Period: 01/27/18-02/23/18
***Period: 02/24/18-03/23/18
+Period: 03/24/18-04/20/18
++Period: 04/21/18-06/01/18
+++Period: 06/02/18-06/29/18
^Period: 06/30/18-07/27/18
^^Period: 07/28/18-08/24/18
^^^Period:
#Period:
##Period:
###Period:

DE PERE FIRE RESCUE
***OVERTIME CAUSED BY SICK LEAVE**
AUGUST, 2018

DATE	HOURS OF SICK LEAVE	OVERTIME PAID
8/19/18	12	18
8/24/18	2	3
TOTAL:	**14**	**21**

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

DE PERE FIRE RESCUE
STRUCTURAL FIRE "STILL" ALARMS FOR AUGUST 2018

Date	Incident Location	Reported Situation	Units Dispatched	Disposition	Mutual Aid Received
08/01/2018	1202 Fox River Drive	Carbon monoxide detector activation due to malfunction	E111	Investigate	N/A
08/01/2018	1001 Main Avenue	Alarm system activation, no fire, unintentional	C102, E111, E121	Investigate	N/A
08/02/2018	2135 W. Melcorn Circle	Alarm system sounded due to malfunction	E111, E121	Investigate	N/A
08/02/2018	1600 Lawrence Drive	Alarm system activation, no fire, unintentional	A111, E111, E121	Investigate	N/A
08/06/2018	834 St. Mary's Street	Alarm system activation, no fire, unintentional	E111, E121	Investigate	N/A
08/07/2018	731 Oconto Place	Carbon monoxide detector activation due to malfunction	E111	Investigate	N/A
08/07/2017	Overland Road, CTH EE	Building fire (Village of Hobart)	C101, L111	Extinguishment by fire service personnel	N/A
08/08/2018	1233 O'Keefe Court	Carbon monoxide detector activation due to malfunction	E111	Investigate	N/A
08/10/2018	633 Heritage Road	Sprinkler activation, no fire, unintentional	C102, E111, E121	Investigate	N/A
08/11/2018	813 Marvelle Lane (Village of Ashwaubenon)	Possible structure fire	L111	Dispatched & Canceled en route	N/A
08/11/2018	1960 Marlee Lane (Village of Ashwaubenon)	Cooking fire, confined to container	L111	Standby	N/A
08/11/2018	915 Grant Street	Passenger vehicle fire	E111, E121	Extinguishment by fire service personnel, salvage and overhaul	Ashwauben
08/13/2018	163 Grant Street	Smoke scare, odor of smoke	C102, E111, E121	Investigate	Ashwauben County Res Hobart, Lawrence
08/13/2018	2736 Ontario Road (Village of Bellevue)	Building fire	C102, L111	Salvage and overhaul	N/A
08/13/2018	833 S. Melcorn Circle	Carbon monoxide detector activation due to malfunction	E111	Investigate	N/A

Date	Incident Location	Reported Situation	Units Dispatched	Disposition	Mutual Aid Received
08/14/2018	665 Grant Street	Alarm system activation, no fire, unintentional	E111, E121	Investigate	N/A
08/15/2018	305 N. 10th Street	Smoke scare	E111, E121	Investigate, cremation process	N/A
08/15/2018	632 S. Huron Street	Carbon monoxide detector activation due to malfunction	E111	Investigate	N/A
08/17/2018	Hwy 41/Scheuring (Town of Lawrence)	Passenger vehicle fire	C101	Control traffic	N/A
08/20/2018	1743 Burgoyne Court	Alarm system activation, no fire, unintentional	E111, E121	Investigate	N/A
08/21/2018	921 Outward Avenue	Smoke detector activation due to malfunction	E111	Investigate	N/A
08/21/2018	1112 Outward Avenue	Carbon monoxide detector activation due to malfunction	N/A	Dispatched & Canceled en route	N/A
08/22/2018	1932 Verlin Road (Village of Bellevue)	Building fire	L111	Extinguishment by fire service personnel	N/A
08/22/2018	1781 Grant Street (Town of Lawrence)	Dumpster fire	L111	Dispatched & Canceled en route	N/A
08/22/2018	2105 Ryan Road	Carbon monoxide detector activation due to malfunction	E111	Investigate	N/A
08/22/2018	1233 O'Keefe Court	Smoke or odor removal	E121	Investigate	N/A
08/23/2018	S. Carrington Lane / S. Ninth Street	Passenger vehicle fire	C102, E111, E121	Extinguishment by fire service personnel	N/A
08/23/2018	1700 Chicago Street	Malicious false alarm	E111, E121	Investigate	N/A
08/26/2018	George Street / N Superior Street	Arching, shorted electric equipment	E111, E121	Investigate	N/A
08/27/2018	1436 Chicago Street	Heat from short circuit, defective/worn	C102, E111, E121	Investigate	Ashwaubenc Bellevue, Ledgeview
08/28/2018	1725 Burgoyne Court	Fire alarm sounded, no fire	E111, E121	Investigate, burnt food	N/A
08/28/2018	233 N. Broadway	Smoke detector activation due to malfunction	E111, E121	Investigate, restore fire alarm system	N/A
08/29/2018	1793 Eldorado Drive (Village of Bellevue)	Cooking fire, confined to container	L111	Dispatched & Canceled en route	N/A

LIFEQUEST MEDICAL BILLING - 2018
MONTHLY REPORT

	JAN.	FEB.	MARCH	APRIL	MAY	JUNE
CHARGES	163,001	141,019	158,773	158,639	108,551	146,882
PAYMENTS	52,987	64,975	69,435	71,073	84,800	53,162
CREDIT ADJUSTMENTS	56,314	62,390	63,653	60,363	70,069	59,250

	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
CHARGES	121,266	133,260				
PAYMENTS	67,954	45,566				
CREDIT ADJUSTMENTS	53,160	49,190				

Payments to LifeQuest	
Jan. 2018	2,588
Feb. 2018	2,935
March 2018	3,449
April 2018	3,896
May 2018	4,199
June 2018	2,444
July 2018	3,409
Aug. 2018	2,162
Sept. 2018	
Oct. 2018	
Nov. 2018	
Dec. 2018	
Total Paid	$25,082

**See attached details

City Of De Pere

Income and Expenditures

August 2018

All Phases

Charges		Billing	Collection	Total
Billing Charges / Collection Placements		$102,767.40	$30,492.30	$133,259.70
Other	+	$0.00	$0.00	$0.00
Subtotal of Charges		**$102,767.40**	**$30,492.30**	**$133,259.70**
Account Transfers		**$13,823.04**	**$16,669.26**	**$30,492.30**

Credit Summary				
Total Credits		**$93,325.05**	**$4,289.69**	**$97,614.74**
Less Adjustments	-	$48,393.95	$795.58	$49,189.53
Less Delinquent Closed Accounts Reconciliation	-	$0.00	$2,859.20	$2,859.20
Less Overpayments	-	$(2,971.93)	$0.00	$(2,971.93)
Gross Payments Received		**$47,903.03**	**$634.91**	**$48,537.94**
Plus Overpayment Returns	+	$(733.00)	$0.00	$(733.00)
Net Payments Received		**$47,170.03**	**$634.91**	**$47,804.94**
Less Payments Kept By Service	-	$0.00	$0.00	$0.00
Total Deposits Reconciliation		**$47,170.03**	**$634.91**	**$47,804.94**

Summary of Disbursement				
Total Deposits & Payments Kept By		$47,170.03	$634.91	$47,804.94
Plus Overpayment Refunds	+	$(2,238.93)	$0.00	$(2,238.93)
Gross Revenue		**$44,931.10**	**$634.91**	**$45,566.01**
LifeQuest Fee		$2,021.90	$139.68	$2,161.58
Plus Probate Fees	+	$0.00	$0.00	$0.00
Other / Fees		-	-	$0.00
Total Due LifeQuest	**Check # EFT**	**$2,021.90**	**$139.68**	**$2,161.58**
Service Revenue		$42,909.20	$495.23	$43,404.43
Less Payments Kept By Service	-	$0.00	$0.00	$0.00
Less Service Payable	-	$0.00	$0.00	$0.00
Less Probate Fees	-	$0.00	$0.00	$0.00
Other / Fees		$0.00	$0.00	$0.00
Total Due Service	**Check # EFT**	**$42,909.20**	**$495.23**	**$43,404.43**

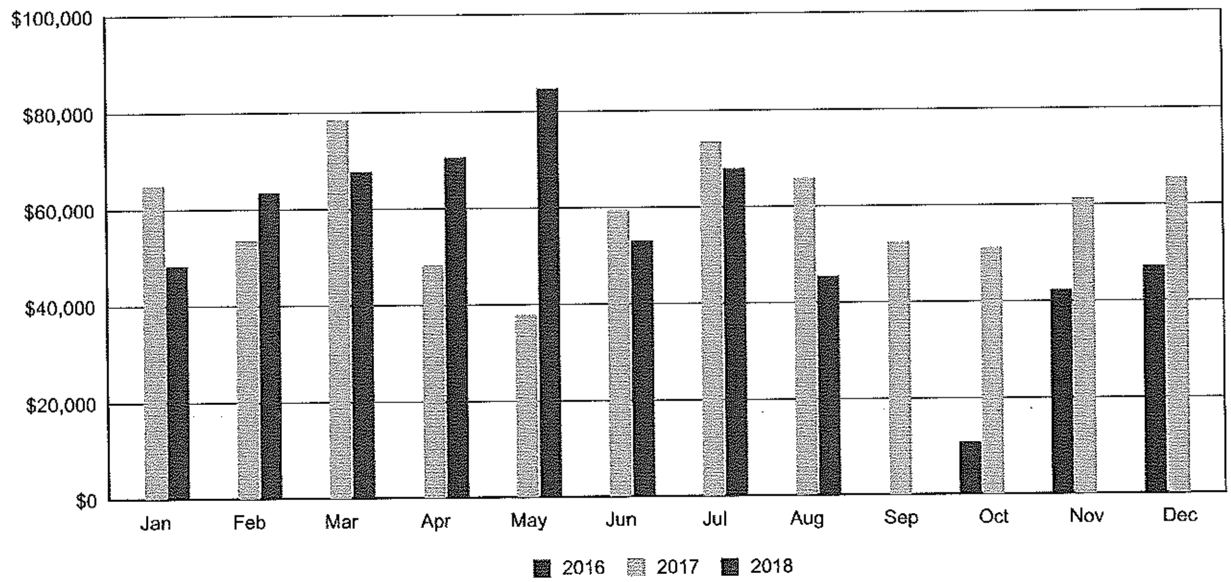
Messages:

Total Deposits EOM differ from bank statement by $2209.07 due to 7/27 $733.00 ACH return now posted and 8/6 $1034.00 UMR, 8/20 $255.74 NGS and 8/23 $186.33 AARP not posted eli 9-4-18

All Phases Gross Revenue

City of De Pere

January 2016 to August 2018



	2016	2017	2018
January	$0	$65,035	$48,362
February	$0	$53,532	$63,538
March	$0	$78,566	$67,787
April	$0	$48,367	$70,664
May	$0	$38,017	$84,800
June	$0	$59,532	$53,162
July	$0	$73,500	$67,954
August	$0	$65,845	$45,566
September	$0	$52,557	$0
October	$10,906	$51,374	$0
November	$42,469	$61,219	$0
December	$47,293	$65,635	$0
Total Gross Revenue	$100,667	$713,180	$501,833

City Of De Pere

Billing Summary

August 2018

Phase 1

Charges			
Billing Charges		$102,767.40	
Other	+	$0.00	
Subtotal of Charges			**$102,767.40**
Account Transfers			
Billing to Collections Transfer Total			**$13,823.04**
Credit Summary			
Total Credits		$93,325.05	
Less Adjustments	-	$48,393.95	
Less Overpayments	-	$(2,971.93)	
Gross Payments Received			**$47,903.03**
Plus Overpayment Returns	-	$(733.00)	
Net Payments Received			**$47,170.03**
Less Payments Kept By Service	-	$0.00	
Total Deposits Reconciliation			**$47,170.03**
Summary of Disbursement			
Total Deposits & Payments Kept By		$47,170.03	
Plus Overpayment Refunds	+	$(2,238.93)	
Gross Revenue			**$44,931.10**
LifeQuest Fee		$2,021.90	
Plus Probate Fees	+	$0.00	
Total Due LifeQuest **Check #** **EFT**			**$2,021.90**
Service Revenue		$42,909.20	
Less Payment Kept By Service	-	$0.00	
Less Service Payable	-	$0.00	
Less Probate Fees	-	$0.00	
Other / Fees	-	$0.00	
Total Due Service **Check #** **EFT**			**$42,909.20**

Messages:

Legend:

Charges - Other: Includes insurance interest, transaction fees, probate fees

Credit Summary - Less Overpayments: Includes recoupments, refunds, returns, service payables

Credit Summary - Plus Overpayment Returns: Includes NSF/bank returned type payments

Billing Reconciliation Summary

City of De Pere

For the month of August 2018

Beginning Balance of Accounts Receivables			$225,652.35
Total Charges entered for the Month		+	$102,767.40
Adjustments			
Intercept	$0		
Per Contract	$0		
Account Transfer Total	$13,823.04		
Other	$34,570.91		
Total Adjustments for the Month	**$48,393.95**	-	$48,393.95
Payments			
Cash	$10,556.60		
Contract Payments	$0		
Credit Card	$0		
Direct Deposit	$30,011.64		
Hospital	$0		
Insurance	$7,334.79		
Payment Kept By	$0		
Other	$0		
	$47,903.03	-	$47,903.03
Overpayment			
Recoupment	$0		
Refunds	$(2,238.93)		
Returns	$(733.00)		
Service Payable	$0		
Other	$0		
	$(2,971.93)	-	$(2,971.93)
Total for Reconciliation Summary			$235,094.70
Ending Balance of Accounts Receivables			$235,094.70

Receivables Distribution Report

Receivables Cash

All Companies **All Directories**

Charges	Sep 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	Mar 2018	Apr 2018	May 2018	Jun 2018	Jul 2018	Aug 2018	Totals
Sep 2017	2844	20242	14852	8493	2815	1218	1060	296	50	5	50	50 $	5197
101010	2.8	20	14.7	8.4	2.8	1.2	1.1	0.3	0	0	0	0 %	51.
Oct 2017		0	19943	25613	8406	2790	3857	585	957	100	100	0 $	6235
115859		0	17.2	22.1	7.3	2.4	3.3	0.5	0.8	0.1	0.1	0 %	53.
Nov 2017			979	18831	13157	9760	2063	1973	525	154	1065	-143 $	4836
97943			1	19.2	13.4	10	2.1	2	0.5	0.2	1.1	-0.1 %	49.
Dec 2017				69	21625	21392	7998	5086	2150	1571	1068	118 $	6107
123951				0.1	17.4	17.3	6.5	4.1	1.7	1.3	0.9	0.1 %	49.
Jan 2018					2039	21972	19979	8938	7815	658	1125	-105 $	624
128091					1.6	17.2	15.6	7	6.1	0.5	0.9	-0.1 %	48
Feb 2018						3686	22577	13786	4931	4998	3485	-6 $	534
111110						3.3	20.3	12.4	4.4	4.5	3.1	0 %	48
Mar 2018							4055	26786	17543	6347	5065	-6 $	597
118582							3.4	22.6	14.8	5.4	4.3	0 %	50
Apr 2018								3445	36786	11277	7499	2399 $	614
125326								2.7	29.4	9	6	1.9 %	[illegible]
May 2018									7957	24645	15251	4391 $	522
113240									7	21.8	13.5	3.9 %	46
Jun 2018										4207	25686	14433 $	443
114068										3.7	22.5	12.7 %	38
Jul 2018											5253	16466 $	217
106754											4.9	15.4 %	20
Aug 2018												6334 $	63
83609												7.6 %	7

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	3.1	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>	<NA>
Weighted	3.1	20.3	14.6	6.4	3.6	1.7	0.7	0.4	0.3	0	0	0

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE: **September 11, 2018**

DEPARTMENT: **Planning**

FROM: **Kimberly Flom**

SUBJECT: **Consideration of AECOM contract amendment for environmental remediation work on the O'Keefe property ***

ATTACHMENTS:

- AECOMM Contract Amendment 8-2018 (DOCX)
- AECOM Contract Amendment 8-2018 (PDF)
- AECOMM March Agreement (PDF)

City of De Pere
MEMORANDUM

To: Finance & Personnel Committee
From: Kimberly Flom, Development Services Director
Date: September 11, 2018

RE: **Request to amend AECOM contract for Environmental Services for the former O'Keefe Property in the West Industrial Park ***

PROJECT SUMMARY

The City has been contracting with AECOM to complete environmental work for the O'Keefe property in order to provide environmental remediation and pursue the Wisconsin Voluntary Party Liability Exemption (VPLE) program, administered via the DNR. This work has been funded by state Brownfields Assessment grant funds and TID #6.

The site investigation, assessment and remediation has been ongoing work, that has ebbed and flowed in intensity, since approximately 2010. During that time, parcels have been subdivided, infrastructure has been constructed and properties have been sold and developed.

The City entered into an updated contract with AECOM in March of 2017 (attached for reference) in the hopes of securing case closure for the remaining parcels. Work for those properties continued but was more complicated than originally anticipated. AECOM requested additional funding in the fall of 2017.

Since that time, Staff worked with AECOM to review past contracts and scopes in order to determine what work areas had been completed and what had been revised. The attached contract amendment reflects an estimate of costs needed to complete the VPLE closures for the three remaining parcels.

Funds for this project would come out of TID #6.

RECOMMENDATION

Approve the contract amendment with AECOM in the amount of $13,545 as outlined in the scope of services dated August 28, 2018 and titled 'Contract Amendment for Environmental Services for the Former O'Keefe Property Located at 1463 Red Maple Road, De Pere, Wisconsin. AECOM Project No.: 60540637.

AECOM Imagine it. Delivered.

AECOM
2985 South Ridge Road, Suite B
Green Bay, WI 54304
aecom.com

August 28, 2018

Mr. Erik Rakers
City Engineer
City of DePere
335 South Broadway
DePere, WI 54235

Ms. Kim Flom
Economic Development and Planning Director
City of DePere
335 South Broadway
DePere, WI 54235

Subject: Contract Amendment for Environmental Services for the Former O'Keefe Property Located at 1463 Red Maple Road, De Pere, Wisconsin AECOM Project No.: 60540637

Dear Mr. Rakers and Ms Flom:

Please find enclosed a contract amendment for services provided and fees incurred in conjunction with preparation and submittal of Bureau of Remediation and Redevelopment Tracking System (BRRTS) case closure requests to the WDNR for the Former O'Keefe Property, in De Pere, Wisconsin. The need for additional funding was first brought to the City's attention in an e-mail to Ms. Flom on September 19, 2017. On November 27, 2017 AECOM requested a contract amendment seeking $13,545 of additional funding.

The need for additional funding was based on AECOM's understanding that the approved funding was $25,800. Subsequent meetings between the City and AECOM on December 13, 2017 and June 1, 2018 clarified the City's approval is currently $32,300 for the scope of work provided in AECOM's proposal dated March 15, 2017 (rather than $25,800 as originally thought). At the June 1, 2018 meeting the City asked AECOM to relook at the request for contract amendment (dated November 27, 2017) and to provide scope and cost for the path forward to obtain closure on Parcel WD-L179-4. This updated contract amendment is provided in response to that request.

SCOPE OF SERVICES

The scope of services is based on project activities completed to date, and tasks still required for Parcel WD-L179-4. A summary of project tasks completed and remaining is attached. The tasks addressed in this scope of services as they correspond to the original contract in the amount of $32,300 approved by the City on March 23, 2017, include the following:

TASK 2: Liability Clarification

This task provided for a General Liability Clarification (GLC) request letter in the event that case closure could not progress due to incomplete capping but a future property buyer would like to move forward with a purchase and construction on Parcel WD-L179-4. The GLC request letter was not needed; therefore, the funding for this task ($2,500) was reallocated to the Site Development Plan for WD-L179-4 (Task 5).

TASK 3: Capping Completion Report

AECOM prepared a remedial action (completion) report for Parcel WD-L179-4 and submitted it to the WDNR on August 2, 2017. The report was then revised based on WDNR comments and resubmitted on August 29, 2017. The approved budget for this task did not include funding for subsequent revisions requested by WDNR. As part of this task, it was necessary to compile and summarize historic soil and groundwater data, which were not available in electronic format. The level of effort to review 300 pages of historic data and manually input analytical parameters, sampling depths, and results was unanticipated and significant. However, once these data were compiled and available in electronic format, the data were sorted by parcel and also incorporated as summary tables to meet the WDNR's data table requirements for case closure submittals for WD-L179-1 and WD-L179-3.

