Common Council

Regular Meeting

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

Agenda

Tuesday, September 4, 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 **Common Council** of the City of De Pere will be held on **September 4, 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 on TW Cable Channel 4; AT&T U-verse Channel 99; www.depere.tv. This meeting is also rebroadcast on TV throughout the week and available on demand at www.depere.tv.

I. Call to Order

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Approval of the Minutes of the August 21, 2018 Common Council Meeting.
4. Public comment upon matters not on the agenda and other announcements.
5. Presentation by De Pere Beautification Committee.
6. Recommendation from the Plan Commission to approve a Proposed Two Lot Certified Survey Map at 825 East River Drive (Parcel ED-1128-E-1-3). Submitted by Michael D. Vande Hei, PLS, authorized representative for CP Legacy LLC & Harold Macco Trust #2, property owner.
7. Recommendation from the Board of Park Commissioners to Approve $500 Donation from Pink Flamingos for Tables & Furniture at Community Center.
8. Recommendation from the Board of Park Commissioners to Approve $250 Donation from Pink Flamingos to Recreation Scholarship Fund.
9. Recommendation from the Board of Park Commissioners to Approve $250 Donation from the Bugsy to the Recreation Scholarship Fund.
10. Recommendation from the Board of Park Commissioners to Approve $300 Donation from De Pere Area Men's Club for Senior Citizens Picnic.
11. Recommendation from the Board of Park Commissioners to Approve $300 from De Pere Area Men's Club for Summer Carnival.
12. Recommendation from the Board of Park Commissioners to Approve $250 Donation from Cotter Funeral Home Inc. for Tables & Furniture at the Community Center.
13. Recommendation from the Board of Park Commissioners to Accept Donation from DGSA to Install Batting Cages at Optimist Park.
14. Recommendation from the Board of Park Commissioners to Approve Donation from De Pere Baseball to Improve Baseball Fields at Kelly Danen Park.
15. Ordinance #18-18 Creating Section 7-10(d) De Pere Municipal Code Regarding Online Ordering and Curbside Pick-up of Alcohol Beverages.

16. Resolution #18-83 Authorizing Eighth Amendment Between the City of De Pere and Humana Insurance Company.

17. Resolution #18-84 Authorizing Second Amendment to Agreement Between The City of De Pere and Stephen L. Seidl (James Street Parkway Boat Docks and Wharf).

18. Resolution #18-85 Authorizing Agreement for Contractor Services Between the City of De Pere and Eric R. Erdman of Calewarts, Duffy & Erdman, Associated Attorneys.

19. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.

20. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.

21. Recommendation from the License Committee on an Application for a Temporary Premise Description Change for St. Norbert College.

22. Recommendation from the License Committee on an Application for a Premise Description Change for Wal-Mart Stores East, LP.

23. Operator License Applications.

24. Voucher Approval.

25. Future Agenda Items.

26. Adjournment.

Agenda Sent To:
Alderpersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Rose Smits
Carolyn Jahns
Tony Meeuwsen
Travis Runke
Bruce Duevel
Steve Seidl
Jonathan Watkins
Brian VandeHei
Dan Herber
Matt Cotter
Michael D.Vande Hei, PLS
Mark Macco
Terrie Dubois
Bryan Kaster
Frank Van Vonderen JR
Eric Erdman

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Clerk-Treasurer**
FROM:	**Shana Ledvina**
SUBJECT:	**Approval of the Minutes of the August 21, 2018 Common Council Meeting.**

ATTACHMENTS:

- 8-21-2018 Common Council Minutes (DOC)

Common Council

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

Regular Meeting

Draft Minutes

Tuesday, August 21, 2018 7:30 PM De Pere City Hall Council Chambers

1. Call to Order: The meeting was called to order at 7:30 PM by Mayor Walsh.

Attendee Name	Title	Status
Michael J. Walsh	Mayor	Present
James Boyd	Alderperson	Present
Dan Carpenter	Alderperson	Present
Scott Crevier	Alderperson	Present
Jonathon Hansen	Alderperson	Present
Ryan Jennings	Alderperson	Present
Larry Lueck	Alderperson	Present
Casey Nelson	Alderperson	Present
Dean Raasch	Alderperson	Excused

2. Pledge of Allegiance to the Flag.

3. Approval of the Minutes of the August 7, 2018 Common Council Meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

4. Public Hearing on the Rezoning of Parcel ED-477.

   a. Notice of Public Hearing.

   Clerk-Treasurer Shana Ledvina announced that the public hearing was published in the Green Bay Press Gazette on August 6 and 13, 2018

   b. Recommendation from the Plan Commission.

   Development Services Director Kim Flom announced that the Plan Commission approved the rezoning unanimously at their July 23, 2018 meeting. She explained that most residents attending that meeting were in favor of the project; one resident had a number of questions about the project that were addressed at that meeting.

   c. Ordinance #18-15 Rezoning Certain Property (Parcel ED-477).

   Mayor Walsh declared the public hearing open.
   Karen Sternkopf requested to see pictures of what the buildings will look like and how tall they will be; Development Services Director Kim Flom presented the conceptual renderings of the project. Mayor Walsh declared the public hearing closed and entertained a motion. Alderperson Boyd moved, seconded by Alderperson Crevier to approve the rezoning. Discussion followed. Upon vote, motion carried unanimously.

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

5. Public comment upon matters not on the agenda and other announcements.

Alderperson Nelson announced the first mental health outreach session at the Community Center on Wednesday, August 29 at 6:30 p.m. The topic will be anxiety.
Alderperson Jennings announced that the Press is now covering the City of De Pere and encouraged the community to support the paper. He also invited the public to attend the open house at the Locktender's Garden on Wednesday, August 22 at 5:30 p.m.

6. Recommendation of Finance/Personnel Committee to Contribute from unassigned reserves, $5,000 to the League of Wisconsin Municipalities for Dark Store and Walgreens Loopholes Lobbying Efforts

Alderperson Lueck moved, seconded by Alderperson Boyd to open the meeting. Upon vote, motion carried unanimously. Jerry Deschane was present and answered the Council's questions. He explained that as of the meeting date, 38 communities had contributed with a total in contributions of $76,400. Discussion followed. Alderperson Boyd moved, seconded by Alderperson Crevier to close the meeting. Upon vote, motion carried unanimously. Alderperson Lueck will vote against this not because he disagrees with funding the effort but because he thinks $5000 is too much to give.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Nelson
NAYS:	Larry Lueck
EXCUSED:	Dean Raasch

7. Recommendation from the Finance/Personnel Committee to approve a General Fund Transfer of $167,117 to Cable Access Fund to cover December 31, 2017 Deficit.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

8. Recommendation from Finance/Personnel Committee to Approve Municipal Court Request for $760.36 Transfer from Unassigned Reserves for Replacement of Video Camera in Judge's Chambers.

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

9. Recommendation from the Finance and Personnel Committee to approve the brand imagery for the Strategic Visioning and Branding Initiative.

   Development Services Director Kim Flom stated that the Plan Commission approved the brand imagery unanimously. She reviewed the background work that went into this process by the steering committee. She shared the logo with the Council and explained how the logo can be used and how it can be flexed for different occasions. Alderperson Hansen thanked the Steering Committee and Kim Flom for their work on this initiative. He explained that he has mixed feelings about the logo and that his constituents provided mostly negative feedback. Mayor Walsh explained that a lot of thought and opinion went into the process and to go back on the decision will not make everyone happy. Alderperson Crevier shared his experience as a member of the Steering Committee. Discussion followed.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Jennings, Lueck, Nelson
NAYS:	Jonathon Hansen
EXCUSED:	Dean Raasch

10. Recommendation from the Finance and Personnel Committee to use unassigned reserves to purchase fonts for the Strategic Visioning & Branding Initiative

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Jennings, Lueck, Nelson
NAYS:	Jonathon Hansen
EXCUSED:	Dean Raasch

11. Recommendation from Finance and Personnel Committee to Approve $2,500 Donation from Walmart to Police Department for Speed Sign on N Broadway

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

12. Consideration of Police Department Request to Approve Early Ordering of Replacement Police Vehicles

    Chief Derek Beiderwieden discussed the hybrid option. Discussion followed.

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

13. Recommendation of the Board of Public Works to Reject the Bid for Project 18-24 City Hall Ramp Masonry Repair.

    Public Works Director Scott Thoresen stated that the project will be bid out again next year with a larger concrete project.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

14. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for Ray Ray LLC (DBA Artless Bastard), 353 Main Av Suite A. Submitted by Ray Ray LLC, Agent: Timothy J. Jelinski, De Pere, WI.

    Alderperson Boyd moved, seconded by Alderperson Hansen to approve the application contingent upon passage and publication of Ordinance 18-16. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

15. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

16. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

17. Recommendation from Board of Park Commissioners to Revisit the Decision Related to VFW and Legion Pools.

City Attorney Judy Schmidt-Lehman explained that if this item is defeated, it would not be appropriate to vote on items 18 and 19. Alderperson Hansen moved, seconded by Alderperson Boyd to revisit the decision related to VFW and Legion Pools. Discussion followed. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

18. Resolution #18-75 Rescinding Prior Council Action Pertaining to Replacing VFW and Legion Pools (Requested by Alderperson Lueck).

Alderperson Lueck moved, seconded by Alderperson Boyd to rescind prior Council action pertaining to replacing VFW and Legion Pools. City Attorney Judy Schmidt-Lehman reviewed the two actions of the Council pertaining to the pools: the Council approved the recommendation from the Park Board to replace two existing pools with one aquatic center with the location to be determined, and at a separate meeting the Council approved the aquatic center location at VFW. Discussion followed. Upon vote on the resolution, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

19. Resolution #18-76 Authorizing and Directing Referendum Question for Increase in Tax Levy (requested by Alderperson Lueck).**Only to be taken up if Resolution #18-75 passes**

Alderperson Hansen asked if the levy will be exceeded by $900,000 every year, once construction costs are paid off, would that amount be reduced to just cover operating costs? City Attorney Judy Schmidt-Lehman explained that if the expense no longer exists, the City could no longer collect on the exceeded amount. Alderperson Hansen explained that fundraising could still be a part of this and could help the effort; the $900,000 exceeding the levy limit doesn't preclude fundraising from occurring.
Alderperson Lueck explained that he learned a lot in discussions held with the user groups. He gave City Attorney Judy Schmidt-Lehman a lot of credit for her work on this and for providing a wealth of knowledge and drafting assistance. He explained that there is flexibility in the language of the referendum.
Alderperson Crevier stated he was incredibly impressed with the presentation. He asked if the funds from exceeding the levy limit could be used for operational expenses. Judy Schmidt-Lehman explained that as long as those expenses exist, you could exceed the limit to pay for them. The Council would make those decisions if they choose to.

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

Alderperson Nelson thanked Alderpersons Boyd and Lueck for coming up with the compromise plan. Alderperson Boyd thanked the Park Board and Marty Kosobucki who offered a lot of information to the Council through this process. Alderperson Carpenter asked how much this will raise taxes. City Administrator Larry Delo said it will raise taxes about $50 per $100,000 of assessed property. Discussion followed regarding funds already budgeted to subsidize the pools and tracking the funds. Alderperson Crevier moved, seconded by Alderperson Jennings to open the meeting. Upon vote, motion carried unanimously. Kathleen Achten asked where the funding was going to come from for the planned aquatic center. Mayor Walsh announced that once the center was approved and ready to be built, the City will look for donors to fund the project and that the City would also borrow to pay for it. Alderperson Crevier moved, seconded by Alderperson Boyd to close the meeting. Upon vote, motion carried unanimously. Mayor Walsh spoke regarding the decision to move forward with an aquatic center, citing dwindling attendance and the need to generate income as reasons to get rid of both pools and build one larger center. He stated that though he normally is not in favor of referendum questions, he believes one is warranted for this decision.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

20. Ordinance #18-16 Amending Section 7-2 De Pere Municipal Code by Providing for a Definition of Recreation Premises.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

21. Ordinance #18-17 Amending Section 106-2 De Pere Municipal Code Regarding Appeal/Review of License or Permit Denial and Suspension or Revocation of License.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

22. Resolution #18-77 Approving Revised Classification and Compensation Plan Grade Order List and Pay Ranges.

Human Resources Director Shannon Metzler explained that the positions in red are moving up on the pay grade per the study. Discussion followed regarding the market analysis and the ranking of employees and department heads.

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

23. Resolution #18-78 Authorizing Agreement for Cleaning Services (Cleaning Solution Services, Inc.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

24. Resolution #18-79 Authorizing Agreement for Replacement and Placement of Door Control System Panels and Software Agreement Therefore.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

25. Resolution #18-80 Authorizing Agreement with Schenck (Water Rate Study).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Ryan Jennings, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

26. Resolution #18-81, Authorizing and Providing for the Sale and Issuance of $2,600,000 General Obligation Promissory Notes, Series 2018A, and All Related Details.

This item was moved after agenda item #6 at 7:54 p.m. Joe Zegers, Finance Director, and Joe Murray, of Springsted, came forward to discuss the bonding. The interest rate on bonding was lower than projected. Joe Murray explained that the the City received a Moody's rating of AA2, the third highest credit rating available. Discussion on the bids received followed. Joe Murray recommended the Council award both bids to PNC Capital Markets.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

27. Resolution #18-82 Authorizing and Providing for the Sale and Issuance of $5,545,000 General Obligation Community Development Bonds, Series 2018B, and All Related Details.

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

28. Voucher Approval.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

29. Operator License Applications.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Previously Tabled Operator License Applications # 1, 3 and 4. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Hansen to table Previously Tabled Operator License Application #2. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Operator License Applications #1-9. Upon vote, motion carried unanimously.

30. Recommendation from the Finance/Personnel Committee to Deny the Request of Virginia Huempfner for Deferment of Sidewalk Repair Assessments.

Alderperson Jennings explained that the applicant can complete the application fully and resubmit.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

31. Adjournment.

Alderperson Boyd moved, seconded by Alderperson Lueck to adjourn the meeting at 9:32 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer

Attachment: 8-21-2018 Common Council Minutes (7370 : Approval of the Minutes of the August 21, 2018 Common Council Meeting.)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Attorney**
FROM:	**Angela Zills**
SUBJECT:	**Presentation by De Pere Beautification Committee.**

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Plan Commission**
FROM:	**Peter Schleinz**
SUBJECT:	**Recommendation from the Plan Commission to approve a Proposed Two Lot Certified Survey Map at 825 East River Drive (Parcel ED-1128-E-1-3). Submitted by Michael D. Vande Hei, PLS, authorized representative for CP Legacy LLC & Harold Macco Trust #2, property owner.**

On August 27, 2018, the Plan Commission recommended approval of the request with a vote of 5-0.

The CSM requires Common Council review because there is proposed right-of-way dedication at the northwest corner of proposed Lot 1 in order to provide access to the lot.

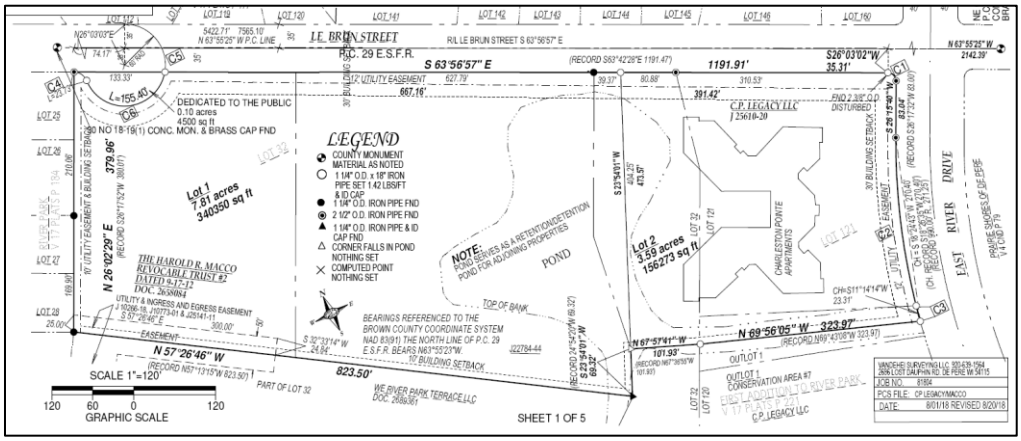
ATTACHMENTS:

- CSM - Macco - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary REVISED CSM (PDF)

ITEM 5: **Recommendation regarding a Proposed Two Lot Certified Survey Map at 825 East River Drive (Parcel ED-1128-E-1-3). Submitted by Michael D. Vande Hei, PLS, authorized representative for CP Legacy LLC & Harold Macco Trust #2, property owner.***

SITE MAP

PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION: Certified Survey Map Review

COMMON DESCRIPTION: 825 East River Drive, located southwest from the East River Drive and Lebrun Street intersection. Lebrun Street is the De Pere/Allouez border.

Attachment: CSM - Macco - Plan Commission Report (7348 : Recommendation from the Plan Commission to approve a Proposed Two Lot

PARCEL NUMBER(S): ED-1128-E-1-3

EXISTING ZONING: R-3 (Multiple Family Residence District)

PROPOSED ZONING: None

SURROUNDING LAND USES: Single Family Residential to the north (Village of Allouez).
Multiple Family Residential to the south and east (City of De Pere).
Single Family Residential to the west (City of De Pere).

COMPREHENSIVE PLAN: Multi-Family Residential.

APPLICANT/OWNER NAME:

Michael D. Vande Hei, PLS
Authorized Representative
2692 Lost Dauphin RD
De Pere, WI 54115

Mark Macco, Trustee & Member
CP Legacy LLC & Harold Macco Trust #2
2986 CTH PP
De Pere, WI 54115

SITE HISTORY: After a review of air photographs, the east end of the site was developed with multifamily residential development as part of a planned development district in the 1990's. The storm pond was constructed a few years earlier as the pond also served residential developments to the south. The site had agricultural uses prior to residential uses.

The land division is within the Sewer Service Area for the City of De Pere. There are no known environmentally sensitive areas on the property.

The petitioner proposes to relocate the existing lot line, between Lots 1-2, eastward in order to create a larger proposed Lot 1. It is anticipated that the development will be multifamily; there are no site plan proposals on file for future development.

STAFF REVIEW: When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns.

- The site is vacant on Lot 1 and has a 53 unit multi-family complex on proposed Lot 2
- Lebrun Street is the city limit between De Pere and Allouez
- The proposed land division will realign the border between two lots; the number of buildable lots will not change
- Both lots exceed the minimum lot size requirement of 15,000 square feet (0.3 acres) for Lot 1 and 185,500 square feet (4.3 acres) for Lot 2
- Both lots meet the minimum requirement of 125 feet of street frontage
- The proposal includes the addition of right-of-way for a future cul-de-sac extension on Lebrun Street
- The proposed land division does not conflict with the R-3 Planned Development District or the property

Attachment: CSM - Macco - Plan Commission Report (7348 : Recommendation from the Plan Commission to approve a Proposed Two Lot

Attachment: CSM - Macco - Plan Commission Report (7348 : Recommendation from the Plan Commission to approve a Proposed Two Lot

- If future development is proposed on the site, an updated Precise Implementation Plan must be submitted to Plan Commission and Common Council for review
- There are four technical comments required for the CSM that is referenced in the staff recommended conditions of approval
- In addition to the technical comments, staff provided four additional suggestions/recommendations that could impact the ease of future buildability of Lot 1.

