



Common Council

Regular Meeting

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

Agenda

Tuesday, May 7, 2019

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 **May 7, 2019 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 Spectrum 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. Approval of the Minutes of the April 16, 2019 Common Council Meeting.
3. Pledge of Allegiance to the Flag.
4. Public comment upon matters not on the agenda and other announcements.
5. Recommendation from the License Committee on the following renewal applications for the licensing period of July 1, 2019 to June 30, 2020:
 - A. Class "A" Fermented Malt Beverage/"Class A" Cider Licenses
 - B. Class "B" Fermented Malt Beverage Licenses
 - C. Class "B" Fermented Malt Beverage/"Class C" Wine licenses
6. Confirmation of appointment of Tony Fietzer to Office of Street Superintendent.
7. Recommendation from the Finance/Personnel Committee to Approve Emergency Repair for 11 foot Lawn Mower in Park Department in the Amount of \$10,050, to be Funded from Undesignated Reserves.
8. Recommendation from the Board of Park Commissioners to Approve \$4,000 Sponsorship from Tweet Garot for Beer Garden.
9. Recommendation from the Board of Park Commissioners to Approve \$500 Donation from Greta Johnson for Recreation Scholarship Fund.
10. Consideration of a request from Ald. Hansen for the City Council to establish a budget amount for the future reconstruction of VFW pool and Legion pool to include the establishment of a rough goal for fundraising that can be factored into the total budget.
11. Ordinance #19-11 Amending Section 30-2(h) Regarding Sale of Alcohol in City Parks and 106-4(c)(7)c. De Pere Municipal Code Regarding Mobile Food Establishment Zoning/Location Restrictions.
12. Ordinance #19-12 Correcting Section 10-9 De Pere Municipal Code Regarding Membership Size of Board of Review.
13. Resolution #19-41 Supporting Assembly Bill 18 and 2019 Senate Bill 9 and Urging State Legislature to Enact.

14. Resolution #19-42 Approving Revised Classification and Compensation Plan Grade Level for Parks, Recreation & Forestry Director.
15. Resolution #19-43 Authorizing Full Service Agreement for Beverage Coin Vendor (Green Bay Seven-Up Bottling Company, Inc.).
16. Resolution #19-44 In Support of Closing the Dark Store and Walgreens Property Tax Loopholes and Stopping Tax Shift.
17. Resolution #19-45 In Support of Fixing the State's Transportation Funding Shortfall and Increasing Local Transportation Aids.
18. Resolution #19-46 Supporting Increased Levy Limit Flexibility.
19. Resolution #19-47 Supporting Shared Revenue Funding Increase.
20. Appointments and Re-appointments to Boards and Commissions by Mayor Walsh
21. Voucher Approval.
22. Operator License Applications.
23. Update and Possible Action on Order Granting Plaintiff's Motion for Summary Judgment in Hope Lutheran Church et.al. v. City of De Pere.

PLEASE TAKE NOTICE, that pursuant to Wis. Stats. §19.85(1)(g), the Council may convene in closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may then reconvene in open session to take action on any matter discussed in closed session or for such other purposes as are allowed by law.
24. Future Agenda Items.
25. Adjournment.

Lawrence M. Delo
City Administrator

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

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Greta Johnson
Randall Wissink, Green Bay Seven-Up Bottling Co.
Greg Wierzba, TweetGarot

Titletown Oil
Vicki Radue
Mohammad Mirhashemi
Timothy Jelinski
Mark Patel

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City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Approval of the Minutes of the April 16, 2019 Common Council Meeting.

ATTACHMENTS:

- 4-16-19 Common Council Minutes_Draft (PDF)



Common Council

Regular Meeting

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

Draft Minutes

Tuesday, April 16, 2019

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 Michael J. Walsh.

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Present	
James Boyd	Aldersperson	Present	
Dan Carpenter	Aldersperson	Present	
Scott Crevier	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Ryan Jennings	Aldersperson	Present	
Amy Chandik Kunderinger	Aldersperson	Present	
Casey Nelson	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	

2. Pledge of Allegiance to the Flag.
3. Approval of the minutes of the April 3, 2019 Common Council meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Aldersperson
SECONDER:	Casey Nelson, Aldersperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunderinger, Nelson, Raasch

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

Mayor Walsh welcomed new Council member Amy Chandik Kunderinger, and congratulated Alderspersons Hansen, Raasch, and Nelson on their re-election. The Mayor said he looks forward to working together to move the City forward.

Aldersperson Nelson reported that the City's next mental health outreach session will be held on April 24th at 6:30 PM in the Oak Room at the De Pere Community Center. The topic will be autism spectrum disorder and its impact on families and in schools.

Aldersperson Raasch announced that the West De Pere High School "League of Legends" team won the Wisconsin High School Association E-Sports Championship last weekend.

5. Presentation by Sister City student representative Brooke Goehring.

High school student Brooke Goehring shared a presentation on her experience spending her junior year as an exchange student in Amal, Sweden. Brooke graduated from Southwest High School in January of this year. She explained the reasons she chose Sweden, and her connection to the Sister Cities program which led to her placement in Amal. Brooke stated that she is very glad she chose Amal because it provided a very authentic Swedish experience. Brooke shared details about her host family (her host sister studied in De Pere), her school experiences, and extracurricular activities. While in Amal she represented our community by conducting presentations with elementary students, as well as at her own school. She also presented to local politicians, and was featured in a local magazine article about exchange students. Brooke's school sponsored a trip to Brussels to visit the European Union headquarters; while there she was able to

interview the foreign minister. She shared a video presentation of her Amal experience that she created as a school project. Brooke concluded her presentation by expressing her thanks to the Sister Cities community.

Mayor Walsh stated that Brooke is a very determined, articulate and talented young lady, and that De Pere is proud to have her as our first representative for the Sister Cities program.

6. Recommendation of the Finance/Personnel Committee to Approve Request of Police Chief for the Transfer of \$5,000 from Undesignated Reserves to Purchase Security Measures Required by Updated Criminal Justice Information System Security Guidelines.

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

7. Recommendation from the License Committee on an application for a Class "A" Fermented Malt Beverage/"Class A" Intoxicating Liquor License for Kwik Trip, Inc. (DBA Kwik Trip #1060), 1620 Lawrence Dr. Submitted by Kwik Trip, Inc., Agent: Daniel J. Schmidt, Wrightstown, WI.

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

8. Recommendation from the Board of Public Works to Approve Wisconsin Public Service's Proposal to Relocate the Overhead Electric Utility Line on Ryan Road in the amount of \$40,000 as Part of Project 19-02.

Public Works director Scott Thoresen provided an updated memo to Council members with revised figures for the project; the City's cost is now \$49,327.66.

Alderperson Carpenter expressed concern about spending money on this project when there are others in the City that need funding. He stated in his opinion this appears to benefit Wisconsin Public Service more than the City.

Discussion followed regarding the relative benefits and costs of burying the utility lines versus leaving them above ground. City Administrator Larry Delo stated that it is the City's goal to continue to get them buried because it gives the community a more secure power source during storms.

Discussion followed about the potential for the City to negotiate a different cost ratio with WPS.

Alderperson Carpenter moved, seconded by Alderperson Nelson to amend the motion to propose that the City should pay \$20,000 for the project.

The Mayor stated that he thinks it would be a mistake to set a specific dollar amount, and suggested it would be better to authorize staff to negotiate in general terms. Alderperson Carpenter moved, seconded by Alderperson Nelson to withdraw the proposed amendment.

Alderperson Nelson moved to amend the original motion, to go back to WPS and negotiate a different cost share for the project. The motion failed for lack of a second.

Upon vote, the original motion to approve the recommendation passed 6-2 with Alderpersons Carpenter and Nelson voting nay.

RESULT:	ADOPTED [6 TO 2]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Crevier, Hansen, Jennings, Kunding, Raasch
NAYS:	Dan Carpenter, Casey Nelson

9. Recommendation from the Board of Public Works to Award Contract 19-18 Prosper Street and Enterprise Drive Reconstruction and Utility Relay to Vinton Construction Company in the amount of \$1,399,517.27.

Alderperson Hansen thanked staff for their efforts in soliciting bids for this project, which includes street lighting. He noted that the lights on those roads are over 40 years old, and the City will get better quality LED lights and energy savings.

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

10. Ordinance #19-09 Amending § 150-15 De Pere Municipal Code Regarding Heavy Truck Route.

Council members discussed the motivation for the amendment, with several expressing the opinion that it was unnecessary to specify an exemption for City vehicles. Public Works Director Scott Thoresen reported that staff is now installing additional signs. He stated that the Police Department has eased off a little on enforcement until the new signs are up.

City Administrator Larry Delo provided clarification for the Police Department's concerns and stated that it is standard practice throughout the state and country for municipal vehicles to be exempt.

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

11. Ordinance #19-10 Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations.

Public Works Director Scott Thoresen responded to questions about the two proposed changes, and explained the decision of the Board of Public Works to deny the yield sign at Reid Street.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

12. Resolution #19-30 Preliminary Resolution Declaring Intention to Exercise Special Assessment Powers Under Section 66.0703, Wis. Stats., Sanitary Sewer System on Parkview Road from Ashwaubenon Creek to Ashland Avenue.

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

13. Resolution #19-31 Authorizing Agreement for Consulting Services Between the City of De Pere and JT Engineering, Inc. (2019 Traffic Signal Study).

Public Works Director Scott Thoresen answered questions about the scope of this study; the intent is to look at the traffic signals on Main and Reid in order to change signal timings in these corridors. He informed Council members that the West De Pere School District has been asked to conduct a traffic impact analysis in light of plans for future expansion.

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

14. Resolution #19-32 Authorizing Agreement for Contractor Services Between the City of De Pere and Water Tower Clean and Coat, Inc. (Matthew Tower Cleaning & Coating Repair).

Alderperson Carpenter complimented staff on their work to obtain competitive prices on these bids.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

15. Resolution #19-33 Authorizing Agreement for Contractor Services Between the City of De Pere and Water Tower Clean and Coat, Inc. (9th Street Reservoir Inspection).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Chandik Kunding, Councilwoman
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

16. Resolution #19-34 Authorizing Agreement for Contractor Services Between the City of De Pere and Water Tower Clean and Coat, Inc. (Merrill and Matthew Tower Inspections).

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

17. Resolution #19-35 Authorizing Agreement for Contractor Services Between the City of De Pere and Utility Service Associates, LLC (2019 Leak Detection Survey).

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

18. Resolution #19-36 Authorizing Operation and Maintenance Assistance Agreement with Carrico Aquatics Resources, Inc. (2019 Water Management Assistance Program).

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

19. Resolution #19-37 Authorizing Lease Agreement with Badger Office City (Photocopier Equipment - City Hall-2nd floor, Fire Department, Municipal Service Center and Community Center).

RESULT: ADOPTED [UNANIMOUS]
MOVER: Scott Crevier, Alderperson
SECONDER: Amy Chandik Kunding, Councilwoman
AYES: Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

20. Resolution #19-38 Authorizing Tax Collection Agreement between Brown County Treasurer and the City of De Pere (December 2019-February 2020).

City Attorney Judy Schmidt-Lehman reported that the agreement reviewed by the Finance-Personnel Committee has since been supplemented by another from Brown County. The updated agreement includes a December deposit as requested by the City and other communities. Due to this change, there is no need for Council approval because the resolution passed in 2018 allowed for future renewals as long as they are substantively similar.

RESULT: REFERRED BACK TO STAFF [UNANIMOUS]
MOVER: Dean Raasch, Alderperson
SECONDER: Scott Crevier, Alderperson
AYES: Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

21. Resolution #19-40 Authorizing Amendment 1 to the Software Services Agreement with OpenGov, Inc.

Alderperson Hansen inquired if payments commenced last March, and whether the City has seen any deliverables so far. Finance Director Joe Zegers reported that since the initial payment, OpenGov has delivered 2013-2017 financials. In his opinion the integration piece should make things a lot easier moving forward. With this amendment the City can get daily and weekly updates instead of just on a monthly basis, and can review transactions in the most up-to-date fashion. He reported that they are looking at scheduling the first integration meeting and transfer of data this week.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Boyd, Alderperson
SECONDER: Dan Carpenter, Alderperson
AYES: Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

22. Appointments and Re-appointments to Boards and Commissions by Mayor Walsh.

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

23. Elections by the Common Council.

A. Alderperson Members of the Plan Commission.

Alderperson Boyd nominated Alderperson Raasch; Alderperson Raasch nominated Alderperson Boyd. Alderperson Hansen nominated Alderperson Crevier. Alderperson Raasch moved, seconded by Alderperson Nelson to close the nominations. Upon vote, motion carried unanimously. Mayor Walsh called for a vote by show of hands. Alderperson Raasch received six votes, Alderperson Boyd received seven, and Alderperson Crevier received two. The Mayor then announced that the Plan Commission appointments will be Alderpersons Boyd and Raasch.

B. President of the Common Council.

Alderperson Raasch moved, seconded by Alderperson Hansen to open the nominations. Upon vote, motion carried unanimously. Alderperson Raasch moved, seconded by Alderperson Crevier to nominate Alderperson Boyd as president of the Common Council. Alderperson Raasch moved, seconded by Alderperson Crevier to close the nominations. Upon vote, motion carried unanimously. Upon vote to elect Alderperson Boyd as President of the Common Council, motion carried unanimously.

24. Voucher Approval.

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

25. Operator License Applications.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Previously Tabled Operator License Application #1. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Hansen to approve Temporary Operator Applications #1-6. Upon vote, motion carried unanimously. Alderperson Boyd, seconded by Alderperson Carpenter to approve New Operator Applications #1-3 and #5-11. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Hansen to table New Operator Application #4. Upon vote, motion carried unanimously.

26. Future Agenda Items.

Alderperson Hansen stated he feels that Council has a responsibility to develop a budget for VFW and Legion pools given that the Council has sole authority over budget related decisions. He requested an agenda item for the next meeting to develop a budget for both

pools, and try to establish a rough goal for fundraising so that can be factored into the total budget so that the Parks board can develop designs that fit within the budget. Alderperson Nelson asked for updates on the southern bridge and the Mulva Center. Alderperson Carpenter requested an analysis of uncontrolled intersections in the City in order to develop a consistent policy for installation of traffic signs. The Mayor indicated that this item will be brought to the Board of Public Works.

27. Review and Possible Action on Claims for Personal Property Tax Refund Submitted by Festival Foods for 1001 Main Avenue and 1724 Lawrence Drive.