Initial costs associated with this task were estimated at $3,400. Actual costs incurred totaled $7,910, an addition of $4,510. Compilation of the historic soil and groundwater data was necessary as WDNR approval of the completion report and case closure requests would not be possible without completion of this task. AECOM requests additional compensation of $2,255 to partially cover the report revisions and compilation of historic data based on WDNR comments.

TASK 4: WDNR Case Closure Request Parcel WD-L179 3-1 (WD-L179-4)

With an interested purchaser for Parcel WD-L179, the City prioritized the case closure application and VPLE application for this parcel. Therefore, the Task 4 budget was utilized to prepare the initial Case Closure Request and VPLE application for Parcel WD-L179, rather than for Parcel WD-L179-4. The approved budget for this task did not include funding for subsequent revisions requested by WDNR. The revisions to the closure request and VLPE application were completed to meet the City's needs for expedited closure of Parcel WD-L179, resulting in actual costs of $8,435. This task had an estimated cost of $7,600. Actual costs incurred represent additional cost of $835 to address WDNR comments.

TASK 5: Site Development Plan for Parcel WD-L179 3-1 (WD-L179-4)

AECOM submitted a Soil Management Plan (redevelopment plan) for Parcel WD-L179-4 to the WDNR in early August 2017. This task was presented in the original proposal with an estimated cost of $4,000. Actual costs incurred included the funding for Task 2 for a total of $6,500. Revision/re-submittal of the Redevelopment Plan is pending additional follow-up with the engineer and builder to obtain any available photo-documentation of site development, details on the fill materials, etc. As requested by the City, the estimated cost for the path forward, including site closure for Parcel WD-L179-4 has been provided separately as a new task (Task 7).

TASK 6: Subsequent Case Closure Requests

This task originally assumed the need for three additional closure requests at $4,500 per parcel for a total of $13,500. In actuality, AECOM prepared the case closure application for Parcel WD-L179-3 (submittal pending final review and signatures) and prepared and submitted the case closure application for Parcel WD-L179-1. Actual costs incurred to prepare the submittals for these two parcels totaled $17,285, an overrun of $3,785. The cost overrun was due in part to underestimating the level of effort required to meet the case closure requirements for each of these parcels in combination with incorrectly assuming that significant efficiency would be gained after the first submittal (Parcel WD-L179). In spite of incorporated some common elements across the closure applications for each parcel, the level of effort to complete each application remains consistent.

Completion of the closure requests for Parcels WD-L179-3 and WD-L179-1 includes the following components not included in the original approved funding for this project:

- Proactive incorporation of the WDNR requests/revisions received for the submittal for Parcel WD-L179.
- Completion of a maintenance plan for Parcel WD-L179-3 with recent photos of the capped soil (Attachment D of closure application).

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There is a possibility that WDNR may have additional comments on the case closure applications for Parcel WD-L179-3 and the case closure application for Parcel WD-L179-1. No additional funding to address potential WDNR comments is included in this contract amendment.

TASK 7: Path Forward/Case Closure for Parcel WD-L179-4

The path forward for Parcel WD-L179-4 includes three components not included in the original approved funding for this project:

- Revision/re-submittal of the Redevelopment Plan
- Preparation and submittal of a report documenting the redevelopment activities
- Compilation and submittal of a Case Closure Request

Revision/re-submittal of the Redevelopment Plan is pending additional follow-up with the engineer and builder to obtain information relevant to addressing WDNR comments received on August 17, 2017. This follow-up will include review of any available documentation of site development and its concurrence with the draft Redevelopment Plan. AECOM will also talk with the WDNR about the path forward since development occurred without an approved Redevelopment Plan. AECOM assumes that the information obtained from the engineer and builder will be sufficient to satisfy any concerns the WDNR may have and that no additional field sampling or verification will be needed. Based on this follow-up, a report documenting the redevelopment activities will be prepared and submitted to the WDNR. After that has been done, a case closure request will be prepared and submitted for final case closure of Parcel WD-L179-4. The estimated cost to complete the three components is $8,965.

Additional Assumptions

AECOM provides the following additional assumptions pertaining to this contract amendment:

- The City will pay WDNR review fees directly to the WDNR. Because the site is enrolled in the VPLE program, the WDNR can invoice the City directly for review fees associated with the technical assistance.
- The estimated cost to complete the Redevelopment Plan, the report documenting the redevelopment activities, and the case closure request for Parcel WD-L179-4 does not include additional revisions after the initial submittals to WDNR. AECOM will provide an updated budget and request for additional funding if additional revisions are required by the WDNR.
- The estimated project cost for services does not include additional field investigation or sampling.

ESTIMATED FEES

Through August 15, 2018 we are $9,130 over the funding approved by the City on March 23, 2017. As discussed for Task 3, AECOM is seeking to recover $2,255 of the $4,510 additional cost for this task. Therefore additional funding of $6,875 is being requested for work completed to date. Our current estimate to complete the remaining scope of services (Task 7) for Parcel WD-L179-4 is $8,965, for a total of $15,840. This is in addition to the previously approved contract amount of $32,500.

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Task	Approved Budget	Additional Funding Request
1 – WDNR Parcel Meeting	$1,300	$0
2 – Liability Clarification (reallocated to WD-L179-4)	$2,500	$0
3 – Capping Completion Report	$3,400	$2,255
4 – WDNR Case Closure Request Parcel WD-L179	$7,600	$835
5 – Site Development Plan for Parcel WD –L179-4	$4,000	$0
6 – Subsequent Case Closure Requests	$13,500	$3,785
7 – Path Forward/Case Closure for Parcel WD-L179-4	$0	$8,965
Total	$32,300	$15,840

ACCEPTANCE

AECOM appreciates the opportunity to provide environmental services to the City of De Pere at the former O'Keefe property. If acceptable to you, please execute the attached Authorization and return it to our Green Bay, Wisconsin office. If you wish to discuss the scope of services or any other items in this proposed contract amendment, please contact me at 920-406-3110. I would also be happy to meet with you.

Yours sincerely,

AECOM Technical Services, Inc.

Jeffrey D Maletzke

Kevin L. Brehm

Jeff Maletzke, P.G.
Project Manager

Kevin L. Brehm, P.E.
Associate Vice President

c:

Attachments:
Project Summary
Authorization

AECOM
2985 South Ridge Road, Suite B
Green Bay, Wisconsin 54304

920.468.1978 tel
920.468.3312 fax

Authorization

August 28, 2018

I hereby authorize additional funding to AECOM in the amount of $15,840 for the former O'Keefe property in the City of DePere, Wisconsin, as described in AECOM's Amendment above, dated August 28, 2018, with a budget authorization as stated above for each specific item under the general terms and conditions specified.

______________________________ ______________________________
Signature Date

____
Print Name

____
Title/Organization

I agree to accept invoices from AECOM via e-mail and not postal mail:

☐ Yes

Signature: ______________________________

E-mail address: ______________________________

Recipient Mr./Ms.: ______________________________

Return to:

Name: Mr. Jeff Maletzke/AECOM

Address: 2985 South Ridge Road, Suite B,
Green Bay, WI 54304

Fax: 920-468-3312

Phone: 920-406-3110

AECOM Imagine it. Delivered.

Project Summary – *updated August 28, 2018*

WD-L179-3:

- Assigned ERP and VPLE cases: O'Keefe Property (Former) #1, BRRTS # 02-05-555310 and O'Keefe Property (Former) #1 (VPLE), BRRTS # 06-05-555311.
- Case closure and VPLE application nearly complete – drafted maintenance plan with recent photos of capped soil (8/8/18). Submission to WDNR pending final review and signatures.

WD-L179-4 (formerly designated WD-L179 3-1):

- Assigned ERP and VPLE cases: O'Keefe Property (Former) #2, BRRTS # 02-05-555312 and O'Keefe Property (Former) #2 (VPLE), BRRTS # 06-05-555313.
- AECOM submitted a Completion Report and NR718.12 Exemption Request and Soil Management Plan (redevelopment plan) on August 2 and 3, 2017, respectively.
- Received WDNR comments on the Completion Report and Redevelopment Plan on August 17, 2017.
- AECOM submitted revised Completion Report to WDNR on August 29, 2017.
- Revision/re-submittal of the Redevelopment Plan is pending additional detail about the fill materials. Please see e-mail correspondence to Kim Flom on 9/1/17 and to the contractors (Steve Bieda and Dave Meister) on 9/6/17.
- Revisit path forward – AECOM to speak with the engineer and builder regarding documentation of redevelopment.
- AECOM to provide the City with cost estimate to obtain final case closure as part of revised request for Contract Amendment.
- Follow up with WDNR.

WD-L179:

- Assigned ERP case: O'Keefe Property, BRRTS # 02-05-241687.
- AECOM submitted draft case closure and VPLE applications to the City of DePere for review on July 27, 2017.
- AECOM submitted the case closure and VPLE applications to the WDNR on August 29, 2017.
- AECOM hand-delivered the $250 VPLE application fee to the WDNR on September 6, 2017.
- Received an update from the WDNR on September 8, 2017:
    - The closure request will be approved.
    - Since the temporary well B-10 could not be located for filling and sealing (abandonment), this site requires the $350 Groundwater GIS fee be submitted and the site will be placed on the GIS Registry only for the purpose of the lost well.
    - Some administrative revisions are needed for the closure packet – received from WDNR on 9/18/17.
    - The VPLE application will be approved.
    - The application approval letter will be forthcoming.
    - The VPLE Certificate of Completion (COC) will be prepared after the final case closure letter has been completed.

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- AECOM submitted revised case closure application to WDNR on September 26, 2017.
- WDNR acknowledged receipt of the revised closure packet on September 27, 2017, and asked for several additional revisions, allowing individual edited pages to be submitted via e-mail. These revisions were submitted by AECOM on September 27, 2017.
- WDNR issued the final closure letter on September 29, 2017.
- WDNR issued Certificate of Closure on October 27, 2017.

WD-L178-3:

- Not in VPLE. Assigned ERP case: Storm Water Pond Property, BRRTS # 02-05-578169.
- The Completion Report submitted on August 2 and revised on August 29, 2017, is satisfactory as the request for No Further Action. The $350 fee for closing out the case under No Further Action still needs to be submitted.

WD-L179-1:

- Not in VPLE. Assigned ERP case: Reliance Property (Former), BRRTS # 02-05-578164.
- AECOM submitted a draft case closure to the City of DePere on September 13, 2017, for review (and signature) prior to submitting to WDNR.
- AECOM to submitted closure application to WDNR on July 25, 2018 with subsequent revised pages on August 6, 2018; complete e-copy submitted on August 13, 2018.

AECOM
AECOM
2985 South Ridge Road, Suite B
Green Bay, Wisconsin 54304
920.468.1978 tel
920.468.3312 fax

March 15, 2017

Mr. Eric Rakers
City Engineer
City of De Pere
335 South Broadway
De Pere, WI 54235

Ms. Kim Flom
Economic Development and Planning Director
City of De Pere
335 South Broadway
De Pere, WI 54235

Subject: Proposal for Environmental Services for the Former O'Keefe Property Located at 1463 Red Maple Road, De Pere, Wisconsin – AECOM Proposal OPP# 628681

Dear Mr. Rakers and Ms. Flom:

AECOM Technical Services, Inc. (AECOM) has prepared this proposal for redevelopment-related environmental tasks at the Former O'Keefe Property, in De Pere, Wisconsin. The tasks in this proposal are presented to allow the City of DePere (City) to approve and fund services on a task by task basis. These services include proposed project submittals and communications with the Wisconsin Department of Natural Resources (WDNR) needed for site redevelopment as it relates to the on-going contaminated soil capping. In addition, these services are needed to eventually submit Bureau of Remediation and Redevelopment Tracking System (BRRTS) case closure requests to the WDNR for the open project cases. Some tasks may also be needed to provide environmental liability clarification to a future property developer as the sites have not yet received BRRTS case closure. The former O'Keefe project sites were enrolled in the WDNR's Voluntary Party Liability Exemption (VPLE) program in 2010.

Based on conference calls between AECOM and the City on January 19, and March 8, 2017, AECOM understands that the capping of contaminated soil on parcel WD-L179-3 at the O'Keefe site has not been fully completed in accordance with the 2016 Soil Management Plan (SMP). The capped area still requires some degree of surface grading and/or additional cover placement. Following the January 19 conversation AECOM called the WDNR to ask if we could proceed with a case closure on one of the parcels (WD-L179-3-1) from which soil was removed, but not the parcel on which the capped soils were placed (WD-L179-3). The WDNR indicated verbally that we could not submit a capping completion (remedial action documentation) report until the remediation was completed in accordance with SMP nor could we submit a case closure request until capping was completed. A follow up email on January 19 (city of DePere copied), confirmed the conversation. In the January 19 email, the WDNR also requested that the parties meet to help correlate current parcel boundaries to BRRTS case numbers. The WDNR email documented that the 2017 parcel boundaries do not fully correlate with the 2010 parcel boundaries identified when the sites were originally enrolled in the VPLE program.

Furthermore, the City recently informed AECOM that there is an interested buyer for Parcel WD-L179-3-1. As of early March, the buyer has a high level conceptual site development plan for a commercial facility with parking lots and some green space. Soil with analyte concentrations above industrial direct contact levels was removed from parcel WD-L179-3-1. However, soil with analyte concentrations above non-industrial contamination levels remain on-site, and needs to be managed on this commercially-zoned site. In a March 8 email, the WDNR indicated that prior to site development, an environmental site development plan would be need to be submitted to WDNR outlining management of soil with non-industrial soil contamination exceedances.

The following provides a summary of environmental related tasks and/or submittals to address the items discussed above. Some of the tasks will be needed for an eventual case closure and some are optional depending on potential of redevelopment.

<u>Task 1 – WDNR Parcel Meeting (required for closure)</u>

AECOM representatives will attend a meeting with the City and the WDNR to help clarify the current parcel boundaries relative to the BRRTS case numbers. AECOM will prepare a brief letter following the meeting to summarize discussion and document decisions. The letter may include an aerial photo depicting the parcels, but does not include any site surveying or preparation of other detailed site maps. Costs associated with this task are estimated at $1,300.

<u>Task 2 – Liability Clarification (optional)</u>

A General Liability Clarification (GLC) request letter may be needed if case closure cannot progress due to incomplete capping but a future property buyer would like to move forward with a purchase and construction on Parcel WD-L179-3-1. The clarification letter would request WDNR concurrence (written response) that: 1) even though the capping is not completed on parcel WD-L179-3-1, the contamination is sufficiently delineated; 2) soil contamination with industrial exceedances is removed to the extent practicable (localized industrial exceedances are present in the far northwest corner of the parcel in an inaccessible utility corridor); and 3) closure can be granted once capping is properly completed on Parcel WD-L179-3 and a case closure request submitted. Costs associated with this task are estimated to be approximately $2,500.

<u>Task 3 – Capping Completion Report</u> (required for closure)

Once capping is properly completed, AECOM will compile a remedial action (completion) report. As of March 2017, a completion report has not been compiled because the capping has not been completed in accordance with the SMP. The completion report will include a narrative of the capping actions including a concluding statement of whether or not capping is complete. The report will include figures and cross-sections from the City depicting the extent of excavation (both proposed and actual) along with PAH soil sample locations in two of the areas and calculated volumes of material from each of the five excavation Areas (A, B, C, D, E, F). AECOM will provide review and suggestions for the figures but this task assumes the City will prepare the maps. The report will also include a photo log of capping actions. Costs associated with this task are estimated at approximately $3,400.

Task 4 - WDNR Case Closure Request Parcel WD-L179 3-1 (required for closure).

A Case Closure Request for Parcel WD-L179-3-1 will include the following subtasks:

- WDNR Closure Form 4400-220
- Description of regional geology/hydrogeology
- Narrative of past operations
- Discussion of historic site assessments in 1999/2000, 2009/10, and 2014-2016
- Summary tables of historic soil and groundwater data
- Property information including deeds, parcel maps, and certified survey map if available
- Site figures/cross-sections
- Discussion of any continuing obligations
- Justification for closure discussion

It has been AECOM's experience that it may take several iterations of the closure package to satisfy the often changing requirements of a particular WDNR project manager and the case closure reviewers. This task includes the initial submittal of the case closure request for Parcel WD-L179-3-1 with an estimated cost of $7,600. AECOM will provide an updated budget and request for additional funding if revisions are required by the WDNR.

Task 5 - Site Development Plan for Parcel WD-L179-3-1 (optional)

This task includes preparation of a Site Development Plan for Parcel L179-3-1. We understand that a party is considering construction of Parcel L179 3-1. As previously mentioned, soil with analyte concentrations above non-industrial contamination levels remain on-site and need to be addressed for this commercially-zoned property. In a March 8, 2017 email, the WDNR outlined their requirements for the Site Development Plan including: 1) delineation of proposed capped areas (buildings and parking lots); 2) plan for management of contaminated soils disturbed during construction; 3) a testing plan for any imported soil on this VPLE site; and 4) a description of a proposed dry retention area. The estimated cost for this task is approximately $4,000.

Task – 6 Subsequent Case Closure Requests

For the remaining parcels, AECOM will compile closure requests similar to Parcel WD-L179-3-1. Each closure request will be unique to the respective parcel but efficiency will be gained from the Case Closure Request for Parcel WD-L179 3-1. For example, historic site use and regional geology/hydrogeology information will be very similar for each closure request. Pending the outcome of the WDNR meeting to address re-identification of the parcels relative to the BRRTS database (Task 1) there could be two or three additional parcels that will need formal closure requests. Accordingly, costs for this task assume the need for three additional closure requests at $4,500 per parcel for a total of $13,500. These closure requests will be completed after Parcel WD-L179-3-1.

Additional Assumptions

AECOM provides the following additional assumptions regarding this project:

- The City will provide figures and volume calculations depicting the soil excavation and capping areas. AECOM has some of that information already.
- The City will pay WDNR review fees directly to the WDNR. Because the site is enrolled in the VPLE program, the WDNR can invoice the City directly for review fees associated with the technical assistance.
- Project management will involve handling project information requests, coordination of the development of the documents described above, and scheduling.
- AECOM's estimated cost for professional environmental consulting services to meet the scope of work is addressed in each task. This proposal is designed to allow the City to approve and fund this project at the task level.
- The costs for each task include technical services and other direct costs (ODCs) such as copying and hard copy printing.
- The estimated project cost for services is limited to those tasks and associated activities described in this proposal.
- AECOM is not responsible for delays or scope changes outside its direct control. If conditions are not as expected or if additional factors impact the scope of services or cost estimate, the City will contacted in order to discuss how to proceed.
- AECOM will perform the scope of work discussed in this proposal, and any optional or additional tasks authorized, on a time-and-material basis in accordance with the attached Commercial Terms and General Conditions.

Schedule

AECOM can proceed immediately with the scheduling the WDNR meeting or assisting the City with preparation of a Site Development Plan. The schedule for preparing the completion report and the case closure requests cannot be determined until the capping has been completed.

Proposal Acceptance

Please indicate your acceptance of this proposal dated March 15, 2017, by having an authorized representative of your firm execute the attached Authorization and return it to our Green Bay, Wisconsin office. Note that we cannot begin work until the signed authorization is returned. If you have questions regarding the proposal, please call Jeff Maletzke at 920-406-3110 or Bob Mottl at 920-406-3147.

AECOM appreciates the opportunity to provide environmental services to the City of De Pere at the former O'Keefe property.

Sincerely,

AECOM Technical Services, Inc.

Jeffrey D. Maletzke, P.G.
Project Manager

Kevin L. Brehm, P.E.
Associate Vice President

Attachments:
- Authorization
- Commercial Terms
- General Conditions

AECOM

Commercial Terms

Time and Materials Agreement

Effective January 1, 2013

SCOPE OF SERVICES – AECOM Technical Services, Inc., referred to herein as "AECOM", will perform the services described in its Proposal, or, in the absence of a proposal, as defined in writing and approved by AECOM and Client, referred to herein as "Services" in accordance with the following "Commercial Terms". These services shall be performed on a Time and Materials basis.

BILLING RATES

STAFF - Charges for all professional, technical and administrative personnel directly charging time to the project will be calculated and billed on the basis of the following staff category hourly "Billing Rates". Billing Rates are in U.S. dollars, net of all applicable taxes, duties, fees and related charges, and include fringe benefits, burden and fee.

STAFF CATEGORY	RATE/HOUR
Technician I, Project Administrator I	$50.00
Data Administrator I, Technician II	$60.00
Project Controls I, Scientist I, Project Administrator II, Construction Mgmt I	$70.00
Scientist II, Engineer I, Data Administrator II, Construction Mgmt II, Technician III	$85.00
Project Controls II, Scientist III, Engineer II, Technician IV, Data Administrator III, Project Administrator III	$100.00
Project Manager I, Scientist IV, Engineer III, Construction Mgmt III	$110.00
Scientist V, Engineer IV	$125.00
Project Director I, Project Manager II, Construction Mgmt IV	$145.00
Project Director II, Engineer V	$155.00
Project Director III, Project Director IV	$175.00

AECOM may revise these rates annually. All staff personnel have been classified in the above staff categories based on discipline skills, education and experience level.