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides opportunities for infill development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet acceptable City requirements.

REVIEW PROCESS:

For City certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council does not review City certified survey maps unless City lands or right-of-way dedications are involved. This project will be reviewed by Plan Commission and Common Council due to right-of-way being dedicated to the public. The Common Council is expected to review the CSM on September 4, 2018.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including Brown County Planning Commission.

Additional staff recommendations that do not include physical changes to the CSM:

A. Submit an agreement or management plan that identifies how each of the four properties/property owners will maintain the storm water management pond. If there is no agreement or plan, the new property line should not cut through the pond.
B. The water main will need to be extended and looped from the dead end on Lebrun Street to East River Drive when the parcel develops. 50% of the cost for the water main will be paid by the owner of Lot 1.
C. Sanitary sewer will need to be extended from the intersection of Ridgeway Drive and Montreal Place to the north to service Lot 1. It is unknown if there is an existing sewer running north along the 1901 Ridgeway Drive western property line to easily provide the service.
    a. If the easement does not exist, there is no practical way to provide sanitary sewer to the parcel. The cost for any sanitary sewer extensions will be paid by the developer.
D. The Lebrun cul-de-sac is to be built at the developer's cost. The cost will be determined at the time of development.

a. The Village of Allouez may object to the Lebrun Street extension being constructed on the Village half of the Lebrun Street right of way.

Attachment: CSM - Macco - Plan Commission Report (7348 : Recommendation from the Plan Commission to approve a Proposed Two Lot

CITY OF DE PERE

APPLICATION FOR CSM REVIEW

CITY OF DE PERE RECEIVED AUG 6 2018 PLANNING DEPT

Fee: $ 368.00

Receipt #: 00135189

Date: 06 Aug 2018

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity)	Authorized Representative	Title	
CP LEGACY LLC & HAROLD MACCO TRUS	MICHAEL D. VANDE HEI	SURVEYOR	
Mailing Address	**City**	**State**	**ZIP Code**
2696 LOST DAUPHIN RD	DE PERE	WI	54115
Email Address	**Phone Number (incl. area code)**	**Fax Number (incl. area code)**	
mvandehei001@new.rr.com	920-639-1564		

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person	Title	
C P LEGACY LLC & H. MACCO TRUST #2	MARK MACCO	TRUSTEE & MEMBER	
Mailing Address	**City**	**State**	**ZIP Code**
2986 C.T.H. "PP"	DE PERE	WI	54115
Email Address	**Phone Number (incl. area code)**	**Fax Number (incl. area code)**	
Mark@hillcresthomes-wi.com	920-337-2450	920-337-2459	

SECTION 3: Project or Site Location

Project Address/Description	Parcel No.
825 E. RIVER DR. PROPERTY ALONG LE BRUN ST.	ED-1164-R-121 ED 1164-R-32-2

SECTION 4: CSM Information

Existing Zoning:	R3
Present Use of Parcel:	VACANT, CULTIVATED
Proposed Use of Lots:	EXISTING APARTMENT BUILDING SEPERATED FROM VACANT LAND & FUTURE DEVELOP

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)	Title	Phone Number
MICHAEL D. VANDE HEI	SURVEYOR	920-639-1564
Signature of Applicant		**Date Signed**
Michael D Vande Hei		8/6/2018

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.	✓

Attachment: Application Form (7348 : Recommendation from the Plan Commission to approve a Proposed Two Lot Certified Survey Map at 825

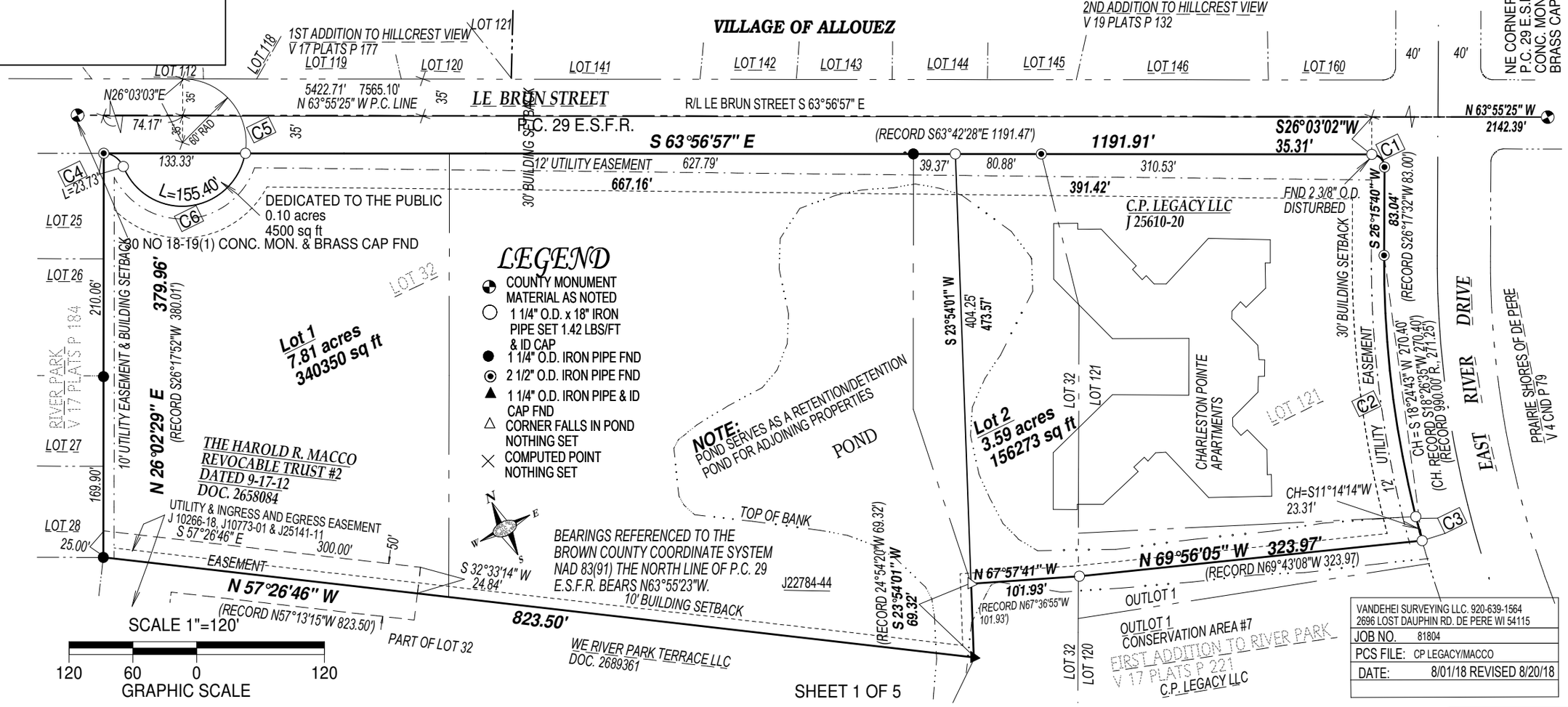
CERTIFIED SURVEY MAP

LOT 121, PART OF OUTLOT 1 OF THE FIRST ADDITION OF RIVER PARK, VOLUME 17 PLATS PAGE 221 OF BROWN COUNTY RECORDS AND PART OF LOT 32 OF RIVER PARK, VOLUME 17 PLATS PAGE 184 OF BROWN COUNTY RECORDS ALL LOCATED IN PRIVATE CLAIM 29. EAST SIDE FOX RIVER, CITY OF DE PERE, BROWN COUNTY, WISCONSIN.

CURVE NOTES

Id	Delta	Radius	Arc Length	Chord	Ch Bear	PC Tangent	PT Tangent
C1	90°00'08"	12.00'	18.85'	16.97'	S 18°56'54" E	S 63°56'57" E	S 26°03'10" W
C2	15°41'54"	990.00'	271.25'	270.40'	S 18°24'43" W	S 26°15'40" W	S 10°33'46" W
C3	01°20'57"	990.00'	23.31'	23.31'	S 11°14'14" W	S 11°54'43" W	S 10°33'46" W
C4	67°58'53"	20.00'	23.73'	22.36'	S 29°57'31" E	S 63°56'57" E	S 04°01'56" W
C5	247°58'34"	60.00'	259.68'	99.50'	N 60°02'39" E	S 04°01'56" W	N 63°56'38" W
C6	148°23'41"	60.00'	155.40'	115.46'	S 70°09'54" E	S 04°01'56" W	N 35°38'15" E

WISCONSIN
MICHAEL D. VANDE HEI
S-2241
De Pere, WI
LAND SURVEYOR



SHEET 1 OF 5

VANDEHEI SURVEYING LLC. 920-639-1564 2696 LOST DAUPHIN RD. DE PERE WI 54115	
JOB NO.	81804
PCS FILE:	CP LEGACY/MACCO
DATE:	8/01/18 REVISED 8/20/18

Attachment: Preliminary REVISED CSM (7348 : Recommendation from the Plan Commission to approve a

ESA LINE TABLE 1

Id	Bearing	Distance	Id	Bearing	Distance
L1	N 10°17'05" E	20.94'	L12	S 26°50'31" E	30.98'
L2	N 52°16'20" W	99.56'	L13	N 11°24'38" W	49.95'
L3	S 57°34'42" E	77.92'	L14	N 02°14'43" E	25.11'
L4	S 22°19'17" E	49.38'	L15	N 23°46'55" E	44.66'
L5	S 03°38'56" E	38.29'	L16	S 37°06'22" W	34.57'
L6	S 20°04'18" W	83.66'	L17	S 50°25'50" W	77.27'
L7	S 53°57'03" W	48.80'	L18	S 60°06'36" W	34.57'
L8	N 82°41'46" E	104.72'	L19	S 13°39'36" W	18.83'
L9	N 14°13'28" E	47.38'	L20	S 00°35'27" W	22.40'
L10	S 27°48'05" W	58.87'	L21	S 64°52'49" E	41.91'
L11	S 59°10'57" W	67.00'	L22	S 70°40'18" E	143.92'
			L23	S 70°04'16" E	129.60'

NOTES:

1) THE PROPERTY OWNERS, AT THE TIME OF CONSTRUCTION, SHALL IMPLEMENT THE APPROPRIATE SOIL EROSION CONTROL METHOD OUTLINED IN "WISCONSIN CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS " (AVAILABLE FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES) TO PREVENT SOIL EROSION. HOWEVER, IF AT THE TIME OF CONSTRUCTION THE VILLAGE HAS ADOPTED A SOIL EROSION CONTROL ORDINANCE IT SHALL GOVERN OVER THIS REQUIREMENT. THIS PROVISION APPLIES TO ANY GRADING, CONSTRUCTION OR INSTALLATION RELATED ACTIVITIES.

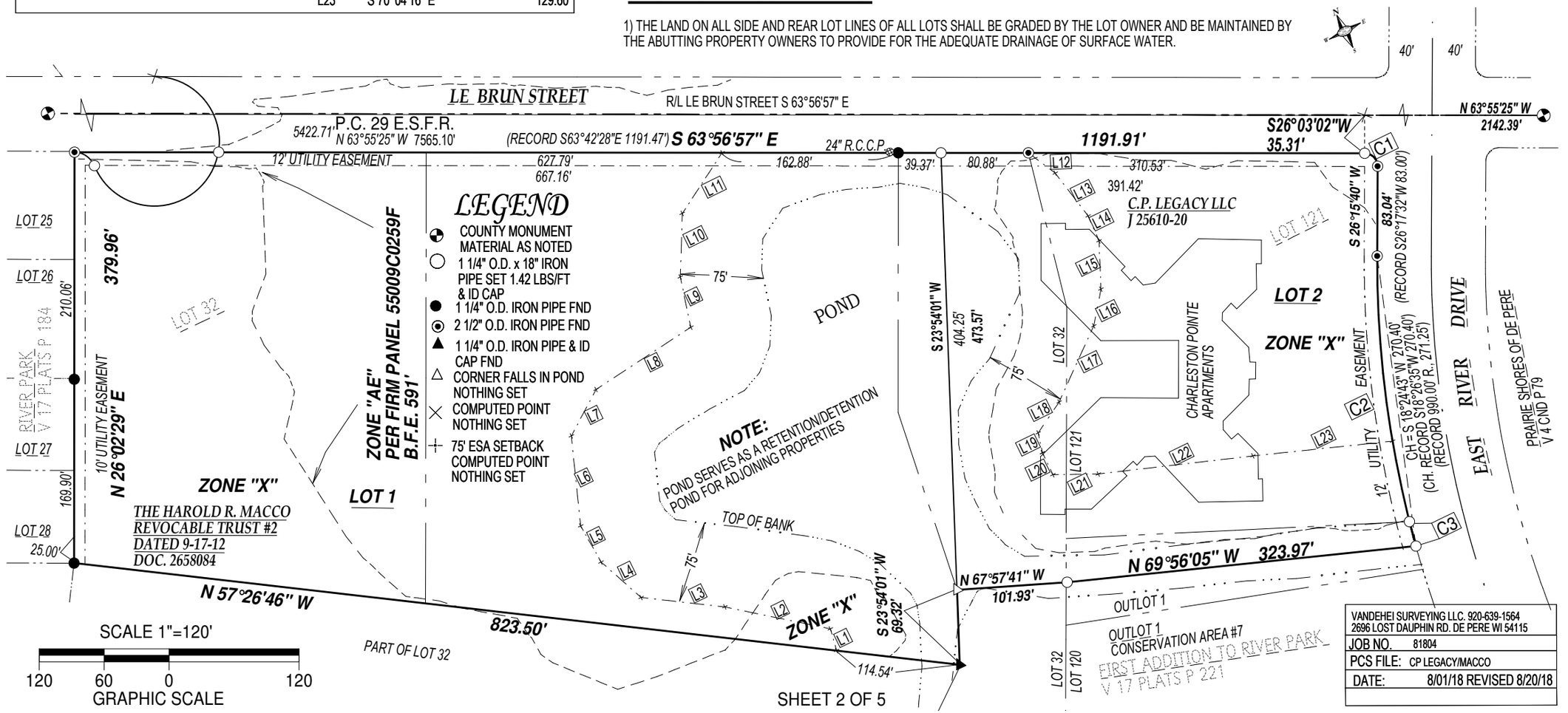
2) LOTS 1-2 CONTAIN AN ENVIRONMENTALLY SENSITIVE AREA (ESA) AS DEFINED IN THE BROWN COUNTY SEWAGE PLAN. THE ESA INCLUDES ALL LAND WITHIN 75 FEET OF A NAVIGABLE WATERWAY. DEVELOPEMENT AND LAND DISTURBING ACTIVITIES ARE RESTRICTED IN THE ESA UNLESS AMENDMENTS ARE APPROVED BY THE BROWN COUNTY PLANNING COMMISSION AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.

3) LOTS 1 & 2 ARE WITHIN FLOOD ZONE AE OF FIRM # 55009C259F BASE FLOOD ELEVATION 591.00'.

WISCONSIN
MICHAEL D. VANDE HEI
S-2241
De Pere, WI
LAND SURVEYOR

RESTRICTIVE COVENANTS:

1) THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE LOT OWNER AND BE MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR THE ADEQUATE DRAINAGE OF SURFACE WATER.



VANDEHEI SURVEYING LLC. 920-639-1564 2696 LOST DAUPHIN RD. DE PERE WI 54115	
JOB NO.	81804
PCS FILE:	CP LEGACY/MACCO
DATE:	8/01/18 REVISED 8/20/18

Attachment: Preliminary REVISED CSM (7348 : Recommendation from the Plan Commission to approve a

SURVEYOR'S CERTIFICATE:

I, MICHAEL D. VANDE HEI, PROFESSIONAL LAND SURVEYOR NUMBER 2241, HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED LOT 121, PART OF OUTLOT 1 OF THE FIRST ADDITION OF RIVER PARK, VOLUME 17 PLATS PAGE 221 OF BROWN COUNTY RECORDS AND PART OF LOT 32 OF RIVER PARK, VOLUME 17 PLATS PAGE 184 OF BROWN COUNTY RECORDS ALL LOCATED IN PRIVATE CLAIM 29. EAST SIDE FOX RIVER, CITY OF DE PERE, BROWN COUNTY, WISCONSIN DESCRIBED AS FOLLOWS..

COMMENCING AT THE NORTHEAST CORNER OF PRIVATE CLAIM 29, EAST SIDE FOX RIVER; THENCE N63°55'25"W ALONG THE NORTH LINE OF SAID PRIVATE CLAIM 29, 2142.39 FEET; THENCE S26°03'02"W, 35.31 FEET TO THE NOETH LINE OF LE BRUN STREET AND TO THE POINT OF BEGINNING; THENCE ALONG THE ARC OF A 12 FOOT RADIUS CURVE TO THE RIGHT, 18.85 FEET, THE CHORD OF WHICH BEARS S18°56'54"E, 16.97 FEET TO THE EAST LINE OF EAST RIVER DRIVE; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID EAST LINE; THENCE S26°15'40"W, 83.04 FEET; THENCE ALONG THE ARC OF A 990.00 FOOT RADIUS CURVE TO THE LEFT, 271.25 FEET, THE CHORD OF WHICH BEARS S18°24'43"W, 270.40 FEET TO THE END OF SAID COURSES; THENCE N69°56'05"W, 323.97 FEET; THENCE N67°57'41"W, 101.93 FEET; THENCE N57°26'46"W, 823.50 FEET TO THE WEST LINE OF SAID LOT 32 OF RIVER PARK; THENCE N26°02'29"E ALONG SAID WEST LINE, 379.96 FEET TO THE SOUTH LINE OF LE BRUN STREET; THENCE S63°56'57"E ALONG SAID SOUTH LINE, 1191.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 11.50 ACRES MORE OR LESS INCLUDING ROAD RIGHT-OF-WAY.
THE ABOVE DESCRIBED PARCEL BEING PART OF LANDS DESCRIBED IN DOCUMENT NUMBER 2658084 AND JACKET 25610 IMAGE 20 OF BROWN COUNTY RECORDS.
SAID PROPERTY SUBECT TO ALL EXCEPTIONS, RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS CONTAINED IN PRIOR CONVEYANCES OF RECORD.

I, ALSO HEREBY CERTIFY THAT THE MAP SHOWN HEREON WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT IT IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY AND THE DIVISION OF THAT LAND, IT'S EXTERIOR BOUNDARIES, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT I HAVE MADE SUCH SURVEY BY THE ORDER OF C.P. LEGACY LLC, A WISCONSIN LIMITED LIABILITY COMPANY AND THE TRUSTEES OF HAROLD R. MACCO REVOCABLE TRUST #2 DATED 9-17-12, OWNERS, AND I HAVE FULLY COMPLIED WITH CHAPTER 236.34 REVISED STATUTES OF WISCONSIN, BROWN COUNTY PLANNING COMMISSION AND WITH CHAPTER 14 OF THE GENERAL ORDINANCES OF THE CITY OF DE PERE.