Alderperson Raasch moved, seconded by Alderperson Crevier to close the meeting at 9:09 PM. Upon vote, motion carried unanimously.

Alderperson Raasch moved, seconded by Alderperson Nelson to open the meeting at 9:54 PM. Upon vote, motion carried unanimously.

Resolution #19-39 Authorizing Personal Property Tax Refunds (Festival Foods-1001 Main Avenue and 1724 Lawrence Drive).

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

28. Review of and Possible Action on Order Granting Plaintiff's Motion for Summary Judgment in Hope Lutheran Church et.al. v.City of De Pere
29. Adjournment. Alderperson Raasch moved, seconded by Alderperson Boyd to adjourn the meeting at 9:55 PM. Upon vote, motion carried unanimously.

Respectfully submitted,

Carey Danen, City Clerk



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Recommendation from the License Committee on the following renewal applications for the licensing period of July 1, 2019 to June 30, 2020:

ATTACHMENTS:

- License Renewal List (PDF)

MAY 7, 2019 LICENSE COMMITTEE MEETING

Renewal Applications for Class “A” Fermented Malt Beverage Licenses, “Class A” Cider Licenses, Class “B” Fermented Malt Beverage Licenses, and “Class C” Wine Licenses for the licensing period of July 1, 2019 to June 30, 2020.

CLASS “A” BEER & “CLASS A” CIDER

- 1) De Pere Shell Inc (DBA De Pere Shell), 841 Main Av. Submitted by De Pere Shell Inc, Agent: Michael Schilawski, Green Bay, WI.
- 2) GCS Landing LLC (DBA GCS Landing Shell), 1063 N Broadway. Submitted by GCS Landing LLC, Agent: Jacob P. Anderson, Green Bay, WI.
- 3) GCS Operations LLC (DBA Riverside Shell), 1010 S Broadway. Submitted by GCS Operations LLC, Agent: Daniel J. Pamperin, De Pere, WI.
- 4) GCS Holdings of De Pere LLC (DBA Scheuring Shell), 1511 Lawrence Dr. Submitted by GCS Holdings of De Pere LLC, Agent: Daniel J. Pamperin, De Pere, WI.

CLASS “B” BEER

- 1) Radue Cinemas Inc (DBA De Pere Cinema), 417 George St. Submitted by Radue Cinemas Inc, Agent: Vicki Radue, Green Bay, WI.
- 2) Gyro Kabobs III LLC (DBA Gyro Kabobs), 337 Main Av. Submitted by Gyro Kabobs III LLC, Agent: Mohammad Mirhashemi, Greenville, WI.

CLASS “B” BEER & “CLASS C” WINE

- 1) Aunt Ethel’s LLC (DBA Aunt Ethel’s), 377 Main Av. Submitted by Aunt Ethel’s LLC, Agent: Timothy James Jelinski, De Pere, WI.
- 2) Luna Coffee LLC (DBA Luna Café and Roastery), 330 Main Av. Submitted by Luna Coffee LLC, Agent: Mark Patel, De Pere, WI.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: A. Class "A" Fermented Malt Beverage/"Class A" Cider Licenses

ATTACHMENTS:

- Class A Beer-Class A Cider Renewals_5-7-19 (PDF)

CLASS "A" FERMENTED MALT BEVERAGE/

"CLASS A" CIDER ONLY

LICENSE RENEWALS

FOR THE 2019-2020 LICENSING PERIOD

Renewal Alcohol Beverage License Application

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2019 ending: 06 30 2020
(MM DD YYYY) (MM DD YYYY)

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

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

CHECK ONE ☐ Individual ☐ Partnership ☐ Limited Liability Company
☒ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company DE PERE SHELL INC

Address of Corporation/Limited Liability Company (if different from licensed premises) 1275 GLORY RD GREENBAY WI54304

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	CHARLES PANURE		
Vice President/Member	MICHAEL SCHILAWSKI		
Secretary/Member	DANIEL J. PAMPERIN		
Treasurer/Member			
Agent	MICHAEL SCHILAWSKI		
Directors/Managers			

C. 1. Trade Name DE PERE SHELL

Business Phone Number 920-336-9787

2. Address of Premises 841 MAIN AVENUE

Post Office & Zip Code DE PERE WI 54115

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

4. 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.) C-STORE, GAS STATION, CAR WASH

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-12-19</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Renewal Alcohol Beverage License Application

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2019 ending: 06 30 2020
(MM DD YYYY) (MM DD YYYY)

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

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

CHECK ONE ☐ Individual ☐ Partnership ☒ Limited Liability Company
☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company GCS LANDING LLC

Address of Corporation/Limited Liability Company (if different from licensed premises) 1275 GLORY RD GREENBAY WI54304

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title Name (Inc. Middle Name) Home Address Post Office & Zip Code

President/Member JACOB P. ANDERSON

Vice President/Member ASHLEY M PAMPERIN-SEXAUER

Secretary/Member _____

Treasurer/Member _____

Agent JACOB P. ANDERSON

Directors/Managers _____

C. 1. Trade Name GCS LANDING SHELL

Business Phone Number 920-336-8293

2. Address of Premises 3630 RIVERSIDE DR/1063N Broadway Post Office & Zip Code GREEN BAY WI 54301

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

4. 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.) C-STORE AND GAS STATION

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-12-19</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Renewal Alcohol Beverage License Application

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2019 ending: 06 30 2020
(MM DD YYYY) (MM DD YYYY)

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

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

CHECK ONE ☐ Individual ☐ Partnership ☒ Limited Liability Company
☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company GCS OPERATIONS, LLC

Address of Corporation/Limited Liability Company (if different from licensed premises) 1275 GLORY RD GREENBAY WI 54304

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	DANIEL J. PAMPERIN		
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	DANIEL J. PAMPERIN		
Directors/Managers			

C. 1. Trade Name RIVERSIDE SHELL Business Phone Number 920-983-9786

2. Address of Premises 1010 SOUTH BROADWAY Post Office & Zip Code DE PERE WI 54115

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

4. 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.) C-STORE, GAS STATION, CAR WASH

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-12-19</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Renewal Alcohol Beverage License Application

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2019 ending: 06 30 2020
(MM DD YYYY) (MM DD YYYY)

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

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

CHECK ONE ☐ Individual ☐ Partnership ☒ Limited Liability Company
☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company GCS HOLDINGS OF DE PERE LLC

Address of Corporation/Limited Liability Company (if different from licensed premises) 1275 GLORY RD GREENBAY WI 54304

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	DANIEL J. PAMPERIN		
Vice President/Member	LORI A. PAMPERIN		
Secretary/Member	DAVID J. KRAUSE		
Treasurer/Member			
Agent	DANIEL J. PAMPERIN		
Directors/Managers			

C. 1. Trade Name SCHEURING CHELL Business Phone Number 920-347-3700

2. Address of Premises 1511 LAWRENCE DRIVE Post Office & Zip Code DE PERE WI 54115

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

4. 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.) C-STORE AND GAS STATION

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ No

b. Are **charges for any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-12-19</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: B. Class "B" Fermented Malt Beverage Licenses

ATTACHMENTS:

- Class B Beer Renewals_5-7-19 (PDF)

CLASS "B" FERMENTED MALT BEVERAGE

LICENSE RENEWALS

FOR THE 2019-2020 LICENSING PERIOD

Attachment: Class B Beer Renewals_5-7-19 (8200 : B. Class "B" Fermented Malt Beverage Licenses)

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7/1/2019 ending: 6/30/2020
(MM DD YYYY) (MM DD YYYY)TO THE GOVERNING BODY of the: ☐ Town of De Pere
☐ Village of De Pere
☒ City of De PereCounty of Brown Aldermanic Dist. No. _____ (if required by ordinance)CHECK ONE ☐ Individual ☐ Partnership ☐ Limited Liability Company
☒ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company

Address of Corporation/Limited Liability Company (if different from licensed premises) 905 George St #191 De Pere WI

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title Name (Inc. Middle Name)

Home Address

Post Office & Zip Code

President/Member Michael Radue

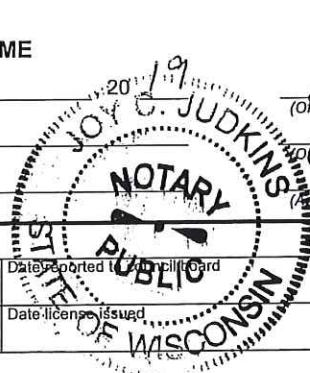
Vice President/Member

Secretary/Member Urich RadueTreasurer/Member Urich RadueAgent Urich Radue

Directors/Managers

C. 1. Trade Name De Pere CinemaBusiness Phone Number 920-371-15852. Address of Premises 417 George StPost Office & Zip Code De Pere 541153. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No4. 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.) Theater auditorium, concession area

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ Nob. Are **charges for any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)**SUBSCRIBED AND SWORN TO BEFORE ME**this 14th day of April[Signature]
(Clerk/Notary Public)My commission expires 5/18/2020

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

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

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-16-19</u>	Date reported to Municipal Board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Renewal Alcohol Beverage License Application

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7-1-2019 ending: 6-30-2019
(MM DD YYYY) (MM DD YYYY)

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

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

CHECK ONE ☐ Individual ☐ Partnership ☒ Limited Liability Company
☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Gyro Kabobs III LLC

Address of Corporation/Limited Liability Company (if different from licensed premises) _____

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title Name (Inc. Middle Name)

Home Address

Post Office & Zip Code

President/Member Mohammad Mirhashemi

Vice President/Member Laura Mirhashemi

Secretary/Member _____

Treasurer/Member _____

Agent Mohammad Mirhashemi

Directors/Managers _____

C. 1. Trade Name Gyro Kabobs Business Phone Number 920-339-0048

2. Address of Premises 337 Main Ave Post Office & Zip Code 54115

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☐ Yes ☐ No

4. 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.) Seating area & Kitchen

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>7-24-19</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No.: FEIN Number: <u>456-10265881 4603</u>	
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	\$ <u>30.00 B# 141</u>
TOTAL FEE	\$ <u>4.24</u>



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: C. Class "B" Fermented Malt Beverage/"Class C" Wine licenses

ATTACHMENTS:

- Class B Beer-Class C Wine Renewals_5-7-19 (PDF)

**CLASS "B" FERMENTED MALT BEVERAGE/
"CLASS C" WINE
LICENSE RENEWALS
FOR THE 2019-2020 LICENSING PERIOD**

Attachment: Class B Beer-Class C Wine Renewals_5-7-19 (8201 : C. Class "B"/"Class C" Wine licenses)

Renewal Alcohol Beverage License Application

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: July 1, 2019 ending: June 30, 2020
(MM DD YYYY) (MM DD YYYY)

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

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

CHECK ONE ☐ Individual ☐ Partnership ☒ Limited Liability Company
☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

AUNT ETHEL'S LLC

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company

Address of Corporation/Limited Liability Company (if different from licensed premises)

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title Name (Inc. Middle Name) Home Address Post Office & Zip Code

President/Member TIMOTHY JAMES JELINSKI

Vice President/Member CASEY ERIN JELINSKI

Secretary/Member

Treasurer/Member

Agent Timothy James Jelinski

Directors/Managers

C. 1. Trade Name AUNT ETHEL'S LLC

Business Phone Number 920 370 5212

2. Address of Premises 377 MAIN AVE

Post Office & Zip Code De Pere 54115

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

4. 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.) 2000 sq ft space, front room + back room, siteline

5. Legal description (omit if street address is given above):

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? ☒ Yes ☐ No
[phone (608) 266-2776]

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-15-19</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No.: <u>456-1029998527-02</u>		FEIN Number: <u>83-1595038</u>	
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	\$		

R#
1414

Renewal Alcohol Beverage License Application

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: JULY 1, 2019 ending: JUNE 30, 2020
(MM DD YYYY) (MM DD YYYY)

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

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

CHECK ONE ☐ Individual ☐ Partnership ☒ Limited Liability Company
☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company LUNA COFFEE LLC

Address of Corporation/Limited Liability Company (if different from licensed premises) _____

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title Name (Inc. Middle Name) Home Address Post Office & Zip Code

President/Member MARK PATEL

Vice President/Member ANGELA J PATEL

Secretary/Member _____

Treasurer/Member _____

Agent MARK PATEL

Directors/Managers _____

C. 1. Trade Name LUNA CAFE AND ROASTERY Business Phone Number 920-336-1557

2. Address of Premises 330 MAIN AVE. Post Office & Zip Code DE PERE 54115

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

4. 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.) CAFE AND OUTDOOR SEATING, BASEMENT STOR

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ☐ Yes ☒ No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? ☒ Yes ☐ No
[phone (608) 266-2776] _____

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

M. Patel

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-24-19</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No.: <u>456-0000000486-02</u> FEIN Number: <u>39-1979364</u>	
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	\$ <u>30.00</u>
TOTAL FEE	\$



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: Human Resources

FROM: Shannon Metzler

SUBJECT: Confirmation of appointment of Tony Fietzer to Office of Street Superintendent.

ATTACHMENTS:

- Confirmation of Appt. Letter (Fietzer) (DOCX)

CITY OF DE PERE MEMO



To: Members of the Common Council
From: Michael Walsh, Mayor
Date: May 7, 2019

RE: **Confirmation of Appointment to Position of Street Superintendent**

The Human Resources Department has completed the recruitment and selection process for the Street Superintendent position. Based on the interview panel's recommendation, I would like to appoint Tony Fietzer to the position of Street Superintendent, and I am asking for your confirmation.

Tony currently works for the City of Green Bay Department of Public Works as the Street Superintendent. In his current role, Tony plans, organizes, schedules and monitors the daily street division operations including snow plowing/removal, road maintenance and repair, street sweeping, grass cutting, conservancy clearing, leaf collection, etc. Tony also assists with budget planning, preparation and managing of expenses. He supervises 63 field employees and 3 supervisors within the Street division. Tony has shown his dedication to the field by becoming a Certified Public Works Professional-Manager and serving as the President of the Society of Northeast Wisconsin Public Works Superintendents.

Based on his background, I believe Tony will be a tremendous asset in this role.

If you have any questions regarding this confirmation, I would ask that you contact me in advance of the meeting. I can be reached at 339-4040.

Thank you.