All travel, to a maximum of eight hours per day, will be charged at the Billing Rates. Billing Rates are based on a forty-hour work week. Overtime hours for exempt employees (non-hourly) will be charged at the standard Billing Rates. Overtime hours of non-exempt (hourly-non-supervisory) employees are charged at 130% of the Billing Rates.

LITIGATION SUPPORT - In the event that AECOM's employees are requested by Client or compelled by subpoena or otherwise by any party to give expert or witness testimony or otherwise participate in a judicial or administrative proceeding involving the Client at any time, Client shall compensate AECOM at 150% of the Billing Rate, including preparation time, and shall reimburse AECOM for all out of pocket costs as provided herein.

RETAINER – AECOM may require advance deposit of funds on specific projects based upon project cost estimates. In those instances, AECOM and the Client will mutually provide terms for the deposit of advance payments and provisions for crediting such advances against invoices for Services completed.

OTHER DIRECT COSTS - "Other Direct Costs" are all costs and expenses incurred by AECOM directly attributable to the performance of Services together with a ten percent (10%) fee. Other Direct Costs include subcontracts, materials, shipping charges, special fees, permits, special insurance and licenses, outside computer time, and miscellaneous costs. Travel and travel-related expenses and equipment purchased for a project with advance authorization are computed on the basis of actual cost.

INVOICING AND PAYMENT - Invoices will be issued monthly or twice per month at AECOM's option. Invoices will include a listing of staff categories, hours worked, rates, and the Other Direct Costs. Invoices may be sent electronically at AECOM's discretion. Any variance from this invoice format will be completed at the client's expense. Payments can be made by electronic funds transfers to the routing number listed on the invoice or manually to the address appearing on the invoice due upon receipt. Invoices not paid within thirty (30) days are subject to interest from the 31st day at the rate of 1-1/2% per month (18% per annum) but not to exceed the maximum interest allowed by law. In addition, AECOM may, after giving seven (7) days written notice to Client, suspend Services without liability until the Client has paid in full all amounts due AECOM on account of Services rendered and expenses incurred including interest on past due invoices or terminate Services without liability. If there is a disputed amount on an invoice, Client agrees to pay all undisputed amounts in the thirty (30) day period. In the event that AECOM places Client's account in the hands of an attorney for collection, Client agrees to pay AECOM all fees and expenses, including attorneys' fees and expert fees, necessitated thereby.

SECURITY INTEREST – Client hereby grants AECOM a security interest in and to any and all machinery, equipment, other rights, assets, and property, tangible and intangible, wherever located, now owned or hereafter acquired by Client from AECOM, and any and all proceeds, additions or accessions to any and all of the foregoing, to secure the payment and performance by Client of any and all direct or indirect obligations, indebtedness and claims, whether contingent or fixed, now existing or hereafter arising, from Client to AECOM.

ESTIMATES OF COSTS AND SCHEDULES - AECOM's estimates of costs and schedules are for Client's budget and planning assistance only. Cost and schedule estimates are based on AECOM's best judgment of the requirements known at the time of the proposal and can be influenced favorably or adversely by Client needs and other circumstances. AECOM will endeavor to perform the Services and accomplish the objectives within the estimated costs and schedule, but in no event shall AECOM's estimate be interpreted as a not-to-exceed or fixed price. In the event AECOM is required to exceed its original estimate for any reason, the Client may wish to (1) redefine the scope of Services in order to accomplish Client's budget objectives, or (2) terminate Services at a specific expenditure level. If option (2) is chosen, AECOM will turn over all information to the extent completed at the authorized level without further obligation or liability to either party except payment for Services performed. Notwithstanding any other terms to the contrary, AECOM shall be entitled to a change order for additional compensation or additional time to perform its work, in the event that work outside the Services is requested or required to be performed by AECOM, or in the event that the assumptions underlying AECOM's proposal prove to be different from the facts actually encountered by AECOM during the performance of the Services.

AGREEMENT - These Commercial Terms Form 103A (01/13) and the attached General Conditions Form 102 (01/13) govern the performance of the Services and rights and obligations of the parties.

AECOM

AECOM
2985 South Ridge Road, Suite B
Green Bay, Wisconsin 54304

920.468.1978 tel
920.468.3312 fax

Authorization

March 15, 2017

I hereby authorize AECOM to proceed with the scope of work for the former O'Keefe property in the City of De Pere, Wisconsin, as described in AECOM's proposal above, dated March 15, 2017, with a budget authorization which is stated in the proposal above for each specific item under the general terms and conditions specified in the proposal.

E. P. Rakers
Signature

3/23/17
Date

ERIC RAKERS
Print Name

CITY ENGINEER
Title/Organization

I agree to accept invoices from AECOM via e-mail and not postal mail:

☒ Yes

Signature: E. P. Rakers

E-mail address: ERAKERS@ MAIL .DE-PERE.ORG

Recipient Mr/Ms: ______________________

Return to:

Name:	Mr. Jeff Maletzke/AECOM
Address:	2985 South Ridge Road, Suite B, Green Bay, WI 54304
Fax:	920-468-3312
Phone:	920-406-3149

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE:	**September 11, 2018**
DEPARTMENT:	**Planning**
FROM:	**Kimberly Flom**
SUBJECT:	**Consideration of Development Agreement Terms with Milwaukee View LLC for 428 N. Superior (ED-477) ***

ATTACHMENTS:

- Irwin School Terms FP 9-11-18 (DOCX)
- MKEView Introduction 9.18.2016 (PDF)
- TID 14 Proforma for FP 8-2018 (PDF)

City of De Pere
MEMORANDUM

To: Finance & Personnel Committee
From: Kimberly Flom, Economic Development & Planning Director
Date: September 11, 2018

RE: **Consideration of Developer Agreement terms for the proposed redevelopment of 428 N. Superior Street (Parcel ED-477), also known as the Irwin School.**

Milwaukee View, a development company, currently has a purchase contract for the former Irwin School located at 428 N. Superior Street. The building, constructed in 1924 and later renovated into offices, has been vacant for 10+ years. The Irwin School is listed on both the state and national historic registers and is also part of the North Michigan Street/North Superior Street Historic District. The building was designed using the Collegiate Gothic architectural style. Milwaukee View specializes in residential development, with a particular niche for adaptive reuse of historic buildings.

Property Location

Property History

In 1988, the Council rezoned the property to B2-PDD in order to accommodate the conversion of the school into multi-tenant office space. The building has been vacant for 10+ years.

In 2015, Tadych Investment Partners proposed to rezone the site from B2-PDD to RD-PDD in order to develop 10 single-family homes. The Common Council approved the ordinance by a split vote, which then required a second reading. The request for rezoning was withdrawn prior to the second reading and the rezoning and project did not move forward.

Since then, many have developers reviewed the site for potential residential redevelopment options, but have not moved forward. Many noted cost consideration as a deterrent for renovating the building, given the age, deterioration and obsolescence of the structure

The property is located only a few blocks outside the Downtown core in an established, and historic, neighborhood. Residential infill in this area would likely be in high demand due to the proximity to amenities and the strength of the local school district. Increasing density in near-downtown neighborhoods is one way to bolster the vitality of Downtown De Pere. Preserving historic and high character buildings has been noted as a priority in many of the City's planning and guiding documents.

Redevelopment Proposal

Milwaukee View has the property under contract and proposes to renovate the Irwin School into 8 condominiums and utilizing the balance of the property in order to construct 12 new for-sale townhome buildings. Milwaukee View analyzed multiple development scenarios when researching the site, but none resulted in a positive cash flow without some level of City financial participation. Milwaukee View also explored Historic Tax Credits and HUD Financing, but neither was viable due to the small scale of the project. Because the site has been vacant for so long, the City is able to create blight TID District in order to offer financial assistance.

In order for the project to work, Milwaukee View requests a $1.5M in Tax Increment Financing in order to cover the projected financial gap. The City is currently in the process of creating a blighted area TID (TID #14) for this property, which will allow expenditure of project costs, including site assembly and developer grants directly related to eliminating blight and rehabilitation of the area. A public hearing at Plan Commission yielded no public comments and the Plan Commission unanimously approved a resolution for the TID.

Proposed Developer Agreement Terms

We propose a TIF incentive for this project that includes the following terms:

- Guaranteed Net Assessed value of $4,500,000 (current base value of $574,200 results in $5,074,200 total assessed value).
- $2,250,000 Net Assessed Value by January 1, 2020. Balance of Guaranteed Net Assessed value by January 1, 2021.

- Compliance with all City codes, particularly as related to design standards. Common Council approval of Precise Implementation Plan (PIP) for the property. The General Plan and Rezoning to R3-PDD has already been approved.
- Property to remain on the state and federal historic registers.
- 33% TID incentive estimated at $1,500,000 to be funded in two ways:
  - City assembles project site $410,000 in 2018.
  - City conveys property to developer for $1 plus considerations/obligations in the Agreement in 2019.
  - City provides $1,090,000 developer grant payments to reimburse Developer for Developer expenditures in 2019.
    - $218,000 after rough in approval of the Irwin School Condominiums.
    - $218,000 after occupancy of the Irwin School Condominiums.
    - $218,000 after rough in of first 6 townhomes.
    - $218,000 after occupancy of first 6 townhomes.
    - $218,000 after rough in of second 6 townhomes.
- Provision for City to obtain ownership of property if construction does not begin by June of 2019, with a cure period of 90 days.
- Because the project includes the renovation of an existing building and the construction of new buildings, the overall site may have two different Homeowners Associations. Based on further discussions with the developer, it may make sense to have two separate Developer's Agreements or spell out specific differences in one agreement.

Project Considerations

- The site has been vacant and for sale for 10+ years. Although the school is both historically significant and structurally viable, significant expense is needed to convert the building into viable residential units.
- Other traditional financing mechanisms used for adaptive reuse projects, like historic tax credits or HUD financing, do not work on this site due to the small scale of the project.
- The City generally reviews incentive packages as a percentage of the proposed net assessed value. The developer proposes an assessed value of $4.5M (assessed value of existing site = $574,200). A $1.5M developer's grant represents 33% of the net assessed value. Previously approved incentive offers generally fall within 10% to 15% in the industrial parks and 20% to 30% in the downtown.
- While the requested developer incentive is higher than typically reviewed, it is paired with the creation of a new blight TID district, maximizing the time length to recoup the City's investment.
- The property currently generates approximately $12,000 in annual property taxes. If developed as proposed, the property will likely generate more than $120,000 in annual property taxes after the TID expires in 2045.
- Current development financial analysis completed by Milwaukee View indicates that some level of financial assistance is likely needed even if the school is demolished.

Project Process

Review of the proposed Development Agreement terms is one of many approvals required for this project. Here is a summary:

R3 Planned Development Zoning – Responsible Party = Developer

1. Pre Application Review – complete
2. Developer submits Rezoning/General Plan Submittal – complete
3. Plan Commission reviews Rezoning/General Plan – complete
4. Council Public Hearing and Ordinance for Rezoning/General Plan (Class II notice) – complete
5. Developer Submits Precise Implementation Plan (PIP) – Pending other approvals
6. Plan Commission reviews PIP – late fall/early winter
7. Council reviews PIP – late fall/early winter
8. Applicant revised PIP per approval conditions - late fall/early winter
9. City issues Approval Memo – project cleared for permits – winter/early spring

Developers Agreement – Responsible Party = City as lead, in collaboration with Developer

1. Terms Negotiated between City and Developer – complete
2. Finance Personnel Committee Reviews Terms -9/11
3. Council Reviews Developers Agreement – Proposed October 2018

TID #14 – Responsible Party = City

1. Resolution to hire TID Consultant – complete
2. Draft Plan Complete and Notifications Sent – complete
3. Joint Review Board (JRB) Meeting 1 (Class I Notice) – complete
4. Plan Commission Public Hearing (Class II Notice) – complete
5. Common Council Resolution - 9/18/19
6. Joint Review Board (JRB) Meeting 2 (Class I Notice) – 9/19/19

Prior to permits

Utility Easement Release - Responsible Party = Developer

Application Submittal – 2 weeks prior to BOPW

Board of Public Works Review – 2nd Monday of the Month

Council Review – 1st and 3rd Tuesday of the Month

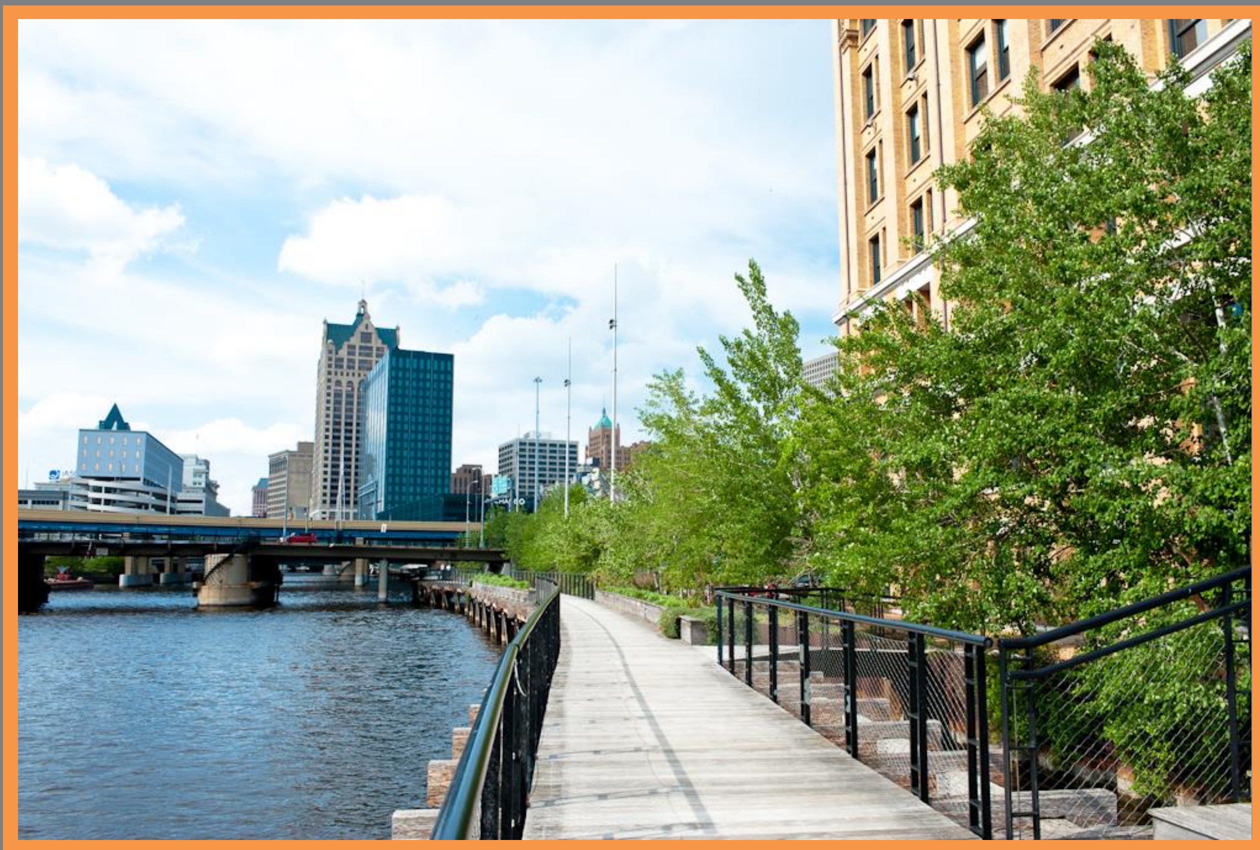
Land Division (review process will vary depending on type of Land Division – plat/csm/condo)- Responsible Party = Developer

Application Submittal – 2 weeks prior to PC

Plan Commission Review (if needed) – 4th Monday of the Month

Council Review (if needed) - 1st and 3rd Tuesday of the Month

Please contact me (kflom@mail.de-pere.org or 920-339-4043) with any questions regarding this item.



MILWAUKEE VIEW, LLC.

INTRODUCTION

Introduction

Overview

A Milwaukee based real estate firm specializing in development, construction, and property management of their privately held portfolio.

MKEView began with the purchase of our first building in Milwaukee's Historic Third Ward in June of 2013. The business was incorporate six months later in January of 2014 with the purchase of our second building in Milwaukee's Riverwest neighborhood.

Corporate Office: 241 N. Broadway, Suite #600, Milwaukee, WI 53202

We are licensed General Contractors for both the state of Wisconsin, and the city of Milwaukee.

Our Mission

To invest, develop, construct, and manage real estate assets professionally and profitably with integrity and focus, consistent with community vision, in markets in which we are considered experts.

Our Philosophy

We are committed to meeting the demands Milwaukee's growing rental market and creating exceptional lifestyle opportunities for our residents. Our rental homes feature high quality finishes, lifestyle amenities, and a social conscience for conservation and sustainability. MKEView's experienced team brings a proven track record that delivers results for our residents, partners, shareholders and community stakeholders.

We have been fortunate to develop great relationships with many valued partners, and look forward to expanding on those existing relationships and building new ones. The experience of our people, their innovative thinking, our commitment to quality and a culture built on trust will continue to be the foundation of the properties that we develop, construct, and own.

MKEView takes its relationships and responsibilities with its customers very seriously. We encourage an environment of professionalism where deeply felt principles and values guide everything we do. We bring passion and purpose to our work, and are committed to providing the highest level of service to our residents, partners and employees.

We believe that achieving our goals is dependent upon our intellectual capital. We are heavily focused on attracting talented people, on recognizing and rewarding excellence, and, most importantly, providing the opportunity for our people to grow through significant investment in their career and their personal development.

Internal Team

MKEView's founding partners have a diverse set of talents and experiences. Don't let the fancy titles confuse you. We spend the vast majority of our time in "Sweat Equity" pursuits. This will certainly change as our company expands, and we grow into our titles, but for now…this is our crew:

Lindsey Bovinet
President/CEO

Responsible for leadership and company vision.

Education:
Bachelor of Arts, UW Stout - 1975

Work History:
Interior Systems Inc. 1979 to current - Founder/Chairman of the Board

Lindsey Susan Bortner
Business Manager

Responsible for day-to-day management of our business office, leasing, and advertising.

Education:
University of Wisconsin-Milwaukee: Bachelors in Business-Marketing

Work History:
Laacke & Joys, Interior Systems, Inc.

Laura Bovinet
Creative Manager

Responsible for design development and coordination with architects and designers.

Education:
Columbia College – Study Abroad Italy - 2004
Bachelors Fine Arts – School of the Art Institute of Chicago – 2006
Ox-Bow Summer School of Art - 2006
Masters Fine Arts – Massachusetts College of Art and Design - 2011

Work History:
Freelance Artist, Pratt Institute, Crate & Barrel, The Home Depot, Interior Systems, Inc.

Corey Bortner
Maintenance/Security Manager

Responsible for 24/7 on-call property maintenance, security, safety, and contractor supervision.

Education:
Bachelors - University of Phoenix – Milwaukee - 201

Work History:
Bergstrom Automotive, Interior Systems Inc., Dawes Rigging and Crane Rental

Anuj Rastogi
Director of Finance & Investments

Responsible for financial strategy, acquisition & development, and investment across real estate portfolio.

Education:
Cornell University - dual degree in Finance & Natural Resources

Work History:
Financial consultant for government sponsored entities in New York City
Alternative investment firm in Milwaukee
Commercial real estate PE group in Milwaukee

External Team

Over 30 years of hands-on real estate development and banking experience using strategic vision to advance business. A resourceful, thorough and focused leader with time tested ability to produce results through creative problem solving, vision, alignment of interests and strategic planning. Effective in fast paced, rapidly evolving environments. Specialties: Real Estate and Corporate Advisory, Client Negotiations with Lenders, Real Estate Development, Business Start-Up & Wind Down/Closing, Real Estate Portfolio "Work Out", Receiverships, Settlements to Save Guarantee, Forbearance Agreements, Bank Services, Strategic Planning, M&A, Marketing, Team Building, Investor Relations.

More than 1,700 professionals strong, Baker Tilly is a full-service accounting and advisory firm with specialized professionals who connect with their clients and their businesses through refreshing candor and clear industry insight. Founded in 1931, they are now one of the top 20 largest accounting and advisory firms in the US. Baker Tilly has achieved dynamic growth while maintaining a commitment to our core values.