_____

MICHAEL D. VANDE HEI PLS 2241 DATE

NOTES:

1) THIS CSM IS WITHIN A PLANNED DEVELOPMENT DISTRICT

2) LOT 1 WILL REQUIRE A PRECISE IMPLEMENTATION PLAN BEFORE DEVELOPEMENT

NOTE: "GRANT OF EASEMENT"

There is hereby granted jointly to the City of De Pere, Wisconsin, a municipal corporation, Wisconsin Public Service Corporation and the Wisconsin Bell Telephone Company, both public utilities, and their successors and assigns, a perpetual right-of-way over and across an easement in all lands designated herein as "utility easements" for purposes of construction, installation and maintenance of water distribution systems, sanitary and storm sewer, gas and electric distribution systems and cable television systems. No habitable structures or accessory buildings shall be constructed within or upon said easements. This easement shall be perpetual.

VANDEHEI SURVEYING LLC. 920-639-1564 2696 LOST DAUPHIN RD. DE PERE WI 54115
JOB NO. 81804
PCS FILE: CP LEGACY/MACCO
DATE: 8/01/2018

Attachment: Preliminary REVISED CSM (7348 : Recommendation from the Plan Commission to approve a

TRUSTEE'S CERTIFICATE:

AS TRUSTEES FOR THE HAROLD R. MACCO REVOCABLE TRUST #2 DATED 9-17-12, WE CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED HEREON. WE ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF DE PERE.

_____ _____
DAVE MACCO ANN BOSSMEYER

_____
MARK MACCO

STATE OF WISCONSIN

_____COUNTY

PERSONALLY CAME BEFORE ME THIS_____DAY OF _____, 2018,
THE ABOVE NAMED, DAVE MACCO, ANN BOSSMEYER AND MARK MACCO, TO ME KNOWN TO BE THE SAME PERSONS
WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

_____

NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES _____.

MORTGAGE HOLDER CERTIFICATE

OLD NATIONAL BANK, HOLDER OF A MORTGAGE ON THE HEREON DESCRIBED LANDS, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING AS SHOWN HEREON.

_____
DALE BUSHMAN
OLD NATIONAL BANK REPRESENTATIVE

STATE OF WISCONSIN

_____COUNTY

PERSONALLY CAME BEFORE ME THIS _____DAY OF _____, 2018,
THE ABOVE NAMED, DALE BUSHMAN, TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

_____

NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES _____.

Corporate Owner's Certificate:

C.P. LEGACY LLC , A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS SURVEY. C.P. LEGACY LLC , DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF DE PERE.

IN WITNESS WHEREOF, THE SAID C.P. LEGACY LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY DAVE MACCO, ANN BOSSMEYER AND MARK MACCO, MEMBERS,
ON THIS _____ DAY OF _____, 2018.

_____ _____ _____
DAVE MACCO, MEMBER ANN BOSSMEYER, MEMBER MARK MACCO, MEMBER
C.P. LEGACY LLC C.P. LEGACY LLC C.P. LEGACY LLC

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2018, THE ABOVE NAMED MEMBERS OF SAID CORPORATION AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH MEMBER AS THE DEED OF SAID CORPORATION, BY IT'S AUTHORITY.

_____

NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES _____.

STATE OF WISCONSIN}
} SS
COUNTY OF BROWN}

VANDEHEI SURVEYING LLC. 920-639-1564 2696 LOST DAUPHIN RD. DE PERE WI 54115
JOB NO. 81804
PCS FILE: CP LEGACY/MACCO
DATE: 8/01/2018

Attachment: Preliminary REVISED CSM (7348 : Recommendation from the Plan Commission to approve a

CERTIFICATION OF THE CITY OF DE PERE:

APPROVED BY THE COMMON COUNCIL OF THE CITY OF DE PERE THIS _____ DAY OF _____ , 2018.

_____
SHANA D. LEDVINA DATE
CLERK-TREASURER
CITY OF DE PERE

TREASURER'S CERTIFICATE:

I, PAUL D. ZELLER BEING THE DULY ELECTED, QUALIFIED TREASURERS OF BROWN COUNTY, WISCONSIN, RESPECTIVELY DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN OUR OFFICES SHOW NO UNREDEEMED TAXES AND NO OR UNPAID SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP AS OF THE DATE LISTED BELOW.

_____ _____
PAUL D. ZELLER, BROWN COUNTY TREASURER DATE

VANDEHEI SURVEYING LLC. 920-639-1564 2696 LOST DAUPHIN RD. DE PERE WI 54115
JOB NO. 81804
PCS FILE: CP LEGACY/MACCO
DATE: 8/01/18 REVISED 8/20/18

Attachment: Preliminary REVISED CSM (7348 : Recommendation from the Plan Commission to approve a

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve $500 Donation from Pink Flamingos for Tables & Furniture at Community Center.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a $500 Donation from Pink Flamingos for tables and furniture at the Community Center, and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
The De Pere Community Center has received a $500 donation from The Pink Flamingos to be used towards acquisition of tables and furniture for the Community Center remodeling project. The tables for the lower level and chairs in the lounge area have been ordered. Staff is finalizing selection of lounge furniture colors and fabric design yet and that order will be placed soon.
The Board of Park Commissioners and staff are truly grateful to the Pink Flamingo's for their generosity and support of the Community Center.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve $250 Donation from Pink Flamingos to Recreation Scholarship Fund.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a $250 donation from the Pink Flamingos to the Recreation Scholarship fund and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
The generous $250 donation from the Pink Flamingos is intended to be used for our Recreation Scholarship program. Our Scholarship fund has awarded 59 scholarships to needy families and children in our community so far this year. The Board of Park Commissioners and staff are truly grateful for the generosity of the Pink Flamingo organization.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve $250 Donation from the Bugsy to the Recreation Scholarship Fund.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a $250 donation from the Bugsy Organization to the Recreation Scholarship Fund and moved to send it to Common Council for approval. The motion passed with a 5-0 vote.

This generous donation in the amount of $250 is from The Bugsy organization and intended to be used for the Recreation Scholarship Fund. The Board of Park Commissioners and staff truly appreciate The Bugsy's support in helping needy children and families in our community to participate in recreational activities.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve $300 Donation from De Pere Area Men's Club for Senior Citizens Picnic.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a $300 donation from the De Pere Area Men's Club for the Senior Citizen's Picnic and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
The De Pere Area Men's Club has helped sponsor this event for many years, not only with a monetary donation but have also donated their time and talents to help prepare the booyah and serve senior members of our community the day of the event. The Board of Park Commissioners and staff are truly grateful for all of their support, not only for this event, but for many other events they help with throughout the year.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve $300 from De Pere Area Men's Club for Summer Carnival.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a $300 donation from the De Pere Area Men's Club for the Summer Carnival and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
The $300 donation will be used to help defray expenses for the Summer Carnival sponsored by our department. Last year, over 500 people attended the event which was a huge success. This year our event was held on Wednesday, August 8 and was even a greater success with an estimated 650 in attendance.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve $250 Donation from Cotter Funeral Home Inc. for Tables & Furniture at the Community Center.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a $250 donation from Cotter Funeral Home for tables and furniture at the Community Center and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
Staff requested accepting the $250 donation from Cotter Funeral Home to be used towards the purchase of new tables, lounge furniture and chairs as part of our remodeling project. This donation will aide in reaching our goal of $30,000 as that is the approximate costs of replacing these items.
.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: **September 4, 2018**

DEPARTMENT: **Parks, Recreation & Forestry**

FROM: **Marty Kosobucki**

SUBJECT: **Recommendation from the Board of Park Commissioners to Accept Donation from DGSA to Install Batting Cages at Optimist Park.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a donation from De Pere Girls Softball to install a batting cage at Optimist Park and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
The De Pere Girls Softball Association is proposing to install a batting cage at Optimist Park. The cages are in accordance with our Master Plan. DGSA has not yet determined if they will concrete the floor of the batting cages or use diamond material. If DGSA uses a concrete floor, the value of the project will be $34,000. If DGSA settles on diamond material the project will be valued at $22,000.
The Board of Park Commissioners is recommending accepting the donation from DGSA up to $34,000.

ATTACHMENTS:

- Optimist Master Plan (PDF)
- BeaconDoubleWideBattingCage (JPG)
- Optimist Double Batting Cage Project 080318 (PDF)

Attachment: Optimist Master Plan (7327 : Recomm from Bd of Park Comm to Accept Donation from DGSA to Install Batting Cages at Optimist

Attachment: Optimist Master Plan (7327 : Recomm from Bd of Park Comm to Accept Donation from DGSA to Install Batting Cages at Optimist

ket Pg. 3

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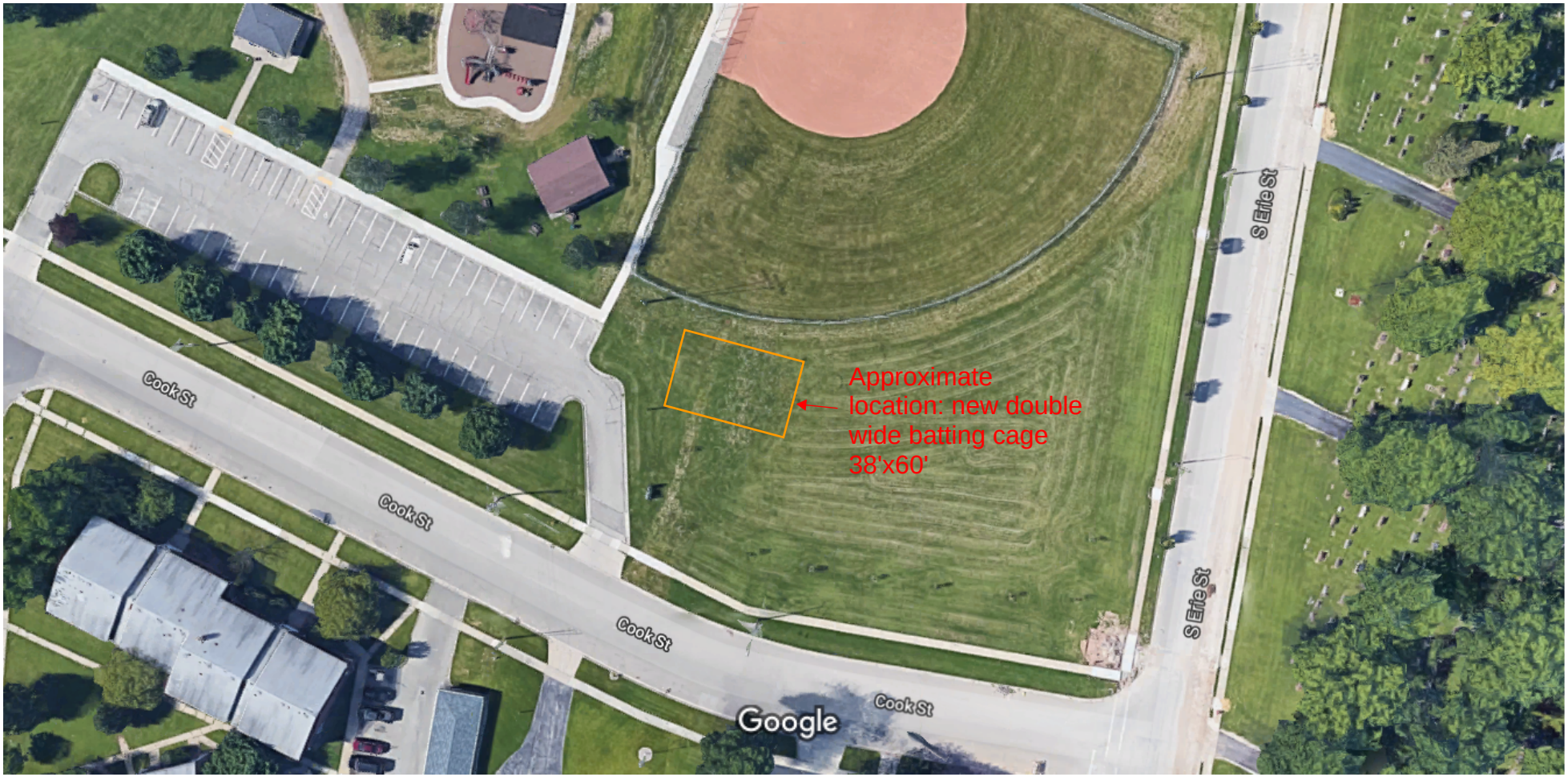
Google Maps Optimist



Imagery ©2018 Google, Map data ©2018 Google 50 ft

Attachment: Optimist Double Batting Cage Project 080318 (7327 : Recomm from Bd of Park Comm to

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve Donation from De Pere Baseball to Improve Baseball Fields at Kelly Danen Park.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting a donation from De Pere Baseball for improvements to the baseball fields at Kelly Danen Park and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
De Pere Baseball is funding $20,000 in improvements to the playing fields at Kelly Danen Park with the work to be completed in October. Work will include general ball diamond upgrades such as removing lips from outfield to infield, repairing batter boxes and pitching mounds, repair worn out grass areas, etc... The Board of Park Commissioners is recommending accepting this generous donation from De Pere Baseball which will help the playing conditions at Kelly Danen Park for our youth.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Attorney**
FROM:	**Angela Zills**
SUBJECT:	**Ordinance #18-18 Creating Section 7-10(d) De Pere Municipal Code Regarding Online Ordering and Curbside Pick-up of Alcohol Beverages.**

The License Committee voted unanimously to approve this ordinance.

ATTACHMENTS:

- Ord18-18 (DOCX)
- Memo License Comm. 8.21.18 (PDF)
- Proposed Amendment to De Pere Ordinance Section 7 (PDF)
- License Committee - Walmart Request to Expand Licensed Premises (PDF)
- Walmart license amend clarification 7-17-18 (PDF)

Attachment: Ord18-18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online Ordering/Curbside Pickup of Alcohol)

ORDINANCE #18-18

CREATING SECTION 7-10(d) DE PERE MUNICIPAL CODE REGARDING ONLINE ORDERING AND CURBSIDE PICK-UP OF ALCOHOL BEVERAGES

THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 7-10(d), *Online Ordering and Curbside Pickup of Alcohol Beverages*, is hereby created as follows:

(d) *Online Ordering and Curbside Pickup of Alcohol Beverages.*

(1) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining an "Extension of Premises" from the De Pere Common Council, upon recommendation of the License Committee (LC) to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

a. The licensed establishment shall file a detailed operation plan with their "Extension of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.

b. Failure of licensee to provide a detailed operation plan with their "Extension of Premises" application shall result in the City of De Pere Clerk's Office not forwarding the "Extension of Premises" form to the LC for consideration.

(2) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

a. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.

b. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.

c. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

d. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

e. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(3) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.

(4) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(5) There shall be a minimum four- (4) hour waiting period between order time and pick-up time.

(6) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(7) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(8) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(9) The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 150 ft. from the pick-up door.

(10) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

(11) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to forfeiture as determined by resolution of the Common Council.

Attachment: Ord18-18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online Ordering/Curbside Pickup of Alcohol)

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall take effect on and after its publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of September, 2018.

APPROVED:

_____
Michael J. Walsh, Mayor

ATTEST:

_____
Shana D. Ledvina, Clerk-Treasurer

Ayes:_____
Nays:_____
Committee Approval: August 21, 2018
Publication Date: _____
Effective Date: _____

Attachment: Ord18-18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online Ordering/Curbside Pickup of Alcohol)

CITY OF DE PERE MEMO

To: License Committee
From: Kate Zuidmulder, Staff Attorney
RE: Request of Walmart #5090 to Expand License Premises
Date: August 17, 2018

The above matter came before the Committee on July 17, 2018 in order to hold discussions on the De Pere Walmart Store's request to expand their license premises to allow online purchases that are picked up at the store by the consumer ("Click and Collect"). Following discussion on this matter, the Committee requested further information regarding the De Pere Walmart's proposed design plan for pick-up area and a draft of a proposed amendment to De Pere Ordinance Sec. 7-10.

Attached to this Memo are the emails outlining requests for further information from Walmart and Walmart's responses.

Also attached to this Memo is a draft of the proposed amendment to De Pere Sec. 7-10 modeled after the City of Madison Municipal Code (MMC) 38.07(4) which had previously been included in the July 17, 2018 Committee Agenda Packet. Changes to MMC 38-07(4) have been redlined and indicate formatting consistent with the City of De Pere Municipal Code as well as suggested additions and deletions.

Please note that one of the deletions proposed is to remove MMC 38-07(4)(d). Walmart has indicated they do not have the capability or technology to comply with this provision. This provision would likely be prohibitive for other similarly situated stores in the City of De Pere as well.

Please also note that the proposed addition under (9) designates a certain distance from which the pick-up area must be from the pick-up door. This is meant to ensure compliance with the ordinance and limit the amount of space to be licensed.

Attachment: Memo License Comm. 8.21.18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online Ordering/Curbside

Proposed Amendment to De Pere Ordinance Section 7 – Liquor Licensing

Sec. 7-10. Restrictions on sales of intoxicating beverages.

(d) *Online Ordering and Curbside Pickup of Alcohol Beverages* .

(1~~a~~) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining an "Extension of Premises" from the De Pere Common Council, upon recommendation of the License Committee (LC) to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

a.~~1~~. The licensed establishment shall file a detailed operation plan with their "Extension of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.

b.~~2~~. Failure of licensee to provide a detailed operation plan with their "Extension of Premises" application shall result in the City of De Pere Clerk's Office not forwarding the "Extension of Premises" form to the LC for consideration.

(2~~b~~) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

a.~~1~~. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.

b.~~2~~. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.

c.~~3~~. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

d.~~4~~. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

e.~~5~~. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(3~~c~~) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.

~~(d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:~~

~~1. The name of the purchaser.~~

~~2. The type of identification card presented and the number and expiration date of that identification card.~~

~~3. The purchaser's date of birth.~~

Attachment: Proposed Amendment to De Pere Ordinance Section 7 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online

~~4. The license plate of the vehicle into which the order is being loaded.~~

(4~~e~~) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(5~~f~~) There shall be a minimum four- (4) hour waiting period between order time and pick-up time.

(6~~g~~) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(7~~h~~) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(8~~i~~) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(9~~j~~) The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 100 ft. from the pick-up door.

(10~~k~~) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

(11~~l~~) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture as determined by resolution of the Common Council.

Attachment: Proposed Amendment to De Pere Ordinance Section 7 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

CITY OF DE PERE — MEMO

To: License Committee
From: Kate R. Zuidmulder, City Staff Attorney
RE: Request of Walmart #5090 to expand License premises
Date: June 14, 2018

The purpose of this Memo and included attachments is to provide information to assist in discussion regarding the request by Walmart #5090 to expand license premises for the purpose of launching an online grocery pickup service that would include alcohol sales at the De Pere location. This matter has been placed on the July 17, 2018 Committee meeting Agenda for discussion of above request.

1. Walmart's current Class A Retail license for the sale of Fermented Malt Beverages and Intoxicating Liquors premise description is as follows:

> 1415 LAWRENCE DR., DE PERE, WI 54115, 1 ROOM, 1 STORY, APPROXIMATELY **2,900 SQ. FT**. SEPARATE FROM THE ATTACHED WALMART SUPERCENTER WHICH HAS A SEPARATE ENTRANCE.

Walmart is seeking to amend the premises description as follows:

1415 LAWRENCE DR., DE PERE, WI 54115, 1 ROOM, 1 STORY BUILDING, APPROXIMATELY **186,215 SQ. FT**., INCLUDING STALLS IN PARKING LOT DESIGNATED FOR ONLINE GROCERY PICKUP.