Attachment: Confirmation of Appt. Letter (Fietzer) (8190 : Confirmation of Appointment to Tony Fietzer Street Superintendent)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: **Recommendation from the Finance/Personnel Committee to Approve Emergency Repair for 11 foot Lawn Mower in Park Department in the Amount of \$10,050, to be Funded from Undesignated Reserves.**

The Finance/Personnel Committee, at the April 9, 2019 meeting, moved to approved funding of emergency repairs for the 11 foot mower in the Park Department in the amount of \$10,500 from undesignated reserves and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.

We were informed from our Fleet Maintenance Supervisor that while going through the lawn mowers, staff uncovered our 11 foot mower (#306) has a blown cylinder. This damage essentially means we need a new engine. We investigated three different options to address the concern. We investigated rebuilding the engine, replacing the engine, and purchasing a new mower. A quick summary of each option is below.

Replacing mower - A new mower with trade in would cost approximately \$66,000. Based on the level of use, we project a mower will last around 8-12 years.

Rebuilding the engine - Estimates were provided to us that rebuilding the engine would cost approximately \$16,000.

Replacing Engine - We were provided an estimate of approximately \$10,500 to replace the engine in the mower.

The current mower has 4200 hours. It is believed that our mowers will last somewhere between 5000-6000 hours before they break down. While we cannot predict its longevity, we believe the mower has a good chance of lasting two, maybe three years. Based on this, we feel it's reasonable to attempt to fix the mower by replacing the engine.

The Park Department is asking for approval of \$10,050 from the Council as this repair would consume more than the current budget for consulting services (\$8,600), and would not allow for further repairs in this account.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: Board of Park Commissioners

FROM: Marty Kosobucki

SUBJECT: Recommendation from the Board of Park Commissioners to
Approve \$4,000 Sponsorship from Tweet Garot for Beer Garden.

**City of De Pere, Wisconsin****Request For Common Council Action**

MEETING DATE: May 7, 2019

DEPARTMENT: Board of Park Commissioners

FROM: Marty Kosobucki

SUBJECT: Recommendation from the Board of Park Commissioners to Approve \$500 Donation from Greta Johnson for Recreation Scholarship Fund.

The Board of Park Commissioners, at the April 18, 2019, approved accepting a \$500 donation from Greta Johnson for the Recreation Scholarship Fund. The motion passed unanimously with a 5-0 vote. Staff is seeking approval to accept a \$500 donation from Greta Johnson, a De Pere resident, to the Recreation Scholarship Program. Ms. Johnson saw the posting on our Facebook page and wanted to give back to families in our community. To date, this program has awarded 297 scholarships to youth/families in our community for participation in city sponsored recreation programs, co-sponsored sports programs or pool passes for families to enjoy!

Current balance in our account is \$25,072.24.

Thank you for your time and consideration.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Consideration of a request from Ald. Hansen for the City Council to establish a budget amount for the future reconstruction of VFW pool and Legion pool to include the establishment of a rough goal for fundraising that can be factored into the total budget.

ATTACHMENTS:

- Ald. Hansen Pool Budget Memo 5-7-19 mtg (PDF)



Memo Re: Budget for New VFW & Legion Pool Facilities

To: Members of the Common Council

From: Ald. Jonathon Hansen

Meeting Date: May 7, 2019

Since the passage of the referendum last November authorizing the City to exceed the levy limit by \$900,000 on an ongoing annual basis for capital and operating expenses for two new pool facilities at Legion and VFW Pools, the Park Board has listened to many stakeholders and had thoughtful discussions about various conceptual design options for the two new aquatic facilities. These designs continue to be reworked, and revised designs for both Legion and VFW will be presented at the next Park Board meeting on May 16. These designs have been very helpful in terms of providing the public with concrete visualizations that they can provide feedback on, as well as providing a better sense of how much different pool features might cost.

Questions have been raised, however, regarding how much the new pool facilities can and should cost. At the Park Board meeting on April 18, staff wrote on a PowerPoint slide: “Referendum allows for two pools to be constructed at approximately \$6 million per pool. However, this does not allow for funding operational costs. The construction costs are in today’s dollars. VFW will likely be constructed in 2 years, and Legion 3-4 years. Alternative funding can be investigated and considered above and beyond the Referendum funding”.

A case can certainly be made that the current approach—arriving at a budget number by first developing conceptual designs and seeing what those designs add up to monetarily—is the best way to proceed. However, given that the Council has authority over all budget-related matters, I feel that the Council has an obligation to engage with these budgetary questions upfront and provide direction to the Park Board in terms of what the budget should be for the new pool facilities. Otherwise, an argument can be made that in the absence of guidance from the Council, the Park Board—in a de facto way—is being asked to not only finalize designs, but also to arrive at a total budget (which would be the total cost of the two designs that the Park Board approves).

With these concerns in mind, I thought it would be beneficial for the Council to consider establishing a total budget for the new aquatic facilities. In addition to the Council engaging with the question of how much the City might be able to spend within the context of bonding and/or other forms of borrowing, the Council could also consider setting a fundraising goal that it believes is obtainable. This fundraising target could then be factored into the total budget for the new pool facilities. If the Council can arrive at a total budget figure, the Park Board could then approve designs that—based on today’s dollars—reflect the budget that the Council establishes.

Because the budget figure would strictly be used as a benchmark for the Park Board to develop designs based on what pool expenses cost today, the budget figure would not need to be a hard cap in the years ahead. The costs of pool construction continue to rise, so it is possible that the facilities come in overbudget, but the Council could figure out how to address such a shortfall when/if the time comes (and such a shortfall might solve itself if private fundraising exceeds the goal that the City sets). In other words, if Council sets a budget of X, the Park Board in the weeks ahead would approve designs that are at, or close to, X dollars. Those designs might ultimately cost more than X at the end of the construction process several years from now, but at least the Park Board will have initially developed designs based on a budget given to them by the Council. I respect the fact that the Council may decide to not establish a budget before the Park Board approves conceptual designs, but regardless, I look forward to having a discussion on Tuesday regarding the costs for the pool facilities. Thank you very much for your consideration.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Ordinance #19-11 Amending Section 30-2(h) Regarding Sale of Alcohol in City Parks and 106-4(c)(7)c. De Pere Municipal Code Regarding Mobile Food Establishment Zonig/Location Restrictions.

ATTACHMENTS:

- Ord19-11 (DOCX)
- Mayor & CC Memo 5-9-19 Park and Food Truck changes (DOCX)
- Ord 19- city park beer-wine and food truck amends (DOCX)
- Ord19-01 (DOCX)

ORDINANCE #19-11

AMENDING SECTION 30-2(h) DE PERE MUNICIPAL CODE REGARDING SALE OF ALCOHOL
IN CITY PARKS AND 106-4(c)(7)c. DE PERE MUNICIPAL CODE REGARDING MOBILE FOOD
ESTABLISHMENT ZONING/LOCATION RESTRICTIONS

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

SECTION 1. Section 30-2(h) is hereby amended to add the following as (2):

(2) Beer and/or wine may be sold by an entity with both a Special Event Permit for said park issued under Section 106-6 of this Code and a Temporary “Class B” license (“Picnic License”) issued pursuant to Section 7-2(e)(2) of this Code.

and renumbering subsequent paragraphs accordingly.

SECTION 2. Section 106-4(c)(7)c., *Zoning Restrictions*, is repealed and recreated to read:

Sec. 106-4 (c)(7)c. Zoning/location restrictions. The vendor of the mobile food establishment shall not operate in the following:

1. a congested area where such operation impedes or inconveniences public use;
2. any public park unless a private vending permit has been issued under [section 30-2\(i\)](#) of this Code or the vendor is under contract with the City to operate during a city-sponsored event; or
3. upon any playground, school, library or other public premises.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 7th day of

May, 2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Publication Date: _____

MEMORANDUM

TO: Mayor Michael J. Walsh
Common Council Members

FROM: Judith Schmidt-Lehman, City Attorney

DATE: May 7, 2019 (meeting date)

RE: Revisions to Park Ordinance and Mobile Food Vendor Regulations

In January, 2019, the Council approved various ordinance changes to accommodate city sponsored beer gardens in city parks. Attached is a copy of that ordinance.

In discussions with Park, Recreation & Forestry Director Marty Kosobucki, it is apparent that a slight revision would be beneficial; namely eliminating the need for a private vendor permit from the Board of Park Commissioners for:

- (1) selling beer/wine in a city park under a “special event license” when the applicant has also been granted a “picnic license” by the City Clerk authorizing the sale of beer/wine at the event under a temporary “picnic license”; and
- (2) allowing mobile food establishments (food trucks) to vend at city parks at city request during city sponsored events.

The attached ordinance accomplishes both revisions. A “red-lined” version of the existing ordinances is also included so you can track where the changes are being made.

If you have any questions regarding these changes ahead of the Council meeting, please call Marty at 339-8358 or Judy at 339-4042.

Section 30-2(h) *Sale of alcohol beverages.*

- (1) Pursuant to Wis. Stats. § 125.06(6), fermented malt beverages may be sold by city officers or employees in any city park under such terms and conditions as authorized by the board.
- (2) Beer and/or wine may be sold by an entity with both a Special Event Permit for said park issued under Section 106-6 of this Code and a Temporary "Class B" license ("Picnic License") issued pursuant to Section 7-2(e)(2) of this Code.
- (3) Other than as provided above, alcohol beverages may be sold only pursuant to a private vendor permit granted under paragraph (j) of this section.

Mobile Food Establishment License Requirements

§106-4 (c)(7)c. *Zoning restrictions.*

The vendor of the mobile food establishment shall not operate in the following:

1. a congested area where such operation impedes or inconveniences public use;
2. ~~No vendor shall engage in the licensed business on~~ any public park unless a park private vending permit has been issued by the board of park commissioners for such activity pursuant to under section 30-2(i) of this Code or the vendor is under contract with the City to operate during a city sponsored event; or
3. ~~nor shall any vendor engage in the licensed business~~ upon any playground, school, library or other public premises.

ORDINANCE #19-01

REPEALING AND RECREATING SECTION 30-2 DE PERE MUNICIPAL CODE
REGARDING PARK REGULATIONS

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

Section 1: Section 30-2. – *Park Regulations.*, is hereby repealed and recreated as

follows:

Sec. 30-2. – Park Regulations.

(a) *Definitions.* In this Section, the following words or phrases shall have the meaning set forth below:

(1) “Alcohol beverage or beverages” means fermented malt beverages and intoxicating liquor all as provided for and defined in Chapter 125, Wisconsin Statutes.

(2) “Board” means the Board of Park Commissioners.

(3) “Director” means the Director of Parks, Recreation and Forestry.

(b) *Use of parks.* No person shall enter or use any public park of the city except as permitted under this chapter and under the rules and regulations of the Board.

(c) *Injury to plants.* No person shall pluck or cause injury to any flowers, plants, shrubs, grass or trees growing in any of the public parks except city employees in the performance of their official duties.

(d) *Care of birds and animals.* No person shall misuse or mistreat any bird or fowl or animal or injure or remove any nests of any bird or animal in the parks, parkways or boulevards of the city.

(e) *Dogs, cats and other animals.* Except as provided below, no owner or keeper of any dog, cat or other animal shall permit such animal to enter or remain in any park in the city whether the animal is leashed or unleashed.

(1) This section shall not apply to animals used by law enforcement agencies while performing law enforcement functions.

(2) The Board may make exceptions to this prohibition on a temporary or permanent basis. Should the Board make such exception, it shall be upon such terms and conditions as set by the Board. Signs shall be erected at accessible points at city parks where such animals may be permitted informing the general public of the same.

(3) The Director is hereby authorized to permit dogs to be used in any city park for the elimination of nuisance animals, provided the following minimum guidelines are met:

a. The dog(s) for which permission is sought is presented with proof of current vaccination status and such dog(s) is licensed in the city in accordance with Chapter 86 of this Code and Wis. Stats. § 174.07, and;

b. The dog is easily identifiable as being engaged in "nuisance animal elimination".

c. The dog(s) owner shall have voice command control over such dog(s).

d. The permission granted may be revoked by the Director for any reason. The decision of the Director is final.

e. The Director may establish additional requirements not in conflict with this section.

(4) The Board may designate any city park or area within a city park as a dog park. Persons using such dog park shall do so upon such rules and regulations as are adopted by the Board, which shall be available to the public at the office of the Director and upon the city's official website.

(f) *Injury to property.* No person shall injure, deface, destroy, steal, take or carry away any of the equipment used in or upon any park of the city.

(g) *Disorderly conduct.* No persons shall appear in any park or in or on the Fox River in the state of nudity or in any indecent dress. No person shall make any indecent exposure of his or her person or be guilty of any indecent or obscene act, language, written or spoken, or other disorderly conduct. No person shall enter or be present in any park or in or on the Fox River while intoxicated.

(h) *Sale of Alcohol Beverages.*

(1) Pursuant to Wis. Stats. §125.06(6), fermented malt beverages may be sold by City officers or employees in any city park under such terms and conditions as authorized by the Board.

(2) Other than as provided above, alcohol beverages may be sold only pursuant to a private vendor permit granted under paragraph (j) of this section.

(i) *Carry-in of Alcohol Beverages.*

(1) Subject to restrictions adopted by the Board, beer/wine may be brought to and consumed in public parks.

(2) Notwithstanding the foregoing, no person shall bring or in any way carry-in any alcohol beverages onto the fairgrounds during the annual county fair.

(3) No person shall possess intoxicating liquor (excluding wine) in any park without first obtaining official permit therefor from the Director. This subsection shall not apply to the sale and possession of intoxicating liquor (excluding wine) vended pursuant to a private vendor permit issued under this section, provided the sale and possession of such intoxicating liquor takes place within the time and location parameters of the permit.

(4) The Director may order an individual or groups of individuals to discontinue consuming alcohol beverages in any public park and to remove such alcohol beverages from the public parks if the Director has reason to believe that the presence and consumption of beer/wine in the public park is detrimental to the purposes of the public park.

(j) *Private vendor permits.*

(1) *Intent and purpose.* It is hereby declared to be the policy of the City and the Board to enhance the use and enjoyment of City Park and recreational areas by allowing the private vending of goods and services within such areas along the terms and conditions of this policy. This policy shall not apply to:

- a. Goods or services offered for sale or provided by the city;
- b. Goods or services offered for sale by bona fide city service clubs or charitable organizations in conjunction with authorized use of city park locations.