Reinhart Boerner Van Deuren s.c. serves business needs with innovation, focus and commitment. More than 200 attorneys are dedicated to providing service efficiently and cost effectively from Reinhart's seven offices throughout the country. Founded in 1894, Reinhart serves public and privately held corporations, financial institutions and family-owned businesses. Throughout its history, Reinhart has relied on entrepreneurship, teamwork and dedicated service to help its clients achieve their business goals.

Falamak Nourzad, Ursula Twombly and Robert Barr formed Continuum Architects + Planners in the summer of 1996. Their architectural practice is built on the diverse professional experiences of the partners and key staff. The firm's experience spans housing, offices, laboratories, healthcare, industrial, retail, and educational facilities. The partners are committed to maintaining the firm's medium size to better serve clients in a more personal environment. This vision of architecture as positive and personal remains the bedrock of Continuum's philosophy.

City of De Pere
TID #14 Project Plan

EXHIBIT A
CASH FLOW PROFORMA ANALYSIS

Assumptions	
Annual Inflation During Life of TID	1.00%
2017 Gross Tax Rate (per $1000 Equalized Value)	$21.86
Annual Adjustment to tax rate	0.00%
Investment rate	0.50%

Current Market Rates +0.25%	
$1,500,000	
Taxable G.O. Bonds	
Dated December 1, 2018	
Amount for Projects	$1,500,000
Capitalized Interest	$0
Cost of Issuance (est.)	$41,825
Rounding	$2,945
Less: Reoffering Premium	$44,770

	Background Data					Revenues				Expenditures				TID Status		
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		(i)	(j)	(k)	(l)	(m)	(n)	(o)
Year	TIF District Valuation	Inflation Increment	Construction Increment	TIF Increment Over Base	Tax Rate	Tax Revenue	Investment Proceeds	Total Revenues	Year	Principal	Interest	Debt Service	Total Expenditures	Annual Balance	Year End Cumulative Balance	Cost Recovery
	(January 1) Base Value $574,200		*(1)*							*(12/1)*	*(6/1 & 12/1) TIC= 4.01%*				*(December 31)*	
2018	$574,200				$21.86											
2019	$574,200	$5,742	$3,080,000	$3,085,742	$21.86	$0	$0	$0	2019		$62,750	$62,750	$62,750	($62,750)	($62,750)	
2020	$3,659,942	$36,599	$1,400,000	$4,522,341	$21.86	$0	$0	$0	2020		$62,750	$62,750	$62,750	($62,750)	($125,500)	
2021	$5,096,541	$50,965		$4,573,307	$21.86	$67,454	$0	$67,454	2021	$25,000	$62,750	$87,750	$87,750	($20,296)	($145,796)	
2022	$5,147,507	$51,475		$4,624,782	$21.86	$98,858	$0	$98,858	2022	$60,000	$61,750	$121,750	$121,750	($22,892)	($168,687)	
2023	$5,198,982	$51,990		$4,676,772	$21.86	$99,972	$0	$99,972	2023	$60,000	$59,350	$119,350	$119,350	($19,378)	($188,065)	
2024	$5,250,972	$52,510		$4,729,281	$21.86	$101,098	$0	$101,098	2024	$65,000	$56,950	$121,950	$121,950	($20,852)	($208,917)	
2025	$5,303,481	$53,035		$4,782,316	$21.86	$102,234	$0	$102,234	2025	$70,000	$54,350	$124,350	$124,350	($22,116)	($231,033)	
2026	$5,356,516	$53,565		$4,835,881	$21.86	$103,382	$0	$103,382	2026	$70,000	$51,550	$121,550	$121,550	($18,168)	($249,201)	
2027	$5,410,081	$54,101		$4,889,982	$21.86	$104,541	$0	$104,541	2027	$75,000	$48,750	$123,750	$123,750	($19,209)	($268,409)	
2028	$5,464,182	$54,642		$4,944,624	$21.86	$105,712	$0	$105,712	2028	$80,000	$45,750	$125,750	$125,750	($20,038)	($288,447)	
2029	$5,518,824	$55,188		$4,999,812	$21.86	$106,895	$0	$106,895	2029	$80,000	$42,550	$122,550	$122,550	($15,655)	($304,102)	
2030	$5,574,012	$55,740		$5,055,552	$21.86	$108,089	$0	$108,089	2030	$85,000	$39,350	$124,350	$124,350	($16,261)	($320,362)	
2031	$5,629,752	$56,298		$5,111,850	$21.86	$109,296	$0	$109,296	2031	$90,000	$35,950	$125,950	$125,950	($16,654)	($337,017)	
2032	$5,686,050	$56,860		$5,168,710	$21.86	$110,514	$0	$110,514	2032	$95,000	$32,350	$127,350	$127,350	($16,836)	($353,852)	
2033	$5,742,910	$57,429		$5,226,140	$21.86	$111,745	$0	$111,745	2033	$95,000	$28,550	$123,550	$123,550	($11,805)	($365,657)	
2034	$5,800,340	$58,003		$5,284,143	$21.86	$112,988	$0	$112,988	2034	$100,000	$24,750	$124,750	$124,750	($11,762)	($377,419)	
2035	$5,858,343	$58,583		$5,342,726	$21.86	$114,243	$0	$114,243	2035	$105,000	$20,250	$125,250	$125,250	($11,007)	($388,426)	
2036	$5,916,926	$59,169		$5,401,896	$21.86	$115,511	$0	$115,511	2036	$110,000	$15,525	$125,525	$125,525	($10,014)	($398,439)	
2037	$5,976,096	$59,761		$5,461,657	$21.86	$116,792	$0	$116,792	2037	$115,000	$10,575	$125,575	$125,575	($8,783)	($407,222)	
2038	$6,035,857	$60,359		$5,522,015	$21.86	$118,085	$0	$118,085	2038	$120,000	$5,400	$125,400	$125,400	($7,315)	($414,537)	
2039	$6,096,215	$60,962		$5,582,977	$21.86	$119,392	$0	$119,392	2039				$0	$119,392	($295,145)	
2040	$6,157,177	$61,572		$5,644,549	$21.86	$120,711	$0	$120,711	2040				$0	$120,711	($174,434)	
2041	$6,218,749	$62,187		$5,706,737	$21.86	$122,044	$0	$122,044	2041				$0	$122,044	($52,390)	
2042	$6,280,937	$62,809		$5,769,546	$21.86	$123,390	$0	$123,390	2042				$0	$123,390	$71,000	Expenditures Recovered
2043	$6,343,746	$63,437		$5,832,983	$21.86	$124,749	$355	$125,104	2043				$0	$125,104	$196,104	Expenditures Recovered
2044	$6,407,183	$64,072		$5,897,055	$21.86	$126,122	$981	$127,103	2044				$0	$127,103	$323,207	Expenditures Recovered
2045					$21.86	$127,509	$1,616	$129,125	2045				$0	$129,125	$452,332	Expenditures Recovered
2046						$128,910	$2,262	$131,171	2046				$0	$131,171	$583,503	Expenditures Recovered
		$1,417,055	$4,480,000			$2,900,240	$5,213	$2,905,453		$1,500,000	$821,950	$2,321,950	$2,321,950			

Type of TID: Blight Elimination

2018 TID Inception (9/18/2018)
2040 Final Year to Incur TIF Related Costs
2045 Maximum Legal Life of TID (27 Years)
2046 Final Tax Collection Year

(1) Increment per City Estimates. $160,000 per condo and $280,000 per townhome with 8-10 condos and 10-12 townhomes being built in 2019 and 2020, respectively.

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE: **September 11, 2018**

DEPARTMENT: **Planning**

FROM: **Kimberly Flom**

SUBJECT: **Consideration of feasibility study in order to explore hotel development ***

ATTACHMENTS:

- Feasibility Study - Hotel (DOCX)

City of De Pere
MEMORANDUM

To: Finance & Personnel Committee
From: Kimberly Flom, Development Services Director
Date: September 11, 2018

RE: **Consideration of feasibility study in order to explore hotel development ***

PROJECT SUMMARY

The City recently met with representatives from Cobblestone Hotels regarding the possibility of developing a hotel in De Pere. Headquartered in Neenah, Cobblestone owns numerous hotels across 24 states. They have a number of models and also have ownership in their preferred construction and management companies. You can learn more about their company here: https://www.cobblestonefranchising.com/development-cobblestone.php or see their other locations here: https://www.staycobblestone.com/find-a-cobblestone/.

Cobblestone began 'Main Street' model hotel (45 or 60 rooms) in Chippewa Falls in 2016. This prototype is designed for downtown environments and also includes a chophouse style restaurant. Cobblestone representatives expressed interest in developing this model in Downtown De Pere.

In order to take the next steps to explore the possibility of Cobblestone Hotel in Downtown De Pere, a feasibility study is required. Due to the way Cobblestone is structured, that study needs to be funded and obtained by a separate entity. For Cobblestone, the community typically funds the study. If the project moves forward, the cost of the study becomes part of the overall project budget and can be refunded back to the community.

The cost of this study generally ranges between $7,000 and $10,000 and can take anywhere from 30 days to 6 months, depending on contractor availability.

We are still currently working on developing a scope for the feasibility study and a list of potential contractors. However, in the interest of time, and to keep the momentum of the project moving forward, we wanted to bring this to the September Finance and Personnel Committee meeting rather than waiting until October.

If approved, staff will finalize the study scope, and also solicit price quotes. That information, and a recommendation for consultant selection, would be presented to the Council for review at a future meeting. Funds for this work were not included in the 2018 budget and are anticipated to be split between TID #7 and TID #9.

Please contact me (920-339-4043 or kflom@mail.de-pere.org) with any questions regarding this item.

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE:	**September 11, 2018**
DEPARTMENT:	**Human Resources**
FROM:	**Shannon Metzler**
SUBJECT:	**Recommendation to increase Outreach Activity Coordinator one pay grade as part of the 2019 Compensation Study/Review ***

ATTACHMENTS:

- Market Study Results to Finance and Council Outreach Activity Coord. (DOCX)
- DRAFT 2019 PAY GRADES 9-4-2018 (XLSX)

Memo City of De Pere

To: Finance/Personnel Committee
From: Shannon Metzler, Human Resources Director
Re: Recommendation to increase Outreach Activity Coordinator one pay grade as part of the 2019 Compensation Market Study/Review
Date: September 11, 2018

Last month we brought before you the market study results as recommended by the compensation consultant, Carlson Dettmann Consulting LLC. As part of the market study we asked the consultant to review positions that had a substantial change in responsibility. There is one additional position that he is recommending be increased.

Outreach Activity Coordinator
The consultant reviewed the change in responsibilities and is recommending the position increase one pay grade level and also recommending the title be changed to Recreation Specialist.

- **2019 Current** Grade Level G $19.98-27.41
- **2019 Proposed** Grade Level H $21.96-$30.11

The 2019 Grade Order sheet is attached.

If approved, funding to implement the market study/review will be put into the 2019 budget. If approved as part of the budget, the new pay plan will be effective on January 1, 2019.

If you have any questions in advance of the meeting, please contact me at 339-4045.

Thank you.

UPDATED
8/1/2018

2019 GRADE ORDER LIST - PROPOSED
2.25% INCREASE

(Employees advance on pay scale one step per year of service if meeting expectations. Step 6 is equal to the market rate (avg. rate) for the position. Employees may advance beyond step 6 through pay for performance.)

				Minimum					Control Point		
				87.5%	90.0%	92.5%	95.0%	97.5%	100.0%		120.0%
GRADE	**JOB TITLE**	**DEPARTMENT**	**FLSA**	**Step 1**	**Step 2**	**Step 3**	**Step 4**	**Step 5**	**Step 6**		**Maximum**
U	*CITY ATTORNEY/ASSISTANT CITY ADMINISTRATOR	CITY ATTORNEY	E	$48.62	$50.01	$51.41	$52.79	$54.19	$55.56	è	$66.69
				$101,129.60	$104,020.80	$106,932.80	$109,803.20	$112,715.20	$115,564.80		$138,715.20
T	DEVELOPMENT SERVICES DIRECTOR	DEVELOPMENT SERVICES	E	$47.02	$48.22	$49.46	$50.73	$52.03	$53.36	è	$64.03
	PUBLIC WORKS DIRECTOR	PUBLIC WORKS	E	$97,801.60	$100,297.60	$102,876.80	$105,518.40	$108,222.40	$110,984.02		$133,182.40
S	~~DEVELOPMENT SERVICES DIRECTOR~~	DEVELOPMENT SERVICES	E	$44.68	$45.96	$47.24	$48.50	$49.79	$51.06	è	$61.28
	FINANCE DIRECTOR	FINANCE	E	$92,934.40	$95,596.80	$98,259.20	$100,880.00	$103,563.20	$106,204.80		$127,462.40
	FIRE CHIEF	FIRE	E								
	POLICE CHIEF	POLICE	E								
	~~PUBLIC WORKS DIRECTOR~~	PUBLIC WORKS	E								
	HUMAN RESOURCES DIRECTOR	HUMAN RESOURCES	E								
	CITY ENGINEER	PUBLIC WORKS	E								
R	~~CITY ENGINEER~~	PUBLIC WORKS	E	$41.72	$42.90	$44.10	$45.29	$46.47	$47.67	è	$57.20
	PARKS, REC & FORESTRY DIRECTOR	PARKS, REC & FORESTRY	E	$86,777.60	$89,232.00	$91,728.00	$94,203.20	$96,657.60	$99,153.60		$118,976.00
	~~H-R DIRECTOR~~	HUMAN RESOURCES	E								
	INFORMATION TECHNOLOGY DIRECTOR	INFORMATION TECHNOLOGY	E								
Q	HEALTH OFFICER/DIRECTOR	HEALTH	E	$39.74	$40.87	$41.99	$43.14	$44.26	$45.42	è	$54.49
	POLICE CAPTAIN	POLICE	E	$82,659.20	$85,009.60	$87,339.20	$89,731.20	$92,060.80	$94,473.60		$113,339.20
P	~~HEALTH OFFICER/DIRECTOR~~	HEALTH	E	$37.75	$38.83	$39.92	$40.99	$42.08	$43.15	è	$51.77
	~~INFORMATION TECHNOLOGY ADMIN.~~	INFORMATION TECHNOLOGY	E	$78,520.00	$80,766.40	$83,033.60	$85,259.20	$87,526.40	$89,752.00		$107,681.60
	~~POLICE CAPTAIN~~	POLICE	E								
	ASSISTANT FIRE CHIEF	FIRE	E								
O	~~ASS'T FIRE CHIEF & INSPECTION~~	FIRE	E	$35.78	$36.81	$37.82	$38.84	$39.88	$40.89	è	$49.08
	ASSISTANT CITY ENGINEER	PUBLIC WORKS	E	$74,422.40	$76,564.80	$78,665.60	$80,787.20	$82,950.40	$85,051.20		$102,086.40
N	~~ASS'T CITY ENGINEER~~	PUBLIC WORKS	E	$33.81	$34.79	$35.75	$36.73	$37.68	$38.64	è	$46.37
	STREET SUPERINTENDENT	PUBLIC WORKS	E	$70,324.80	$72,363.20	$74,360.00	$76,398.40	$78,374.40	$80,371.20		$96,449.60
M	CLERK/TREASURER	FINANCE	E	$31.85	$32.73	$33.66	$34.57	$35.48	$36.38	è	$43.66
	MAINTENANCE SUPERVISOR	PUBLIC WORKS	E	$66,248.00	$68,078.40	$70,012.80	$71,905.60	$73,798.40	$75,670.40		$90,812.80
	PARK SUPERINTENDENT/CITY FORESTER	PARKS, REC & FORESTRY	E								
	RECREATION SUPERINTENDENT	PARKS, REC & FORESTRY	E								
	STAFF ATTORNEY	CITY ATTORNEY	E								
L	WATER DEPARTMENT SUPERVISOR	PUBLIC WORKS	E	$29.87	$30.72	$31.56	$32.43	$33.27	$34.12	è	$40.95
	GIS MANAGER/PROJECT MANAGER	DEVELOPMENT SERVICES	E	$62,129.60	$63,897.60	$65,644.80	$67,454.40	$69,201.60	$70,969.60		$85,176.00
	SENIOR PLANNER	DEVELOPMENT SERVICES	E								
	SENIOR BUILDING INSPECTOR	DEVELOPMENT SERVICES	E								
K	~~GIS COORDINATOR~~	DEVELOPMENT SERVICES	E	$27.87	$28.69	$29.47	$30.28	$31.07	$31.88	è	$38.24
	PUBLIC HEALTH NURSE	HEALTH	E	$57,969.60	$59,675.20	$61,297.60	$62,982.40	$64,625.60	$66,310.40		$79,539.20
	~~PLANNER II~~	DEVELOPMENT SERVICES	E								
	~~SR. BUILDING INSPECTOR~~	DEVELOPMENT SERVICES	E								
	SANITARIAN	HEALTH	E								
J	BUSINESS MANAGER	POLICE	E	$25.92	$26.65	$27.38	$28.14	$28.87	$29.61	è	$35.53

					Minimum					Control Point		
					87.5%	90.0%	92.5%	95.0%	97.5%	100.0%		120.0%
GRADE	JOB TITLE		DEPARTMENT	FLSA	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6		Maximum
	~~SANITARIAN~~		HEALTH	E	$53,913.60	$55,432.00	$56,950.40	$58,531.20	$60,049.60	$61,588.80		$73,902.40
	BUILDING INSPECTOR		DEVELOPMENT SERVICES	NE								
	RECREATION SUPERVISOR		PARKS, REC & FORESTRY	E								
	HUMAN RESOURCES GENERALIST		HUMAN RESOURCES	E								
	ENGINEER SENIOR TECHNICIAN		PUBLIC WORKS	NE								
	MAINTENANCE SPECIALIST		PUBLIC WORKS	NE								
I	~~ENGINEER SENIOR TECHNICIAN~~		PUBLIC WORKS	NE	$23.94	$24.61	$25.30	$25.99	$26.66	$27.34	è	$32.82
	~~HUMAN RESOURCE GENERALIST~~		HUMAN RESOURCES	E	$49,795.20	$51,188.80	$52,624.00	$54,059.20	$55,452.80	$56,867.20		$68,265.60
	COMMUNICATIONS SPECIALIST/ADMINISTRATIVE ASSISTANT		ADMINISTRATION	E								
	PAYROLL SPECIALIST		FINANCE	NE								
	MECHANIC		PUBLIC WORKS	NE								
	PARALEGAL		CITY ATTORNEY	NE								
H	~~PARALEGAL~~		CITY ATTORNEY	NE	$21.96	$22.60	$23.23	$23.85	$24.48	$25.10	è	$30.11
	~~MECHANIC~~		PUBLIC WORKS	NE	$45,676.80	$47,008.00	$48,318.40	$49,608.00	$50,918.40	$52,208.00		$62,628.80
	~~PAYROLL SPECIALIST~~		FINANCE	NE								
	~~MAINTENANCE SPECIALIST~~		PARKS, REC & FORESTRY	NE								
	ENGINEER TECHNICIAN		PUBLIC WORKS	NE								
	**DPW EQUIPMENT OPERATOR		PUBLIC WORKS	NE								
	WATER DEPARTMENT MAINTENANCE WORKER		PUBLIC WORKS	NE								
	GIS TECHNICIAN		DEVELOPMENT SERVICES	NE								
	ARBORIST		PARKS, REC & FORESTRY	NE								
	DEPUTY CLERK		FINANCE	NE								
	VIDEO PRODUCTION/IT SUPPORT SPECIALIST		INFORMATION TECHNOLOGY	NE								
	RECREATION SPECIALIST		PARKS, REC & FORESTRY	NE								
G	ACCOUNTS PAYABLE CLERK		FINANCE	NE	$19.98	$20.56	$21.12	$21.71	$22.27	$22.84	è	$27.41
	ADMINISTRATIVE ASSISTANT (Fire, Dev Services, PRF, PW)		VARIOUS	NE	$41,558.40	$42,764.80	$43,929.60	$45,156.80	$46,321.60	$47,507.20		$57,012.80
	MAINTENANCE TECHNICIAN		PARKS, REC & FORESTRY	NE								
	COMMUNITY CENTER ACTIVITY COORD		PARKS, REC & FORESTRY	NE								
	~~COMMUNITY CENTER ACTIVITY/OUTREACH COORD~~		PARKS, REC & FORESTRY	NE								
	~~DEPUTY CITY CLERK~~		FINANCE	NE								
	***LEAD ARBORIST		PARKS, REC & FORESTRY	NE								
	MUNICIPAL COURT CLERK		MUNICIPAL COURT	NE								
	DPW MAINTENANCE WORKER		PUBLIC WORKS	NE								
	~~VIDEO PRODUCTION & MARKETING COORD~~		INFORMATION TECHNOLOGY	NE								
	PARKS MAINTENANCE WORKER		PARKS, REC & FORESTRY	NE								
F	OFFICE ASSISTANT (PRF, Police, Health, HR, PW)		VARIOUS	NE	$18.02	$18.53	$19.05	$19.56	$20.08	$20.58	è	$24.69
	~~PARKS MAINTENANCE WORKER~~		PARKS, REC & FORESTRY	NE	$37,481.60	$38,542.40	$39,624.00	$40,684.80	$41,766.40	$42,806.40		$51,355.20
	~~ARBORIST~~		PARKS, REC & FORESTRY	NE								
E	vacant				$16.53	$17.00	$17.47	$17.96	$18.43	$18.90	è	$22.68
D	vacant				$15.32	$15.76	$16.19	$16.63	$17.07	$17.49	è	$20.99
C	vacant				$14.18	$14.58	$14.98	$15.39	$15.80	$16.20	è	$19.45
B	vacant				$13.13	$13.51	$13.89	$14.25	$14.62	$15.00	è	$18.01
Non-Graded Positions												
	CITY ADMINISTRATOR		ADMINISTRATION	E	$ 132,620							

* $2,000 Yearly stipend to the position that assumes the role of Assistant City Administrator

**DPW Leadperson receives $1.00/hour additional over current rate of pay

					Minimum					Control Point		
					87.5%	90.0%	92.5%	95.0%	97.5%	100.0%		120.0%
GRADE	JOB TITLE		DEPARTMENT	FLSA	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6		Maximum
***Arborist position now requires an associate degree/cert. = increased pay grade, current Lead Arboririst does not meet min. qualifications so will be left at current grade												

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE: **September 11, 2018**

DEPARTMENT: **Human Resources**

FROM: **Shannon Metzler**

SUBJECT: **Consideration of 2019 Benefit Renewal and Plan Design Changes***

ATTACHMENTS:

- 2019 Council Memo City of De Pere 9-4-18 II (DOCX)

MEMO

CITY OF DE PERE

To: Members of the Finance/Personnel Committee
From: Shannon Metzler, Human Resources Director
RE: Consideration of 2019 Benefit Renewal and Plan Design Changes
Date: September 11, 2018

We continue to monitor the benefit plans provided to the employees to maintain high value, financially stable design and costs. 2018 was a year of some big changes that projected plan sustainability. As we plan into 2019, we continually evaluate the fixed costs of the plan. We are recommending minor changes to the medical plan this year and more comprehensive changes to the pharmacy plan design.