2. Walmart's request is to expand the licensed premises from the enclosed area with separate door currently required under the code to the entirety of the Walmart store and parking stalls. This would require amendment to Section 7-11 of the City of De Pere Municipal Code, Limitations on class "A" licenses. More specifically, to the following:

a. Sec. 7-11(a)(1): "Intoxicating Liquor is displayed in a separate area of the establishment which is constructed with four solid walls and is capable of being locked and inaccessible to customers during those hours in which sales of intoxicating liquor are not permitted by law".

If, following discussion, the Committee requests the City Attorney's office to prepare proposed Ordinance amendments, additional language specifically addressing online ordering and curbside pickup of alcohol would be recommended consistent with State Law and to ensure compliance.

The following materials are attached to this Memo in order to provide more information regarding this request:

-"Municipal Regulation of "Click and Collect" Alcohol Sales, Claire Silverman, Legal Counsel for the League of Wisconsin Municipalities, The Municipality, March 2018.

-Example of Wisconsin Municipal Code that has been amended to address online ordering and pickup of alcohol: The City of Madison Municipal Code 38.07(4), "Online Ordering and Curbside Pickup of Alcohol Beverages" (pg. 2).

-Letter from Attorney Gregory T. Everts, QUARLES & BRADY LLP, Counsel for Walmart, regarding Walmart's request, proposed site map and floor plan for the De Pere Walmart and the Walmart Online Grocery Pickup Procedure Guide.

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Legal

Municipal Regulation of "Click and Collect" Alcohol Sales[1]

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities

"Click and Collect" describes a practice where consumers order online from a retailer's website and then pick up their orders at a local store. The use of Click and Collect has become increasingly popular as retailers in competitive markets look for innovative ways to serve customers, and customers have become accustomed to the comfort and convenience of ordering online.

Notably, many grocery stores and other similar retailers have begun offering Click and Collect and, for a small fee or free with a minimum order, will assemble the grocery order and deliver it curbside when the customer arrives to pick it up. It's not hard to imagine the convenience factor as being off the charts for, among others, persons with busy work schedules, persons with small children in tow, and those with limited mobility.

While Click and Collect sales do not typically require municipal oversight or approval, oversight and/or approval may be desirable and/or necessary when the online sale includes alcohol beverages and, in particular, when the sale involves curbside delivery. Recently, some retailers with alcohol licenses have sought municipal approval to expand the description of their premises to include designated parking stalls used for the Click and Collect deliveries. This is necessary since state law requires the licensed premises to be "particularly described" and include all areas where alcohol is stored or sold.[2]

To amend described premises during the license year, the licensee must file a written request with the municipality. The governing body has discretion to approve or disapprove the change.[3] Municipalities can impose conditions in connection with allowing amendment of the premises but are limited in imposing conditions once the request to amend the premises description has been granted.[4]

This legal comment briefly summarizes state law requirements that come into play when Click and Collect involves the sale of alcohol beverages.

Wisconsin law requires the following for alcohol sales:

1. Face-to-face sales to consumers at the licensed premises.[5]
2. Purchaser must be of legal drinking age (21 or older).
3. Seller must be a licensed operator or under the immediate supervision of a licensed operator.
4. No sales can be made to intoxicated persons.

In order to satisfy the requirement that the sale be face-to-face and that it take place on the licensed premises, an online order for alcohol beverages should not be consummated when the order is placed but, rather, when the order is picked up by the customer with the customer signing the credit card or paying at the retailer's licensed premises. If the customer is picking up curbside, those parking spaces must be included in the licensee's described premises since that is where the sale is taking place.

The requirement that all persons selling alcohol possess an operator's license or be under the immediate supervision of someone with an operator's license effectively means that those delivering alcohol curbside should have an operator's license. "Immediate supervision" has been interpreted to mean that the person supervising must be able to see those being supervised at all times.[6]

Municipalities that receive requests to amend premise descriptions to allow Click and Collect with curbside delivery of alcohol must decide whether such sales should be allowed and, if so, what conditions are appropriately imposed to ensure that any such sales are done lawfully.

▸ p.16

1. This article was inspired by a Nov. 7, 2017 memo on Click and Collect Alcohol Sales written by Julia Sherman at the Wisconsin Alcohol Policy Project.
2. Wis. Stat. §§ 125.25(3), 125.26(3), 125.28(3), 125.51(2)(c) and 125.51(3)(d).
3. *Alberti v. City of Whitewater*, 109 Wis.2d 592, 327 N.W.2d 150 (1982). See also Wis. Stat. sec. 125.04(3)(h).
4. *Wisconsin Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76. The Wisconsin Alcohol Policy Project's Nov. 7, 2017 memo on Click and Collect Alcohol Sales mentioned a variety of conditions that municipalities were considering or had adopted.
5. Wis. Stat. §§ 125.272 and 125.51(6).
6. OAG 9-10-62 (informal opinion).

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Packet Pg. 45

Municipalities should review a retailer's policies for the Click and Collect operation before granting an expansion of the licensed premises and may want to include those policies as license conditions. Municipalities that want to allow Click and Collect alcohol sales may want to also adopt an ordinance governing such sales. A Wisconsin Alcohol Policy Project memo on Click and Collect[7] suggests that municipalities inquire about the following before granting an expansion of the licensed premises to allow Click and Collect alcohol sales:

- What hours will alcohol orders be allowed?
- How is an alcohol order assembled?
- Who assembles the entire order? Is an itemized tape prepared?
- When is the credit card charged for the order?
- Is the individual who delivers the order a licensed operator?
- What equipment is provided to staff (e.g., is ambient light sufficient or is a flashlight needed to read the Id, a scanner to record the credit card sale or ID)?
- Is the newly licensed area under video surveillance?
- When is the ID checked?
- Does the seller determine that the name on the order is the same name on the ID?

The memo notes that in addition to provisions relating to the above factors, some municipalities have adopted or considered the following provisions:

- A requirement that the system allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- Notification of police when an apparently underage person or intoxicated person attempts an alcohol purchase.
- Imposing a minimum waiting period between order time and pick-up time for alcohol and tobacco.
- Requiring that images of the transaction (purchaser, ID card, vehicle, license plate) be captured and retained for a minimum period of time.
- Prohibiting tasting events in the parking lot.

Although municipalities may differ regarding whether Click and Collect alcohol sales should be permitted, those municipalities that wish to allow it should take measures to ensure that such sales are in compliance with state law.

Intoxicating Liquors 955

About the author:

Claire Silverman is Legal Counsel for the League. Her responsibilities include supervising the legal services provided by the League, answering questions of a general nature for officials and employees of member municipalities, writing legal articles for the League's magazine and amicus briefs in appellate cases involving issues of statewide concern to municipalities, organizing an annual institute for municipal attorneys, and educating local officials on a variety of topics pertaining to their duties. In addition, she coordinates legal material for the League's web page. Claire joined the League staff in 1992. Contact Claire at cms@lwm-info.org

7. See footnote 1.

Editor's Note:

If you are generally interested in municipal responsibility/authority for handling local health matters, please request the Legal Comment "Health 65," authored by Claire Silverman, League Legal Counsel, and published in the June 1999 *The Municipality*.

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Municipal Code – City of Madison
Alcohol Beverages Regulated, Chapter 38
Section 38.07

- **38.07 - GENERAL RESTRICTIONS.**

(1) Public Place . No owner, lessee or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, churches, premises in a state fair park or clubs.

(2) Possession of Alcohol Beverages on School Grounds Prohibited . Pursuant to the provisions of Wis. Stat. § 125.10, the City of Madison does hereby adopt and incorporate into this Subsection the provisions of Wis. Stat. § 125.09(2), inclusive of all future amendments to any provisions of this section of the Wisconsin Statutes. (Am. by Ord. 11,624, 6-28-96; Rep. & Rec. by ORD-07-00118, 9-22-07)

(3) Restrictions on Delivery of Beer, Wine and Intoxicating Liquor .

(a) No person may peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

(b) For delivery of beer, wine, and intoxicating liquor, payment or payment arrangements shall be made in person at the licensed establishment prior to delivery. (Am. by ORD-10-00073, 8-12-10)

(c) The person paying for the keg/beer/wine coolers/intoxicating liquor must be at least 21 years of age and shall provide the licensed establishment with two forms of identification. The types of identification and identifying factors (e.g. driver's license number, physical descriptors, address, etc.) shall be recorded by the licensed establishment. The identifying information shall be retained by the retailer for at least two years from the date of sale and must be made available at the request of law enforcement or the Alcohol License Review Committee, pursuant to an active investigation by the Madison Police Department, City Attorney, or ALRC regarding alleged Chapter 38 MGO/ Wis. Stat. ch. 125 violation(s). (Am. by ORD-10-00073, 8-12-10)

(d) When purchasing kegs of beer, the person paying for the keg(s) must sign a receipt indicating how many kegs are being purchased and where they will be delivered.

(e) Delivery of any alcoholic beverage shall not be made unless the person who provided the identification is at the point of delivery and signs for receipt of the alcohol. The licensed establishment shall retain the signed delivery receipt for at least two years from the date of sale and make it available at the request of law enforcement or the Alcohol License Review Committee, pursuant to an active investigation by the Madison Police Department, City Attorney, or ALRC regarding alleged Chapter 38 MGO/ Wis. Stat. ch. 125 violation(s).

(f) Any person who violates this subsection is subject to a forfeiture of not more than $1,000.

(g) Transactions under this subsection shall comply with Sec. 38.07(16), MGO. (Cr. by ORD-10-00073, 8-12-10)

(Sec. 38.07(3) Am. by Ord. 12,942, 12-24-01)

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Municipal Code – City of Madison
Alcohol Beverages Regulated, Chapter 38
Section 38.07

(4) Online Ordering and Curbside Pickup of Alcohol Beverages .

(a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining a "Change of Premises" from the Madison Common Council, upon recommendation of the Alcohol License Review Committee (ALRC) to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

1. The licensed establishment shall file a detailed operation plan with their "Change of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.

2. Failure of licensee to provide a detailed operation plan with their "Change of Premises" application shall result in the City of Madison Clerk's Office not forwarding the "Change of Premises" form to the ALRC for consideration.

(b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

1. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.

2. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.

3. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

5. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(c) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.

(d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:

1. The name of the purchaser.

2. The type of identification card presented and the number and expiration date of that identification card.

3. The purchaser's date of birth.

4. The license plate of the vehicle into which the order is being loaded.

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

(e) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(f) There shall be a minimum four- (4) hour waiting period between order time and pick-up time.

(g) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(h) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(i) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(j) The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.

(k) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

(l) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than $250, nor more than $1000 plus court costs and fees. Licensees are also subject to demerit point assessment for violations of this subjection.

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Quarles & Brady LLP

33 East Main Street
Suite 900
Madison, Wisconsin 53703
608.251.5000
Fax 608.251.9166
www.quarles.com

Attorneys at Law in
Chicago
Indianapolis
Madison
Milwaukee
Naples
Phoenix
Scottsdale
Tampa
Tucson
Washington, D.C.

Writer's Direct Dial: 608.283.2460
E-Mail: gregory.everts@quarles.com

June 12, 2018

VIA UPS OVERNIGHT

Attorney Kate Zuidmulder
City of De Pere
335 South Broadway
De Pere, WI 54115

RE: Walmart #5090 - 1415 Lawrence Drive
Change of Premises for Alcohol Beverage License

Dear Ms. Zuidmulder:

Quarles & Brady serves as legal counsel for Walmart with respect to alcohol beverage licensing in Wisconsin. Walmart is launching an online grocery pickup service in select stores in Wisconsin. Customers using this service will be able to place an order online and provide a credit card to hold the order. The customer will then come to their local Walmart store to complete the payment and pick up the order at either a pickup canopy or a dedicated parking space.

Walmart would like to offer customers who shop at their De Pere store the opportunity to include alcohol beverages in an online order. We have contacted the Department of Revenue, which has confirmed that this is permitted under Wisconsin law. Per Tyler Quam, Special Agent with the Department, an online grocery order may include alcohol beverages if payment is made at the store and the customer's age is verified by an employee licensed to sell alcohol beverages in a face-to-face transaction that occurs within the licensed premises. Walmart, therefore, is seeking to amend the premises description on its current license to include the pickup location (canopy or dedicated parking space), as follows:

> One room, one story building, approximately 186,215 sq. ft., including stalls in parking lot specifically designated for online grocery pickup.

We have enclosed a site map and floor plan for the De Pere Walmart store showing the location of the dedicated parking spaces. We have also included a copy of Walmart's Online Grocery Pickup Procedure Guide.

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

We are aware that this change will require approval of the License Committee and request that this proposed amendment be considered at their meeting on July 17th. Further, Store Manager, Frank Van Voderen, Jr., and eCommerce Assistant Manager, Jeff Bunnell, will be in attendance at such meeting and available to answer any questions regarding Walmart's online grocery pickup program.

Please let us know if you have questions or require additional information.

Very truly yours,

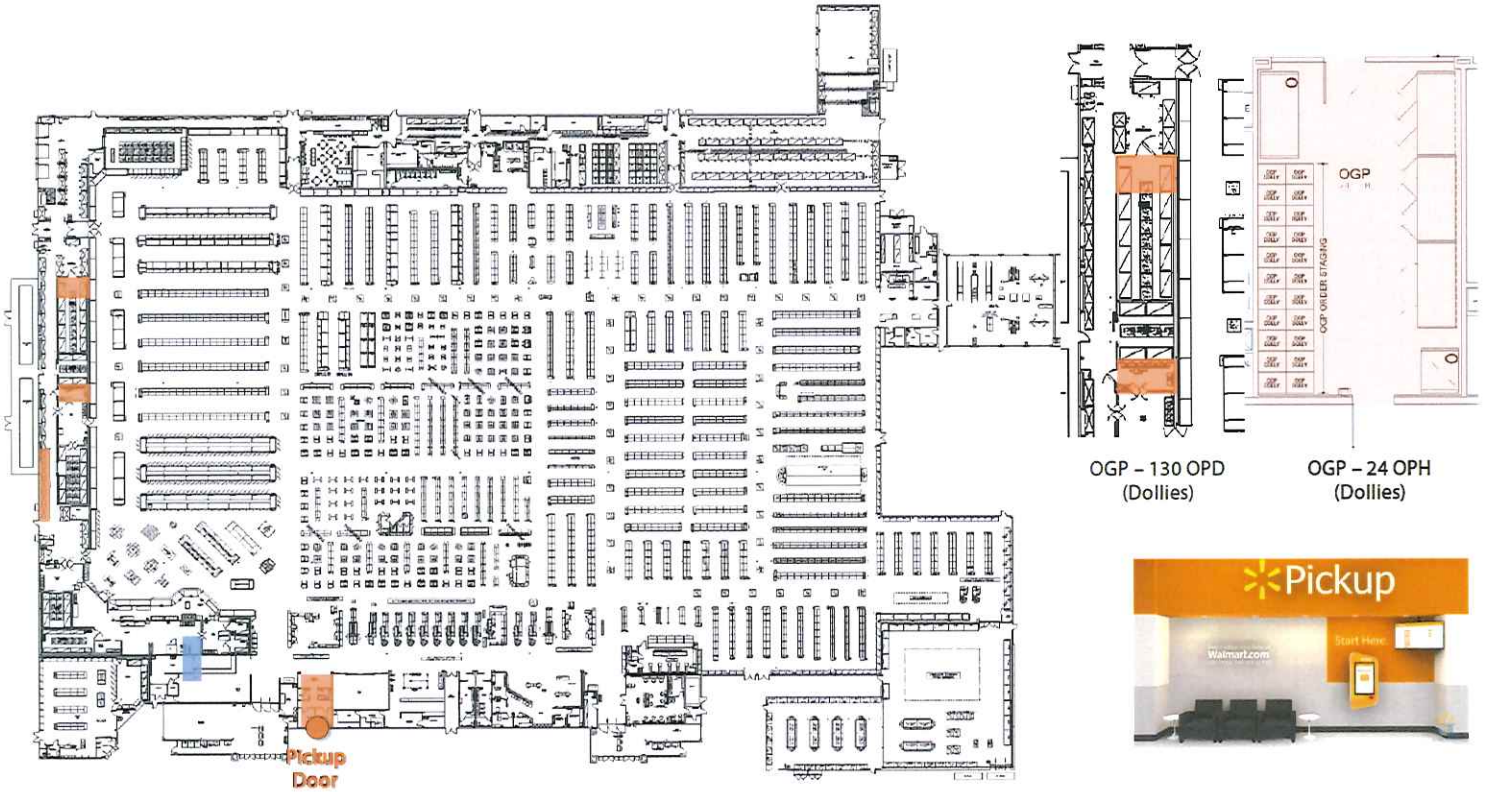
QUARLES & BRADY LLP

Gregory T. Everts

Enclosures
QB\52737988.1

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Walmart #5090 – De Pere, WI



Walmart U.S. eCommerce | U.S. eCommerce Ethics & Compliance

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-

Walmart #5090 – De Pere, WI

No Canopy

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Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-

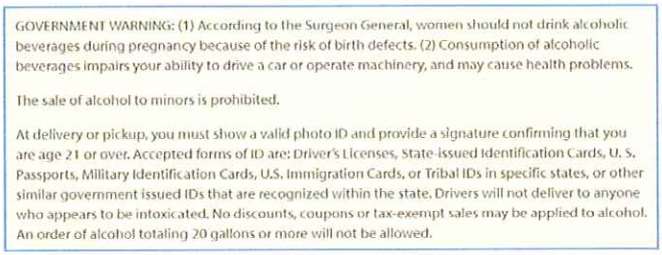
Compliance & Ethics
Online Grocery Pickup Procedure Guide

Placing Order

- Customer visits walmart.com/grocery and creates an account by providing applicable information such as phone #, zip code, email address, etc.
- Based on the customer's zip code, he or she will be provided with a list of the closest stores eligible for Walmart Online Grocery Pickup program
- Customer selects desired pickup store location and the pickup timeframe
- Customer completes the order by supplying Walmart with payment information
- Walmart authorizes and holds the card information but funds are not transferred from the card

- Where allowed by state and local law, customers can include alcoholic beverage product in their online grocery order through walmart.com/grocery.

- All alcoholic beverage product item pages are flagged with a notification explaining the restrictions around purchasing this product *(pictured right)*


GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

The sale of alcohol to minors is prohibited.

At delivery or pickup, you must show a valid photo ID and provide a signature confirming that you are age 21 or over. Accepted forms of ID are: Driver's Licenses, State-issued Identification Cards, U. S. Passports, Military Identification Cards, U.S. Immigration Cards, or Tribal IDs in specific states, or other similar government issued IDs that are recognized within the state. Drivers will not deliver to anyone who appears to be intoxicated. No discounts, coupons or tax-exempt sales may be applied to alcohol. An order of alcohol totaling 20 gallons or more will not be allowed.

- If the customer checkouts with an alcoholic beverage product in their basket, another notification is displayed at checkout *(pictured right)* and an acknowledgement box must be checked by the customer *(pictured below)*.