(2) *Procedure.*

a. *Request for permit.* The Board may issue a request for proposals (“RFP”) for the vending of goods or services in city park(s). Additionally, any person wishing to vend goods or services in any city park shall submit an application for a vending permit to the Director on or before December 1 for the following year. All proposals shall identify:

- 1. Name of applicant;
- 2. Type of vending activity sought/product to be sold;
- 3. Location where vending sought;
- 4. Proposed hours of operation;
- 5. Mode of vending (cart, vending machine, movable structure, etc.). Note: except for Riverwalk Fishing and Viewing Piers, no food truck vendors shall be considered for a private vendor permit unless the proposal is in response to the RFP issued by the Board.

b. *Number of permits to be allowed.* No more than three private vending permits per day shall be granted by the Board for any city park.

c. *Selection process.* The Director shall review each application submitted and make recommendations to the Board on the applications. In the event more than one complete application, per vending activity, is received from qualified applicants, the Director will review the applications and make a recommendation regarding the preferred applicant to the Board. Nothing herein shall require the Board to grant or not grant any requested permit. The Board may reject any or all applications.

(3) *Regulations.* Unless otherwise expressly provided in a permit issued by the Board pursuant to an RFP issued by the Board, the following regulations shall apply to private vendor permits:

a. *Annual permit.* The fee for an annual permit shall be as defined in the permit which shall be paid to the city clerk-treasurer within ten days of notice of permit approval from the Board. Such permit shall be issued by the Director on or before February 28 of each year, or thereafter when applied for, and shall expire one year following its issuance. The permit shall specify the location authorized and the hours of operation allowed under the permit.

b. *Liability insurance.* To hold a valid permit, the vendor must have in force adequate liability insurance and must agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the license is granted. As evidence of liability insurance, the applicant shall furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of commercial general liability insurance (including contractual liability) naming the City of De Pere, its employees and agents as additional

insureds, together with the appropriate endorsement therefore, with minimum limits of \$1,000,000.00 in the aggregate. The certificate of insurance shall provide 30 days' written notice to the city upon cancellation, or nonrenewal or material change in the policy. If food is to be vended, such insurance shall also include products liability insurance and comply with all requirements above.

c. *Alcohol.* There shall be no sale of alcoholic beverages.

d. *Revocation/suspension of permit.* Revocation or suspension of permit may be ordered by the Board upon cause after notice to the permittee and hearing before the Board. In lieu of revocation or suspension, the Board may place reasonable conditions or restrictions on the permit for the remainder of the vending year in order to effectuate the provisions of this chapter and ensure compliance by the permit holder. No condition imposed may be contrary to or inconsistent with any ordinance, regulation or statute regulating vending activities. If any permit holder fails or neglects to comply with the conditions or restrictions imposed by the Board, her/his permit may be suspended or revoked as provided above.

e. *Change of address.* A vendor to whom a vending permit has been issued under this subsection shall inform the Director, or his/her designee, of any change of address of the primary vendor named on the permit, in writing, if the address change occurs during the time period for which the vending license was issued.

f. *Maintenance of area.* Vendors must maintain their vending areas in a clean and hazard-free condition.

g. *Vendor only.* It is unlawful for any vendor licensed under section 9-13 to permit any other person to vend at the permitted site.

h. *Park amenities.* No vendor shall be permitted to use any of the amenities, such as benches, flower planters, trees, bus shelters, kiosks, light poles or any other utility poles for display of merchandise or to attach any ropes or other vending equipment to any of the aforementioned.

i. *Obstruction of fire hydrants.* No vending equipment shall be permitted within a ten-foot radius of a fire hydrant.

j. *Signage.* Vending equipment and displays, including signage, shall be directed away from the street. In addition, merchandise shall be displayed in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street in order to examine it.

k. *Vendor on site.* Except for permits issued for vending machines or other self-serve outlets, a vendor shall be present within the vending site at all times during which items are displayed or sold.

l. *Removal of vending equipment.* All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited.

m. *Compliance with laws.* All vendors shall comply with all other state, federal and local laws and permit requirements, including but not limited to health department permits, direct seller permits, Wisconsin seller's permit and the like.

n. *Enforcement.* The Director, or designee authorized in writing, shall have concurrent authority with the chief of police, or designee, to enforce the above restrictions on vending. They shall further have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of these regulations.

o. *Utility connections.* Permittee shall pay all costs associated with any electric supply needs.

(k) *Nuisances.* No person shall commit any nuisance upon any portion of any park.

(l) *Refuse.* No person shall pile, deposit or place any rubbish or scatter boxes or other refuse or debris in any park. Persons using the park shall deposit all refuse in the containers provided therefor.

(m) *Park closed; entry prohibited.*

(1) Except as provided herein, all parks within the city shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m. and no person shall enter or remain upon any park property during these hours. The hours the park is closed to the public also prohibits causing or allowing the docking of any watercraft upon any city-owned boat landing except as specifically permitted by [section 30-4](#).

(2) *Exceptions.*

a. Voyager Park shall be closed to the public between the hours of 11:00 p.m. and 4:00 a.m.

b. The hours of operation of the county fairgrounds shall be governed by [section 30-3\(5\)](#).

c. Dog parks shall be closed between the hours of sunset and 7:00 a.m.

d. The Director or designee authorized in writing, may, in writing and upon request, extend the hours of operation at the community center to 1:00 a.m.

(3) The Director or designee authorized in writing, may, in conjunction with the issuance of a permit under [section 30-6](#) of this chapter:

a. Approve a request by permittee to charge a fee for the parking of vehicles at the event provided that:

(i) The city receives 50 percent of the net parking revenue not to exceed \$2.00/vehicle;

(ii) The permittee provides the Director with a written parking plan and schematic for review and approval at least 30 days prior to the event.

b. Approve a request by a permittee hosting a multiple, consecutive day event, to remain in the park during closed hours, including overnight, for purposes of security. In granting such permission, the Director may impose conditions that are including, but not limited to, the following:

(i) Ingress and egress to area of overnight use shall be allowed at all times;

(ii) No campfires, open flame, lit-charcoal or other outside burning shall be allowed;

(iii) The area of overnight use shall be kept neat and orderly with covered trash receptacles provided and maintained by permittee;

(iv) No outside display or storage of laundry is permitted;

(v) No tents will be permitted;

(vi) All gray and black water shall be disposed of at a permitted facility.

(n) *Feeding of birds or fowl.*

(1) The feeding of birds or fowl in city parks as to create a public nuisance is hereby prohibited.

(2) If the health commissioner, or designee authorized in writing, determines that there exists upon any city park property a public health nuisance caused, in full or in part, by the feeding of birds or fowl, the health commissioner may report such finding to the Board.

(3) The Board may, upon receiving such report, cause such area affected to be posted with a notice that such feeding of birds or fowl is prohibited.

(4) Any person violating such posted notice may be proceeded against under [chapter 78](#) of this Code prohibiting public nuisances.

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

Section 3. This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 2nd day of January, 2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Board/Committee Approval: 10/18/18

Publication Date: _____

Effective Date: _____



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Ordinance #19-12 Correcting Section 10-9 De Pere Municipal Code Regarding Membership Size of Board of Review.

ATTACHMENTS:

- Ord19-12 (DOCX)
- Mayor CC Memo 5-9-19 Board of Review Correction (PDF)
- 2017 Amend 10-9 DPMC docs (PDF)

ORDINANCE #19-12

CORRECTING SECTION 10-9 DE PERE MUNICIPAL CODE
REGARDING MEMBERSHIP SIZE OF BOARD OF REVIEW

Section 1: Sec. 10-9(a) is hereby amended by changing the number citizen members appointed to the board from three to five.

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

Section 3: This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 7th day of May, 2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Publication Date: _____

Effective Date: _____

MEMORANDUM

TO: Mayor Michael J. Walsh
Common Council Members

FROM: Judith Schmidt-Lehman, City Attorney

DATE: May 7, 2019 (meeting date)

RE: Correction of Section 10-9 De Pere Municipal Code Regarding Board Make-up

In May, 2017, the Council adopted Ordinance 17-08, which revised the make-up of the Board of Review with the goal of revising the Board from a three member board with two alternates to a five member board. During the 2019 opening session of the Board of Review, I discovered that while the ordinance intended to enlarge the board to 5 members, the actual ordinance that was approved by the Council unintentionally omitted that change. See the attached red-lined and adopted versions of the 2017 ordinance changes.

The ordinance on the May 7, 2019 agenda will correct the omission.

If you have any question regarding this, please feel free to call me at 339-4042.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 16, 2017

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Ordinance #17-08, Amending Section 10-9 De Pere Municipal Code Regarding Number of Board of Review Members

Mayor Walsh requested this ordinance be drafted and placed on the Council agenda. Currently, the Board of Review consists of three members and two alternates. This ordinance would make all five members regular members for purposes of participation on the Board.

ATTACHMENTS:

- Ord17-08 (DOCX)
- Board of review Ord Update red lined (DOCX)

Sec. 10-9. - Board of review.

- (a) *Membership.* The board of review shall consist of ~~three~~ five citizen members appointed by the mayor and confirmed by the common council. Appointment shall be made at the first regular meeting of the common council, or as soon thereafter as may be convenient, but prior to the date set by statute for the initial meeting of the board. ~~The mayor shall also appoint two alternate members of such board in addition to the three members provided for above. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The term provisions of [subsection] (b) shall apply to the alternate members.~~
- (b) *Term.* Members of the board shall be appointed for terms of three years, ~~except that for the initial appointments after the effective date of the ordinance from which this section is derived, one member shall be appointed for three years, one member shall be appointed for two years and one member shall be appointed for one year.~~
- (c) *Compensation.* Members of the board of review shall be compensated at the rate of \$60.00 per day for each day the board is in session, except that compensation shall be paid at the rate of \$35.00 for any day in which the board is in session for less than four hours.
- (d) *Proceedings.* The board of review shall perform the duties in the manner set forth in Wis. Stats. § 70.47.
- (e) *Clerical duties.* The office of the clerk-treasurer shall act as recording secretary of the board of review, but shall not be considered a member of the board for purposes of consideration and vote on matters before the board. The office of clerk-treasurer shall coordinate and schedule matters before the board, provide necessary notices, keep an accurate record of all its proceedings, and perform all related clerical duties.

ORDINANCE #17-08

AMENDING SECTION 10-9 DE PERE MUNICIPAL CODE
REGARDING MEMBERSHIP SIZE OF BOARD OF REVIEW

Section 1: Sec. 10-9(a) is hereby amended by deleting the last three sentences of that paragraph.

Section 2: Sec. 10-9(b) is hereby amended by adding a period (.) after the word "years" in the first phrase and deleting all remaining provisions of the paragraph.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 16th day of May, 2017.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, City Clerk-Treasurer

Ayes: _____

Nays: _____

Publication Date: _____

Effective Date: _____



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Resolution #19-41 Supporting Assembly Bill 18 and 2019 Senate Bill 9 and Urging State Legislature to Enact.

Aldersperson Hansen requested this Resolution be placed on the Council Agenda.

ATTACHMENTS:

- Reso19-41 (DOCX)
- 2019 Senate Bill 9 (PDF)
- 2019 Assembly Bill 18 (PDF)

Resolution #19-41
SUPPORTING ASSEMBLY BILL 18 AND 2019 SENATE BILL 9
AND URGING STATE LEGISLATURE TO ENACT

WHEREAS, operating a motor vehicle while under the influence of alcohol or drugs (OWI) continues to be a grave problem in De Pere and throughout the State of Wisconsin; and

WHEREAS, in 2018, the De Pere Police Department issued 105 OWI charges, including 6 felonies (a felony requires 4 prior convictions), 11 misdemeanors (a misdemeanor requires 2 or 3 prior convictions), and 88 first-time OWIs; and

WHEREAS, over the last eight years, the Brown County OWI Task Force made 2,176 OWI arrests; and

WHEREAS, in 2017, nearly 17,000 Wisconsin residents were issued first offense OWI citations according to data collected by the Wisconsin Department of Transportation; and

WHEREAS, despite widespread public reporting of numerous tragic incidents involving drunk or drugged drivers, the dangerous and deadly activity of driving under the influence continues; and

WHEREAS, Wisconsin is the only state in the country where a first-time OWI is not a criminal offense; instead, Wisconsin treats first-time OWI as a civil offense, with only monetary penalty consequences up to \$300; and

WHEREAS, companion bipartisan bills in the Wisconsin State Legislature, 2019 Assembly Bill 18 and 2019 Senate Bill 9, have been introduced which would make first-time OWI a criminal misdemeanor subject to a fine up to \$500, or 30 days in jail, or both; and

WHEREAS, a similar bill with bipartisan support passed the State Assembly in 2013, but was not brought up for a vote in the State Senate at that time; and

WHEREAS, in order to provide first time OWI offenders with a second chance, 2019 Assembly Bill 18 and 2019 Senate Bill 9 creates a process for the expungement of a criminal first time OWI conviction record (by amending the conviction back to a civil violation) if the offender commits no other OWI-related offenses within five years after the original conviction; and

WHEREAS, the Council believes that it is time for the legislature to align itself with the legislative voices of the other 49 states in the Union and criminalize 1st offense OWI.

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

Resolution #19-41
Page 2 of 2

The Common Council of the City of De Pere hereby voices its support for 2019 Assembly Bill 18 and 2019 Senate Bill 9 and urges the state legislature to enact the same.

BE IT FURTHER RESOLVED THAT:

The City Clerk is authorized and directed to provide a copy of this Resolution to Governor Tony Evers, Senators David Hansen, Robert Cowles and Andre Jacques and Assembly Representatives John Macco, David Steffen, and Shae Sortwell.

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 7th day of May, 2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____



State of Wisconsin
2019 - 2020 LEGISLATURE

1.13.b

LRB-1198/1

EVM:emw

2019 SENATE BILL 9

January 29, 2019 - Introduced by Senators DARLING, CARPENTER, JACQUE, KOOYENGA, LARSON, MARKLEIN, NASS and L. TAYLOR, cosponsored by Representatives OTT, ANDERSON, KERKMAN, SINICKI, SORTWELL, SPIROS, SUBECK and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to repeal** 346.65 (2) (f) 1. and 346.65 (2g) (d); **to renumber and amend**
2 346.65 (2) (am) 1. and 346.65 (2) (f) 2.; **to amend** 343.30 (1q) (b) (intro.), 343.30
3 (1q) (b) 3., 343.305 (10) (b) 3., 343.31 (3) (bm) 3., 345.20 (2) (c), 345.24 (1), 346.65
4 (2) (am) 2., 346.65 (2) (bm), 346.65 (2c), 346.65 (2e), 346.65 (2g) (a), 346.65 (2g)
5 (ag), 346.65 (2g) (am), 346.65 (2i), 939.51 (1) (intro.) and 972.11 (3m); and **to**
6 **create** 346.65 (2) (am) 1. b., c. and d. of the statutes; **relating to:** penalties for
7 offenses related to operating a vehicle while intoxicated and providing a
8 penalty.