MEDICAL PLAN RECOMENDATIONS

CURRENT PLAN DESIGN	2019 PROPOSED CHANGES
Colonoscopies – Routine only	First routine one per year at 100% (regardless of diagnosis for example: if polyps are found)
Transplant Coverage for all facilities	No coverage for non-designated facilities
Home Health Care – No limit	Change to 60 visits per calendar year

PHARMACY PLAN RECOMENDATIONS

Broader Retail Vaccination Network	Convenience for plan participants that encourages vaccinations via more provider locations. Saves plan and plan participants office visit charges. Provides competitive prices via the pharmacy benefit. Reimburses pharmacies the vaccine drug cost plus the associated administration charge. Pharmacy process as a prescription under the drug benefit.
Specialty Cost Share Tier	The cost of specialty medications continues to increase at a much faster rate than other non-specialty medications. On the plan today, if a member is taking a specialty medication they pay 10% of the cost to a maximum of $100. In current cases, the amount the member is paying out of pocket is covered by the manufacturer coupon or rebate. We are recommending a change to this benefit to 20% up to a maximum of $350. Even with this change, the member should continue to get their out-of-pocket amounts covered by the manufactures coupon, but this will save the City $250 for each filled prescription. Currently specialty medications accounts for 56% of the City of De Pere's overall spend. The estimated savings to the plan are $11,500.
Oral Specialty Partial Fills	This provides a measure to minimize potential waste for new starts to therapy for select oral specialty drugs (*18 oncology products*) by allowing only a week or two of medication to be initially dispensed. It helps ensure individuals tolerate therapy before dispensing larger amounts.
Advanced Control Formulary	We are recommending a new formulary list that provides savings to both the plan participants as well as the plan overall. This new list directs plan participants to lower cost medications. This new list will exclude 275 medications that are covered today, but will have alternatives to these medications on the list. As of current, this change will only impact ten (10) members, and these members will be notified prior to making this change. There will be an appeal process in place for exceptions to be made when it is determined that a member requires one of the excluded medications. The estimated savings to the plan are $17,000.

RENEWAL RATES

Based on the plan performance and the above recommended plan language changes, we are recommending a 3% increase for 2019 plan year. The medical trend continues to be approximately 6%. The rates would as follows:

	CURRENT - RENEWAL
Single:	$757.10
EE+1:	$1,409.12
Family:	$2,311.18
Retiree Single under 65:	$999.37
Retiree EE+1 under 65:	$1,860.04
Retiree Family under 65:	$3,050.76
Medicare Single over 65:	$681.39
Medicare Two over 65:	$1,362.78
Medicare one over one under 65:	$1,680.76

DENTAL PLAN

No Changes to the plan.

RENEWAL RATES

Based on the plan performance, we are recommending a 3% increase to our Humana self-funded plan. The Care Plus rates will increase 6% for 2019.

HUMANA RENEWAL	DENTAL ASSOCIATES
Single - $48.44	Single - $37.04
Family - $147.25	Family - $105.69

OTHER BENEFITS

The market analysis for our other benefit plan offerings shows that our plans are comprehensive and competitive and we are not recommending any plan design changes.

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

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE: **September 11, 2018**

DEPARTMENT: **City Clerk-Treasurer**

FROM: **Shana Ledvina**

SUBJECT: **Consideration of City Investment Policy Changes.***

ATTACHMENTS:

- memo to council re changes to investment policy (DOC)
- Investment Policy - City of De Pere FINAL 7-1-08 Redlined (DOC)
- City of De Pere Investment Policy Highlighted 06-22-18 (PDF)
- Wisconsin State Legislature 66.0603 Investment Recommendations 06-22-18 (PDF)

CITY OF DE PERE MEMO

DATE: September 5, 2018

TO: Members of the Finance/Personnel Committee

FROM: Shana Ledvina, Clerk-Treasurer
Joe Zegers, Finance Director

RE: Changes to investment policy to reflect changes in statute

Our new investment group, Charles Schwab, has identified a few changes in state statutes pertaining to municipal investing that would be beneficial to the City to reflect in its own investment policy, which has not been updated since 2008.

I've attached a copy of the statutes with the requested changed highlighted on the 3rd and 4th page, the current investment policy as it was adopted in 2008, and the redlined investment policy.

If you have any questions, feel free to contact Shana Ledvina at 339-4072 ext. 1355 or Joe Zegers at 339-4041.

City of De Pere Investment Policy

It is the policy of the City of De Pere to invest pubic funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all federal and state statutes governing the investment of pubic funds.

1.0 Scope:
This investment policy applies to all financial assets of the City of De Pere. These funds are accounted for in the City of De Pere's Comprehensive Annual Financial Report and include:

Funds:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Debt Services Fund
- Enterprise Funds
- Internal Services Funds
- Fiduciary Funds
- Any new fund created by the Common Council, unless specifically exempted

2.0 Prudence:
Investments shall be made with judgment and care, under circumstances existing at the time the investment is made, which persons or prudence, discretion and intelligence exercise in the management of their own affairs, not speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person rule" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Those with access to and responsibility for City investments management must comply with investment procedures developed by the Finance/Personnel Committee.

The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

3.0 Objective:
The primary objectives, in priority order, of the City of De Pere's investment activities shall be:

A. Safety – Safety of principal is the foremost objective of the investment program. Investments of the City of De Pere shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City of De Pere will diversify its investments by investing funds among a variety of securities and financial institutions offering independent returns.

B. Liquidity – The City of De Pere's investment portfolio will remain sufficiently liquid to enable the City of De Pere to meet all operating requirements that might be reasonably anticipated.

C. Return on Investments – The City of De Pere's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of its portfolio

4.0 Delegation of Authority:
Authority to manage the City of De Pere's investment is granted to the Clerk-Treasurer and derived from Wisconsin Statute 66.0603 regarding investments. The Clerk-Treasurer, under the supervision of the Finance Director and City Administrator shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Clerk-Treasurer. The Clerk-Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates.

5.0 Ethics and Conflicts of Interest:
Officers and employees involved in the investment process shall not conduct personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial decisions. The Clerk-Treasurer and subordinates shall disclose to the City Administrator any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers of the City shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City of De Pere.

6.0 Finance/Personnel Committee:
The Clerk-Treasurer shall report quarterly to the Finance/Personnel Committee the performance of investments and review the investment strategy.

7.0 Authorized Financial Institutions:
No City of De Pere deposit shall be made except in a qualified public depository as established by state laws and as approved by the Finance/Personnel Committee.

8.0 Investment Advisor Services:
The Clerk-Treasurer may enter into a contract with one or more investment advisors only upon the approval of the Common Council. The selection of an investment advisor will be based on the utilization of Requests for Proposal and/or interviews.

9.0 Authorized & Sustainable Investments:
Minimal risk tolerance with long-term expectations for each asset classification will guide the strategic decisions regarding individual purchases and overall portfolio structure. The City of De Pere is empowered to invest in certain types of securities by Wis. Statute 66.0603. These include:

1. Time deposits in any credit union, bank, savings bank, trust company or savings and loan association that is authorized to transact business in this state~~ if the time deposits mature in not more than 3 years~~.
2. Repurchase agreements that are fully collateralized by bonds or securities.
3. Bonds or securities issued or guaranteed as to principal and interest by the federal government, or by a commission, board or other instrumentality of the federal government. The

maximum coupon adjustment period for adjustable rate securities shall be five years and final maturity for fixed rate assets shall be ~~five years~~ seven years~~.~~

4. Bonds or securities of any county, city, drainage district, technical college, district, village, town or school district of this state. The maximum coupon adjustment period for adjustable rate securities shall be five years and final maturity for fixed rate assets shall be seven years ~~five years~~.

5. Securities of a no-load investment trust with a portfolio limited to consisting of the following:
   - Bonds and securities issued by the federal government or a commission, board or other instrumentality of the federal government.
   - Bonds that are guaranteed as to principal and interest by the federal government or a commission, board or other instrumentality of the federal government.
   - Repurchase agreements that are fully collateralized by bonds or securities.

6. The State of Wisconsin Local Government Investment Pool.

7. Bonds or notes of U.S. Corporations with credit ratings of AAA or AA, the two highest ratings categories, assigned by Standard and Poors Corporation, Moody's investor services or other similar nationally recognized rating agency ~~from a minimum of two nationally recognized ratings agencies that must include either Moodys or Standard and Poors~~. Bonds or notes of U.S. Corporations may not exceed $1 million or 10% of the entire City portfolio par value whichever is less and must have a maximum maturity of three years or less. All corporate securities must undergo extensive credit risk analysis prior to purchase and on a continued basis.

10.0 Collateralization:

Collateralization will be required on two types of investments: certificates of deposit and repurchase (and reverse) agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 110% of market value of principal and accrued interest. The City of De Pere chooses to limit collateral to the following U.S. Government securities.

- Treasury Bills
- Treasury Notes
- Treasury Bonds
- Federal National Mortgage Association
- Federal Credit Agencies such as the Federal Home Loan Bank, the Federal Farm Credit Bank, The Federal Home Loan Mortgage Corporation and the Student Loan Marketing Association
- Mortgage Backed Securities
- Government National Mortgage Association

Collateral will always be held by an independent third party with whom the City of De Pere has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City of De Pere and retained. Collateralization shall be in the form of specific securities held for the City. The only exceptions are Federal Depository Insurance Company (FDIC), Securities Investor Protection Corporation (SIPC) and pre-approved insurance coverage. The City may collateralize its repurchase agreements using longer-dated investments not to exceed 5 years to maturity. The right of collateral substitution is granted.

11.0 Safekeeping and Custody:

All security transactions, including collateral for repurchase agreements, entered into by the City of De Pere shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian designated by the Clerk-Treasurer and City Administrator and approved by the Finance/Personnel Committee and Common Council.

12.0 Diversification:
The City will diversify its investments by security type and institution. With the exception of U.S. Treasury securities ~~and~~ authorized pools and Certificates of Deposits (or "Time Deposits) that are fully FDIC insured, no more than 50% of the De Pere total investment portfolio will be invested in a single security type or with a single financial institution.

13.0 Maximum Maturities:
To the extent possible, the City of De Pere will attempt to match its investments with anticipated cash flow liquidity requirements. Unless matched to a specific cash flow, the City of De Pere will not invest in securities maturing more than 5 years from the date of purchase. Reserve funds may be invested in securities exceeding 5 years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of funds. In no event will the City invest in securities with maturities exceeding 7 years. Because of the inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as LGIPs, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

14.0 Internal Control:
The Clerk-Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of De Pere are protected from loss, theft or misuse. An internal control structure shall be designed to provide reasonable assurance that these objectives are met.

15.0 Performance Standards:
The investment portfolio shall be designed with the objective of obtaining a rate of return during budgetary and economic cycles, commensurate with the City of De Pere's investment risk constraints and cash flow needs. The City will always maximize the amount of its cash funds earning interest.

16.0 Reporting
The Clerk-Treasurer shall provide the Finance/Personnel Committee quarterly investment reports that provide a clear picture of the status of the current investment portfolio. The management report should include comments on the fixed income markets and economic conditions, discussions regarding restrictions on percentage of investment by categories, possible changes in the portfolio structure going forward and thoughts on investment strategies and other information as requested by the Finance/Personnel Committee.

Schedules in the quarterly report should include the following:

- A listing of individual securities held at the end of the reporting period by authorized safekeeping agent
- Investment category
- Final maturity of all investment listed
- Coupon, discount or earnings rate
- Par value, Amortized Book Value and Market Value
- Percentage of the Portfolio represented by each investment category

17.0 Investment Policy Adoption

The City of De Pere's investment policy shall be adopted by resolution of the City of De Pere Finance/Personnel Committee and Common Council. The Finance/Personnel Committee shall review the policy annually or on an "as needed basis" and must approve any modifications made thereto.

18.0 Glossary

Because this policy is to be available to the public as well as the governing body, it is important that a glossary of related terminology be part of the policy.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public monies.

CORPORATE NOTES AND BONDS: Medium to long-term coupon bearing debt securities issued as obligations of U.S. corporations having initial maturities from 2 to 30 years. U.S. corporate notes and bonds are not guaranteed as to safety of principal and interest by the U.S. government.

DELIVERY VERSUS PAYMENT: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to $100,000.00 per deposit.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit institutions and insurance companies. The mission of FHLB is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FmHA mortgages. The term "pass-throughs" is often used to describe Ginnie Maes.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase – reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

PRUDENT PERSON RULE: An investment standard that states the trustee may invest in a security if it is one that would be bought by a prudent person of discretion and intelligence who is seeking preservation of capital and a reasonable income.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

RESOLUTION #08-100

ADOPTING UPDATE TO THE INVESTMENT POLICY

WHEREAS, the City's Investment Policy was last updated in 1995; and

WHEREAS, upon recommendation of the City's auditors, such policy has been reviewed and revised; and

WHEREAS, this updated investment policy has been reviewed by the Finance/Personnel Committee of which recommends adoption thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council adopts the attached City of De Pere Investment Policy.

BE IT FURTHER RESOLVED THAT:

All City officials, officers and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 19th day of August, 2008.

APPROVED:

Michael J. Walsh

Michael J. Walsh, Mayor

ATTEST:

Charlene M. Peterson

Charlene M. Peterson, Clerk-Treasurer

Ayes: 8

Nays: 0

City of De Pere Investment Policy

It is the policy of the City of De Pere to invest pubic funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all federal and state statutes governing the investment of pubic funds.

1.0 Scope:
This investment policy applies to all financial assets of the City of De Pere. These funds are accounted for in the City of De Pere's Comprehensive Annual Financial Report and include:

Funds:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Debt Services Fund
- Enterprise Funds
- Internal Services Funds
- Fiduciary Funds
- Any new fund created by the Common Council, unless specifically exempted

2.0 Prudence:
Investments shall be made with judgment and care, under circumstances existing at the time the investment is made, which persons or prudence, discretion and intelligence exercise in the management of their own affairs, not speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person rule" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Those with access to and responsibility for City investments management must comply with investment procedures developed by the Finance/Personnel Committee.

The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

3.0 Objective:
The primary objectives, in priority order, of the City of De Pere's investment activities shall be:

A. Safety – Safety of principal is the foremost objective of the investment program. Investments of the City of De Pere shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City of De Pere will diversify its investments by investing funds among a variety of securities and financial institutions offering independent returns.

B. Liquidity – The City of De Pere's investment portfolio will remain sufficiently liquid to enable the City of De Pere to meet all operating requirements that might be reasonably anticipated.

C. Return on Investments – The City of De Pere's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of its portfolio

4.0 Delegation of Authority:
Authority to manage the City of De Pere's investment is granted to the Clerk-Treasurer and derived from Wisconsin Statute 66.0603 regarding investments. The Clerk-Treasurer, under the supervision of the Finance Director and City Administrator shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Clerk-Treasurer. The Clerk-Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates.

5.0 Ethics and Conflicts of Interest:
Officers and employees involved in the investment process shall not conduct personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial decisions. The Clerk-Treasurer and subordinates shall disclose to the City Administrator any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers of the City shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City of De Pere.

6.0 Finance/Personnel Committee:
The Clerk-Treasurer shall report quarterly to the Finance/Personnel Committee the performance of investments and review the investment strategy.

7.0 Authorized Financial Institutions:
No City of De Pere deposit shall be made except in a qualified public depository as established by state laws and as approved by the Finance/Personnel Committee.

8.0 Investment Advisor Services:
The Clerk-Treasurer may enter into a contract with one or more investment advisors only upon the approval of the Common Council. The selection of an investment advisor will be based on the utilization of Requests for Proposal and/or interviews.

9.0 Authorized & Sustainable Investments:
Minimal risk tolerance with long-term expectations for each asset classification will guide the strategic decisions regarding individual purchases and overall portfolio structure. The City of De Pere is empowered to invest in certain types of securities by Wis. Statute 66.0603. These include:

1. Time deposits in any credit union, bank, savings bank, trust company or savings and loan association that is authorized to transact business in this state if the time deposits mature in not more than 3 years.
2. Repurchase agreements that are fully collateralized by bonds or securities.
3. Bonds or securities issued or guaranteed as to principal and interest by the federal government, or by a commission, board or other instrumentality of the federal government. The

maximum coupon adjustment period for adjustable rate securities shall be five years and final maturity for fixed rate assets shall be five years.

4. Bonds or securities of any county, city, drainage district, technical college, district, village, town or school district of this state. The maximum coupon adjustment period for adjustable rate securities shall be five years and final maturity for fixed rate assets shall be five years.
5. Securities of a no-load investment trust with a portfolio limited to consisting of the following:
    - Bonds and securities issued by the federal government or a commission, board or other instrumentality of the federal government.
    - Bonds that are guaranteed as to principal and interest by the federal government or a commission, board or other instrumentality of the federal government.
    - Repurchase agreements that are fully collateralized by bonds or securities.
6. The State of Wisconsin Local Government Investment Pool.
7. Bonds or notes of U.S. Corporations with credit ratings of AAA or AA, the two highest ratings categories, from a minimum of two nationally recognized ratings agencies that must include either Moodys or Standard and Poors. Bonds or notes of U.S. Corporations may not exceed $1 million or 10% of the entire City portfolio par value whichever is less and must have a maximum maturity of three years or less. All corporate securities must undergo extensive credit risk analysis prior to purchase and on a continued basis.

10.0 Collateralization:

Collateralization will be required on two types of investments: certificates of deposit and repurchase (and reverse) agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 110% of market value of principal and accrued interest. The City of De Pere chooses to limit collateral to the following U.S. Government securities.

- Treasury Bills
- Treasury Notes
- Treasury Bonds
- Federal National Mortgage Association
- Federal Credit Agencies such as the Federal Home Loan Bank, the Federal Farm Credit Bank, The Federal Home Loan Mortgage Corporation and the Student Loan Marketing Association
- Mortgage Backed Securities
- Government National Mortgage Association

Collateral will always be held by an independent third party with whom the City of De Pere has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City of De Pere and retained. Collateralization shall be in the form of specific securities held for the City. The only exceptions are Federal Depository Insurance Company (FDIC), Securities Investor Protection Corporation (SIPC) and pre-approved insurance coverage. The City may collateralize its repurchase agreements using longer-dated investments not to exceed 5 years to maturity. The right of collateral substitution is granted.

11.0 Safekeeping and Custody:

All security transactions, including collateral for repurchase agreements, entered into by the City of De Pere shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian designated by the Clerk-Treasurer and City Administrator and approved by the Finance/Personnel Committee and Common Council.