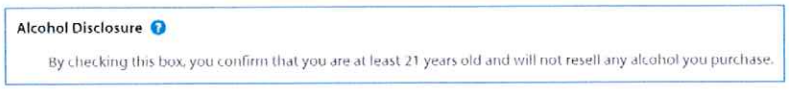
Alcohol Disclosure

Your order contains alcohol. Please read our policy before purchase.

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

The sale of alcohol to minors is prohibited.

At delivery or pickup, you must show a valid photo ID and provide a signature confirming that you are age 21 or over. Accepted forms of ID are: Driver's Licenses, State-issued Identification Cards, U. S. Passports, Military Identification Cards, U.S. Immigration Cards, or Tribal IDs in specific states, or other similar government issued IDs that are recognized within the state. Drivers will not deliver to anyone who appears to be intoxicated. No discounts, coupons or tax-exempt sales may be applied to alcohol. An order of alcohol totaling 20 gallons or more will not be allowed.


Alcohol Disclosure

By checking this box, you confirm that you are at least 21 years old and will not resell any alcohol you purchase.

*red text indicates a control related to alcohol

QB\48160609.1

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Compliance & Ethics
Online Grocery Pickup Procedure Guide

Picking / Staging

- On the day a customer is scheduled to pickup an order, a Walmart associate, identified as a "Personal Shopper," will "shop" for the customer order in the store
- All shopping is completed on the pickup day to ensure customer receives the freshest products

- If a customer's order contains an alcohol beverage product, the product is assigned to a "Restricted" commodity group to ensure only personal shoppers that have taken the appropriate training and are of a legal age will pick the alcohol beverage product
- Only personal shoppers meeting the age requirements within the regulatory jurisdiction are allowed to handle and/or dispense orders with alcohol beverage products
- **In Wisconsin**, Personal shoppers must hold an operator/bartender license issued by their local municipality
- The picking carts that our shoppers use to pick items, have a roll of stickers labeled with the word "alcohol"
- Orders containing alcohol beverage products are bagged and labeled with an alcohol sticker *(pictured right)*
- This sticker enables our personal shoppers to clearly identify items that are subject to additional regulatory restrictions
- All picked orders are kept in a secure backroom staging area, not open to the public, and only where Walmart employees are permitted to enter

- Online Grocery orders are staged separately than other online orders (Site to Store or Pickup Today programs)

*red text indicates a control related to alcohol

QB\48160609.1

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

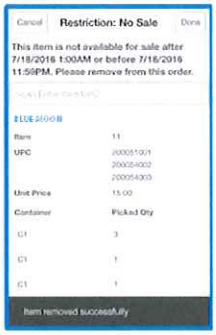
Compliance & Ethics
Online Grocery Pickup Procedure Guide

Customer Pickup: Order Review

- Online Grocery Pickup is currently offered between 8am – 8pm, 7 days a week (except holidays or other store closures)
- When the customer arrives, they notify our personal shoppers of their arrival by calling, using mobile check-in, or check-in via the pickup kiosk (options vary by location)
- The personal shopper assigned to dispense the order uses the handheld device to identify the order number and pull the appropriate totes from the staging areas
- Prior to putting the customer's order in their vehicle, the personal shopper uses their handheld device to review the order with the customer
- The personal shopper will also review any substituted items, fragile items, out of stock items, and verify customer's identification if the customer purchased any age restricted items
- This review allows the customer to ensure they are getting what they want and provides the customer an opportunity to return or reject any item

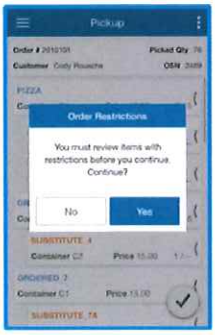
- Only personal shoppers meeting the age requirements within the regulatory jurisdiction are allowed to handle and/or dispense orders with alcohol beverage products

- If a customer's order includes alcohol beverage product, the personal shopper is prompted by their handheld device that there are restricted items in their order



- If alcohol is not allowed to be sold at the time of dispense, the associate is notified (via their handheld device) that sale of the product is currently restricted, the items are automatically removed from the customer's digital basket (the customer will not be charged), and the personal shopper will remove the physical product from the order *(pictured right)*

- The personal shopper will request valid identification and enter the customer's date of birth from the identification into their handheld device *(pictured below)*



*red text indicates a control related to alcohol

QB\48160609.1

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Compliance & Ethics
Online Grocery Pickup Procedure Guide

- If over 21, the customer can sign for the order, and the personal shopper can place the final order into the customer's vehicle
- If the customer is under 21 and/or cannot provide a valid ID, the alcohol beverage products are removed from the customer's order and the customer is not charged for these products. *(pictured right)*

Customer Pickup: Dispensing

- Once the customer and personal shopper have:
  - Reviewed any substituted items, fragile items, and out of stock items
  - Removed any rejected products that the customer no longer wants
  - Verified the customer's age and identification if the order contained any age restricted items (and if necessary, removed age restricted items)
- The customer signs the order, the customer's account is charged with the final order amount (after removing the cost of any products removed from the customer's order)
- The personal shopper places the final order in the customer's vehicle, and the transaction is considered complete

*red text indicates a control related to alcohol

QB\48160609.1

Attachment: License Committee - Walmart Request to Expand Licensed Premises (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC

Judy Schmidt-Lehman

From: Diller, Becky A. <Becky.Diller@quarles.com>
Sent: Monday, July 16, 2018 9:47 AM
To: Kate Zuidmulder; Judy Schmidt-Lehman
Cc: Shana Ledvina; Everts, Gregory T.
Subject: RE: Walmart #5090 [QBLLP-ACTIVE.FID39340272]
Attachments: License Committee Agenda - 7-17-2018.pdf

Importance: High

Hello Kate,

My apologies for the delayed response and not connecting with you by phone last week. You are correct that Walmart would like to include in the online order program for their De Pere store sales of Fermented Malt Beverages ONLY, not any other type of intoxicating beverages. The online order program will be limited so customers would be permitted to only order items currently available in the Supercenter (not their liquor store), which would include, as far as alcohol beverages are concerned, Fermented Malt Beverages ONLY. Walmart is not requesting any type of expansion on the Class A Fermented Malt Beverages and Intoxicating Liquors License for their liquor store.

This morning I pulled from the City's website a copy of the agenda for the July 17th License Committee meeting. Unfortunately, the memo regarding Walmart's request for expansion of the license premises (page 10) does not correctly reflect the facts. The memo implies that Walmart is requesting expansion of the Class A Fermented Malt Beverages and Intoxicating Liquors License for their liquor store (2,900 sq. ft.). The operation of the liquor store will not be affected; no change to its license, size of the premises, or the conditions of that license would be made. Rather, Walmart is requesting expansion of the Class A Fermented Malt Beverages License for their Supercenter. Further, the size of the licensed premises is not affected by this expansion. All Walmart would like to do is expand the description on the license to include the approximately 10 parking stalls, near the pickup door, that are being designated for online grocery pickup. The language Walmart seeks to add to its current Class A Fermented Malt Beverages License for the Supercenter is: **"... including stalls in parking lot designated for online grocery pickup."** We kindly request that this be made clear to the members of the License Committee prior to their meeting tomorrow evening.

With respect to your second comment, we have made Walmart aware that their request for including alcohol beverages in their online ordering program for their De Pere store may require an amendment to the city's ordinances similar to the recently-enacting Madison ordinance addressing this same issue. We will keep you advised if they have any comments or would not be able to comply with these provisions.

Please let us know if you have further questions.

Regards,
Becky

125 YEARS OF SERVICE | Quarles & Brady LLP

Becky Diller / Paralegal/Office Administrative Coordinator
Becky.Diller@quarles.com / LinkedIn BIO vCard
Quarles & Brady LLP
101 East Kennedy Blvd., Suite 3400 / Tampa, FL 33602-5195
Office 813-387-0279 / quarles.com

Attachment: Walmart license amend clarification 7-17-18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online

From: Kate Zuidmulder [mailto:kzuidmulder@mail.de-pere.org]
Sent: Tuesday, July 10, 2018 4:00 PM
To: Everts, Gregory T. (MAD x2460) <gregory.everts@quarles.com>; Diller, Becky A. (TPA x5279) <Becky.Diller@quarles.com>
Subject: Walmart #5090

Dear Greg and Becky,

Thank you for the additional information. It was very helpful.

First, to again clarify, Walmart is asking that their online order services in De Pere ***only*** include sales of Fermented Malt Beverages? Not any other type of intoxicating beverage? If that is the case, it certainly simplifies this request.

Second, because we have to treat all of the City stores equally, if the Committee wants to go forward with approval of Walmart's request, this will involve amending the ordinance to specifically address the online sales issue so that any store wanting to offer this service is under the same restrictions. In the Agenda packet regarding this issue I provided the Committee with Madison's ordinance addressing this issue. Below is what I included. Should the Committee wish to pursue amending the ordinance to include the below language, would Walmart be able to comply with all of these provision? I'll be honest, I'm not crazy about just designating 10 pre-existing parking stalls without direct proximity to the pick-up door or without a canopy. It doesn't seem to encourage compliance especially during Wisconsin winter weather. But, then again, the committee may not share this concern. I just want to be clear on what Walmart is willing to put into place to comply with any ordinance changes. I did review their Online Procedure Guide again so I know they are prepared to have the appropriate employees handling these sales.

MADISON 38-07(4)

(a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining a "Change of Premises" from the Madison Common Council, upon recommendation of the Alcohol License Review Committee (ALRC) to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

1. The licensed establishment shall file a detailed operation plan with their "Change of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.

2. Failure of licensee to provide a detailed operation plan with their "Change of Premises" application shall result in the City of Madison Clerk's Office not forwarding the "Change of Premises" form to the ALRC for consideration.

(b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

Attachment: Walmart license amend clarification 7-17-18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online

1. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.

2. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.

3. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

5. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(c) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.

(d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:

1. The name of the purchaser.

2. The type of identification card presented and the number and expiration date of that identification card.

3. The purchaser's date of birth.

4. The license plate of the vehicle into which the order is being loaded.

(e) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(f) There shall be a minimum four- (4) hour waiting period between order time and pick-up time.

(g) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(h) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(i) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(j) The pick- up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.

(k) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.

(l) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than $250, nor more than $1000 plus court costs and fees. Licensees are also subject to demerit point assessment for violations of this subjection.

I'm just leaving for a meeting but wanted to get this over to you. Thanks!

Attachment: Walmart license amend clarification 7-17-18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online

-Kate

Kate R. Zuidmulder
City Prosecutor/Staff Attorney
City of De Pere
335 S. Broadway
De Pere, WI 54115
(920) 339-4084 x 1246
kzuidmulder@mail.de-pere.org

OFFICE HOURS: TUESDAY 8-4:30 PM & THURSDAY 8-4:30 PM
WEDNESDAY PRE-TRIAL HOURS: 5-8:00 PM

CONFIDENTIALITY NOTICE: This electronic mail transmission and any attachments are confidential and may be privileged. They should be read or retained only by the intended recipient. If you have received this transmission in error, please notify the sender immediately and delete the transmission from your system.

Attachment: Walmart license amend clarification 7-17-18 (7358 : Ordinance #18-18 Creating Section 7-10(d) DPMC Regarding Online

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: **September 4, 2018**

DEPARTMENT: **Parks, Recreation & Forestry**

FROM: **Marty Kosobucki**

SUBJECT: **Resolution #18-83 Authorizing Eighth Amendment Between the City of De Pere and Humana Insurance Company.**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved the Extension of the Humana Lease and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.

Humana has once again offered a one year extension to the leasing of the Humana Sports Park property. The Board of Park Commissioners has agreed to continue the lease with Humana as it continues to have a strong benefit to our community.

ATTACHMENTS:

- Reso18-83 (DOCX)
- Exhibit 1 - Amendment 8 - De Pere WI (DOCX)

Attachment: Reso18-83 (7319 : Resolution #18-83 Authorizing Eighth Amendment Between the City of De Pere and Humana Insurance)

RESOLUTION #18-83

AUTHORIZING EIGHTH AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF DE PERE AND HUMANA INSURANCE COMPANY

WHEREAS, the City and Humana Insurance Company are parties to a Lease Agreement originally dated December 4, 2000, pertaining to certain property owned by Humana and leased by City for purposes of recreation; and

WHEREAS, the parties desire to extend the Lease Agreement so that it expires October 31, 2019; and

WHEREAS, this matter has been reviewed by the Board of Park Commissioners which recommends approval thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor is authorized and directed to execute the Seventh Amendment to the Lease Agreement between the City of De Pere and Humana Insurance Company, attached and incorporated as Exhibit 1, together with such extensions thereof as are substantively similar and sufficient funds are budgeted therefor.

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 4th day of September, 2018.

APPROVED:

_____
Michael J. Walsh, Mayor

ATTEST:

_____
Shana D. Ledvina, Clerk-Treasurer

Ayes:_____
Nays:_____

EIGHTH AMENDMENT TO LEASE

THIS AGREEMENT is executed this ____ day of _____, 2018 by and between CITY OF DE PERE, a Wisconsin Municipal Corporation ("City"), and HUMANA INSURANCE COMPANY, a Wisconsin corporation f/k/a EMPLOYERS HEALTH INSURANCE COMPANY ("Humana").

W I T N E S S E T H

WHEREAS, pursuant to that certain Lease Agreement, City is currently leasing from Humana, 22 acres located at 1100 Employers Boulevard, City of De Pere, Brown County, Wisconsin, Humana desires to extend the Term of the Lease Agreement for a period of Twelve (12) months, and the City has agree to such extension on the terms and conditions contained herein.

WHEREAS, the Lease made by and between the parties will expire on October 31, 2018, and the parties are desirous of extending the term thereof.

NOW, THEREFORE, for valuable and other good consideration, the receipt and sufficiency, of which is hereby acknowledged and the promises and covenants herein contained, it is mutually agreed as follows:

1. The above recitals are true and correct and are hereby incorporated in this Eighth Amendment as if set forth herein at length. Any and all capitalized terms not defined herein shall have the definitions set forth in the Lease.

2. The term of the Lease shall be extended for a period of Twelve (12) months to commence on November l, 2018 and to expire on October 3l, 2019.

3. The Lease may be terminated by either party upon thirty (30) days written notice.

4. The City shall keep the park in good condition in accordance with the maintenance schedule contained in Exhibit A attached hereto.

5. All other provisions, terms and conditions of the Lease shall remain in full force and effect throughout the extension period as identified herein.

- - SIGNATURE PAGE TO FOLLOW - -

Attachment: Exhibit 1 - Amendment 8 - De Pere WI (7319 : Resolution #18-83 Authorizing Eighth Amendment Between the City of De Pere and

IN WITNESS WHEREOF, the parties have executed this Amendment to Lease and delivered this agreement as the date first above written.

AGREED AND ACCEPTED:

Witness:

HUMANA
HUMANA INSURANCE COMPANY
A Wisconsin corporation

By:
Its:

CITY
CITY OF DE PERE
A Wisconsin Municipal Corporation

By: Michael J. Walsh
Its: Mayor

Attachment: Exhibit 1 - Amendment 8 - De Pere WI (7319 : Resolution #18-83 Authorizing Eighth Amendment Between the City of De Pere and

EXHIBIT A

Maintenance Schedule

- General mowing - 1x/week
- Mowing of all ball fields - 1x/week
- Trimming- lx/every two weeks
- Ball diamond grooming - 1x/week. Daily if active.
- Bathroom maintenance - 1x/week. Daily if active.

Attachment: Exhibit 1 - Amendment 8 - De Pere WI (7319 : Resolution #18-83 Authorizing Eighth Amendment Between the City of De Pere and

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: **September 4, 2018**

DEPARTMENT: **Parks, Recreation & Forestry**

FROM: **Marty Kosobucki**

SUBJECT: **Resolution #18-84 Authorizing Second Amendment to Agreement Between The City of De Pere and Stephen L. Seidl (James Street Parkway Boat Docks and Wharf).**

The Board of Park Commissioners, at the August 16, 2018 meeting, approved accepting the donation and request from Mr. Seidl for improvements to the James Street Docks and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.
Mr. Seidl and his group have raised money to add a 15 ft extension onto the docks at James Street Parkway, and to have the current docks raised to match the height of the Riverthyme boat dock. The estimated cost and value of the project is $10,500, of which Mr. Seidl has indicated they are approximately $900 short. Mr. Seidl and his group is asking the City for the additional $900 to complete the project.
The Board of Park Commissioners is recommending to the City Council to approve the donation from Mr. Seidl and his group, and is recommending the City Council consider funding the remaining $900 from undesignated reserves or different source of funding.

ATTACHMENTS:

- Reso18-84 (DOCX)
- Exhibit A - Seidl Second Amendment (boat docks) 8-23-18-151-005-12 (DOCX)

RESOLUTION #18-84

AUTHORIZING SECOND AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF DE PERE AND STEPHEN L. SEIDL
(James Street Parkway Boat Docks and Wharf)

WHEREAS, the City of De Pere and Stephen L. Seidl are parties to an Agreement concerning Boat Docks along James Street Parkway dated July 13, 2012 and amended July 23, 2013 (the Agreement); and

WHEREAS, the parties wish to amend the Agreement to raise the existing docks to match the height of the River Tyme Boat Dock and to extend the current dock an additional 15 feet southerly upon the terms and conditions set forth in the Second Amendment attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, this matter has been reviewed by the Board of Park Commissioners which recommends approval thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and Clerk-Treasurer are authorized and directed to execute the Second Amendment to Agreement Between the City of De Pere and Stephen L. Seidl (Exhibit A).

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 4th day of September, 2018.

APPROVED:

_____
Michael J. Walsh, Mayor

ATTEST:

_____
Shana D. Ledvina, Clerk-Treasurer

Ayes:_____
Nays:_____

Attachment: Reso18-84 (7329 : Reso #18-84 Authorizing Second Amendment to Agreement with Seidl (James Street Boat Docks).)

SECOND AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF DE PERE AND STEPHEN L. SEIDL
(James Street Parkway Boat Docks and Wharf)

WHEREAS, the City of De Pere (City) and Stephen L. Seidl (Donor) are parties to an Agreement concerning Boat Docks along James Street Parkway dated July 13, 2012 and amended July 23, 2013 (the Agreement); and

WHEREAS, the parties wish to amend the Agreement to raise the existing docks to match the height of the River Tyme Boat Dock and to extend the current dock an additional 15 feet southerly upon the terms and conditions set forth below; and

WHEREAS, this matter has been reviewed by the Board of Park Commissioners, which recommends approval thereof.

NOW THEREFORE, upon the mutual promises and obligations set forth herein, together with such other consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to amend the Agreement as follows:

1. Donor wishes to provide material and labor to:
   A. Raise the docks along James Street Parkway to match the existing height of the dock built and used by River Tyme for its operation along the James Street Parkway; and
   B. Extend the existing docks 15 feet southerly from their current location.

2. Donor has raised $9,600 of the $10,500 estimated cost for these improvements, and has asked City to pay the additional up to $900 required to complete the improvements.

3. City is appreciative of Donor's past and current generosity in providing these important docking facilities along the Fox River in the City for boaters to enjoy, and is willing to contribute up to $900 for the completion of these improvements.

4. Donor shall contract with a firm capable of performing the work described above. If the total list of construction exceeds the $9,600 raised by donor, said company shall invoice City for the amount of shortfall, up to $900. Such invoice shall indicate the itemized and total costs of improvements, the amount paid by donor and the remaining amount due, not to exceed $900.