Analysis by the Legislative Reference Bureau

This bill criminalizes a first offense relating to operating a vehicle while intoxicated (OWI-related offense).

Under current law, a first OWI-related offense is a civil violation, unless there was a minor passenger under the age of 16 in the vehicle at the time of the offense. A person who commits a civil OWI-related offense is subject to a forfeiture of not less than \$150 nor more than \$300. Subsequent OWI-related offenses are crimes punishable by fines and periods of imprisonment that increase with every subsequent offense.

Current law increases the penalty for a second OWI-related offense if the person committed the second offense within ten years of the first offense or if the

Attachment: 2019 Senate Bill 9 (8167 : Reso #19-41 Supporting Assembly Bill 18 and 2019 Senate Bill 9 and Urging Legislature to Enact.)

SENATE BILL 9

person committed an OWI-related offense that caused death or great bodily harm to another.

Under this bill, a person who commits a first OWI-related offense is guilty of a Class C misdemeanor and may be fined up to \$500, imprisoned for up to 30 days, or both. Under the bill, a person who commits a second OWI-related offense is subject to the increased penalties regardless of whether the person commits the offense within ten years of his or her first OWI-related offense.

Under the bill, a court may, upon petition by the person who has been convicted of a first OWI-related offense, vacate the person's criminal conviction and amend the record to a civil violation if, in the five years since the person was convicted of the offense, he or she has not committed any other OWI-related offense. Under the bill, the clerk of courts amends the court records that are available in person and online to show only the civil violation.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 343.30 (1q) (b) (intro.) of the statutes is amended to read:

343.30 (1q) (b) (intro.) For persons convicted under s. 346.63 (1) ~~or a local ordinance in conformity therewith:~~

SECTION 2. 343.30 (1q) (b) 3. of the statutes is amended to read:

343.30 (1q) (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1) ~~within a 10-year period~~, equals 2, the court shall revoke the person's operating privilege for not less than one year nor more than 18 months. After the first 45 days of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

SENATE BILL 9

1 **SECTION 3.** 343.305 (10) (b) 3. of the statutes is amended to read:

2 343.305 **(10)** (b) 3. Except as provided in subd. 4m., if the number of convictions
3 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
4 convictions, suspensions, and revocations counted under s. 343.307 (2) ~~within a~~
5 ~~10-year period~~, equals 2, the court shall revoke the person's operating privilege for
6 2 years. After the first 90 days of the revocation period or, if the total number of
7 convictions, suspensions, and revocations counted under this subdivision within any
8 5-year period equals 2 or more, after one year of the revocation period has elapsed,
9 the person is eligible for an occupational license under s. 343.10 if he or she has
10 completed the assessment and is complying with the driver safety plan.

11 **SECTION 4.** 343.31 (3) (bm) 3. of the statutes is amended to read:

12 343.31 **(3)** (bm) 3. Except as provided in subd. 4m., if the number of convictions
13 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
14 suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within~~
15 ~~a 10-year period~~, equals 2, the department shall revoke the person's operating
16 privilege for not less than one year nor more than 18 months. If an Indian tribal court
17 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
18 for not less than one year nor more than 18 months for the conviction specified in par.
19 (bm) (intro.), the department shall impose the same period of revocation. After the
20 first 60 days of the revocation period or, if the total number of convictions,
21 suspensions, and revocations counted under this subdivision within any 5-year
22 period equals 2 or more, after one year of the revocation period has elapsed, the
23 person is eligible for an occupational license under s. 343.10.

24 **SECTION 5.** 345.20 (2) (c) of the statutes is amended to read:

SENATE BILL 9

SECTION 5

1 345.20 (2) (c) Sections 967.055 and 972.11 (3m) apply to traffic forfeiture
2 actions for violations of s. 346.63 (1) ~~or~~ (5) or a local ordinance in conformity
3 therewith.

4 **SECTION 6.** 345.24 (1) of the statutes is amended to read:

5 345.24 (1) A person arrested under s. 346.63 (1) or (5) or an ordinance in
6 conformity ~~therewith~~ with s. 346.63 (5) or s. 346.63 (2) or (6) or 940.25, or s. 940.09
7 where the offense involved the use of a vehicle, may not be released until 12 hours
8 have elapsed from the time of his or her arrest or unless a chemical test administered
9 under s. 343.305 shows that the person has an alcohol concentration of less than 0.04,
10 but the person may be released to his or her attorney, spouse, relative or other
11 responsible adult at any time after arrest.

12 **SECTION 7.** 346.65 (2) (am) 1. of the statutes is renumbered 346.65 (2) (am) 1.
13 a. and amended to read:

14 346.65 (2) (am) 1. a. ~~Shall forfeit not less than \$150 nor more than \$300, except~~
15 Except as provided in subds. 2. to 7. and par. (f), is guilty of a Class C misdemeanor
16 and shall be imprisoned for not less than one day.

17 **SECTION 8.** 346.65 (2) (am) 1. b., c. and d. of the statutes are created to read:

18 346.65 (2) (am) 1. b. A person who is convicted of a violation under subd. 1. a.
19 may petition the court to vacate his or her conviction. The court shall order that the
20 conviction be vacated and the record of the conviction be expunged and that a record
21 of a civil violation be entered if the person has completed his or her sentence, as
22 defined in s. 973.015 (1m) (b), and, in the 5 years after the person was convicted of
23 the violation, the person was not convicted or adjudicated of committing a
24 subsequent violation that is counted as a suspension, revocation, or conviction under
25 s. 343.307 (1).

SENATE BILL 9

1 c. The clerk of court shall forward a copy of the order to amend the record of the
2 conviction to a civil offense to the department of justice and to the department of
3 transportation.

4 d. A conviction that is vacated under subd. 1. b. is not a conviction for any
5 matter relating to an application for employment or for the rental, purchase, or
6 financing of housing.

7 **SECTION 9.** 346.65 (2) (am) 2. of the statutes is amended to read:

8 346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not
9 less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more
10 than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the
11 person's lifetime, plus the total number of suspensions, revocations, and other
12 convictions counted under s. 343.307 (1) ~~within a 10-year period~~, equals 2, except
13 that suspensions, revocations, or convictions arising out of the same incident or
14 occurrence shall be counted as one.

15 **SECTION 10.** 346.65 (2) (bm) of the statutes is amended to read:

16 346.65 (2) (bm) In any county that opts to offer a reduced minimum period of
17 imprisonment for the successful completion of a probation period that includes
18 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
19 and 940.25 in the person's lifetime, plus the total number of suspensions,
20 revocations, and other convictions counted under s. 343.307 (1) ~~within a 10-year~~
21 ~~period~~, equals 2, except that suspensions, revocations, or convictions arising out of
22 the same incident or occurrence shall be counted as one, the fine shall be the same
23 as under par. (am) 2., but the period of imprisonment shall be not less than 5 days,
24 except that if the person successfully completes a period of probation that includes
25 alcohol and other drug treatment, the period of imprisonment shall be not less than

SENATE BILL 9**SECTION 10**

1 5 nor more than 7 days. A person may be sentenced under this paragraph or under
 2 par. (cm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

3 **SECTION 11.** 346.65 (2) (f) 1. of the statutes is repealed.

4 **SECTION 12.** 346.65 (2) (f) 2. of the statutes is renumbered 346.65 (2) (f) and
 5 amended to read:

6 346.65 (2) (f) If there was a minor passenger under 16 years of age in the motor
 7 vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1),
 8 the applicable minimum and maximum fines and imprisonment under par. (am) 2.
 9 ~~to 7.~~ for the conviction are doubled. An offense under s. 346.63 (1) that subjects a
 10 person to a penalty under par. (am) 3., 4., 5., 6., or 7. when there is a minor passenger
 11 under 16 years of age in the motor vehicle is a felony and the place of imprisonment
 12 shall be determined under s. 973.02.

13 **SECTION 13.** 346.65 (2c) of the statutes is amended to read:

14 346.65 (2c) In sub. (2) (am) ~~2., 3., 4., 5., 6., and 7.~~, the time period shall be
 15 measured from the dates of the refusals or violations that resulted in the revocation
 16 or convictions. If a person has a suspension, revocation, or conviction for any offense
 17 under a local ordinance or a state statute of another state that would be counted
 18 under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior
 19 suspension, revocation, or conviction under sub. (2) (am) ~~2., 3., 4., 5., 6., and 7.~~

20 **SECTION 14.** 346.65 (2e) of the statutes is amended to read:

21 346.65 (2e) If the court determines that a person does not have the ability to
 22 pay the costs and fine ~~or forfeiture~~ imposed under sub. (2) (am), (f), or (g), the court
 23 may reduce the costs, or fine, ~~and forfeiture~~ imposed and order the person to pay,
 24 toward the cost of the assessment and driver safety plan imposed under s. 343.30 (1q)

SENATE BILL 9

1 (c), the difference between the amount of the reduced costs and fine ~~or forfeiture~~ and
2 the amount of costs and fine ~~or forfeiture~~ imposed under sub. (2) (am), (f), or (g).

3 **SECTION 15.** 346.65 (2g) (a) of the statutes is amended to read:

4 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)
5 to provide that a defendant perform community service work for a public agency or
6 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.
7 (2) (am) 1., 2., 3., 4., and 5., (f), and (g) and except as provided in par. (ag), the court
8 ~~may provide that a defendant perform community service work for a public agency~~
9 ~~or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub.~~
10 ~~(2) (am) 1. or~~ may require a person who is subject to sub. (2) to perform community
11 service work for a public agency or a nonprofit charitable organization in addition
12 to the penalties specified under sub. (2).

13 **SECTION 16.** 346.65 (2g) (ag) of the statutes is amended to read:

14 346.65 (2g) (ag) If the court determines that a person does not have the ability
15 to pay a fine imposed under sub. (2) (am) 1., 2., 3., 4., or 5., (f), or (g), the court shall
16 require the defendant to perform community service work for a public agency or a
17 nonprofit charitable organization in lieu of paying the fine imposed or, if the amount
18 of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the
19 fine. Each hour of community service performed in compliance with an order under
20 this paragraph shall reduce the amount of the fine owed by an amount determined
21 by the court.

22 **SECTION 17.** 346.65 (2g) (am) of the statutes is amended to read:

23 346.65 (2g) (am) Notwithstanding s. 973.05 (3) (b), an order under par. (a) or
24 (ag) may apply only if agreed to by the organization or agency. The court shall ensure
25 that the defendant is provided a written statement of the terms of the community

SENATE BILL 9

SECTION 17

1 service order and that the community service order is monitored. Any organization
2 or agency acting in good faith to which a defendant is assigned pursuant to an order
3 under this subsection has immunity from any civil liability in excess of \$25,000 for
4 acts or omissions by or impacting on the defendant. ~~The issuance or possibility of the~~
5 ~~issuance of a community service order under this subsection does not entitle an~~
6 ~~indigent defendant who is subject to sub. (2) (am) 1. to representation by counsel~~
7 ~~under ch. 977.~~

8 **SECTION 18.** 346.65 (2g) (d) of the statutes is repealed.

9 **SECTION 19.** 346.65 (2i) of the statutes is amended to read:

10 346.65 (2i) In addition to the authority of the court under sub. (2g) and s. 973.05
11 (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to
12 s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1), or 940.25, to visit a site that
13 demonstrates the adverse effects of substance abuse or of operating a vehicle while
14 under the influence of an intoxicant or other drug, including a treatment facility
15 approved under s. 51.45 or an emergency room of a general hospital ~~in lieu of part~~
16 ~~or all of any forfeiture imposed or in addition to any penalty imposed.~~ The court may
17 order the defendant to pay a reasonable fee, based on the person's ability to pay, to
18 offset the costs of establishing, maintaining, and monitoring the visits ordered under
19 this subsection. The court may order a visit to the site only if agreed to by the person
20 responsible for the site. If the opportunities available to visit sites under this
21 subsection are fewer than the number of defendants eligible for a visit, the court
22 shall, when making an order under this subsection, give preference to defendants
23 who were under 21 years of age at the time of the offense. The court shall ensure that
24 the visit is monitored. A visit to a site may be ordered for a specific time and a specific
25 day to allow the defendant to observe victims of vehicle accidents involving

SENATE BILL 9

1 intoxicated drivers. If it appears to the court that the defendant has not complied
2 with the court order to visit a site or to pay a reasonable fee, the court may order the
3 defendant to show cause why he or she should not be held in contempt of court. Any
4 organization or agency acting in good faith to which a defendant is assigned pursuant
5 to an order under this subsection has immunity from any civil liability in excess of
6 \$25,000 for acts or omissions by or impacting on the defendant. ~~The issuance or~~
7 ~~possibility of the issuance of an order under this subsection does not entitle an~~
8 ~~indigent defendant who is subject to sub. (2) (am) 1. to representation by counsel~~
9 ~~under ch. 977.~~

10 **SECTION 20.** 939.51 (1) (intro.) of the statutes is amended to read:

11 939.51 (1) (intro.) Misdemeanors in chs. 346 and 939 to 951 are classified as
12 follows:

13 **SECTION 21.** 972.11 (3m) of the statutes is amended to read:

14 972.11 (3m) A court may not exclude evidence in any criminal action ~~or traffic~~
15 ~~forfeiture action~~ for violation of s. 346.63 (1) or any criminal action or traffic
16 forfeiture action for a violation of s. 346.63 (5), or a local ordinance in conformity with
17 s. 346.63 (1) or (5), on the ground that the evidence existed or was obtained outside
18 of this state.

19 **SECTION 22. Initial applicability.**

20 (1) This act first applies to violations committed on the effective date of this
21 subsection but does not preclude the counting of other convictions, suspensions, or
22 revocations as prior convictions, suspensions, or revocations for purposes of
23 administrative action by the department of transportation or sentencing by a court.