12.0 Diversification:
The City will diversify its investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the De Pere total investment portfolio will be invested in a single security type or with a single financial institution.

13.0 Maximum Maturities:
To the extent possible, the City of De Pere will attempt to match its investments with anticipated cash flow liquidity requirements. Unless matched to a specific cash flow, the City of De Pere will not invest in securities maturing more than 5 years from the date of purchase. Reserve funds may be invested in securities exceeding 5 years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of funds. In no event will the City invest in securities with maturities exceeding 7 years. Because of the inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as LGIPs, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

14.0 Internal Control:
The Clerk-Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of De Pere are protected from loss, theft or misuse. An internal control structure shall be designed to provide reasonable assurance that these objectives are met.

15.0 Performance Standards:
The investment portfolio shall be designed with the objective of obtaining a rate of return during budgetary and economic cycles, commensurate with the City of De Pere's investment risk constraints and cash flow needs. The City will always maximize the amount of its cash funds earning interest.

16.0 Reporting
The Clerk-Treasurer shall provide the Finance/Personnel Committee quarterly investment reports that provide a clear picture of the status of the current investment portfolio. The management report should include comments on the fixed income markets and economic conditions, discussions regarding restrictions on percentage of investment by categories, possible changes in the portfolio structure going forward and thoughts on investment strategies and other information as requested by the Finance/Personnel Committee.

Schedules in the quarterly report should include the following:

- A listing of individual securities held at the end of the reporting period by authorized safekeeping agent
- Investment category
- Final maturity of all investment listed
- Coupon, discount or earnings rate
- Par value, Amortized Book Value and Market Value
- Percentage of the Portfolio represented by each investment category

17.0 Investment Policy Adoption
The City of De Pere's investment policy shall be adopted by resolution of the City of De Pere Finance/Personnel Committee and Common Council. The Finance/Personnel Committee shall review the policy annually or on an "as needed basis" and must approve any modifications made thereto.

18.0 Glossary

Because this policy is to be available to the public as well as the governing body, it is important that a glossary of related terminology be part of the policy.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.
COLLATERAL: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public monies.
CORPORATE NOTES AND BONDS: Medium to long-term coupon bearing debt securities issued as obligations of U.S. corporations having initial maturities from 2 to 30 years. U.S. corporate notes and bonds are not guaranteed as to safety of principal and interest by the U.S. government.
DELIVERY VERSUS PAYMENT: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.
DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.
FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives and exporters.
FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to $100,000.00 per deposit.
FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit institutions and insurance companies. The mission of FHLB is to liquefy the housing related assets of its members who must purchase stock in their district Bank.
FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FmHA mortgages. The term "pass-throughs" is often used to describe Ginnie Maes.
LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.
LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.
MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase – reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.
PRUDENT PERSON RULE: An investment standard that states the trustee may invest in a security if it is one that would be bought by a prudent person of discretion and intelligence who is seeking preservation of capital and a reasonable income.
RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.
REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.
SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.
TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.
TREASURY BONDS: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.
TREASURY NOTES: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

1. Subject to subds. 2. and 3., if the village of Shorewood reduces its levy from the amount it would have levied for 2011 if not for an error in the valuation of Tax Incremental District Number 1 in the village, to compensate for that error, the limit otherwise applicable under this section to the village in 2012 is increased by the amount of the reduction, as determined by the department of revenue. The amounts added to the village's limit for 2012 under this subdivision may not exceed the amount by which the village underutilized its limit for 2011, as determined by the department of revenue.

2. If the village of Shorewood applies funds from the village's general fund in 2011 to replace amounts not levied to compensate for an error in the valuation of Tax Incremental District Number 1 in the village, the limits otherwise applicable under this section to the village in 2012 and 2013 are increased by the amount applied from the general fund in 2011, as determined by the department of revenue. The village's limit increases under this subdivision for 2012 and 2013 do not increase the village's limit for any subsequent year.

3. The combined amount of increased levy in 2012 and 2013 by the village of Shorewood under subd. 2. may not exceed the amount of the funds applied from the general fund to replace amounts not levied in 2011 to compensate for an error in the valuation of Tax Incremental District Number 1 in the village.

(L) If the village of Warrens reduces its levy from the amount it would have levied for 2012 if not for an error in the valuation of Tax Incremental District Number 1 in the village, to compensate for that error, the limit otherwise applicable under this section to the village in 2013 is increased by the amount of the reduction, as determined by the department of revenue. The amounts added to the village's limit for 2013 under this paragraph may not exceed the amount by which the village underutilized its limit for 2012, as determined by the department of revenue.

(Lm) If the city of Fox Lake reduces its levy from the amount it would have levied for 2012 if not for an error in the valuation of Tax Incremental District Number 1 in the city, to compensate for that error, the limit otherwise applicable under this section to the city in 2013 is increased by the amount of the reduction, as determined by the department of revenue. The amounts added to the city's limit for 2013 under this paragraph may not exceed the amount by which the city underutilized its limit for 2012, as determined by the department of revenue.

(m)

1. The levy increase limit otherwise applicable under this section to a city, village, or town in the current year is increased by $1,000 for each new single-family residential dwelling unit for which a city, village, or town issues an occupancy permit in the preceding year and that is all of the following:

a. Located on a parcel of no more than 0.25 acre in a city or village, or on a parcel of no more than one acre in a town.

b. Sold in the preceding year for not more than 80 percent of the median price of a new residential dwelling unit in the city, village, or town in the preceding year.

2. Amounts levied under this paragraph may be used only for police protective services, fire protective service, or emergency medical services.

3. If a city, village, or town levies an amount under this paragraph, the city, village, or town may not decrease the amount it spends for police protective services, fire protective services, or emergency medical services below the amount the city, village, or town spent in the preceding year.

(4) REFERENDUM EXCEPTION.

(a) A political subdivision may exceed the levy increase limit under sub. (2) if its governing body adopts a resolution to that effect and if the resolution is approved in a referendum. The resolution shall specify the proposed amount of increase in the levy beyond the amount that is allowed under sub. (2), the purpose for which the increase will be used, and whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis. With regard to a referendum relating to the 2005 levy, or any levy in an odd-numbered year thereafter, the political subdivision may call a special referendum for the purpose of submitting the resolution to the electors of the political subdivision for approval or rejection. With regard to a referendum relating to the 2006 levy, or any levy in an even-numbered year thereafter, the referendum shall be held at the next succeeding spring primary or election or partisan primary or general election.

(b) The clerk of the political subdivision shall publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this paragraph.

(c) The referendum shall be held in accordance with chs. 5 to 12. The political subdivision shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots under ss. 5.64 (2) and 7.08 (1) (a). The question shall be submitted as follows: “Under state law, the increase in the levy of the .... (name of political subdivision) for the tax to be imposed for the next fiscal year, ... (year), is limited to ....%, which results in a levy of $.... Shall the .... (name of political subdivision) be allowed to exceed this limit and increase the levy for the next fiscal year, ... (year), for .... (purpose for which the increase will be used), by a total of ....%, which results in a levy of $....?". In preparing the ballot question for a referendum held at a partisan primary in 2014, as it relates to the allowable amount of levy rate increase and the total amount of a levy, a county with a population of at least 30,000, but no more than 40,000, that is adjacent to a county with a population exceeding 450,000, shall use the most recent data that it has and the most recent data that is available from the department of revenue.

(d) Within 14 days after the referendum, the clerk of the political subdivision shall certify the results of the referendum to the department of revenue. The levy increase limit otherwise applicable to the political subdivision under this section is increased in the next fiscal year by the percentage approved by a majority of those voting on the question. If the resolution specifies that the increase is for one year only, the amount of the increase shall be subtracted from the base used to calculate the limit for the 2nd succeeding fiscal year.

(5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than 3,000 may exceed the levy increase limit otherwise applicable under this section to the town if the town board adopts a resolution supporting an increase and places the question on the agenda of an annual town meeting or a special town meeting and if the annual or special town meeting adopts a resolution endorsing the town board's resolution. The limit otherwise applicable to the town under this section is increased in the next fiscal year by the percentage approved by a majority of those voting on the question. Within 14 days after the adoption of the resolution, the town clerk shall certify the results of the vote to the department of revenue.

(6) PENALTIES. Except as provided in sub. (6m), if the department of revenue determines that a political subdivision has a penalized excess in any year, the department of revenue shall do all of the following:

(a) Reduce the amount of county and municipal aid payments to the political subdivision under s. 79.035 in the following year by an amount equal to the amount of the penalized excess.

(b) Ensure that the amount of any reductions in county and municipal aid payments under par. (a) lapses to the general fund.

(c) Ensure that the amount of the penalized excess is not included in determining the limit described under sub. (2) for the political subdivision for the following year.

(d) Ensure that, if a political subdivision's penalized excess exceeds the amount of aid payment that may be reduced under par. (a), the excess amount is subtracted from the aid payments under par. (a) in the following years until the total amount of penalized excess is subtracted from the aid payments.

(6m) MISTAKES IN LEVIES. The department of revenue may issue a finding that a political subdivision is not liable for a penalty that would otherwise be imposed under sub. (6) if the department determines that the political subdivision's penalized excess is caused by one of the following clerical errors:

(a) The department, through mistake or inadvertence, has assessed to any county or taxation district, in the current year or in the previous year, a greater or less valuation for any year than should have been assessed, causing the political subdivision's levy to be erroneous in a way that directly causes a penalized excess.

(b) A taxation district clerk or a county clerk, through mistake or inadvertence in preparing or delivering the tax roll, causes a political subdivision's levy to be erroneous in a way that directly causes a penalized excess.

History: 2005 a. 25, 484; 2007 a. 20, 115, 129; 2009 a. 28; 2011 a. 32, 63, 75, 140, 145, 258; 2013 a. 20; 2013 a. 165 s. 114; 2013 a. 222, 310; 2015 a. 55, 191, 256; 2017 a. 59; 2017 a. 207 s. 5; 2017 a. 223, 243, 317; 2017 a. 365 s. 111; s. 13.92 (1) (bm) 2; s. 35.17 correction in (1) (d).

66.0603 Investments.

(1g) DEFINITION. In this section, “governing board" has the meaning given under s. 34.01 (1) but does not include a local exposition district board created under subch. II of ch. 229 or a local cultural arts district board created under subch. V of ch. 229.

(1m) INVESTMENTS.

(a) A county, city, village, town, school district, drainage district, technical college district or other governing board, other than a local professional football stadium district board created under subch. IV of ch. 229, may invest any of its funds not immediately needed in any of the following:

1. Time deposits in any credit union, bank, savings bank, trust company, or savings and loan association which is authorized to transact business in this state.

2. Bonds or securities issued or guaranteed as to principal and interest by the federal government, or by a commission, board or other instrumentality of the federal government.

3. Bonds or securities of any county, city, drainage district, technical college district, village, town or school district of this state.

3m. Bonds issued by a local exposition district under subch. II of ch. 229.

3p. Bonds issued by a local professional baseball park district created under subch. III of ch. 229.

3q. Bonds issued by a local professional football stadium district created under subch. IV of ch. 229.

3s. Bonds issued by the University of Wisconsin Hospitals and Clinics Authority.

3t. Bonds issued by a local cultural arts district under subch. V of ch. 229.

3u. Bonds issued by the Wisconsin Aerospace Authority.

4. Any security which matures or which may be tendered for purchase at the option of the holder within not more than 7 years of the date on which it is acquired, if that security has a rating which is the highest or 2nd highest rating category assigned by Standard & Poor's corporation, Moody's investors service or other similar nationally recognized rating agency or if that security is senior to, or on a parity with, a security of the same issuer which has such a rating.

5. Securities of an open-end management investment company or investment trust, if the investment company or investment trust does not charge a sales load, if the investment company or investment trust is registered under the investment company act of 1940, 15 USC 80a-1 to 80a-64, and if the portfolio of the investment company or investment trust is limited to the following:

a. Bonds and securities issued by the federal government or a commission, board or other instrumentality of the federal government.

b. Bonds that are guaranteed as to principal and interest by the federal government or a commission, board or other instrumentality of the federal government.

c. Repurchase agreements that are fully collateralized by bonds or securities under subd. 5. a. or b.

(b)

1. A town, city, or village may invest surplus funds in any bonds or securities issued under the authority of the municipality, whether the bonds or securities create a general municipality liability or a liability of the property owners of the municipality for special improvements, and may sell or hypothecate the bonds or securities. Funds of an employer, as defined by s. 40.02 (28), in a deferred compensation plan may also be invested and reinvested in the same manner authorized for investments under s. 881.01.

2. Funds of any school district operating under ch. 119, held in trust for pension plans intended to qualify under section 401 (a) of the Internal Revenue Code, other than funds held in the public employee trust fund, may be invested and reinvested in the same manner as is authorized for investments under s. 881.01.

3. A school district may invest and reinvest funds that are held in trust, other than funds held in the public employee trust fund, solely to provide any of the following benefits, in the same manner as is authorized for investments under s. 881.01:

a. Post-employment health care benefits provided either separately or through a defined benefit pension plan.

b. Other post-employment benefits provided separately from a defined benefit pension plan.

4. A school board may not discuss or vote on establishing a trust fund to provide the benefits described in subd. 3. unless the notice of the school board meeting at which the discussion or vote may occur includes the issue as a separate agenda item.

5. A city, village, town, county, drainage district, technical college district, or other governing board as defined by s. 34.01 (1) may invest and reinvest funds that are held in trust, other than funds held in the public employee trust fund, solely to provide any of the following benefits, in the same manner as is authorized for investments under s. 881.01:

a. Post-employment health care benefits provided either separately or through a defined benefit pension plan.

b. Other post-employment benefits provided separately from a defined benefit pension plan.

6. Funds that are held in trust to provide the benefits described in subds. 3. and 5. shall be held in a trust fund that is separate from all other trust funds created by, or under the control of, the local governmental unit.

(c) A local government, as defined under s. 25.50 (1) (d), may invest surplus funds in the local government pooled-investment fund. Cemetery care funds, including gifts where the principal is to be kept intact, may also be invested under ch. 881.

(d) A county, city, village, town, school district, drainage district, technical college district or other governing board as defined by s. 34.01 (1) may engage in financial transactions in which a public depository, as defined in s. 34.01 (5), agrees to repay funds advanced to it by the local government plus interest, if the agreement is secured by bonds or securities issued or guaranteed as to principal and interest by the federal government.

(e) Subject to s. 67.11 (2) with respect to funds on deposit in a debt service fund for general obligation promissory notes issued under s. 67.12 (12), a county having a population of 750,000 or more, or a person to whom the county has delegated investment authority under sub. (5), may invest and reinvest in the same manner as is authorized for investments and reinvestments under s. 881.01, any of the following:

1. Moneys held in any stabilization fund established under s. 59.87 (3).

2. Moneys held in a fund or account, including any reserve fund, created in connection with the issuance of appropriation bonds under s. 59.85 or general obligation promissory notes under s. 67.12 (12) issued to provide funds for the payment of all or a part of the county's unfunded prior service liability.

3. Moneys appropriated or held by the county to pay debt service on appropriation bonds or general obligation promissory notes under s. 67.12 (12).

4. Moneys constituting proceeds of appropriation bonds or general obligation promissory notes described in subd. 2. that are available for investment until they are spent.

5. Moneys held in an employee retirement system of the county.

(f) Subject to s. 67.11 (2) with respect to funds on deposit in a debt service fund for general obligation promissory notes issued under s. 67.12 (12), a 1st class city, or a person to whom the city has delegated investment authority under sub. (5), may invest and reinvest in the same manner as is authorized for investments and reinvestments under s. 881.01, any of the following:

1. Moneys held in any stabilization fund established under s. 62.622 (3).

2. Moneys held in a fund or account, including any reserve fund, created in connection with the issuance of appropriation bonds under s. 62.62 or general obligation promissory notes under s. 67.12 (12) issued to provide funds for the payment of all or a part of the city's unfunded prior service liability.

3. Moneys appropriated or held by the city to pay debt service on appropriation bonds or general obligation promissory notes under s. 67.12 (12).

4. Moneys constituting proceeds of appropriation bonds or general obligation promissory notes described in subd. 2. that are available for investment until they are spent.

5. Moneys held in an employee retirement system of the city.

(g) A technical college district that receives funds from participation in an auction of digital broadcast spectrum administered by the federal communications commission may hold those funds in trust and may invest and reinvest those funds in the same manner authorized for investments under s. 881.01. Funds held in trust under this paragraph may only be distributed from the trust in a manner consistent with ch. 38 and in accordance with the terms of the trust. Any trust formed pursuant to this paragraph shall be separate from any other trust created by, or under the control of, the technical college district.

(2) DELEGATION OF INVESTMENT AUTHORITY. A county, city, village, town, school district, drainage district, technical college district or other governing board, as defined in s. 34.01 (1), may delegate the investment authority over any of its funds not immediately needed to a state or national bank, or trust company, which is authorized to transact business in this state if all of the following conditions are met:

(a) The institution is authorized to exercise trust powers under s. 221.0316 or ch. 223.

(b) The governing board renews annually the investment agreement under which it delegates its investment authority, and reviews annually the performance of the institution with which its funds are invested.

(3) ADDITIONAL DELEGATION OF INVESTMENT AUTHORITY.

(a) In addition to the authority granted under sub. (2), a school district operating under ch. 119 may delegate the investment authority over any of its funds not immediately needed and held in trust for its qualified pension plans to an investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under the Investment Advisers Act of 1940, 15 USC 80b-3.

(b) In addition to the authority granted under sub. (2), a school district may delegate the investment authority over the funds described under sub. (1m) (b) 3. to an investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under 15 USC 80b-3.

(c)

1. In addition to the authority granted under sub. (2), a city, village, town, county, drainage district, technical college district, or other governing board as defined by s. 34.01 (1) may delegate the investment authority over the funds described under sub. (1m) (b) 5. to an investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under 15 USC 80b-3.

2. If a unit of government described under subd. 1. has established a trust described in sub. (1m) (b) 5., it shall annually publish a written report that states the amount in the trust, the investment return earned by the trust since the last report was published, the total disbursements made from the trust since the last report was published, and the name of the investment manager if investment authority has been delegated under subd. 1.

(d)

1. In addition to the authority granted under sub. (2), a technical college district may delegate the investment authority over the funds described under sub. (1m) (g) to an investment manager who meets the requirements and qualifications specified in the trust's investment policy and who is registered as an investment adviser under the Investment Advisers Act of 1940, 15 USC 80b-3.

2. If a technical college district has established a trust described in sub. (1m) (g), it shall annually publish a written report that states the amount in the trust, the investment return earned by the trust since the last report was published, the total disbursements made from the trust since the last report was published, and the name of the investment manager if investment authority has been delegated under subd. 1.

(4) INVESTED FUND PROCEEDS IN POPULOUS CITIES, USE. In a 1st class city, all interest derived from invested funds held by the city treasurer in a custodial capacity on behalf of any political entity, except for pension funds, is general revenue of the city and shall revert to the city's general fund upon the approval by the political entity evidenced by a resolution adopted for that purpose.

(5) DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION FINANCING IN POPULOUS CITIES AND COUNTIES. The governing body of a county having a population of 750,000 or more, or a 1st class city, may delegate investment authority over any of the moneys described in sub. (1m) (e) or (f) to any of the following persons, which shall be responsible for the general administration and proper operation of the county's or city's employee retirement system, subject to the governing body's finding that such person has expertise in the field of investments:

(a) A public board that is organized for such purpose under county or city ordinances.

(b) A trustee, investment advisor, or investment banking or consulting firm.

History: 1999 a. 9 ss. 1607, 1608; 1999 a. 65 ss. 15 to 17; 1999 a. 150 ss. 93, 95, 168; 1999 a. 167 ss. 31, 32; 1999 a. 186 ss. 43, 44; 2001 a. 30; 2003 a. 264; 2005 a. 99, 335; 2007 a. 82, 115; 2009 a. 28; 2015 a. 60; 2017 a. 59, 78; 2017 a. 207 s. 5; 2017 a. 366 s. 99.

Cross-reference: See also s. 157.50 (6) as to investment of municipal care funds.

Based on the plain meaning of the word "investment," the exchange of surplus county funds for U.S. gold coins would be an investment within the meaning of s. 59.61 (3). This section provides the authorized list of investments that a county can make with county funds, and the statute does not authorize an investment in U.S. gold coins. OAG 2-13.

66.0605 Local government audits and reports. Notwithstanding any other statute, the governing body of a county, city, village or town may require or authorize a financial audit of a municipal or county officer, department, board, commission, function or activity financed in whole or part from municipal or county funds, or if any portion of the funds are the funds of the county, city, village or town. The governing body may require submission of periodic financial reports by the officer, department, board, commission, function or activity.