Attachment: Exhibit A - Seidl Second Amendment (boat docks) 8-23-18-151-005-12 (7329 : Reso #18-84 Authorizing Second Amendment to

5. To the extent that this Amendment expressly supersedes any part of the Agreement, the same is hereby modified. All provisions of the Agreement not modified by this Amendment shall remain full force and effect.

Dated this _____ day of _____, 2018.

STEPHEN L. SEIDL
By:

_____
Stephen L. Seidl

CITY OF DE PERE
By:

_____
Michael J. Walsh, Mayor

_____
Shana D. Ledvina, Clerk-Treasurer

J:\Law\Agreements\2018\Seidl Second Amendment (boat docks)8-23-18-151-005-12.docx

Attachment: Exhibit A - Seidl Second Amendment (boat docks) 8-23-18-151-005-12 (7329 : Reso #18-84 Authorizing Second Amendment to

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: **September 4, 2018**

DEPARTMENT: **City Attorney**

FROM: **Judith Schmidt-Lehman**

SUBJECT: **Resolution #18-85 Authorizing Agreement for Contractor Services Between the City of De Pere and Eric R. Erdman of Calewarts, Duffy & Erdman, Associated Attorneys.**

Please see attached staff memo concerning this matter.

This item has bypassed Finance/Personnel review in order to have a municipal prosecutor in place when the Staff Attorney leaves the City's employment.

ATTACHMENTS:

- Reso18-85 (DOCX)
- Exhibit A-Erdman8-23-18-182-001-18 (DOCX)
- Exhibit 1-Erdman (PDF)
- Mayor-CC Muni Pros Erdman (PDF)

RESOLUTION #18-85

AUTHORIZING AGREEMENT FOR CONTRACTOR SERVICES
BETWEEN THE CITY OF DE PERE AND ERIC R. ERDMAN OF
CALEWARTS, DUFFY & ERDMAN, ASSOCIATED ATTORNEYS

WHEREAS, the City is in need of municipal prosecutor services; and

WHEREAS, Eric R. Erdman of Calewarts, Duffy & Erdman, Associated Attorneys has available and offers to provide personnel and facilities necessary to accomplish the municipal prosecutor work, subject to the terms and conditions of the Agreement for Contractor Services, attached hereto and incorporated by reference as Exhibit A.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and Clerk-Treasurer are authorized and directed to enter into such Agreement for Contractor Services Between the City of De Pere and Eric R. Erdman of Calewarts, Duffy & Erdman, Associated Attorneys, as is attached hereto.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, employees, and agents are further 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 4th day of September, 2018.

APPROVED:

_____
Michael J. Walsh, Mayor

ATTEST:

_____
Shana D. Ledvina, Clerk-Treasurer

Ayes:_____

Nays:_____

Attachment: Reso18-85 (7350 : Reso #18-85 Authorizing Agreement for Contractor Services-Eric R. Erdman)

AGREEMENT FOR CONTRACTOR SERVICES BETWEEN THE CITY OF DE PERE AND ERIC R. ERDMAN OF CALEWARTS, DUFFY & ERDMAN, ASSOCIATED ATTORNEYS (Limited Term Municipal Prosecutor Services)

THIS AGREEMENT, made and entered into this ___ day of _____, 2018, by and between the City of De Pere, Wisconsin, ("City"), and Eric R. Erdman of Calewarts, Duffy & Erdman, Associated Attorneys ("Contractor"), and which shall be effective September 5, 2018.

WITNESSETH

WHEREAS, the City is in need of municipal prosecutor services; and

WHEREAS, Contractor has available and offers to provide personnel and facilities necessary to accomplish the work within the required time.

NOW THEREFORE, City and Contractor agree as follows:

I. DESCRIPTION OF PROJECT

The project is as described in City's General Scope of Municipal Prosecutor Requirements for Limited Term Prosecutor Services (Exhibit 1). If a conflict exists between Exhibit 1 and this Agreement, the terms of this Agreement shall prevail.

II. SCOPE OF CONTRACTOR SERVICES

Contractor agrees to perform those services described Exhibit 1. Any change to the scope of services as identified therein shall be defined in writing and authorized by both parties prior to performing such work. Such writing shall include the scope of work to be done, schedule for commencing and completing the work and the basis for compensation for such work.

III. AUTHORIZATION, PROGRESS, AND COMPLETION

In signing this Agreement, the City grants the Contractor specific authorization to proceed with the work described herein as to the effective date of this Agreement.

IV. OWNERSHIP OF DOCUMENTS

All documents created, maintained or received during the course of this Agreement, including those in electronic form, shall be deemed the property of City and Contractor shall not be considered the custodian or owner of any such document. To that end, Contractor shall return to City all such documents created, maintained or received at the closure of any municipal court case or matter.

Attachment: Exhibit A-Erdman8-23-18-182-001-18 (7350 : Reso #18-85 Authorizing Agreement for Contractor Services-Eric R. Erdman)

Contractor acknowledges that, as the Contractor to City, a Wisconsin municipality, Wis. Stats. §19.36(3) applies to it and records produced by it pursuant to this contract are subject to the public records law to the extent they would otherwise be if maintained by the City. Contractor agrees that, within 10 business days of a written request of City, it shall forward to City any such contract or records maintained by Contractor as are requested by City. Such records shall be in the format requested by City provided that such records are kept and maintained in that format. City shall reimburse Contractor for its reasonable costs incurred in complying with this paragraph.

V. CONFIDENTIALITY OF INFORMATION

Contractor understands that, during the course of work under this contract, Contractor may become privy to confidential information of City. Contractor shall maintain the confidentiality of all information specifically designated confidential by City unless withholding such information would violate the law, create a significant harm to the public, or create a risk of significant harm to the public.

VI. TERM OF AGREEMENT

Unless earlier terminated, this Agreement period shall commence as of September 5, 2018 and shall end March 4, 2019, unless extended in writing by mutual agreement. Either party may terminate this Agreement for any reason or for no reason with sixty (60) days written notice thereof to the other party.

VII. COMPENSATION

The City agrees to pay, and the Contractor agrees to accept, compensation at the hourly rate of $105.00, which rate is inclusive of all costs. Billing shall be in increments of $1/10^{th}$ of an hour. Billable time for services includes the following: reading and writing correspondence, including discovery requests and stipulation preparation and processing; telephone and in-person conferences; travel time; trial preparation including file review, legal research, witness subpoenas and witness follow-up; conducting pre-trials, trials and any appeals as may be required. Payment to the Contractor is due within 30 days after receipt of monthly invoice by the City.

VIII. RESPONSIBILITY OF CONTRACTOR

The Contractor is an independent contractor, contracted to render a professional service only, and any payments made to the Contractor are compensation solely for such services rendered and recommendations made in carrying out the work. Contractor shall follow the practice of its profession in performing and fulfilling its obligations hereunder.

IX. NON-DISCRIMINATION

The Contractor agrees that, in performing under this Agreement with the City, it will not discriminate against any member of the public on the basis of age, race, creed, color, disability,

Attachment: Exhibit A-Erdman8-23-18-182-001-18 (7350 : Reso #18-85 Authorizing Agreement for Contractor Services-Eric R. Erdman)

marital status, sex, national origin, ancestry, arrest record, conviction record, military service, or any other basis provided under Wis. Stats. §111.321.

X. INSURANCE

The Contractor shall maintain during the life of the Agreement, professional liability insurance covering claims of at least $250,000 per claim, $750,000 aggregate. City shall be named as an additional insured under such policy. Contractor shall provide City with a Certificate of Insurance showing City to be named as an additional insured and shall also provide City with a copy of the additional insured endorsement therefor.

XI. SUBCONTRACTS

The Contractor shall obtain written consent of the City prior to subcontracting any portion of the work to be performed under this project. The Contractor shall be responsible to the City for the actions of persons and firms performing subcontract work.

XII. ASSIGNMENT

This Agreement is not to be assigned by either the City or Contractor without the prior written consent of the other.

XIII. INTEGRATION

This Agreement represents the entire understanding of the City and Contractor as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing signed by both parties.

XIV. JURISDICTION

This Agreement shall be administered and interpreted under the laws of the State of Wisconsin. Jurisdiction of litigation arising from this Agreement shall be in that state. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in full force and effect.

XV. MEDIATION

All claims, disputes and other matters in question between the parties of this Agreement arising out of or relating to this Agreement or breach thereof, which are not disposed of by mutual agreement of the parties, shall be subject to mediation as a condition precedent to the institution of legal proceedings by either party. If such claim, dispute or other matter involves a lien arising out of the Contractor's services, the Contractor may proceed in accordance with applicable law to comply with lien notice and filing deadlines prior to resolution of the matter by mediation.

Attachment: Exhibit A-Erdman8-23-18-182-001-18 (7350 : Reso #18-85 Authorizing Agreement for Contractor Services-Eric R. Erdman)

The City and Contractor shall attempt to resolve claims, disputes and other matters in question between them by mediation. A request for mediation shall be filed in writing with the other party to this Agreement. The request may be made concurrently with the filing of a civil action, but mediation shall proceed in advance of legal proceedings.

The parties shall share the mediator's and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

XVI. NOTICES

Any notification required or needed under the contract shall be sent via First Class Mail to the following:

If to City:
City Attorney
335 South Broadway Street
De Pere, WI 54115

If to Contractor:
Calewarts, Duffy & Erdman, Associated Attorneys
c/o Eric R. Erdman
P.O. Box 488
Green Bay, WI 54305-0488

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

CALEWARTS, DUFFY & ERDMAN, ASSOCIATED ATTORNEYS

Eric R. Erdman, Sole Proprietor

CITY OF DE PERE

Michael J. Walsh, Mayor

Shana D. Ledvina, Clerk-Treasurer

J:\Law\Agreements\2018\Erdman8-23-18-182-001-18.docx

Attachment: Exhibit A-Erdman8-23-18-182-001-18 (7350 : Reso #18-85 Authorizing Agreement for Contractor Services-Eric R. Erdman)

General Scope of Municipal Prosecutor Requirements for Limited Term Prosecutor Services

1. The City of De Pere is in need of a limited term contract municipal prosecutor, Commencing September 5, 2018 and running through at least December 31, 2018. The contract may be extended depending on a final determination and budget of the City Attorney's Office.

2. The De Pere – Ledgeview Joint Municipal Court conducts adult initial appearances on Wednesday evenings at 6:00 PM and trials (including juvenile) on the 2nd and 4th Thursdays every month at 7:00 PM. The Prosecutor shall conduct pre-trials on Wednesday evenings during intake Court as needed and hold telephonic pre-trial conferences in other cases upon a regular schedule, including having set pre-trial hours of at least two (2) hours/week and by appointment. You will need to identify your proposed schedule.

3. The City Prosecutor handles prosecution of municipal citations to which a defendant has entered a plea of not guilty. There may also be an occasional parking ticket challenge. The City Prosecutor will have reasonable discretion to settle citations prior to trial in an equitable and consistent manner and as authorized by law.

4. The City Prosecutor is also responsible for providing prosecutor response to defendant appeals of Municipal Court judgments to Brown County Circuit Court unless otherwise determined by the City Attorney.

5. You will need to provide a proposed hourly rate and describe how you/your firm will bill the City for its services. The proposed hourly rate must be inclusive of the cost of all paralegal and other clerical support services, travel expenses, conferences, dues and membership to legal professional associations, and the expense of materials utilized in the provision or service. The City will provide the Disposition sheets to use for settled cases.

6. Professional liability and malpractice insurance coverage through a reputable insurance company at such limits of coverage and deductible/self-insured retention as acceptable to City is required. The City must be named as an additional insured under such policy for purposes of the prosecution services provided.

7. The City will draft a consultant services agreement incorporating the above.

Attachment: Exhibit 1-Erdman (7350 : Reso #18-85 Authorizing Agreement for Contractor Services-Eric R. Erdman)

CITY OF DE PERE MEMO

To: Michael J. Walsh, Mayor
Members of the Common Council
From: Judith Schmidt-Lehman, City Attorney
RE: Prosecution Services Consulting Agreement with Attorney Eric R. Erdman
Date: September 4, 2018 (meeting date)

As many of you are aware, City Staff Attorney Kate Zuidmulder has submitted her resignation, effective September 5, 2018. Attorney Zuidmulder's private practice has grown to the extent that she needs to devote all of her attention to those clients. Kate has been instrumental in assisting the city's enforcement agencies (building inspection, health, and nuisance properties) with coordination of efforts and standardizing processes and procedures and has provided the city with exceptional prosecution services in the year she has been employed by the City. We wish her well in all her future endeavors.

With Kate's departure, the City is in need of, on a limited term basis, contracting with an outside attorney for municipal prosecution services. After discussing this position with several area attorneys, I am recommending the City engage Attorney Eric R. Erdman for this work. Eric has prosecution experience with several area municipalities and is willing to do the work for the City at an hourly rate well below average but commensurate with the rate One Law Group would be charging the City if their contract with the city had continued ($105.00/hour).

The Consulting Agreement on the September 4, 2018 Council agenda is for a 6 month period, subject to extension upon mutual agreement and subject to termination upon 60 days' notice. This time period should provide sufficient time for the Law Department to determine its future staffing direction. Other provisions of the Agreement are consistent with other City Consulting Agreements. In order to get Eric on board without a gap in municipal prosecution services, this matter is by-passing the Finance/Personnel Committee review with approval of the City Administrator.

If you have any questions regarding this matter prior to the Council meeting, please feel free to call me at 339-4042.

JSL

Attachment: Mayor-CC Muni Pros Erdman (7350 : Reso #18-85 Authorizing Agreement for Contractor Services-Eric R. Erdman)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Clerk-Treasurer**
FROM:	**Shana Ledvina**
SUBJECT:	**Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.**

This application is for the bowling alley and front bar space. Tabled at the 8-21-18 Council Meeting.

ATTACHMENTS:

- McLanes Bowl LLC_8-21-18 (PDF)

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

Applicant's WI Seller's Permit No.	FEIN Number:
456-1029596443-02	83-1314202

LICENSE REQUESTED ▶

TYPE	FEE
☐ Class A beer	$
☒ Class B beer	$
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☒ Class B liquor	$
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$
TOTAL FEE	$

For the license period beginning July 1st 20 18 ;
ending June 30th 20 18

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☒ City of De Pere

County of Brown Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation / Nonprofit Organization
   hereby makes application for the alcohol beverage license(s) checked above.
2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ Kaster, Bryan Joseph
   McLanes Bowl LLC DBA the Fox y Moo

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	Manager	Kaster, Bryan J.	1234 Delray Drive, Green Bay WI	Green Bay, 54304
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent ▶	Kaster, Bryan J			
Directors/Managers				

3. Trade Name ▶ the Fox y Moo Business Phone Number 920-406-0242
4. Address of Premises ▶ 132 South Broadway St. De Pere, WI 54115 Post Office & Zip Code ▶ De Pere, 54115
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☐ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 07/23/2018 of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
   (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 6 Lane Bowling Alley, Front Bar, [redacted] Lower Level Coolers, Storage, Office , - - excludes single 2nd floor res. apt.
10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
    (b) If yes, under what name was license issued? Teekae Enterprises Inc. of WI, DBA Tim Karl's Century Lanes, and Safehouze
12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
8-1-18			
Date license granted	**Date license issued**	**License number issued**	

AT-106 (R. 7-18) Wisconsin Department of Revenue

Attachment: McLanes Bowl LLC_8-21-18 (7368 : Application for a Class "B"/"Class B" McLanes Bowl)

SURRENDER OF LICENSE
Part I

Legal/Real Name of Current Licensee: TEEKAE ENTERPRISES INC OF WI
Premises Address: 132 SOUTH BROADWAY, DE PERE WI 54115
Trade Name: TIM KARL'S CENTURY LANES

This is to advise that the undersigned is surrendering the following license(s)

Combination "Class B" Beer & Liquor
Class "B" Beer
Class "A" Beer and/or "Class A" Liquor **(circle which apply)**
Wholesale Beer
"Class C" Wine

to: KASTER, BRYAN ; MCLANES BOWL LLC DBA THE FOX Y MOO
Insert Legal/Real name of Proposed Licensee and Trade Name)

And understand that said license(s) will be cancelled upon the Common Council's granting of a license to the applicant named herein.

New Applicant

President, Member, Partner, Individual

Manager
Secretary, Member, Partner

Current Licensee

Lori Ann Karl
President, Member, Partner, Individual

Officer - VP-Secretary
Secretary, Member, Partner

State of Wisconsin)
) ss.
County of Brown

On the 27th day of July, 2015, personally came before me Lori Ann Karl, Secretary-VP, known to me to be the person(s) who executed the foregoing Surrender of License, and known to me to be the **Current Licensee** and acknowledged that s/he executed the foregoing document.

Notary Public Lawrence G. Vesely
Brown County, Wisconsin

My Commission ~~expires~~: is permanent.

State of Wisconsin)
) ss.
County of Brown

On the 27th day of July, 2015, personally came before me Bryan Kaster, known to be to be the person(s) who executed the foregoing Surrender of License, and known to me to be the **Proposed New Applicant** and acknowledged that s/he executed the foregoing document.

Notary Public Lawrence G. Vesely
Brown County, Wisconsin

My Commission ~~expires~~: is permanent.

Attachment: McLanes Bowl LLC_8-21-18 (7368 : Application for a Class "B/"Class B" McLanes Bowl)

SURRENDER OF LICENSE
Part II

JULY 27, 2018
Date

City of De Pere Clerk
335 S. Broadway St.
De Pere, WI 54115

This is to notify you that I am the owner of the building located at

132 SOUTH BROADWAY, DE PERE WI 54115, De Pere, Wisconsin.

I have entered into a lease for the above property effective JULY 27, 2018 with

MCLANES BOWL LLC DBA THE FOX Y MOO,(Strike sentence if not applicable).

Further, this letter is to document that said owner or tenant has control of the premises, and may apply for the necessary beer and/or liquor licenses for said location.

Sincerely,

Signature of owner of building

Printed name of owner: GEORGE STREET STATION LLC, KASTER BRYAN MGR

Home address of owner: 745 ONTARIO ROAD, STE 1, GREEN BAY WI 54311

Daytime phone number of owner: 920-406-0242

Attachment: McLanes Bowl LLC_8-21-18 (7368 : Application for a Class "B"/"Class B" McLanes Bowl)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Clerk-Treasurer**
FROM:	**Shana Ledvina**
SUBJECT:	**Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.**

This application is for the rear dance bar space. Tabled at the 8-21-18 Common Council Meeting.

ATTACHMENTS:

- McLanes Bowl LLC 2nd Application_8-21-18 (PDF)

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

Applicant's WI Seller's Permit No.:	FEIN Number:
456-1029596443-02	83-1314226

LICENSE REQUESTED ▶	
TYPE	FEE
☐ Class A beer	$
☒ Class B beer	$
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☒ Class B liquor	$
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$ 30 —
TOTAL FEE	$

For the license period beginning July 1st 20 18 ;
ending June 30th 20 18

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☒ City of De Pere

County of Brown Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation / Nonprofit Organization
   hereby makes application for the alcohol beverage license(s) checked above.
2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ Kaster, Bryan Joseph
   McLanes Bowl LLC DBA the Fox y Moo

An **"Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company.** List the name, title, and place of residence of each person.

	Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	Manager	Kaster, Bryan J.	1234 Delray Drive, Green Bay WI	Green Bay, 54304
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent ▶	Kaster, Bryan J			
Directors/Managers				

3. Trade Name ▶ the Fox y Moo Business Phone Number 920-406-0242
4. Address of Premises ▶ 132 South Broadway St. De Pere, WI 54115 Post Office & Zip Code ▶ De Pere, 54115
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☐ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 07/23/2018 of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
   (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) [redacted] Rear Dance Bar, Lower Level Coolers, Storage, Office , -
10. Legal description (omit if street address is given above): - excludes single 2nd floor res. apt.
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
    (b) If yes, under what name was license issued? Teekae Enterprises Inc. of WI, DBA Tim Karl's Century Lanes, and Safehouze
12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
8-1-18			
Date license granted	**Date license issued**	**License number issued**	

AT-106 (R. 7-18) Wisconsin Department of Revenue

Attachment: McLanes Bowl LLC 2nd Application_8-21-18 (7369 : Application for Class "B"/"Class B" McLanes Bowl - 2nd)

SURRENDER OF LICENSE
Part I

Legal/Real Name of Current Licensee: TEEKAE ENTERPRISES INC OF WI
Premises Address: 132 SOUTH BROADWAY, DE PERE WI 54115
Trade Name: TIM KARL'S CENTURY LANES II (the back bar)

This is to advise that the undersigned is surrendering the following license(s)
Combination "Class B" Beer & Liquor
Class "B" Beer
Class "A" Beer and/or "Class A" Liquor **(circle which apply)**
Wholesale Beer
"Class C" Wine

to: KASTER, BRYAN ; MCLANES BOWL LLC DBA THE FOX Y MOO
Insert Legal/Real name of Proposed Licensee and Trade Name)
And understand that said license(s) will be cancelled upon the Common Council's granting of a license to the applicant named herein.

New Applicant

President, Member, Partner, Individual

Manager
Secretary, Member, Partner

Current Licensee

Lori Ann Karl
President, Member, Partner, Individual

Officer - VP - Secretary
Secretary, Member, Partner

State of Wisconsin)
) ss.
County of Brown

On the 5th day of July, 2018, personally came before me Lori Ann Karl, VP-Secretary, known to me to be the person(s) who executed the foregoing Surrender of License, and known to me to be the **Current Licensee** and acknowledged that s/he executed the foregoing document.

Notary Public
Lawrence G. Vasels
Brown County, Wisconsin

My Commission ~~expires~~: is permanent

State of Wisconsin)
) ss.
County of Brown

On the 30th day of July, 2018, personally came before me Bryan Kaster, known to be to be the person(s) who executed the foregoing Surrender of License, and known to me to be the **Proposed New Applicant** and acknowledged that s/he executed the foregoing document.

Lawrence G. Vasels
Notary Public
Brown County, Wisconsin

My Commission ~~expires~~: is permanent

Attachment: McLanes Bowl LLC 2nd Application_8-21-18 (7369 : Application for Class "B"/"Class B" McLanes Bowl - 2nd)

SURRENDER OF LICENSE
Part II

JULY 27, 2018
Date

City of De Pere Clerk
335 S. Broadway St.
De Pere, WI 54115

This is to notify you that I am the owner of the building located at

132 SOUTH BROADWAY, DE PERE WI 54115, De Pere, Wisconsin.

I have entered into a lease for the above property effective JULY 27, 2018 with

MCLANES BOWL LLC DBA THE FOX Y MOO,(Strike sentence if not applicable).

Further, this letter is to document that said owner or tenant has control of the premises, and may apply for the necessary beer and/or liquor licenses for said location.

Sincerely,

Signature of owner of building

Printed name of owner: GEORGE STREET STATION LLC, KASTER BRYAN MGR

Home address of owner: 745 ONTARIO ROAD, STE 1, GREEN BAY WI 54311

Daytime phone number of owner: 920-406-0242

Attachment: McLanes Bowl LLC 2nd Application_8-21-18 (7369 : Application for Class "B"/"Class B" McLanes Bowl - 2nd)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Clerk-Treasurer**
FROM:	**Shana Ledvina**
SUBJECT:	**Recommendation from the License Committee on an Application for a Temporary Premise Description Change for St. Norbert College.**

ATTACHMENTS:

- SNC_Temporary Premise Description Change (PDF)

Temporary Premise Description Change

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

Applicant's WI Seller's Permit No.:	FEIN Number:
456-10201122503	39-1399186

For the license period beginning JULY 1 20 18 ;
ending JUNE 30 20 19

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☑ City of DE PERE

County of BROWN Aldermanic Dist. No. ____ (If required by ordinance)

LICENSE REQUESTED ▶	
TYPE	FEE
☐ Class A beer	$
☐ Class B beer	$
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☐ Class B liquor	$
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$
TOTAL FEE	$

1. The named ☐ Individual ☐ Partnership ☐ Limited Liability Company ☑ Corporation / Nonprofit Organization
hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶
ST. NORBERT COLLEGE, INC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	PRESIDENT	BRIAN BRUESS	[redacted]	[redacted]
Vice President/Member				
Secretary/Member	SECRETARY	AMY SORENSON	[redacted]	[redacted]
Treasurer/Member	TRUASURER	EILEEN JAHNKE		
Agent ▶	TERRIE DUBOIS			
Directors/Managers				

3. Trade Name ▶ ST NORBERT COLLEGE, INC. Business Phone Number 9204031352
4. Address of Premises ▶ SEE ATTACHED Post Office & Zip Code ▶ DEPERE 54115
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☑ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☑ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☑ No
8. (a) **Corporate/limited liability company applicants only:** Insert state ____ and date ____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☑ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☑ No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) SEE ATTACHED
10. Legal description (omit if street address is given above): ____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☑ Yes ☐ No
(b) If yes, under what name was license issued? ST NORBERT COLLEGE, INC.
12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? (phone 1-877-882-3277). ☑ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? (phone (608) 266-2776). ☑ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☑ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Eileen M Jahnke

(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
8-10-18			
Date license granted	**Date license issued**	**License number issued**	

AT-106 (R. 7-18) Wisconsin Department of Revenue

Attachment: SNC_Temporary Premise Description Change (7357 : Application for a Temporary Premise Description Change for SNC)

Extension of Premise for:

Bush Art Center; First floor area outside the gallery, 403 Third Street(attached to Michels Commons which is licensed)

Sept. 11, 2018, 4:30-7:00pm

Oct. 11, 2018, 4:30-7:00pm

Abbot Pennings Hall of Fine Arts; Walter Theater Lobby, 315 Third Street (building next to Michels Commons which is licensed)

Sept. 18th, 2018, 6pm-10pm

Mulva Family Fitness Center, Gym, 601 Third St.
Oct. 27th 7pm - 12am

Attachment: SNC_Temporary Premise Description Change (7357 : Application for a Temporary Premise Description Change for SNC)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Clerk-Treasurer**
FROM:	**Shana Ledvina**
SUBJECT:	**Recommendation from the License Committee on an Application for a Premise Description Change for Wal-Mart Stores East, LP.**

ATTACHMENTS:

- Walmart #5090 - License Application - inclusion of parking stalls for OG... (PDF)

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

Applicant's WI Seller's Permit No.	FEIN Number
456-1020028180-05	71-0862119

For the license period beginning JULY 1 20 18 ;
ending JUNE 30 20 19

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☒ City of DE PERE

County of BROWN Aldermanic Dist. No. ____ (if required by ordinance)

LICENSE REQUESTED ▶	
TYPE	FEE
☒ Class A beer	$
☐ Class B beer	$
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☐ Class B liquor	$
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$
TOTAL FEE	$

1. The named ☐ Individual ☒ Partnership ☐ Limited Liability Company ☐ Corporation / Nonprofit Organization
   hereby makes application for the alcohol beverage license(s) checked above.
2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ WAL-MART STORES EAST, LP

   An **"Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company.** List the name, title, and place of residence of each person.

Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	SEE LIST ATTACHED		
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶	FRANK VAN VONDEREN JR., 3991 AGATHA CHRISTIE AVENUE, DE PERE, WI 54115		
Directors/Managers	SEE LIST ATTACHED		

3. Trade Name ▶ WALMART #5090 (SUPERCENTER) Business Phone Number (920) 722-0782
4. Address of Premises ▶ 1415 LAWRENCE DRIVE Post Office & Zip Code ▶ DE PERE, WI 54115
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☒ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state DELAWARE and date 11/09/01 of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☒ Yes ☐ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☒ Yes ☐ No

   (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 1 ROOM, 1 STORY BUILDING, APPROXIMATELY 186,215 SQ. FT., INCLUDING STALLS
10. Legal description (omit if street address is given above): IN PARKING LOT SPECIFICALLY DESIGNATED FOR ONLINE GROCERY PICKUP.
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No
    (b) If yes, under what name was license issued? WAL-MART STORES EAST, LP DBA WALMART #5090 (SUPERCENTER)
12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

AT-106 (R. 7-18) Wisconsin Department of Revenue

Attachment: Walmart #5090 - License Application - inclusion of parking stalls for OG... [Revision 1] (7367 : Application for a Premise

WAL-MART STORES EAST, LP

Original Alcohol Beverage License Application

Response to Item 2:

Title	Name	Home Address
President and CEO	Michael Scott Moore	65 S. Tudor Lane Rogers, AR 72758
Senior Vice President and Chief Ethics and Compliance Officer	Cynthia Petersen Moehring	2908 Red Fox Ridge Bentonville, AR 72712
Treasurer	Matthew W. Allen	3 South Beau Chene Lane Rogers, AR 72758
Assistant Secretary	Andrea Marie Lazenby	9984 Philpott Road Bentonville, AR 72712

The above officers/directors own less than 1% of the stock of Wal-Mart Stores, Inc., a public corporation.

The above officers/directors are those designated with authority for all licensing matters and serve in the capacity as listed above for Wal-Mart Stores, Inc., Wal-Mart Stores East, Inc., Wal-Mart Stores East, LP, Wal-Mart Louisiana, LLC and Wal-Mart Stores Texas, LLC.

Response to Item 8(b):

WSE Management, LLC and WSE Investment LLC own the limited and general partnership interests in Wal-Mart Stores East, LP.

WSE Management, LLC	General Partner	1%
WSE Investment LLC	Limited Partner	99%

Response to Item 8(c):

See attached list.

Attachment: Walmart #5090 - License Application - inclusion of parking stalls for OG... [Revision 1] (7367 : Application for a Premise

WAL-MART STORES EAST, LP
ATTACHMENT TO ALCOHOL BEVEAGE LICENSE APPLICATION

Store #	Store Address	City	Zip	License Type	County
802	300 6TH AVE WEST	MONROE	53566	Beer/Wine/Liquor	Green County
847	601 E LEFFLER ST	DODGEVILLE	53533	Beer/Wine/Liquor	Iowa County
882	38020 US HIGHWAY 18	PRAIRIE DU CHIEN	53821	Beer/Wine/Liquor	Crawford County
910	201 S EDWARDS BLVD	LAKE GENEVA	53147	Beer/Wine/Liquor	Walworth County
958	1800 PROGRESSIVE PKWY	PLATTEVILLE	53818	Beer/Wine/Liquor	Grant County
965	222 W MCCOY BLVD	TOMAH	54660	Beer/Wine/Liquor	Monroe County
971	1133 N MAIN ST	VIROQUA	54665	Beer/Wine/Liquor	Vernon County
979	1600 W Wisconsin St	Sparta	54656	Beer/Wine/Liquor	Monroe County
1007	2401 US HWY 14 E	RICHLAND CENTER	53581	Beer/Wine/Liquor	Richland County
1012	120 FRANCES LN	BEAVER DAM	53916	Beer/Cider	Dodge County
1138	7202 WATTS RD	MADISON	53719	Beer/Wine/Liquor	Dane County
1167	3500 BRUMBACK BLVD	KENOSHA	53144	Beer/Wine/Liquor	Kenosha County
1176	1800 US HIGHWAY 51	STOUGHTON	53589	Beer/Wine/Liquor	Dane County
1202	4331 8TH ST S	WISCONSIN RAPIDS	54494	Beer/Wine/Liquor	Wood County
1267	1905 MCCOY ROAD	SUN PRAIRIE	53590	Beer/Wine/Liquor	Dane County
1274	1362 W MAIN ST	WHITEWATER	53190	Beer/Wine/Liquor	Walworth County
1276	3711 S TAYLOR DR	SHEBOYGAN	53081	Beer/Wine/Liquor	Sheboygan County
1277	611 STATE HIGHWAY 54	BLACK RIVER FALLS	54615	Beer/Wine/Liquor	Jackson County
1305	3800 DEERFIELD DR	JANESVILLE	53546	Beer/Wine/Liquor	Rock County
1316	1536 EGG HARBOR RD	STURGEON BAY	54235	Beer/Wine/Liquor	Door County
1366	3500 E MAIN ST	MERRILL	54452	Beer/Wine/Liquor	Lincoln County
1394	10600 W LAYTON AVE	GREENFIELD	53228	Beer/Wine/Liquor	Milwaukee County
1396	920 HWY 12	BARABOO	53913	Beer/Wine/Liquor	Sauk County
1430	351 S WASHBURN ST	OSHKOSH	54904	Beer/Wine/Liquor	Winnebago County
1447	3705 TOWER AVE	SUPERIOR	54880	Beer/Cider	Douglas County
1449	4115 CALUMET AVE	MANITOWOC	54220	Beer/Cider	Manitowoc County
1453	2440 W MASON ST	GREEN BAY	54303	Beer/Wine/Liquor	Brown County
1471	1717 N SHAWANO ST	NEW LONDON	54961	Beer/Wine/Liquor	Waupaca County
1515	W190N9855 APPLETON AVE	GERMANTOWN	53022	Beer/Wine/Liquor	Washington County
1551	6701 S 27TH ST	FRANKLIN	53132	Beer/Wine/Liquor	Milwaukee County
1571	250 E WOLF RUN	MUKWONAGO	53149	Beer/Wine/Liquor	Waukesha County

QB\

1635	2000 S WEST AVE	WAUKESHA	53189	Beer/Wine/Liquor	Waukesha County
1643	377 N ROLLING MEADOWS DR	FOND DU LAC	54937	Beer/Wine/Liquor	Fond du Lac County
1650	825 E GREEN BAY AVE	SAUKVILLE	53080	Beer/Wine/Liquor	Ozaukee County
1669	3915 GATEWAY DR	EAU CLAIRE	54701	Beer/Wine/Liquor	Eau Claire County
1678	2863 HERITAGE DR	DELAFIELD	53018	Beer/Wine/Liquor	Waukesha County
1679	3107 MARKET PL	ONALASKA	54650	Beer/Wine/Liquor	La Crosse County
1727	861 COUNTY RD F	BERLIN	54923	Beer/Wine/Liquor	Green Lake County
1776	1901 MARKET WAY	WATERTOWN	53094	Beer/Wine/Liquor	Jefferson County
1799	2950 NEW PINERY ROAD	PORTAGE	53901	Beer/Wine/Liquor	Columbia County
1819	180 CEDAR FALLS RD	MENOMONIE	54751	Beer/Cider	Dunn County
1828	250 CROSSROADS DR	PLOVER	54467	Beer/Wine/Liquor	Portage County
1908	2292 MAIN ST	GREEN BAY	54311	Beer/Wine/Liquor	Brown County
1931	2121 LINCOLN ST	RHINELANDER	54501	Beer/Wine/Liquor	Oneida County
1982	955 MUTUAL WAY	APPLETON	54913	Beer/Wine/Liquor	Outagamie County
2127	4300 RIB MOUNTAIN DR	WAUSAU	54401	Beer/Wine/Liquor	Marathon County
2271	1244 EAST GREEN BAY	SHAWANO	54166	Beer/Wine/Liquor	Shawano County
2335	4198 NAKOOSA TRL	MADISON	53714	Beer/Wine/Liquor	Dane County
2421	2212 GLACIER DR	SAINT CROIX FALLS	54024	Beer/Wine/Liquor	Polk County
2509	810 S IRISH RD	CHILTON	53014	Beer/Wine/Liquor	Calumet County
2510	8760 NORTHRIDGE WAY	MINOCQUA	54548	Beer/Wine/Liquor	Oneida County
2532	2785 MILWAUKEE RD	BELOIT	53511	Beer/Wine/Liquor	Rock County
2545	2900 ROOSEVELT RD	MARINETTE	54143	Beer/Wine/Liquor	Marinette County
2658	1515 W PARADISE DR	WEST BEND	53095	Beer/Wine/Liquor	Washington County
2668	3049 S OAKES RD	STURTEVANT	53177	Beer/Wine/Liquor	Racine County
2813	2001 N CENTRAL AVE	MARSHFIELD	54449	Beer/Wine/Liquor	Marathon County
2936	10330 W SILVER SPRING RD	MILWAUKEE	53225	Beer/Wine/Liquor	Milwaukee County
2958	3701 E CALUMET ST	APPLETON	54915	Beer/Wine/Liquor	Calumet County
2986	1155 W WINNECONNE AVE	NEENAH	54956	Beer/Wine/Liquor	Winnebago County
3245	15594 STATE HIGHWAY 77	HAYWARD	54843	Beer/Wine/Liquor	Sawyer County
3247	1819 E GENEVA STREET	DELAVAN	53115	Beer/Wine/Liquor	Walworth County
3268	200 E STATE HIGHWAY 64	ANTIGO	54409	Beer/Wine/Liquor	Langlade County
3322	411 PEWAUKEE RD	PEWAUKEE	53072	Beer/Wine/Liquor	Waukesha County
3324	4433 VANGUARD DR	SHEBOYGAN	53083	Beer/Wine/Liquor	Sheboygan County
3488	1901 MILWAUKEE AVE	BURLINGTON	53105	Beer/Wine/Liquor	Racine County
3497	428 WALTON DR	PLYMOUTH	53073	Beer/Cider	Sheboygan County

3499	1520 STATE HWY 26	JEFFERSON	53549	Beer/Wine/Liquor	Jefferson County
3505	130 COMMERCE ST	WISCONSIN DELLS	53965	Beer/Wine/Liquor	Sauk County
3643	1010 N 8TH ST	MEDFORD	54451	Beer/Wine/Liquor	Taylor County
3857	2151 ROYAL AVE	MONONA	53713	Beer/Wine/Liquor	Dane County
4281	800 W 10TH ST S	LADYSMITH	54848	Beer/Wine/Liquor	Rusk County
4677	W159S6530 MOORLAND RD	MUSKEGO	53150	Beer/Wine/Liquor	Waukesha County
5090	1415 LAWRENCE DR	DE PERE	54115	Beer/Wine/Liquor	Brown County
5127	4622 MORMON COULEE RD	LA CROSSE	54601	Beer/Wine/Liquor	La Crosse County
5373	2786 COMMERCIAL BLVD	CHIPPEWA FALLS	54729	Beer/Wine/Liquor	Chippewa County
5438	15333 W NATIONAL AVE	NEW BERLIN	53151	Beer/Wine/Liquor	Waukesha County
5667	222 N CHICAGO AVE	SOUTH MILWAUKEE	53172	Beer/Wine/Liquor	Milwaukee County
5668	5301 S 76TH ST	GREENDALE	53129	Beer/Wine/Liquor	Milwaukee County
5669	4140 W GREENFIELD AVE	WEST MILWAUKEE	53214	Beer/Wine/Liquor	Milwaukee County
5695	5625 WASHINGTON AVE	MOUNT PLEASANT	53406	Beer/Wine/Liquor	Racine County
6394	6300 W. BROWN DEER ROAD	BROWN DEER	53223	Beer/Wine/Liquor	Milwaukee County

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: **September 4, 2018**

DEPARTMENT: **City Clerk-Treasurer**

FROM: **Shana Ledvina**

SUBJECT: **Operator License Applications.**

ATTACHMENTS:

- 9-4-18 (PDF)

CITY OF DE PERE
License Committee - September 4, 2018

Previously Tabled Operator License Applications	
1	MARTENS, MORGAN R.