State of Wisconsin
2019 - 2020 LEGISLATURE

1.13.c

LRB-1007/1

EVM:emw

2019 ASSEMBLY BILL 18

February 8, 2019 - Introduced by Representatives OTT, SPIROS, ANDERSON, KERKMAN, MURPHY, SINICKI, SUBECK, C. TAYLOR, WICHGERS and HUTTON, cosponsored by Senators DARLING, CARPENTER, JACQUE, KOORYENGA, LARSON and MARKLEIN. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to repeal** 346.65 (2) (f) 1. and 346.65 (2g) (d); **to renumber and amend**
2 346.65 (2) (am) 1. and 346.65 (2) (f) 2.; **to amend** 343.30 (1q) (b) (intro.), 343.30
3 (1q) (b) 3., 343.305 (10) (b) 3., 343.31 (3) (bm) 3., 345.20 (2) (c), 345.24 (1), 346.65
4 (2) (am) 2., 346.65 (2) (bm), 346.65 (2c), 346.65 (2e), 346.65 (2g) (a), 346.65 (2g)
5 (ag), 346.65 (2g) (am), 346.65 (2i), 939.51 (1) (intro.) and 972.11 (3m); and **to**
6 **create** 346.65 (2) (am) 1. b., c. and d. of the statutes; **relating to:** penalties for
7 offenses related to operating a vehicle while intoxicated and providing a
8 penalty.

Analysis by the Legislative Reference Bureau

This bill criminalizes a first offense relating to operating a vehicle while intoxicated (OWI-related offense).

Under current law, a first OWI-related offense is a civil violation, unless there was a minor passenger under the age of 16 in the vehicle at the time of the offense. A person who commits a civil OWI-related offense is subject to a forfeiture of not less than \$150 nor more than \$300. Subsequent OWI-related offenses are crimes punishable by fines and periods of imprisonment that increase with every subsequent offense.

Current law increases the penalty for a second OWI-related offense if the person committed the second offense within ten years of the first offense or if the

Attachment: 2019 Assembly Bill 18 (8167 : Reso #19-41 Supporting Assembly Bill 18 and 2019 Senate Bill 9 and Urging Legislature to Enact.)

ASSEMBLY BILL 18

person committed an OWI-related offense that caused death or great bodily harm to another.

Under this bill, a person who commits a first OWI-related offense is guilty of a Class C misdemeanor and may be fined up to \$500, imprisoned for up to 30 days, or both. Under the bill, a person who commits a second OWI-related offense is subject to the increased penalties regardless of whether the person commits the offense within ten years of his or her first OWI-related offense.

Under the bill, a court may, upon petition by the person who has been convicted of a first OWI-related offense, vacate the person's criminal conviction and amend the record to a civil violation if, in the five years since the person was convicted of the offense, he or she has not committed any other OWI-related offense. Under the bill, the clerk of courts amends the court records that are available in person and online to show only the civil violation.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 343.30 (1q) (b) (intro.) of the statutes is amended to read:

343.30 (1q) (b) (intro.) For persons convicted under s. 346.63 (1) ~~or a local ordinance in conformity therewith:~~

SECTION 2. 343.30 (1q) (b) 3. of the statutes is amended to read:

343.30 (1q) (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1) ~~within a 10-year period~~, equals 2, the court shall revoke the person's operating privilege for not less than one year nor more than 18 months. After the first 45 days of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

ASSEMBLY BILL 18

1 **SECTION 3.** 343.305 (10) (b) 3. of the statutes is amended to read:

2 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
3 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
4 convictions, suspensions, and revocations counted under s. 343.307 (2) ~~within a~~
5 ~~10-year period~~, equals 2, the court shall revoke the person's operating privilege for
6 2 years. After the first 90 days of the revocation period or, if the total number of
7 convictions, suspensions, and revocations counted under this subdivision within any
8 5-year period equals 2 or more, after one year of the revocation period has elapsed,
9 the person is eligible for an occupational license under s. 343.10 if he or she has
10 completed the assessment and is complying with the driver safety plan.

11 **SECTION 4.** 343.31 (3) (bm) 3. of the statutes is amended to read:

12 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
13 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
14 suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within~~
15 ~~a 10-year period~~, equals 2, the department shall revoke the person's operating
16 privilege for not less than one year nor more than 18 months. If an Indian tribal court
17 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
18 for not less than one year nor more than 18 months for the conviction specified in par.
19 (bm) (intro.), the department shall impose the same period of revocation. After the
20 first 60 days of the revocation period or, if the total number of convictions,
21 suspensions, and revocations counted under this subdivision within any 5-year
22 period equals 2 or more, after one year of the revocation period has elapsed, the
23 person is eligible for an occupational license under s. 343.10.

24 **SECTION 5.** 345.20 (2) (c) of the statutes is amended to read:

ASSEMBLY BILL 18

SECTION 5

1 345.20 (2) (c) Sections 967.055 and 972.11 (3m) apply to traffic forfeiture
2 actions for violations of s. 346.63 (1) ~~or~~ (5) or a local ordinance in conformity
3 therewith.

4 **SECTION 6.** 345.24 (1) of the statutes is amended to read:

5 345.24 (1) A person arrested under s. 346.63 (1) or (5) or an ordinance in
6 conformity ~~therewith~~ with s. 346.63 (5) or s. 346.63 (2) or (6) or 940.25, or s. 940.09
7 where the offense involved the use of a vehicle, may not be released until 12 hours
8 have elapsed from the time of his or her arrest or unless a chemical test administered
9 under s. 343.305 shows that the person has an alcohol concentration of less than 0.04,
10 but the person may be released to his or her attorney, spouse, relative or other
11 responsible adult at any time after arrest.

12 **SECTION 7.** 346.65 (2) (am) 1. of the statutes is renumbered 346.65 (2) (am) 1.
13 a. and amended to read:

14 346.65 (2) (am) 1. a. ~~Shall forfeit not less than \$150 nor more than \$300, except~~
15 Except as provided in subds. 2. to 7. and par. (f), is guilty of a Class C misdemeanor
16 and shall be imprisoned for not less than one day.

17 **SECTION 8.** 346.65 (2) (am) 1. b., c. and d. of the statutes are created to read:

18 346.65 (2) (am) 1. b. A person who is convicted of a violation under subd. 1. a.
19 may petition the court to vacate his or her conviction. The court shall order that the
20 conviction be vacated and the record of the conviction be expunged and that a record
21 of a civil violation be entered if the person has completed his or her sentence, as
22 defined in s. 973.015 (1m) (b), and, in the 5 years after the person was convicted of
23 the violation, the person was not convicted or adjudicated of committing a
24 subsequent violation that is counted as a suspension, revocation, or conviction under
25 s. 343.307 (1).

ASSEMBLY BILL 18

1 c. The clerk of court shall forward a copy of the order to amend the record of the
2 conviction to a civil offense to the department of justice and to the department of
3 transportation.

4 d. A conviction that is vacated under subd. 1. b. is not a conviction for any
5 matter relating to an application for employment or for the rental, purchase, or
6 financing of housing.

7 **SECTION 9.** 346.65 (2) (am) 2. of the statutes is amended to read:

8 346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not
9 less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more
10 than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the
11 person's lifetime, plus the total number of suspensions, revocations, and other
12 convictions counted under s. 343.307 (1) ~~within a 10-year period~~, equals 2, except
13 that suspensions, revocations, or convictions arising out of the same incident or
14 occurrence shall be counted as one.

15 **SECTION 10.** 346.65 (2) (bm) of the statutes is amended to read:

16 346.65 (2) (bm) In any county that opts to offer a reduced minimum period of
17 imprisonment for the successful completion of a probation period that includes
18 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
19 and 940.25 in the person's lifetime, plus the total number of suspensions,
20 revocations, and other convictions counted under s. 343.307 (1) ~~within a 10-year~~
21 ~~period~~, equals 2, except that suspensions, revocations, or convictions arising out of
22 the same incident or occurrence shall be counted as one, the fine shall be the same
23 as under par. (am) 2., but the period of imprisonment shall be not less than 5 days,
24 except that if the person successfully completes a period of probation that includes
25 alcohol and other drug treatment, the period of imprisonment shall be not less than

ASSEMBLY BILL 18**SECTION 10**

1 5 nor more than 7 days. A person may be sentenced under this paragraph or under
 2 par. (cm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

3 **SECTION 11.** 346.65 (2) (f) 1. of the statutes is repealed.

4 **SECTION 12.** 346.65 (2) (f) 2. of the statutes is renumbered 346.65 (2) (f) and
 5 amended to read:

6 346.65 (2) (f) If there was a minor passenger under 16 years of age in the motor
 7 vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1),
 8 the applicable minimum and maximum fines and imprisonment under par. (am) 2,
 9 ~~to 7.~~ for the conviction are doubled. An offense under s. 346.63 (1) that subjects a
 10 person to a penalty under par. (am) 3., 4., 5., 6., or 7. when there is a minor passenger
 11 under 16 years of age in the motor vehicle is a felony and the place of imprisonment
 12 shall be determined under s. 973.02.

13 **SECTION 13.** 346.65 (2c) of the statutes is amended to read:

14 346.65 (2c) In sub. (2) (am) ~~2., 3., 4., 5., 6., and 7.,~~ the time period shall be
 15 measured from the dates of the refusals or violations that resulted in the revocation
 16 or convictions. If a person has a suspension, revocation, or conviction for any offense
 17 under a local ordinance or a state statute of another state that would be counted
 18 under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior
 19 suspension, revocation, or conviction under sub. (2) (am) ~~2., 3., 4., 5., 6., and 7.~~

20 **SECTION 14.** 346.65 (2e) of the statutes is amended to read:

21 346.65 (2e) If the court determines that a person does not have the ability to
 22 pay the costs and fine ~~or forfeiture~~ imposed under sub. (2) (am), (f), or (g), the court
 23 may reduce the costs, ~~or fine, and forfeiture~~ imposed and order the person to pay,
 24 toward the cost of the assessment and driver safety plan imposed under s. 343.30 (1q)

ASSEMBLY BILL 18

(c), the difference between the amount of the reduced costs and fine ~~or forfeiture~~ and the amount of costs and fine ~~or forfeiture~~ imposed under sub. (2) (am), (f), or (g).

SECTION 15. 346.65 (2g) (a) of the statutes is amended to read:

346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a) to provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a fine imposed under sub. (2) (am) 1., 2., 3., 4., and 5., (f), and (g) and except as provided in par. (ag), the court ~~may provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub. (2) (am) 1. or~~ may require a person who is subject to sub. (2) to perform community service work for a public agency or a nonprofit charitable organization in addition to the penalties specified under sub. (2).

SECTION 16. 346.65 (2g) (ag) of the statutes is amended to read:

346.65 (2g) (ag) If the court determines that a person does not have the ability to pay a fine imposed under sub. (2) (am) 1., 2., 3., 4., or 5., (f), or (g), the court shall require the defendant to perform community service work for a public agency or a nonprofit charitable organization in lieu of paying the fine imposed or, if the amount of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the fine. Each hour of community service performed in compliance with an order under this paragraph shall reduce the amount of the fine owed by an amount determined by the court.

SECTION 17. 346.65 (2g) (am) of the statutes is amended to read:

346.65 (2g) (am) Notwithstanding s. 973.05 (3) (b), an order under par. (a) or (ag) may apply only if agreed to by the organization or agency. The court shall ensure that the defendant is provided a written statement of the terms of the community

ASSEMBLY BILL 18**SECTION 17**

1 service order and that the community service order is monitored. Any organization
2 or agency acting in good faith to which a defendant is assigned pursuant to an order
3 under this subsection has immunity from any civil liability in excess of \$25,000 for
4 acts or omissions by or impacting on the defendant. ~~The issuance or possibility of the~~
5 ~~issuance of a community service order under this subsection does not entitle an~~
6 ~~indigent defendant who is subject to sub. (2) (am) 1. to representation by counsel~~
7 ~~under ch. 977.~~

8 **SECTION 18.** 346.65 (2g) (d) of the statutes is repealed.

9 **SECTION 19.** 346.65 (2i) of the statutes is amended to read:

10 346.65 (2i) In addition to the authority of the court under sub. (2g) and s. 973.05
11 (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to
12 s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1), or 940.25, to visit a site that
13 demonstrates the adverse effects of substance abuse or of operating a vehicle while
14 under the influence of an intoxicant or other drug, including a treatment facility
15 approved under s. 51.45 or an emergency room of a general hospital ~~in lieu of part~~
16 ~~or all of any forfeiture imposed or~~ in addition to any penalty imposed. The court may
17 order the defendant to pay a reasonable fee, based on the person's ability to pay, to
18 offset the costs of establishing, maintaining, and monitoring the visits ordered under
19 this subsection. The court may order a visit to the site only if agreed to by the person
20 responsible for the site. If the opportunities available to visit sites under this
21 subsection are fewer than the number of defendants eligible for a visit, the court
22 shall, when making an order under this subsection, give preference to defendants
23 who were under 21 years of age at the time of the offense. The court shall ensure that
24 the visit is monitored. A visit to a site may be ordered for a specific time and a specific
25 day to allow the defendant to observe victims of vehicle accidents involving

ASSEMBLY BILL 18

1 intoxicated drivers. If it appears to the court that the defendant has not complied
2 with the court order to visit a site or to pay a reasonable fee, the court may order the
3 defendant to show cause why he or she should not be held in contempt of court. Any
4 organization or agency acting in good faith to which a defendant is assigned pursuant
5 to an order under this subsection has immunity from any civil liability in excess of
6 \$25,000 for acts or omissions by or impacting on the defendant. ~~The issuance or~~
7 ~~possibility of the issuance of an order under this subsection does not entitle an~~
8 ~~indigent defendant who is subject to sub. (2) (am) 1. to representation by counsel~~
9 ~~under ch. 977.~~

10 **SECTION 20.** 939.51 (1) (intro.) of the statutes is amended to read:

11 939.51 (1) (intro.) Misdemeanors in chs. 346 and 939 to 951 are classified as
12 follows:

13 **SECTION 21.** 972.11 (3m) of the statutes is amended to read:

14 972.11 (3m) A court may not exclude evidence in any criminal action ~~or traffic~~
15 ~~forfeiture action~~ for violation of s. 346.63 (1) or any criminal action or traffic
16 forfeiture action for a violation of s. 346.63 (5), or a local ordinance in conformity with
17 s. 346.63 (1) or (5), on the ground that the evidence existed or was obtained outside
18 of this state.