History: 1977 c. 29; 1999 a. 150 s. 97; Stats. 1999 s. 66.0605.

66.0607 Withdrawal or disbursement from local treasury.

(1) Except as otherwise provided in subs. (2) to (5) and in s. 66.0608, in a county, city, village, town, or school district, all disbursements from the treasury shall be made by the treasurer upon the written order of the county, city, village, town, or school clerk after proper vouchers have been filed in the office of the clerk. If the statutes provide for payment by the treasurer without an order of the clerk, the clerk shall draw and deliver to the treasurer an order for the payment before or at the time that the payment is required to be made by the treasurer. This section applies to all special and general provisions of the statutes relative to the disbursement of money from the county, city, village, town, or school district treasury except s. 67.10 (2).

(2) Notwithstanding other law, a county having a population of 750,000 or more may, by ordinance, adopt any other method of allowing vouchers, disbursing funds, reconciling outstanding county orders, reconciling depository accounts, examining county orders, and accounting consistent with accepted accounting and auditing practices, if the ordinance prior to its adoption is submitted to the department of revenue, which shall submit its recommendations on the proposed ordinance to the county board of supervisors.

(3) Except as provided in subs. (2), (3m) and (5), disbursements of county, city, village, town or school district funds from demand deposits shall be by draft or order check and withdrawals from savings or time deposits shall be by written transfer order. Written transfer orders may be executed only for the purpose of transferring deposits to an authorized deposit of the public depositor in the same or another authorized public depository. The transfer shall be made directly by the public depository from which the withdrawal is made. No draft or order check issued under this subsection may be released to the payee, nor is the draft or order check valid, unless signed by the clerk and treasurer. No transfer order is valid unless signed by the clerk and the treasurer. Unless otherwise directed by ordinance or resolution adopted by the governing body, a certified copy of which shall be filed with each public depository concerned, the chairperson of the county board, mayor, village president, town chairperson or school district president shall countersign all drafts or order checks and all transfer orders. The governing body may also, by ordinance or resolution, authorize additional signatures. In lieu of the personal signatures of the clerk and treasurer and any other required signature, the facsimile signature adopted by the person and approved by the governing body may be affixed to the draft, order check or transfer order. The use of a facsimile signature does not relieve an official from any liability to which the official is otherwise subject, including the unauthorized use of the facsimile signature. A public depository is fully warranted and protected in making payment on any draft or order check or transferring pursuant to a transfer order bearing a facsimile signature affixed as provided by this subsection notwithstanding that the facsimile signature may have been affixed without the authority of the designated persons.

(3m) A county, city, village, town or school district may process periodic payments through the use of money transfer techniques, including direct deposit, electronic funds transfer and automated clearinghouse methods. The county, municipal or school district treasurer shall keep a record of the date, payee and amount of each disbursement made by a money transfer technique.

(4) Except as provided in sub. (3m), if a board, commission or committee of a county, city, village, town or school district is vested by statute with exclusive control and management of a fund, including the audit and approval of payments from the fund, independently of the governing body, payments under this section shall be made by drafts or order checks issued by the county, city, village, town or school clerk upon the filing with the clerk of certified bills, vouchers or schedules signed by the proper officers of the board, commission or committee, giving the name of the claimant or payee, and the amount and nature of each payment.

(5) In a 1st class city, municipal disbursements of public moneys shall be by draft, order, check, order check or as provided under sub. (3m). Checks or drafts shall be signed by the treasurer and countersigned by the comptroller. Orders shall be signed by the mayor and clerk and countersigned by the comptroller, as provided in the charter of the city. Disbursements of school moneys shall be as provided by s. 119.50.

(6) Withdrawal or disbursement of moneys deposited in a public depository as defined in s. 34.01 (5) by a treasurer as defined in s. 34.01 (7), other than the elected, appointed or acting official treasurer of a county, city, village, town or school district, shall be by endorsement, written order, draft, share draft, check or other draft signed by the person or persons designated by written authorization of the governing board as defined in s. 34.01 (1). The authorization shall conform to any statute covering the disbursement of the funds. A public depository is fully warranted and protected in making payment in accordance with the latest authorization filed with it.

(7) No order may be issued by a county, city, village, town, special purpose district, school district, cooperative education service agency or technical college district clerk in excess of funds available or appropriated for the purposes for which the order is drawn, unless authorized by a resolution adopted by the affirmative vote of two-thirds of the entire membership of the governing body.

History: 1971 c. 154; 1971 c. 211 s. 124; 1977 c. 142, 225; 1979 c. 318; 1981 c. 20; 1983 a. 145; 1983 a. 189 s. 329 (21); 1983 a. 192 s. 303 (2); 1983 a. 368, 538; 1985 a. 91, 225; 1989 a. 56 s. 258; 1993 a. 399; 1999 a. 150 s. 109; Stats. 1999 s. 66.0607; 2001 a. 16; 2017 a. 207 s. 5.

66.0608 Separate accounts for municipal fire, emergency medical services practitioner, and emergency medical responder volunteer funds.

(1) DEFINITIONS. In this section:

(ak) “Emergency medical responder" has the meaning given in s. 256.01 (4p).

(am) “Emergency medical responder volunteer funds" means funds of a municipality that are raised by employees of the municipality's emergency medical responder department, by volunteers, or by donation to the emergency medical responder department, for the benefit of the municipality's emergency medical responder department.

(aw) “Emergency medical services practitioner" has the meaning given in s. 256.01 (5).

(b) “Emergency medical services practitioner volunteer funds" means funds of a municipality that are raised by employees of the municipality's emergency medical services practitioner department, by volunteers, or by donation to the emergency medical services practitioner department, for the benefit of the municipality's emergency medical services practitioner department.

(c) “Fire volunteer funds" means funds of a municipality that are raised by employees of the municipality's fire department, by volunteers, or by donation to the fire department, for the benefit of the municipality's fire department.

(f) “Municipality" means any city, village, or town.

(g) “Public depository" has the meaning given in s. 34.01 (5).

(h) “Volunteer funds" means emergency medical services practitioner volunteer funds, fire volunteer funds, or emergency medical responder volunteer funds.

(2) GENERAL AUTHORITY. Subject to subs. (3) and (4), the governing body of a municipality may enact an ordinance that does all of the following:

(a) Authorizes a particular official or employee of the municipality's fire department, emergency medical services practitioner department, or emergency medical responder department to deposit volunteer funds of the department for which the individual serves as an official or employee, in an account in the name of the fire department, emergency medical services practitioner department, or emergency medical responder department, in a public depository.

(b) Gives the municipality's fire department, emergency medical services practitioner department, or emergency medical responder department, through the official or employee described under par. (a), exclusive control over the expenditure of volunteer funds of the department for which the individual serves as an official or employee in an account described under par. (a).

(3) LIMITATIONS, REQUIREMENTS. An ordinance enacted under sub. (2) may include any of the following limitations or requirements:

(a) A limit on the type and amount of funds that may be deposited into the account described under sub. (2) (a).

(b) A limit on the amount of withdrawals from the account described under sub. (2) (a) that may be made, and a limit on the purposes for which such withdrawals may be made.

(c) Reporting and audit requirements that relate to the account described under sub. (2) (a).

(4) OWNERSHIP OF FUNDS. Notwithstanding an ordinance enacted under sub. (2), volunteer funds shall remain the property of the municipality until the funds are disbursed.

History: 2001 a. 16; 2007 a. 130; 2017 a. 12.

66.0609 Financial procedure; alternative system of approving claims.

(1) The governing body of a village or of a city of the 2nd, 3rd or 4th class may by ordinance enact an alternative system of approving financial claims against the municipal treasury other than claims subject to s. 893.80. The ordinance shall provide that payments may be made from the city or village treasury after the comptroller or clerk of the city or village audits and approves each claim as a proper charge against the treasury, and endorses his or her approval on the claim after having determined that all of the following conditions have been complied with:

(a) That funds are available for the claim pursuant to the budget approved by the governing body.

(b) That the item or service covered by the claim has been duly authorized by the proper official, department head or board or commission.

(c) That the item or service has been actually supplied or rendered in conformity with the authorization described in par. (b).

(d) That the claim is just and valid pursuant to law. The comptroller or clerk may require the submission of proof to support the claim as the officer considers necessary.

(2) The ordinance under sub. (1) shall require that the clerk or comptroller file with the governing body not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

(3) The ordinance under sub. (1) shall require that the governing body of the city or village obtain an annual detailed audit of its financial transactions and accounts by a certified public accountant licensed or certified under ch. 442 and designated by the governing body.

(4) The system under sub. (1) is operative only if the comptroller or clerk is covered by a fidelity bond or insurance policy of not less than $5,000 in villages and 4th class cities, of not less than $10,000 in 3rd class cities, and of not less than $20,000 in 2nd class cities, as described in s. 61.25 (intro.) or 62.09 (4) (b).

(5) If an alternative procedure is adopted by ordinance in conformity with this section, the claim procedure required by ss. 61.25 (6), 61.51, 62.09 (10), 62.11 and 62.12 and other relevant provisions, except s. 893.80, is not applicable in the city or village.

History: 1971 c. 108 ss. 5, 6; 1971 c. 125 s. 523; 1977 c. 285 s. 12; 1979 c. 323; 1985 a. 29; 1991 a. 316; 1999 a. 150 s. 113; Stats. 1999 s. 66.0609; 2001 a. 16; 2017 a. 51.

66.0611 Political subdivisions prohibited from levying tax on incomes. No county, city, village, town, or other unit of government authorized to levy taxes may assess, levy or collect any tax on income, or measured by income, and any tax so assessed or levied is void.

History: 1999 a. 150 s. 562; Stats. 1999 s. 66.0611.

66.0613 Assessment on racing prohibited. Notwithstanding subch. V of ch. 77, no county, town, city or village may levy or collect from any licensee, as defined in s. 562.01 (7), any fee, tax or assessment on any wager in any race, as defined in s. 562.01 (10), or on any admission to any racetrack, as defined in s. 562.01 (12), except as provided in s. 562.08.

History: 1987 a. 354; 1991 a. 39; 1999 a. 150 s. 564; Stats. 1999 s. 66.0613.

66.0615 Room tax; forfeitures.

(1) In this section:

(a) "Commission" means an entity created by one municipality or by 2 or more municipalities in a zone, to coordinate tourism promotion and tourism development for the zone.

(am) "District" has the meaning given in s. 229.41 (4m).

(b) "Hotel" has the meaning given in s. 77.52 (2) (a) 1.

(bs) "Lodging marketplace" means an entity that provides a platform through which an unaffiliated 3rd party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.

(c) "Motel" has the meaning given in s. 77.52 (2) (a) 1.

(d) "Municipality" means any city, village or town.

(de) "Occupant" means a person who rents a short-term rental through a lodging marketplace.

(df) "Owner" means the person who owns the residential dwelling that has been rented.

(di) "Residential dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(dk) "Short-term rental" means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

(dm) "Sponsoring municipality" means a city, village or town that creates a district either separately or in combination with another city, village, town or county.

(e) "Tourism" means travel for recreational, business or educational purposes.

(f) "Tourism entity" means a nonprofit organization that came into existence before January 1, 2015, spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality, except that if no such organization exists, a municipality may contract with one of the following entities:

1. A nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

2. A nonprofit organization that was incorporated before January 1, 2015, spends 100 percent of the room tax revenue it receives from a municipality on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

(fm) "Tourism promotion and tourism development" means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under sub. (1m) (a) may be imposed, that are owned by different persons and located within a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment:

1. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.

2. Transient tourist informational services.

3. Tangible municipal development, including a convention center.

(g) "Transient" has the meaning given in s. 77.52 (2) (a) 1.

(h) "Zone" means an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

(1m)

(a) The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. A tax imposed under this paragraph may be collected from the consumer or user, but may not be imposed on sales to the federal government and persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a municipality shall be paid to the municipality and, with regard to any tax revenue that may not be retained by the municipality, shall be forwarded to a tourism entity or a commission if one is created under par. (c), as provided in par. (d). Except as provided in par. (am), a tax imposed under this paragraph by a municipality may not exceed 8 percent. Except as provided in par. (am), if a tax greater than 8 percent under this paragraph is in effect on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8 percent, effective on June 1, 1994.

(am) A municipality that imposes a room tax under par. (a) is not subject to the limit on the maximum amount of tax that may be imposed under that paragraph if any of the following apply:

1. The municipality is located in a county with a population of at least 380,000 and a convention center is being constructed or renovated within that county.

2. The municipality intends to use at least 60 percent of the revenue collected from its room tax, of any room tax that is greater than 7 percent, to fund all or part of the construction or renovation of a convention center that is located in a county with a population of at least 380,000.

3. The municipality is located in a county with a population of less than 380,000 and that county is not adjacent to a county with a population of at least 380,000, and the municipality is constructing a convention center or making improvements to an existing convention center.

4. The municipality has any long-term debt outstanding with which it financed any part of the construction or renovation of a convention center.

(b)

1. If a single municipality imposes a room tax under par. (a), the municipality may create a commission under par. (c). The commission shall contract with another organization to perform the functions of a tourism entity if no tourism entity exists in that municipality.

2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. 66.0301 to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity. Each municipality in a single zone that imposes a room tax shall levy the same percentage of tax. If the municipalities are unable to agree on the percentage of tax for the zone, the commission shall set the percentage.

3. A commission shall monitor the collection of room taxes from each municipality in a zone that has a room tax.

4. A commission shall contract with one tourism entity from the municipalities in the zone to obtain staff, support services and assistance in developing and implementing programs to promote the zone to visitors.

(c)

1. If a commission is created by a single municipality, the commission shall consist of 4 to 6 members. One of the commission members shall represent the Wisconsin hotel and motel industry. Members shall be appointed under subd. 3.

2.

a. If the commission is created by more than one municipality in a zone, the commission shall consist of 3 members from each municipality in which annual tax collections exceed $1,000,000, 2 members from each municipality in which annual tax collections exceed $300,000 but are not more than $1,000,000 and one member from each municipality in which annual tax collections are $300,000 or less. Except as provided in subd. 2. b., members shall be appointed under subd. 3.

b. Two additional members, who represent the Wisconsin hotel and motel industry, shall be appointed to the commission by the chairperson of the commission, shall serve for a one-year term at the pleasure of the chairperson and may be reappointed.

3. Members of the commission shall be appointed by the principal elected official in the municipality and shall be confirmed by a majority vote of the members of the municipality's governing body who are present when the vote is taken. Commissioners shall serve for a one-year term, at the pleasure of the appointing official, and may be reappointed.

4. The commission shall meet regularly, and, from among its members, it shall elect a chairperson, vice chairperson and secretary.

5. The commission shall report any delinquencies or inaccurate reporting to the municipality that is due the tax.

(d)

1. A municipality that first imposes a room tax under par. (a) after May 13, 1994, shall spend at least 70 percent of the amount collected on tourism promotion and tourism development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.

2. Subject to par. (dm), if a municipality collects a room tax on May 13, 1994, it may retain not more than the same percentage of the room tax that it retains on May 13, 1994. If a municipality that collects a room tax on May 1, 1994, increases its room tax after May 1, 1994, the municipality may retain not more than the same percentage of the room tax that it retains on May 1, 1994, except that if the municipality is not exempt under par. (am) from the maximum tax that may be imposed under par. (a), the municipality shall spend at least 70 percent of the increased amount of room tax that it begins collecting after May 1, 1994, on tourism promotion and development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.

3. A commission shall use the room tax revenue that it receives from a municipality for tourism promotion and tourism development in the zone or in the municipality.

4. The commission shall report annually to each municipality from which it receives room tax revenue the purposes for which the revenues were spent.

5. The commission may not use any of the room tax revenue to construct or develop a lodging facility.

6. If a municipality issued debt or bond anticipation notes before January 1, 2005, to finance the construction of a municipally owned convention center or conference center, nothing in this section may prevent the municipality from meeting all of the terms of its obligation.

7. Notwithstanding the provisions of subds. 1. and 2., any amount of room tax revenue that a municipality described under s. 77.994 (3) is required to spend on tourism promotion and tourism development shall be forwarded to, and spent by, the municipality's tourism entity, unless the municipality creates a commission and forwards the revenue to the commission.

8. The governing body of a tourism entity shall include either at least one owner or operator of a lodging facility that collects the room tax described in this section and that is located in the municipality for which the room tax is collected or at least 4 owners or operators of lodging facilities that collect the room tax described in this section and that are located in the zone for which the room tax is collected. Subdivision 4., as it applies to a commission, applies to a tourism entity.

(dm) Beginning with the room tax collected on January 1, 2017, by a municipality that collected a room tax on May 13, 1994, as described in par. (d) 2., and retained more than 30 percent of the room tax collected for purposes other than tourism promotion and tourism development, such a municipality may continue to retain, each year, the greater of either 30 percent of its current year revenues or one of the following amounts:

1. For fiscal year 2017, the same dollar amount of the room tax retained as the municipality retained in its 2014 fiscal year.

2. For fiscal year 2018, the same dollar amount of the room tax retained as the municipality retained in its 2013 fiscal year.

3. For fiscal year 2019, the same dollar amount of the room tax retained as the municipality retained in its 2012 fiscal year.

4. For fiscal year 2020, the same dollar amount of the room tax retained as the municipality retained in its 2011 fiscal year.

5. For fiscal year 2021 and thereafter, the same dollar amount of the room tax retained as the municipality retained in its 2010 fiscal year.

(e)

1. Subject to subd. 2., a district may adopt a resolution imposing a room tax under par. (a) in an amount not to exceed 3 percent of total room charges. A majority of the authorized members of the district's board may vote that, if the balance in a special debt service reserve fund of the district is less than the requirement under s. 229.50 (5), the room tax imposed by the district under this subdivision is 3 percent of total room charges beginning on the next January 1, April 1, July 1 or October 1 after the payment and this tax is irrepealable if any bonds issued by the district and secured by the special debt service reserve fund are outstanding. A room tax imposed by a district under this subdivision applies within the district's jurisdiction, as specified in s. 229.43, and the proceeds of the tax may be used only for the district's debt service on its bond obligations. If a district stops imposing and collecting a room tax, the district's sponsoring municipality may impose and collect a room tax under par. (a) on the date on which the district stops imposing and collecting its room tax.

2. In addition to the room tax that a district may impose under subd. 1., if the district's only sponsoring municipality is a 1st class city, the district may adopt a resolution imposing an additional room tax. The additional percentage of room tax under this subdivision shall be equal to the percentage of room tax imposed by the sponsoring municipality on the date on which the sponsoring municipality agrees to stop imposing and collecting its room tax, as described under s. 229.44 (15). A district shall begin collecting the additional room tax imposed under this subdivision on the date on which the sponsoring municipality stops imposing and collecting its room tax. A room tax imposed by a district under this subdivision applies only within the borders of the sponsoring municipality and may be used for any lawful purpose of the district.

3. A district adopting a resolution to impose the taxes under subd. 1. or 2. shall deliver a certified copy of the resolution to the secretary of revenue at least 120 days before its effective date.

(f)

1. The department of revenue shall administer the tax that is imposed under par. (a) by a district and may take any action, conduct any proceeding and impose interest and penalties.

2. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described under subd. 1.

3. From the appropriation under s. 20.835 (4) (gg), the department of revenue shall distribute 97.45 percent of the taxes collected under this paragraph for each district to that district and shall indicate to the district the taxes reported by each taxpayer in that district, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments. Interest paid on refunds of the tax under this paragraph shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1) (a). Any district that receives a report along with a payment under this subdivision or subd. 2. is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

5. Persons who are subject to the tax under this subsection, if that tax is administered by the department of revenue, shall register with the department. Any person who is required to register, including any person authorized to act on behalf of a person who is required to register, who fails to do so is guilty of a misdemeanor.

(2) As a means of enforcing the collection of any room tax imposed by a municipality or a district under sub. (1m), the municipality or district may exchange audit and other information with the department of revenue and may do any of the following:

(a) If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to sub. (1m) pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct.

(b) Enact a schedule of forfeitures, not to exceed 5 percent of the tax under sub. (1m) or par. (c), to be imposed on any person subject to sub. (1m) who fails to comply with a request to inspect and audit the person's financial records under par. (a).