New Operator License Applications	
1	ALWARDT, SHELBY L.
2	BEYER, ALANNA C.
3	GARSOW, NICOLE J.
4	HOESLEY, ANNA R.
5	JARVEY-BEAUMIA, VICTORIA R.
6	JENDUSA, MAKENZIE L.
7	KNAPP, KATIE M.
8	KNECHT, MAGGIE G.
9	LEMIEUX, BONITA J.
10	PHILLIPS, MARIA V.
11	ROBERTSON, HALEY E.
12	SPENCER, JACQUELINE M.
13	WILLEMS, ANDREW M.
14	ZAMBON, MACKENZIE L.

Attachment: 9-4-18 (7356 : Operator License Applications.)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: **September 4, 2018**

DEPARTMENT: **City Clerk-Treasurer**

FROM: **Shana Ledvina**

SUBJECT: **Voucher Approval.**

ATTACHMENTS:

- 9-4-18 VOUCHERS (PDF)

PACKET: 05931 SEP 2018 COUNCIL - 1 9-4-18
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
7583	ADVANCE AUTO PARTS							
	I-6339-260054	ADVANCE AUTO PARTS	R	9/04/2018		32.63CR	086367	32.63
0302	AIRGAS USA LLC							
	I-9079012822	AIRGAS USA LLC	R	9/04/2018		130.96CR	086368	130.96
5604	AURORA BAYCARE MED CTR LLC							
	I-KY174	AURORA BAYCARE MED CTR LLC	R	9/04/2018		1.34CR	086369	
	I-KY181	AURORA BAYCARE MED CTR LLC	R	9/04/2018		715.54CR	086369	716.88
7779	BADGER OFFICE CITY							
	I-794693-0	BADGER OFFICE CITY	R	9/04/2018		156.00CR	086370	156.00
0020	BADGERLAND PRINTING INC							
	I-31901	BADGERLAND PRINTING INC	R	9/04/2018		296.10CR	086371	
	I-31902	BADGERLAND PRINTING INC	R	9/04/2018		120.00CR	086371	
	I-31950	BADGERLAND PRINTING INC	R	9/04/2018		85.00CR	086371	501.10
0023	BATTERIES PLUS LLC							
	I-P4429796	BATTERIES PLUS LLC	R	9/04/2018		13.95CR	086372	13.95
0027	BAY TOWEL INC							
	I-2672342	BAY TOWEL INC	R	9/04/2018		87.59CR	086373	
	I-2674135	BAY TOWEL INC	R	9/04/2018		98.94CR	086373	
	I-2678566	BAY TOWEL INC	R	9/04/2018		98.94CR	086373	
	I-2681191	BAY TOWEL INC	R	9/04/2018		87.59CR	086373	373.06
7067	BEST STUMP GRINDING LLC							
	I-20180814	BEST STUMP GRINDING LLC	R	9/04/2018		170.00CR	086374	170.00
0033	BIRDSEYE DAIRY INC							
	I-75197	BIRDSEYE DAIRY INC	R	9/04/2018		381.76CR	086375	381.76
7797	BENJAMIN BOUCHE							
	I-201808288555	BENJAMIN BOUCHE	R	9/04/2018		113.91CR	086376	113.91
0038	BROADWAY AUTOMOTIVE INC							
	I-425003P	BROADWAY AUTOMOTIVE INC	R	9/04/2018		76.62CR	086377	
	I-425240P	BROADWAY AUTOMOTIVE INC	R	9/04/2018		76.25CR	086377	
	I-425307P	BROADWAY AUTOMOTIVE INC	R	9/04/2018		16.24CR	086377	
	I-425504P	BROADWAY AUTOMOTIVE INC	R	9/04/2018		127.68CR	086377	
	I-575650	BROADWAY AUTOMOTIVE INC	R	9/04/2018		784.29CR	086377	1,081.08

Attachment: 9-4-18 VOUCHERS (7362 : Voucher Approval.)

PACKET: 05931 SEP 2018 COUNCIL - 1 9-4-18
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0046	BROWN COUNTY PORT SOLID WASTE DEPT							
	I-37846	BROWN COUNTY PORT SOLID WASTE	R	9/04/2018		28,658.54CR	086378	28,658.54
0536	CDW GOVERNMENT INC							
	I-NQG4255	CDW GOVERNMENT INC	R	9/04/2018		1,588.84CR	086379	
	I-NQM4862	CDW GOVERNMENT INC	R	9/04/2018		843.00CR	086379	2,431.84
1	CLARK, MORGAN J							
	I-201808288556	MAILBOX	R	9/04/2018		42.16CR	086380	42.16
2708	CLEANING SOLUTION SERVICES INC							
	I-18309	CLEANING SOLUTION SERVICES INC	R	9/04/2018		162.24CR	086381	
	I-18315	CLEANING SOLUTION SERVICES INC	R	9/04/2018		24.98CR	086381	
	I-18321	CLEANING SOLUTION SERVICES INC	R	9/04/2018		631.40CR	086381	818.62
7639	CORE & MAIN LP							
	I-J154710	CORE & MAIN LP	R	9/04/2018		691.89CR	086382	
	I-J306346	CORE & MAIN LP	R	9/04/2018		2,139.74CR	086382	
	I-J359336	CORE & MAIN LP	R	9/04/2018		270.00CR	086382	3,101.63
0217	COUNTRY VISIONS COOPERATIVE							
	I-201808288565	COUNTRY VISIONS COOPERATIVE	R	9/04/2018		23.98CR	086383	23.98
6700	DARLEY CO							
	I-17334063	DARLEY CO	R	9/04/2018		290.09CR	086384	290.09
0276	DE PERE HARDWARE							
	I-207297	DE PERE HARDWARE	R	9/04/2018		36.46CR	086385	
	I-207336	DE PERE HARDWARE	R	9/04/2018		8.47CR	086385	44.93
7037	DEFINITELY DE PERE							
	I-933	DEFINITELY DE PERE	R	9/04/2018		13,291.55CR	086386	13,291.55
3590	LAWRENCE DELO							
	I-201808288557	LAWRENCE DELO	R	9/04/2018		46.87CR	086387	46.87
0079	DORSCH CORP							
	I-43837	DORSCH CORP	R	9/04/2018		83.00CR	086388	83.00
7707	DUNCAN ASSOCIATES INC							
	I-337-18-04	DUNCAN ASSOCIATES INC	R	9/04/2018		2,340.00CR	086389	2,340.00

Attachment: 9-4-18 VOUCHERS (7362 : Voucher Approval.)

PACKET: 05931 SEP 2018 COUNCIL - 1 9-4-18
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0086	ERC INC							
	I-ERC-0718-8222	ERC INC	R	9/04/2018		426.00CR	086390	426.00
7798	JOHN ERICKSON							
	I-201808288558	JOHN ERICKSON	R	9/04/2018		62.18CR	086391	
	I-201808288559	JOHN ERICKSON	R	9/04/2018		60.81CR	086391	
	I-201808288560	JOHN ERICKSON	R	9/04/2018		60.81CR	086391	183.80
0096	FIRE APPARATUS & EQUIPMENT INC							
	I-18580	FIRE APPARATUS & EQUIPMENT INC	R	9/04/2018		135.19CR	086392	135.19
0200	FIRST SUPPLY LLC							
	I-11271303-00	FIRST SUPPLY LLC	R	9/04/2018		33.82CR	086393	
	I-11271462-00	FIRST SUPPLY LLC	R	9/04/2018		6.42CR	086393	40.24
0562	GALLS LLC							
	I-10337076	GALLS LLC	R	9/04/2018		36.99CR	086394	36.99
0116	GRAINGER INC							
	I-9875902448	GRAINGER INC	R	9/04/2018		261.52CR	086395	261.52
4902	HALRON LUBRICANTS INC							
	I-1015508-00	HALRON LUBRICANTS INC	R	9/04/2018		1,441.15CR	086396	1,441.15
1004	BEN HERMANS							
	I-201808288561	BEN HERMANS	R	9/04/2018		92.80CR	086397	92.80
1399	INDOFF INC							
	I-3137208	INDOFF INC	R	9/04/2018		4.99CR	086398	
	I-3137687	INDOFF INC	R	9/04/2018		164.99CR	086398	
	I-3143417	INDOFF INC	R	9/04/2018		109.50CR	086398	279.48
2602	JOSSART BROTHERS INC							
	I-912	JOSSART BROTHERS INC	R	9/04/2018		1,098.50CR	086399	
	I-929	JOSSART BROTHERS INC	R	9/04/2018		1,724.80CR	086399	
	I-930	JOSSART BROTHERS INC	R	9/04/2018		1,518.25CR	086399	4,341.55
7620	JT ENGINEERING INC							
	I-180014-05	JT ENGINEERING INC	R	9/04/2018		20,537.30CR	086400	20,537.30
1276	JX ENTERPRISES INC							
	C-1448930P	JX ENTERPRISES INC	R	9/04/2018		202.72	086401	
	I-1447924P	JX ENTERPRISES INC	R	9/04/2018		936.64CR	086401	
	I-1448239P	JX ENTERPRISES INC	R	9/04/2018		89.55CR	086401	
	I-1448673P	JX ENTERPRISES INC	R	9/04/2018		33.96CR	086401	
	I-1448750P	JX ENTERPRISES INC	R	9/04/2018		290.99CR	086401	
	I-1449172P	JX ENTERPRISES INC	R	9/04/2018		132.89CR	086401	1,281.31

Attachment: 9-4-18 VOUCHERS (7362 : Voucher Approval.)

PACKET: 05931 SEP 2018 COUNCIL - 1 9-4-18
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
7799	KEY CODE MEDIA							
	I-70947-IN	KEY CODE MEDIA	R	9/04/2018		12,040.00CR	086402	12,040.00
0153	LAFORCE INC							
	I-1072925	LAFORCE INC	R	9/04/2018		42.00CR	086403	
	I-1072965	LAFORCE INC	R	9/04/2018		174.35CR	086403	
	I-1073046	LAFORCE INC	R	9/04/2018		48.48CR	086403	
	I-1073600	LAFORCE INC	R	9/04/2018		349.67CR	086403	614.50
0154	LAMERS BUS LINES INC							
	I-539451	LAMERS BUS LINES INC	R	9/04/2018		124.53CR	086404	
	I-539452	LAMERS BUS LINES INC	R	9/04/2018		131.02CR	086404	255.55
3216	ALAN MATZKE							
	I-201808288562	ALAN MATZKE	R	9/04/2018		1,375.92CR	086405	1,375.92
0173	MENARDS INC							
	I-32673	MENARDS INC	R	9/04/2018		39.12CR	086406	
	I-32758	MENARDS INC	R	9/04/2018		27.34CR	086406	
	I-32823	MENARDS INC	R	9/04/2018		99.99CR	086406	
	I-32845	MENARDS INC	R	9/04/2018		33.91CR	086406	
	I-33047	MENARDS INC	R	9/04/2018		21.54CR	086406	
	I-33267	MENARDS INC	R	9/04/2018		6.47CR	086406	
	I-33328	MENARDS INC	R	9/04/2018		74.29CR	086406	
	I-33520	MENARDS INC	R	9/04/2018		329.12CR	086406	
	I-33670	MENARDS INC	R	9/04/2018		17.09CR	086406	
	I-33733	MENARDS INC	R	9/04/2018		19.88CR	086406	668.75
5381	METAL SUPERMARKETS GREEN BAY INC							
	I-1017843	METAL SUPERMARKETS GREEN BAY I	R	9/04/2018		416.30CR	086407	416.30
1114	MOTION INDUSTRIES INC							
	I-WI07-411603	MOTION INDUSTRIES INC	R	9/04/2018		46.29CR	086408	46.29
1475	MUNICODE							
	I-314870	MUNICODE	R	9/04/2018		1,311.52CR	086409	1,311.52
0531	NORTHEAST AUTO PARTS INC							
	C-333065	NORTHEAST AUTO PARTS INC	R	9/04/2018		18.00	086410	
	C-333200	NORTHEAST AUTO PARTS INC	R	9/04/2018		21.60	086410	
	C-333218	NORTHEAST AUTO PARTS INC	R	9/04/2018		66.66	086410	
	I-333116	NORTHEAST AUTO PARTS INC	R	9/04/2018		228.31CR	086410	
	I-333156	NORTHEAST AUTO PARTS INC	R	9/04/2018		186.87CR	086410	
	I-333158	NORTHEAST AUTO PARTS INC	R	9/04/2018		11.84CR	086410	
	I-333162	NORTHEAST AUTO PARTS INC	R	9/04/2018		13.98CR	086410	
	I-333211	NORTHEAST AUTO PARTS INC	R	9/04/2018		284.66CR	086410	
	I-333235	NORTHEAST AUTO PARTS INC	R	9/04/2018		15.38CR	086410	
	I-333307	NORTHEAST AUTO PARTS INC	R	9/04/2018		281.98CR	086410	
	I-333319	NORTHEAST AUTO PARTS INC	R	9/04/2018		57.92CR	086410	
	I-333321	NORTHEAST AUTO PARTS INC	R	9/04/2018		35.94CR	086410	
	I-333345	NORTHEAST AUTO PARTS INC	R	9/04/2018		8.99CR	086410	

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PACKET: 05931 SEP 2018 COUNCIL - 1 9-4-18
VENDOR SET: 01 **** CHECK LISTING ****
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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0197	PACKER CITY INTERNATIONAL INC							
	C-X101091268:01	PACKER CITY INTERNATIONAL INC	R	9/04/2018		409.76	086411	
	I-X101090451:01	PACKER CITY INTERNATIONAL INC	R	9/04/2018		34.36CR	086411	
	I-X101091433:01	PACKER CITY INTERNATIONAL INC	R	9/04/2018		170.44CR	086411	
	I-X101091722:01	PACKER CITY INTERNATIONAL INC	R	9/04/2018		1,282.06CR	086411	1,077.10
1331	PACKER FASTENER & SUPPLY INC							
	I-399062	PACKER FASTENER & SUPPLY INC	R	9/04/2018		65.09CR	086412	65.09
3401	PETERS CONCRETE COMPANY INC							
	I-18-04 (4)	PETERS CONCRETE COMPANY INC	R	9/04/2018		323,516.23CR	086413	323,516.23
6126	PM SUPPLY - WRIGHT INDUSTRIAL							
	I-79643	PM SUPPLY - WRIGHT INDUSTRIAL	R	9/04/2018		67.52CR	086414	67.52
0208	POMP'S TIRE SERVICE INC							
	I-90050155	POMP'S TIRE SERVICE INC	R	9/04/2018		32.00CR	086415	32.00
0211	POSITIVE PROMOTIONS							
	I-6087703	POSITIVE PROMOTIONS	R	9/04/2018		5.00CR	086416	5.00
1246	PREVEA HEALTH							
	I-117247	PREVEA HEALTH	R	9/04/2018		666.00CR	086417	
	I-117362	PREVEA HEALTH	R	9/04/2018		102.90CR	086417	768.90
0395	PRO ONE JANITORIAL INC							
	I-136665	PRO ONE JANITORIAL INC	R	9/04/2018		1,125.00CR	086418	1,125.00
7217	RAILWORKS TRACK SYSTEMS INC.							
	I-149938	RAILWORKS TRACK SYSTEMS INC.	R	9/04/2018		717.00CR	086419	717.00
0227	REINDERS INC							
	I-1750762-00	REINDERS INC	R	9/04/2018		77.64CR	086420	
	I-2668537-00	REINDERS INC	R	9/04/2018		30.84CR	086420	108.48
0228	RENT A FLASH OF WISCONSIN INC							
	I-62964	RENT A FLASH OF WISCONSIN INC	R	9/04/2018		1,175.60CR	086421	1,175.60
0158	ROBERT E LEE & ASSOCIATES INC							
	I-10404432	ROBERT E LEE & ASSOCIATES INC	R	9/04/2018		15,659.75CR	086422	15,659.75
0501	SAINT MARY'S HOSPITAL							
	I-22060	SAINT MARY'S HOSPITAL	R	9/04/2018		3.84CR	086423	3.84

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VENDOR SET: 01 **** CHECK LISTING ****
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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0235	SAINT VINCENT HOSPITAL							
	I-48217	SAINT VINCENT HOSPITAL	R	9/04/2018		112.39CR	086424	112.39
7088	NEAL SCHWEINER							
	I-201808288563	NEAL SCHWEINER	R	9/04/2018		73.84CR	086425	73.84
6152	TIM SINKLER							
	I-201808288564	TIM SINKLER	R	9/04/2018		64.99CR	086426	64.99
1494	STATE BAR CLE REGISTRATIONS							
	I-5047941	STATE BAR CLE REGISTRATIONS	R	9/04/2018		30.41CR	086427	30.41
5454	TRANSPORT REFRIGERATION INC							
	I-457916-100	TRANSPORT REFRIGERATION INC	R	9/04/2018		223.95CR	086428	223.95
0268	TRUCK EQUIPMENT INC							
	I-801103-00	TRUCK EQUIPMENT INC	R	9/04/2018		586.36CR	086429	
	I-809882-00	TRUCK EQUIPMENT INC	R	9/04/2018		26.41CR	086429	
	I-810869-00	TRUCK EQUIPMENT INC	R	9/04/2018		12.29CR	086429	625.06
0417	TWEET GAROT MECHANICAL INC							
	I-17-22 (1) FINAL	TWEET GAROT MECHANICAL INC	R	9/04/2018		59,622.00CR	086430	
	I-36520	TWEET GAROT MECHANICAL INC	R	9/04/2018		8,242.00CR	086430	67,864.00
0962	VOS ELECTRIC INC							
	I-91615	VOS ELECTRIC INC	R	9/04/2018		2,905.39CR	086431	2,905.39

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	65	0.00	517,871.85	517,871.85
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	65	0.00	517,871.85	517,871.85

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

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BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT

** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
100	9/2018	70,109.33CR
201	9/2018	1,181.47CR
291	9/2018	717.00CR
292	9/2018	5,915.50CR
293	9/2018	20,537.30CR
405	9/2018	393,306.68CR
415	9/2018	12,040.00CR
455	9/2018	2,340.00CR
601	9/2018	9,533.05CR
650	9/2018	2,191.52CR
ALL		517,871.85CR

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City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**September 4, 2018**
DEPARTMENT:	**City Clerk-Treasurer**
FROM:	**Shana Ledvina**
SUBJECT:	**Future Agenda Items.**