19 **SECTION 22. Initial applicability.**

20 (1) This act first applies to violations committed on the effective date of this
21 subsection but does not preclude the counting of other convictions, suspensions, or
22 revocations as prior convictions, suspensions, or revocations for purposes of
23 administrative action by the department of transportation or sentencing by a court.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: Human Resources

FROM: Kay Lenzen

SUBJECT: Resolution #19-42 Approving Revised Classification and Compensation Plan Grade Level for Parks, Recreation & Forestry Director.

ATTACHMENTS:

- Reso19-42 (DOCX)
- memo to finance and Council adjustment Park Director (DOCX)

RESOLUTION #19-42

APPROVING REVISED CLASSIFICATION AND COMPENSATION
PLAN GRADE LEVEL FOR PARKS, RECREATION & FORESTRY DIRECTOR

WHEREAS, the Common Council adopted its current Classification and Compensation Plan ("Plan") with an effective date of January 1, 2019 (Resolutions #18-77 and #18-94); and

WHEREAS, the Parks, Recreation & Forestry Director position has since been reviewed due to a change in responsibilities such that the position will be managing one or more capital development projects which are intended to promote or enhance economic development within the City; and

WHEREAS, in order to maintain the policies and goals of the Plan, the City has utilized the services of its compensation consultant, Carlson Dettmann Consulting, LLC, ("Consultant") to perform a market study/review based upon the change in responsibility, and Consultant recommends that the position be moved from Grade R to Grade S of City's Plan; and

WHEREAS, while the pay grade would increase in 2019, there will be no budgetary impact, as the rate of pay will not increase until 2020; and

WHEREAS, this matter has been reviewed by the Finance/Personnel Committee, which recommends approval of thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council hereby amends its Classification and Compensation Policy by moving the position of Parks, Recreation & Forestry Director from Grade R to Grade S of said Plan, with resultant pay increase effective as of January 1, 2020.

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.

Resolution #19-42
Page 2 of 2

Adopted by the Common Council of the City of De Pere, Wisconsin, this 7th day of May,
2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Attachment: Reso19-42 (8189 : Resolution #19-42 Approving Revised Reclassification of the Parks Rec. Dir. one pay grade.)

MemoCity of De Pere

To: Members of the Finance/Personnel Committee
 From: Shannon Metzler, Human Resources Director
 Re: Recommendation to reclassify the Parks Recreation and Forestry Director one pay grade due to change in responsibility
 Date: April 9, 2019

Note: At the April 9, 2019 Finance/Personnel Committee meeting they voted unanimously and approved the recommendation as noted below.

The City Administrator has asked that the Parks Recreation and Forestry Director pay grade be evaluated being the incumbent will be managing one or more capital development projects each year. The projects are intended to promote or enhance economic development in the City. The development of George Street Landing (former downtown bridge approach parcel) would be an example of a project. The City's compensation consultant, Patrick Glynn with Carlson Dettmann LLC, has reviewed the change in responsibility and is recommending that the position be reclassified to pay grade S.

- **Current** Pay Grade Level R \$86,778-\$99,154 (Control Point) \$118,976 (Max)
- **Proposed** Pay Grade Level S \$92,934-\$106,205 (Control Point) \$127,462 (Max)

The pay grade would increase in 2019, however there will not be a budgetary impact as the employee's current rate of pay will remain the same for the rest of 2019, but will increase in 2020.

If you have any questions in advance of the meeting, please contact me at 339-4045. I will be at a work conference so I will not be attending the meeting; however, the City Administrator will be available to answer questions at the meeting.

Thank you.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: Board of Park Commissioners

FROM: Marty Kosobucki

SUBJECT: Resolution #19-43 Authorizing Full Service Agreement for Beverage Coin Vendor (Green Bay Seven-Up Bottling Company, Inc.).

The Board of Park Commissioners, at the April 18, 2019 meeting approved accepting the contract from 7-Up for vending machines in the parks, and moved to send it to Common Council for approval. The motion passed unanimously with a 5-0 vote.

Staff is requesting approval to accept 7-Up as vendor for vending machines in De Pere parks. Request for proposals were sent out to three companies: Pepsi, Coca-Cola, & 7-Up. Only 7-Up submitted a bid for a three year contract. 7-Up has also had the contract for the past 6 years. The fee charged for product this year remained the same, however the percentage of commission paid to the City decreased from 37% to 30%. 7-Up will also sponsor a quarter page advertisement in our Winter/Spring brochure for \$250.

Thank you for your time and consideration in this matter.

Respectfully,

John McDonald
Recreation Supervisor

ATTACHMENTS:

- Reso19-43 (DOCX)
- Exhibit A -7-Up Vendor Agreement (PDF)
- 7-Up Vending Services 2019-2021 (PDF)
- RFP Soda Machines 2019 (PDF)

RESOLUTION #19-43

AUTHORIZING FULL SERVICE AGREEMENT FOR BEVERAGE COIN VENDOR
(Green Bay Seven-Up Bottling Company, Inc.)

WHEREAS, the City is in need of a beverage machine vendor for its parks; and

WHEREAS, Green Bay Seven-Up Bottling Company, Inc. is willing to perform such services upon the terms and conditions set forth in the attached agreement (Exhibit A); and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

That the Mayor is authorized and directed to execute the Full Service Agreement for Beverage Coin Vendor (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 7th day of May, 2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Attachment: Reso19-43 (8156 : Reso #19-43 Authorizing Agreement w/7-Up for Beverage Coin Vendor.)



FULL SERVICE AGREEMENT FOR BEVERAGE COIN VENDOR

The undersigned hereby authorizes SEVEN-UP BOTTLING CO. OF GREEN BAY, hereinafter called "BOTTLING COMPANY", to install coin vendor to be used by said "BOTTLING COMPANY" for the sole purpose of selling Seven-Up and our allied products in five (5) 20oz vending machines with a selling price of \$1.50 for soda and sport drinks and \$1.00 for water and energy on the premise described as follows: (Multi Vend Price)

Fox Point Park, Optimist Park, Perkofski Park and Voyageur Park (2) vendors

NAME	ADDRESS	
DePere	WI	Brown
CITY	STATE	COUNTY

In consideration of the privileges herein granted, "BOTTLING COMPANY" agrees to

- A. Service and maintain said vendor in good working condition and keep it filled with 7-Up and our allied products.
- B. Collect all monies from the vendors and pay the undersigned 30% of monies collected after deducting any Federal, County or Municipal taxes or fees now or hereafter imposed on the sales and/or vendor.

Checks shall be made payable to:

De Pere Park & Recreation Department
NAME ON CHECK

925 S. 6th Street De Pere, WI 54115
MAILING ADDRESS

It is agreed that the "BOTTLING COMPANY" shall retain exclusive ownership of and title to said vendor and shall have the right to access thereto. Upon termination of this agreement, "BOTTLING COMPANY" shall have the absolute right to enter the premises where the vendor is located and remove it.

This agreement shall become effective as of May 1, 2019 - April 30, 2021, and may be terminated by either party upon thirty (30) days notice to the other in writing.

ACCEPTED:

SEVEN-UP BOTTLING CO. OF GREEN BAY

CUSTOMER NAME

CUSTOMER SIGNATURE

* FOR OFFICE USE ONLY *

BEGINNING VENDOR COUNT

MAKE

MODEL

SERIAL #

ACCOUNT #

DATE DELIVERED

*City of De Pere
Community Center
600 Grant Street
De Pere, WI 54115*

Proposal Form for Beverage Machines

I/We the undersigned propose to furnish the following services to the City of De Pere.

1. VENDING MACHINES: All products sold will be in a 20-ounce bottle.

Soda:

Price charged: \$1.50

Percentage of commissions paid to the City: 30%

Water:

Price charged: \$1.00

Percentage of commissions paid to the City: 30%

Juice:

Price charged: _____

Percentage of commissions paid to the City: _____

Sport Drink:

Price charged: \$1.50

Percentage of commissions paid to the City: _____

Other:

Price charged: \$1.00

Percentage of commissions paid to the City: 30%

Other: Energy

2. The Department puts out Summer/Fall and Winter/Spring Brochures that are available to all City of De Pere residents and non-residents in surrounding communities. Ad space is available for these brochures: \$250 for ¼ page, \$500 for ½ page, and \$800 for full page.

Please indicate if you would be willing to take out one or more of these ads, and provide the details, including the total amount of these ads:

Green Bay 7Up will support one (1) 1/4 page \$250 ad per year

(cont...)

3. Please list any additional support you would be willing to provide to the Department. This could be monetary or some other form of donation.
-
-

Name: Randall L Wissink

Signature:  VP/GM

Company: Green Bay Seven-Up Bottling Co., Inc.

Street Address: PO Box 10536

City/State/Zip: Green Bay, WI 54307-0536

Phone Number: 920-494-1238

Thank you for submitting this proposal. Your time and efforts are greatly appreciated.

All proposals must be received no later than **Friday, April 5, 2019 at 4:30pm.**

This RFP is being submitted with the following understanding; historically these locations have underperformed and experienced repeat vandalism Bomier Park, Legion Park and VFW Park; Green Bay 7Up will not furnish vendors for these locations. Green Bay 7Up will furnish a vendor at Fox Point Park, Optimist Park, Perkofski Park and request two (2) vendors be placed at Voyageur Park.



City of De Pere Parks, Recreation and Forestry

REQUEST FOR PROPOSALS

The De Pere Park, Recreation and Forestry Department is soliciting proposals for soda machines in various City of De Pere parks.

All vending machines will require full service on behalf of the selected company, including stocking of product and money collection. A dollar bill changer on the machines will be required. The machines may be shut down during any large special events scheduled at the designated park.

The City of De Pere will not be responsible for any vandalism/other damages to these soda machines (must be stated on agreement).

The soda machines will be placed as follows:

- Fox Point Boat Launch – 1 outside
- Voyageur Park – 1 outside
- VFW Park – 1 outside
- Legion Park – 1 outside
- Bomier Boat Launch – 1 outside
- Perkofski Boat Launch – 1 outside
- Optimist Park – 1 outside

The dates of installation and removal will be established by the selected company and the City of De Pere. The proposal that is selected will be in effect for three years (May 1, 2019- April 30, 2021).

Any interested business is required to complete the enclosed Proposal Form. All proposals must be received by **Friday, April 5, 2019 at 4:30pm** and can be dropped off or mailed to the De Pere Community Center, 600 Grant Street, De Pere, WI 54115. The Department will select the proposal that is in the best interest of the City of De Pere.

Questions regarding this proposal should be directed to John McDonald, Recreation Supervisor at (920) 339-4066 or jmcdonald@mail.de-pere.org

***City of De Pere
Community Center
600 Grant Street
De Pere, WI 54115***

Proposal Form for Beverage Machines

I/We the undersigned propose to furnish the following services to the City of De Pere.

1. VENDING MACHINES: All products sold will be in a 20-ounce bottle.

Soda:

Price charged: _____

Percentage of commissions paid to the City: _____

Water:

Price charged: _____

Percentage of commissions paid to the City: _____

Juice:

Price charged: _____

Percentage of commissions paid to the City: _____

Sport Drink:

Price charged: _____

Percentage of commissions paid to the City: _____

Other:

Price charged: _____

Percentage of commissions paid to the City: _____

Other:

2. The Department puts out Summer/Fall and Winter/Spring Brochures that are available to all City of De Pere residents and non-residents in surrounding communities. Ad space is available for these brochures: \$250 for ¼ page, \$500 for ½ page, and \$800 for full page.

Please indicate if you would be willing to take out one or more of these ads, and provide the details, including the total amount of these ads.

(cont...)

Attachment: RFP Soda Machines 2019 (8156 : Reso #19-43 Authorizing Agreement w/7-Up for Beverage Coin Vendor.)

3. Please list any additional support you would be willing to provide to the Department. This could be monetary or some other form of donation.

Name: _____

Signature: _____

Company: _____

Street Address: _____

City/State/Zip: _____

Phone Number: _____

Thank you for submitting this proposal. Your time and efforts are greatly appreciated.

All proposals must be received no later than **Friday, April 5, 2019 at 4:30pm.**



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Resolution #19-44 In Support of Closing the Dark Store and Walgreens Property Tax Loopholes and Stopping Tax Shift.

This item was added to the Agenda at the Request of Mayor Walsh and City Administrator Delo.

ATTACHMENTS:

- Reso19-44 (DOCX)

RESOLUTION #19-44
IN SUPPORT OF CLOSING THE DARK STORE AND WALGREENS
PROPERTY TAX LOOPHOLES AND STOPPING TAX SHIFT

WHEREAS, a growing number of big box and medium box retail properties are using property tax avoidance strategies known as the dark store and *Walgreens* loopholes to push their fair share of paying for the cost of critical local services onto homeowners and small businesses; and

WHEREAS, municipal officials across the state are deeply concerned about more of the property tax burden being shifted onto homeowners and small businesses; and

WHEREAS, homeowners should not and cannot bear more of the property tax burden than they already do, which is 68% of the total state levy; and

WHEREAS, the Wisconsin Supreme Court's 2008 *Walgreens* decision has resulted in properties leased to Walgreens and CVS stores that are selling on the open market for \$4 to \$8 million being assessed at \$1.9 to \$3.4 million; and

WHEREAS, courts and tax appeals commissions in other states have reached the opposite conclusion from the Wisconsin Supreme Court on how to value leased commercial properties, concluding instead that it is perfectly appropriate for assessors to consider actual rent and recent sale prices of the property when valuing such properties; and

WHEREAS, big box chains are using what is known as the "Dark Store Theory" to argue that the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

WHEREAS, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, closing the dark store and *Walgreens* loopholes; and

Resolution #19-44

Page 2 of 2

WHEREAS, Senator Duey Stroebel (R-Saukville) and Rep. Rob Brooks (R-Saukville) have introduced Senate Bill 130/Assembly Bill 146, closing the dark store and Walgreens loopholes.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Common Council of the City of De Pere, as a member of the League of Wisconsin Municipalities, calls on the Legislature to close the dark store and *Walgreens* loopholes and stop the tax shift to homeowners and small businesses by either passing SB 130/AB 146 or adopting a state budget that includes language accomplishing that goal.

BE IT FURTHER RESOLVED THAT:

The City Clerk is authorized and directed to provide a copy of this Resolution to Governor Tony Evers; Senators David Hansen, Robert Cowles and Andre Jacque; Assembly Representatives John Macco, David Steffen, and Shae Sortwell; and to the League of Wisconsin Municipalities.