Menu » Statutes Related » Statutes » Chapter 66

2015-16 Wisconsin Statutes updated through 2017 Wis. Act 367 and all Supreme Court and Controlled Substances Board Orders effective on or before June 2, 2018. Published and certified under s. 35.18. Changes effective after June 2, 2018 are designated by NOTES. (Published 6-2-18)

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE:	**September 11, 2018**
DEPARTMENT:	**City Attorney**
FROM:	**Angela Zills**
SUBJECT:	**Request of Ald. Hansen to consider adopting an ordinance allowing for towing/booting vehicles owned by habitual parking violators (Ald. Hansen has requested to withdraw this item).**

ATTACHMENTS:

- League Summary 2017 WI Act 286 (PDF)
- LC Memo 2017 WI Act 287 (PDF)
- 2017 WI Act 287 (PDF)
- 2017 WI Act 286 - Hearing Materials (PDF)

highways, within a municipality's boundaries. Under the Act, a "municipal welcome sign" is defined as an official sign erected and maintained by a municipality that the municipality determines is necessary to inform motorists of the territorial boundaries of the municipality. The Act specifies that a municipal welcome sign is not a traffic control device and is therefore not subject to the Wisconsin manual on traffic control devices. Also, state law generally provides that no sign visible from the main-traveled way of any interstate or federal-aid highway may be erected or maintained, unless one of several exceptions apply. "Directional and other official signs" are one of these exceptions. Under the Act, municipal welcome signs are considered a type of directional and other official sign. *Effective date*: April 5, 2018.

Act 286 -- Towing Vehicles owned by Habitual Parking Violators. Allows any municipality or county to enact an ordinance providing for the immobilization (usually by booting) or towing, impoundment, and disposal of vehicles owned by "habitual parking violators." A habitual parking violator is defined to mean a person who has received, more than 60 days previously, five or more citations for nonmoving traffic violations that remain unpaid and for which the person has not scheduled a court appearance. Such an ordinance would authorize any municipal parking officer or contracted third party to immobilize or remove, impound, and dispose of a vehicle owned by a habitual traffic violator that is legally or illegally parked on any portion of a street, highway, or publicly owned or leased parking facility, but only after the municipality has mailed at least one notice to the vehicle owner. The notice must identify certain information such as the date and amount of each citation, the means by which the citations may be contested, and the circumstances under which a vehicle may be immobilized or removed and impounded. The Act provides that a vehicle owner is responsible for reasonable charges and fees associated with immobilizing, removing, impounding, or disposing of a vehicle. In addition, the Act requires a parking officer to submit a notification to the sheriff or chief of police when a vehicle has been immobilized or removed and impounded. The Act imposes other notice and procedural requirements with which the community must comply prior to and after immobilization or towing. *Effective date*: April 18, 2018.

TIFs, BIDs, Historic Tax Credits

Act 15 – Technical Changes to TIF Law. Makes several technical changes to tax incremental financing (TIF) law sought by DOR, including:

- Excludes certain town property from the base value for a town TID.
- Adds to list of eligible project costs for mixed-use TIDS costs that directly serve to promote mixed-use development.
- Under current law, a town or city clerk is required to provide written notice to DOR of any amendment to a TID project plan that has been adopted, both: (1) within 60 days after the adoption; and (2) annually, after May 1 but before May 21. The Act retains the first notice requirement, and it repeals the second notice requirement effective January 1, 2018.
- Makes the effective date of the termination of a TID, the date on which DOR receives the notice of termination, if the notice is received during the period from January 1 to April 15. The effective date of the termination of a TID is the first

Source: League of WI Municipalities
Deputy Exec Dir. Curt Witynski
Recent Legislation Affecting Municipalities update at 2018 Municipal Attorney's In

WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2017 Wisconsin Act 286 [2017 Assembly Bill 882]	Penalties for Habitual Parking Violators

2017 Wisconsin Act 286 authorizes any city, village, town, or county to enact an ordinance providing for immobilization or removal, impoundment, and disposal of vehicles owned by "habitual parking violators." A habitual parking violator is defined to mean a person who has received, more than 60 days previously, five or more citations for nonmoving traffic violations that remain unpaid and for which the person has not scheduled a court appearance.

If enacted, such an ordinance would authorize any municipal parking officer or contracted third party to immobilize or remove, impound, and dispose of a vehicle owned by a habitual traffic violator that is legally or illegally parked on any portion of a street, highway, or publicly owned or leased parking facility, but only after the municipality has mailed at least one notice to the vehicle owner. The notice must identify certain information such as the date and amount of each citation, the means by which the citations may be contested, and the circumstances under which a vehicle may be immobilized or removed and impounded.

The Act provides that a vehicle owner is responsible for reasonable charges and fees associated with immobilizing, removing, impounding, or disposing of a vehicle. In addition, the Act requires a parking officer to submit a notification to the sheriff or chief of police when a vehicle has been immobilized or removed and impounded.

A vehicle that has been immobilized or impounded must be released if the owner: (1) pays any applicable removal fee; and (2) pays all forfeitures or schedules a court appearance related to the forfeitures. If a vehicle is released after an owner schedules a court appearance related to the forfeitures, but the owner subsequently fails to appear or comply with any court order, the court may order a law enforcement officer or other authorized municipal officer to immobilize the vehicle, or the municipality may on its own initiative immobilize or remove and impound the vehicle.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: http://www.legis.wisconsin.gov.

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http://www.legis.wisconsin.gov/lc

The Act also provides that if a vehicle is immobilized, the parking enforcer or third party contractor must place a written notice on the vehicle that identifies certain required information, including where and how the citation may be paid. After the person satisfies the requirements for release of the immobilized vehicle, the municipality or third party contractor must either remove the immobilization device or provide sufficient information for the vehicle owner to remove it without undue delay, not to exceed three hours. If an immobilized vehicle is in a time-limited, legal parking space, the municipality may not issue additional citations within the first four hours after the vehicle is immobilized.

Finally, a vehicle that has been removed and impounded, under the Act, may generally be disposed of under the same standards that apply to unregistered motor vehicles. Generally, notice must be sent to the vehicle owner, and the vehicle must be retained in storage for a minimum of 10 days after certified mail notice has been sent to the owner and any recorded lienholders.

Effective date: April 18, 2018

Prepared by: Andrea Brauer, Staff Attorney May 3, 2018

AB:mcm;ksm

State of Wisconsin

2017 Assembly Bill 882

Date of enactment: **April 16, 2018**
Date of publication*: **April 17, 2018**

2017 WISCONSIN ACT 286

AN ACT *to create* 349.139 of the statutes; **relating to:** the immobilization or removal, impoundment, and disposal of motor vehicles for multiple nonmoving traffic violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 349.139 of the statutes is created to read:

349.139 Authority to immobilize, remove, impound, and dispose of motor vehicles for nonmoving traffic violations. (1) In this section:

(a) "Habitual parking violator" means a person who has received, more than 60 days previously, 5 or more citations for nonmoving traffic violations that remain unpaid and for which the person has not scheduled an appearance in court in response to the citations.

(b) "Immobilization device" has the meaning given in s. 341.65 (1) (a).

(c) "Nonmoving traffic violation" has the meaning given in s. 345.28 (1) (c).

(d) "Owner" has the meaning given in s. 341.65 (1) (am).

(e) "Parking enforcer" means a traffic officer or any other person who enforces nonmoving traffic violations and who is employed by a municipality or county.

(2) The governing body of any municipality or county may by ordinance provide for the immobilization or removal, impoundment, and disposal of vehicles owned by habitual parking violators as provided in this section. Any ordinance under this section shall do all of the following:

(a) Limit application of the ordinance to those motor vehicles for which all of the following apply:

1. The municipality or county has cited the owner of the motor vehicle for 5 or more nonmoving traffic violations that, at the time of the vehicle's immobilization or removal, occurred more than 60 days previously and for which the owner has neither paid the forfeiture for each of these violations nor scheduled an appearance in court in response to each of these citations.

2. a. The municipality or county has mailed to the last–known address of the owner at least one notice that specifies, for each citation counted under subd. 1., the date on which the citation was issued, the license number or vehicle identification number of the vehicle involved, the place where the citation may be paid, the amount of the forfeiture, and the means by which the citation may be contested.

b. The notice under subd. 2. a. shall also inform the owner that any motor vehicle owned by him or her may be immobilized with an immobilization device or removed and impounded if, within 60 days after the owner has received 5 or more citations and at the time the vehicle is immobilized or removed and impounded, the owner has neither paid the forfeiture for each violation that occurred more than 60 days previously nor scheduled an appearance in court in response to each citation

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

issued more than 60 days previously for which the forfeiture has not been paid.

c. The notice under this subdivision may be combined with any other notice provided by the municipality or county to the owner.

(b) Authorize any parking enforcer who discovers any motor vehicle to which par. (a) applies that is legally or illegally parked on any portion of the street, highway, or publicly owned or leased parking facility within the corporate limits of the municipality or county to cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable place of impoundment or both. Upon immobilization or removal of the motor vehicle, the parking enforcer shall follow the notification procedure specified in s. 341.65 (2) (b).

(c) Specify whether the municipality or county may contract with a 3rd party for the performance of services related to immobilization or removal of motor vehicles. The services shall be rendered only at the request of a parking enforcer.

(d) Provide for a reasonable removal fee, if any, that will be charged to remove an immobilization device placed on a vehicle under this section.

(e) Provide for the recovery of reasonable towing or storage charges associated with the removal or impoundment of a vehicle, and of reasonable charges associated with disposal of a vehicle, under this section.

(f) Require that, if the motor vehicle is immobilized, the parking enforcer or a 3rd–party contractor place in a highly visible location and a reasonably secure manner on the vehicle, at the time of immobilization, a written notice that does all of the following:

1. Warns any driver of the vehicle that the immobilization device has been placed on the vehicle.

2. Specifies, for each citation counted under par. (a) 1., the license number or vehicle identification number of the vehicle involved, the place where the citation may be paid, and the means by which the citation may be contested, or provides a telephone number at which an individual is available to provide this information 24 hours a day.

3. States the amount of the removal fee under par. (d), if any, that is in addition to any amount required to be paid as specified in the notice under par. (a) 2. a.

(g) If the motor vehicle is immobilized in a time–limited, legal parking space, prohibit the municipality or county from issuing, after the vehicle's immobilization, any citation for a time–limited nonmoving traffic violation for the vehicle within the first 4 hours after the vehicle is immobilized.

(h) If the motor vehicle is immobilized, require the municipality or county, or a 3rd–party contractor, to remove, or provide sufficient information to allow the vehicle owner to remove, the immobilization device without undue delay, not to exceed 3 hours, after receiving notice that the person has satisfied the requirements for release of the motor vehicle under sub. (3) (b). The ordinance shall also provide a procedure for the municipality, county, or 3rd–party contractor to promptly receive notice when a person has satisfied the requirements for release of a motor vehicle under sub. (3) (b).

(3) (a) Any motor vehicle immobilized or impounded as provided in sub. (2) shall remain immobilized or impounded until lawfully claimed or disposed of as provided in this subsection and sub. (5).

(b) The owner of a motor vehicle that is immobilized under sub. (2) may secure release of the motor vehicle by doing all of the following:

1. Paying any removal fee provided in sub. (2) (d).

2. Paying all forfeitures specified in each notice under sub. (2) (a) 2. a. for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under sub. (2) (a) 1.

(c) The owner of a motor vehicle that is removed and impounded under sub. (2) may secure release of the motor vehicle by doing all of the following:

1. Paying any charges provided in sub. (2) (e).

2. Paying all forfeitures specified in each notice under sub. (2) (a) 2. a. for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under sub. (2) (a) 1.

(d) If an owner secures release of a motor vehicle under par. (b) or (c) by scheduling an appearance in court and thereafter fails to appear or fails to comply with any court order with respect to any citation counted under sub. (2) (a) 1. for which the forfeiture has not been fully paid, including failure to satisfy in full any court–ordered payment plan or other agreement approved by the court, the court may order a law enforcement officer, or an authorized employee or contractor of the municipality or county, to immobilize the motor vehicle involved in the nonmoving traffic violations or the municipality or county may cause the motor vehicle to be immobilized or removed and impounded as provided under sub. (2). If the court orders the motor vehicle immobilized, upon compliance with the court order, the court shall order a law enforcement officer, or an authorized employee or contractor of the municipality or county, to remove the immobilization device.

(e) Notwithstanding par. (a), if any motor vehicle immobilized or impounded is an unregistered motor vehicle for purposes of s. 341.65 or an abandoned motor vehicle for purposes of s. 342.40, the municipality or county may take any action authorized under s. 341.65 or 342.40. Any vehicle immobilized under this section for longer than the period specified in s. 342.40 (1m) shall be considered abandoned for purposes of s. 342.40.

(4) The owner of any motor vehicle immobilized or removed and impounded as provided under this section is responsible for all charges associated with immobilizing, removing, impounding, and disposing of the motor vehicle, as provided under sub. (2) (d) and (e). Charges not recovered from the sale of the motor vehicle may be recovered in a civil action by the municipality or county against the owner.

(5) The procedures and provisions of s. 341.65 (2) (f) to (h) shall apply with respect to the impoundment and disposal of motor vehicles authorized to be removed, impounded, and disposed of under this section to the same extent as these provisions apply to the impoundment and disposal of unregistered motor vehicles that are removed under authority of s. 341.65, except that reclamation of the motor vehicle by the owner requires compliance with sub. (3) rather than s. 341.65 (2) (e). The provisions of s. 349.13 (5) (b) shall apply with respect to vehicles removed or stored under this section to the same extent as these provisions apply with respect to vehicles removed or stored under authority of s. 349.13.

(6) Any ordinance enacted under this section permitting immobilization of a motor vehicle may prohibit any person from removing, disconnecting, tampering with, or otherwise circumventing the operation of an immobilization device installed under this section except upon release of the motor vehicle to the owner or to make necessary repairs to a malfunctioning immobilization device.

(7) Section 349.137 does not apply to the use of motor vehicle immobilization devices under this section.

JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bill 882

February 7, 2018

Testimony from Rep. Spiros

Hello, and thank you Chairman Brooks and members of the Assembly Committee on Local Government for allowing me to have the opportunity to share my testimony with you today regarding Assembly Bill 882.

This bill would allow a municipality or county to enact an ordinance to allow for the towing or immobilization, otherwise known as booting, of parked cars with five or more unpaid parking tickets, issued more than 60 days prior to towing or booting, and for which the car owner has not made arrangements to pay the tickets. The local government must have mailed to the last-known address of the owner at least one notice to inform them the manner in which each parking ticket may be paid or contested, as well as informing the owner that the vehicle may be immobilized or towed and impounded. Vehicle immobilization can often be a cheaper and less onerous method of parking enforcement for both the municipality and the car owner.

The City of Milwaukee has requested this reform as part of a broader effort to change patterns of illegal parking within the city and reduce the amount of parking violations that go to overdue collections. This proposal is partially a result of the City of Milwaukee Debt Reduction Task Force. The current parking ticket debt in the City of Milwaukee is $34.6 million. A goal of this bill is to allow the City of Milwaukee to explore another option for collecting that debt in a way that may be less onerous and expensive than towing.

Thank you again for allowing me the opportunity to share testimony in support of this bill, and I welcome any questions.

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DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on AB 882

February 7, 2018

Good afternoon Chairman Brooks and members of the Assembly Committee on Local Government. Thank you for hearing AB 882 today. This bipartisan legislation establishes a statutory framework for municipalities looking to broaden their approach to parking enforcement.

Temporary immobilization of an illegally parked vehicle, more commonly known as "booting," is a meaningful, behavior-changing enforcement mechanism that Wisconsin municipalities are not allowed to employ under current law. While parking tickets may be issued for violations of parking ordinances, unfortunately there are some who refuse to pay the fines. Habitual scofflaws eventually face the prospect of having their vehicle towed to a municipal lot where they must pay even more fines – in addition to the fines they have already accrued – in order to get their vehicle back.

Maintenance of a towing program and a municipal lot to hold towed vehicles can be an expensive proposition. In addition to the cost burden borne by local governments, individuals who have their vehicle towed face logistics challenges in reaching their vehicle during business hours and arranging for its release.

Booting, as opposed to towing, eliminates any need for a vehicle owner to secure transportation to a new location in order to release their vehicle. With a boot, the owner knows where the vehicle is and what number they need to call to take the boot off and use the vehicle. Additionally, booting programs cost less than a tow program to operate.

The legislation before you today does not mandate the creation of any immobilization program anywhere in Wisconsin. It merely authorizes local governments to pursue this as an option. Immobilization would only be allowed if the vehicle has five or more outstanding unpaid parking tickets, the most recent of which is at least 60 days old.

The City of Milwaukee and the League of Wisconsin Municipalities both support this legislation. The City of Milwaukee estimates that temporary immobilization is a cheaper, more cost effective alternative to towing for both the city and for those with parking offenses. It will allow for the quicker resolution of parking violations at a cost that is cheaper for both the city and the individual cited. This legislation has been introduced in a prior session when one chamber of the legislature passed it. It is partially a result of the City of Milwaukee Debt Reduction Task Force, which pegs outstanding parking debt in the city at more than $34 million.

Thank you for considering this legislation.

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City of Milwaukee

Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

La Keisha W. Butler
Director of Intergovernmental Relations

City of Milwaukee Testimony on SB 712/AB 882

February 7, 2018

The City of Milwaukee requested this legislation and is in full support of SB 712/AB 882. The bill gives enabling authority to municipalities to enact an ordinance to allow for the immobilization, towing or impounding of vehicles owned by habitual parking scofflaws that are legally or illegally parked. Under current law, municipalities can tow a vehicle when it is illegally parked, but only allows for the use of immobilization devices on private parking lots and for unregistered vehicles. The bill requires the parking scofflaw to pay all outstanding tickets, make arrangements to pay through an installment plan, or schedule an appearance in court.

A habitual parking violator is defined as:

- A person who has received 5 or more citations and each one is 60 days or more outstanding
- The tickets have not been paid or a court appearance has not been scheduled

We recognize that some may see this as an overly punitive measure. However, we believe the use of an immobilization device is less punitive to the owner of the vehicle than a tow for several reasons:

- A boot fee is typically less expensive than a tow--$50-$70 vs. $100-$125 for a tow
- When a boot is used, there is no confusion about the location of the vehicle vs. the uncertainty of whether your car has been stolen or not when a car is towed
- The owner of the vehicle retains control of the vehicle. Once the boot is released (current technology allows you to do it yourself with a code after payment) vs. having to get to the towed location without your vehicle

The purpose of the bill is two-fold. First, we believe giving us this authority will lead to more compliance and getting people out of a vicious cycle that currently occurs when residents build up parking citations and do not try to resolve them either through payment or resolution in court which can eventually lead to vehicle registration suspension and/or license suspension. We hope to change this behavior which will have a secondary effect of relieving some of the current total outstanding parking citation debt in the City of Milwaukee of $35.8 million. For parking scofflaws, total debt is $12.9 million. Additionally, an immobilization device will act as a visual deterrent which may have a behavioral impact as well.

The bill requires that a municipality must:

- Mail to the last known address of the owner at least one notice for each ticket proving information on how to pay or contest the tickets. The notice must also warn that the vehicle may be immobilized or towed.
- Place a notice on an immobilized vehicle that explains how to get the boot removed and provide a phone number that can provide this information 24 hours a day
- Remove an immobilization device within 3 hours after the requirements for the release have been met

The City of Milwaukee supports SB 712/AB 882 because currently many violators accrue debt without trying to resolve it, and the bill gives municipalities a tool to hold those violators accountable and encourages them to take responsibility leading to greater compliance. The bill accomplishes that in a less punitive manner than is currently available to municipalities.

This bill passed the Senate in 2009 and we encourage the current Legislature to support and pass SB 712/AB 882.

Thank you for your consideration.

<u>For more information, please contact:</u>
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Intergovernmental Policy Manager
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LEAGUE OF WISCONSIN MUNICIPALITIES

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To: Assembly Committee on Local Government

From: Curt Witynski, J.D., Deputy Executive Director, League of Wisconsin Municipalities

Date: February 7, 2018

Re: AB 882, Immobilization or removal, impoundment, and disposal of vehicles owned by habitual parking violators

The League of Wisconsin Municipalities supports AB 882, allowing a municipality to enact an ordinance providing for the immobilization or towing, impoundment, and disposal of vehicles owned by habitual parking violators. Municipalities in Wisconsin already have the authority to immobilize or tow, impound and dispose of unregistered or abandoned vehicles. This bill merely extends that authority to habitual parking violators.

This bill provides communities with an optional enforcement tool for dealing with parking scofflaws. The bill requires notice and provides other due process safeguards for vehicle owners.

We urge you to recommend passage of AB 882. Thanks for considering our comments.

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE:	**September 11, 2018**
DEPARTMENT:	**Finance/Personnel Committee**
FROM:	**Andrew Pantzlaff**
SUBJECT:	**Discuss the Status of the 2019 Budget**

The intent of this agenda item is to provide an update on the status of the 2019 Budget development process to the Personnel and Finance Committee.

City of De Pere, Wisconsin

Request For Finance/Personnel Committee Action

MEETING DATE: September 11, 2018

DEPARTMENT: Fire Department

FROM: Lea Taylor

SUBJECT: Consider Fire Department Staffing Considerations. *