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 7th day of May, 2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Attachment: Reso19-44 (8179 : Reso #19-44 In Support of Closing the Dark Store and Walgreens Loopholes.)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Resolution #19-45 In Support of Fixing the State's Transportation Funding Shortfall and Increasing Local Transportation Aids.

This item was placed on the Agenda at the request of Mayor Walsh and City Administrator Delo.

ATTACHMENTS:

- Reso19-45 (DOCX)

RESOLUTION #19-45

IN SUPPORT OF FIXING THE STATE'S TRANSPORTATION FUNDING SHORTFALL
AND INCREASING LOCAL TRANSPORTATION AIDS

WHEREAS, a safe, efficient, and well maintained state and local transportation system, including transit, is critical to Wisconsin's economic prosperity and quality of life; and

WHEREAS, the increase in transportation funding for local governments in the last state budget was certainly appreciated; however, general transportation aid (GTA) funding levels for cities and villages are not yet back to 2011 levels; and

WHEREAS, local governments, including the City of De Pere, continue to struggle to meet even the most basic maintenance needs for our transportation system; and

WHEREAS, states surrounding Wisconsin and across the country have stepped up with sustainable funding plans for their state and local roads; and

WHEREAS, Wisconsin will be at a competitive disadvantage if it does not implement a revenue and spending plan addressing both our Interstates that were built in the 1950's and 60's *and* our local and state roads and transit; and

WHEREAS, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, an 8 cent gas tax increase, restoration of annual gas tax indexing, various fee increases, and a reduction in borrowing as first steps toward addressing the long term shortfall in the state's transportation fund; and

WHEREAS, the Governor's budget proposal also includes funding increases for the following local transportation aid programs:

- **General Transportation Aids.** The Governor recommends increasing general transportation aids by 10%, from \$348,639,300 to \$383,503,200 for 2020 and thereafter.
- **Transit Operation Aids.** The Governor recommends increasing general transit aids by 10 percent above 2019 program levels.

Resolution #19-45

Page 2 of 2

- **Transit Capital Assistance.** The Governor recommends creating a transit capital assistance program to aid in the replacement of buses and funding the program at \$10 million annually.
- **LRIP.** The Governor recommends increasing funding for entitlement and discretionary grants in the Local Roads Improvement Program (LRIP) by 2 percent in FY20 and 2 percent again in FY21.
- **Railroad Crossing and Repair Assistance.** The Governor recommends increasing funding for railroad crossing and repair to address a backlog of projects.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Common Council of the City of De Pere, as a member of the League of Wisconsin Municipalities, calls on the Legislature to pass a state budget fixing the long-term shortfall in transportation funding by enacting an adequate, equitable and sustainable transportation funding system, and retaining the funding increases to local transportation assistance programs proposed by Governor Evers.

BE IT FURTHER RESOLVED THAT:

The City Clerk is authorized and directed to provide a copy of this Resolution to Governor Tony Evers; Senators David Hansen, Robert Cowles and Andre Jacque; Assembly Representatives John Macco, David Steffen, and Shae Sortwell; and to the League of Wisconsin Municipalities.

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 7th day of May,

2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Resolution #19-46 Supporting Increased Levy Limit Flexibility.

This item was added to agenda at the request of Mayor Walsh and Administrator Delo.

ATTACHMENTS:

- Reso19-46 (DOCX)

RESOLUTION #19-46
SUPPORTING INCREASED LEVY LIMIT FLEXIBILITY

WHEREAS, since 2006 the state has limited the ability of municipalities to increase their property tax levies from one year to the next; and

WHEREAS, prior to 2011, the levy limit law allowed communities who were not experiencing growth to increase their levy a minimum amount roughly equal to the rate of inflation; and

WHEREAS, since 2011, the levy limits have been based exclusively on the community's percentage increase in property value caused by new construction; and

WHEREAS, the state's levy limit policy has created a dynamic in which fast growing cities and villages have the financial resources to invest in services and infrastructure that help them further increase their growth, while no-growth and slow-growth communities stagnate; and

WHEREAS, Wisconsin has the strictest levy restriction in the country; and

WHEREAS, between 2012 and 2018 only 62 of 600 cities and villages experienced new construction averaging at least 2% per year, and 186 experienced growth of less than .5% per year; and

WHEREAS, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, allowing municipalities to increase their annual levies over the prior year by the greater of the percentage change in equalized values due to net new construction or 2%; and

WHEREAS, the Governor also proposes eliminating the requirement that a municipality reduce its allowable levy by the amount of fee revenue it received in lieu of property taxes for

Resolution #19-46

Page 2 of 2

providing a specified service (i.e., snow plowing, storm water management, fire protection, garbage collection, and street sweeping) that was funded with the property taxes in 2013.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Common Council of the City of De Pere, as a member of the League of Wisconsin Municipalities, calls on the Legislature to pass a state budget retaining the levy limit law changes recommended by the Governor, including a 2% floor for levy limits.

BE IT FURTHER RESOLVED THAT:

The City Clerk is authorized and directed to provide a copy of this Resolution to Governor Tony Evers; Senators David Hansen, Robert Cowles and Andre Jacque; Assembly Representatives John Macco, David Steffen, and Shae Sortwell; and to the League of Wisconsin Municipalities.

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 7th day of May, 2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Attachment: Reso19-46 (8177 : Reso #19-46 Supporting Increased Levy Limit Flexibility)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Resolution #19-47 Supporting Shared Revenue Funding Increase.

This item was placed on the agenda at the request of Mayor Walsh and Administrator Delo.

ATTACHMENTS:

- Reso19-47 (DOCX)

RESOLUTION #19-47
SUPPORTING SHARED REVENUE FUNDING INCREASE

WHEREAS, for over 90 years the state shared revenue program has been a key component of Wisconsin's state and local relationship and an important part of the state's overall program of property tax relief; and

WHEREAS, over the last 18 years shared revenue funding for municipalities has been cut by \$94 million; and

WHEREAS, to create and maintain quality communities that attract businesses and families, municipalities must invest in services and infrastructure that people and businesses expect, like police protection, fire suppression, road maintenance, snowplowing, libraries and parks; and

WHEREAS, the state should reinvest a portion of its sales and income tax revenue growth in local communities to spur further economic growth and make Wisconsin communities places where people want to live and work; and

WHEREAS, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, a two percent (\$15 million) increase in shared revenue funding to take effect in 2020; and

WHEREAS, under the Governor's proposal each municipality would receive in 2020 a two percent increase over the amount it received in 2019;

NOW, THEREFORE, BE IT RESOLVED THAT:

Resolution #19-47
Page 2 of 2

The Common Council of the City of De Pere, as a member of the League of Wisconsin Municipalities, calls on the Legislature to pass a state budget retaining the two percent increase in shared revenue funding.

BE IT FURTHER RESOLVED THAT:

The City Clerk is authorized and directed to provide a copy of this Resolution to Governor Tony Evers; Senators David Hansen, Robert Cowles and Andre Jacque; Assembly Representatives John Macco, David Steffen, and Shae Sortwell; and to the League of Wisconsin Municipalities.

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 7th day of May,
2019.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Attachment: Reso19-47 (8178 : Reso #19-47 Supporting Shared Revenue Funding Increase.)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: Common Council

FROM: Andrew Pantzlaff

SUBJECT: Appointments and Re-appointments to Boards and Commissions by Mayor Walsh

ATTACHMENTS:

- Appointment Memo- may2 final (DOCX)

Memo**City of De Pere**

To: City Council Members
From: Michael J. Walsh, Mayor
Subject: Appointments and Reappointments
Date: May 1, 2019

I am submitting the following name for appointment/reappointment at the May 7, 2019 meeting of the Common Council. I am asking you to please contact me in advance of the meeting if you should have a problem with the individual being submitted for your approval.

Commission**Appointment/Reappointment**

Plan Commission

Brenda Busch / Appointment

Brown County Planning Commission

Kimberly Flom / Re-appointment

Attachment: Appointment Memo- may2 final (8168 : Appointments and Re-appointments to Boards and Commissions by Mayor Walsh)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019
DEPARTMENT: City Clerk
FROM: Carey Danen
SUBJECT: Voucher Approval.

ATTACHMENTS:

- 5-7-19 VOUCHERS (PDF)

5/01/2019 9:10 AM

A / P CHECK REGISTER

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
6802	ADVANCED DISPOSAL							
	I-B80000658997	ADVANCED DISPOSAL	R	5/07/2019		287.85CR	088577	287.85
0302	AIRGAS USA LLC							
	I-9087786939	AIRGAS USA LLC	R	5/07/2019		147.14CR	088578	
	I-9960536312	AIRGAS USA LLC	R	5/07/2019		487.62CR	088578	
	I-9960536313	AIRGAS USA LLC	R	5/07/2019		195.13CR	088578	
	I-9960536314	AIRGAS USA LLC	R	5/07/2019		220.42CR	088578	1,050.31
7345	ALPHA ENERGY LABORATORIES							
	I-12438	ALPHA ENERGY LABORATORIES	R	5/07/2019		177.50CR	088579	177.50
0007	AMBROSIUS SALES & SERVICE							
	I-11851	AMBROSIUS SALES & SERVICE	R	5/07/2019		34.15CR	088580	
	I-11962	AMBROSIUS SALES & SERVICE	R	5/07/2019		8,827.89CR	088580	
	I-12025	AMBROSIUS SALES & SERVICE	R	5/07/2019		16.14CR	088580	8,878.18
0308	APPLIED INDUSTRIAL TECHNOLOGIES							
	I-7015997607	APPLIED INDUSTRIAL TECHNOLOGIE	R	5/07/2019		2,550.92CR	088581	2,550.92
2878	ARING EQUIPMENT CO INC							
	I-748363	ARING EQUIPMENT CO INC	R	5/07/2019		837.19CR	088582	837.19
5604	AURORA BAYCARE MED CTR LLC							
	I-KY287	AURORA BAYCARE MED CTR LLC	R	5/07/2019		36.43CR	088583	
	I-KY294	AURORA BAYCARE MED CTR LLC	R	5/07/2019		748.67CR	088583	785.10
7685	AXON ENTERPRISE INC							
	I-SI-1584423	AXON ENTERPRISE INC	R	5/07/2019		3,184.00CR	088584	3,184.00
0020	BADGERLAND PRINTING INC							
	I-33224	BADGERLAND PRINTING INC	R	5/07/2019		349.00CR	088585	
	I-33262	BADGERLAND PRINTING INC	R	5/07/2019		162.00CR	088585	511.00
0027	BAY TOWEL INC							
	I-2822772	BAY TOWEL INC	R	5/07/2019		174.19CR	088586	
	I-2824582	BAY TOWEL INC	R	5/07/2019		115.74CR	088586	
	I-2828968	BAY TOWEL INC	R	5/07/2019		110.37CR	088586	
	I-2831555	BAY TOWEL INC	R	5/07/2019		174.19CR	088586	
	I-2831574	BAY TOWEL INC	R	5/07/2019		93.72CR	088586	
	I-2833327	BAY TOWEL INC	R	5/07/2019		110.37CR	088586	778.58

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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PAGE: 2

PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
6473	BEAVER OF WISCONSIN INC							
	I-99363	BEAVER OF WISCONSIN INC	R	5/07/2019		589.50CR	088587	
	I-99667	BEAVER OF WISCONSIN INC	R	5/07/2019		463.00CR	088587	1,052.50
5961	BEST EQUIPMENT							
	I-8778	BEST EQUIPMENT	R	5/07/2019		190.00CR	088588	190.00
3008	BOUND TREE MEDICAL LLC							
	I-83172714	BOUND TREE MEDICAL LLC	R	5/07/2019		110.41CR	088589	110.41
0649	BRAUER SUPPLY & EQUIPMENT							
	I-2019176	BRAUER SUPPLY & EQUIPMENT	R	5/07/2019		1,560.00CR	088590	1,560.00
0038	BROADWAY AUTOMOTIVE INC							
	C-CM939831P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		91.36	088591	
	I-449880P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		18.46CR	088591	
	I-450861P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		76.34CR	088591	
	I-450861PX1	BROADWAY AUTOMOTIVE INC	R	5/07/2019		5.30CR	088591	
	I-451223P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		137.88CR	088591	
	I-451225P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		583.12CR	088591	
	I-451689P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		70.03CR	088591	
	I-452367P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		106.33CR	088591	
	I-602149	BROADWAY AUTOMOTIVE INC	R	5/07/2019		2,052.42CR	088591	
	I-938864P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		78.46CR	088591	
	I-939831P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		175.11CR	088591	
	I-940241P	BROADWAY AUTOMOTIVE INC	R	5/07/2019		13.09CR	088591	3,225.18
0039	BROOKS TRACTOR INC							
	I-378497	BROOKS TRACTOR INC	R	5/07/2019		9,476.42CR	088592	
	I-D72233	BROOKS TRACTOR INC	R	5/07/2019		364.72CR	088592	
	I-D72254	BROOKS TRACTOR INC	R	5/07/2019		204.60CR	088592	10,045.74
0046	BROWN COUNTY PORT SOLID WASTE DEPT							
	I-39916	BROWN COUNTY PORT SOLID WASTE	R	5/07/2019		20,528.48CR	088593	20,528.48
7745	KELLY BURKE							
	I-201904299322	KELLY BURKE	R	5/07/2019		11.21CR	088594	11.21
7827	CALEWARTS DUFFY & ERDMAN							
	I-201904299323	CALEWARTS DUFFY & ERDMAN	R	5/07/2019		3,139.50CR	088595	3,139.50
1	CAPPAERT, JO ANN							
	I-201904299324	MAILBOX	R	5/07/2019		62.18CR	088596	62.18

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
1784	CARLSON DETTMANN CONSULTING							
	I-137176	CARLSON DETTMANN CONSULTING	R	5/07/2019		250.00CR	088597	250.00
0536	CDW GOVERNMENT INC							
	I-RRV0520	CDW GOVERNMENT INC	R	5/07/2019		98.02CR	088598	
	I-RSL3132	CDW GOVERNMENT INC	R	5/07/2019		132.60CR	088598	
	I-RTB7304	CDW GOVERNMENT INC	R	5/07/2019		17.42CR	088598	
	I-RTJ7524	CDW GOVERNMENT INC	R	5/07/2019		145.34CR	088598	
	I-RVL4819	CDW GOVERNMENT INC	R	5/07/2019		1,534.14CR	088598	
	I-RVT9456	CDW GOVERNMENT INC	R	5/07/2019		1,900.89CR	088598	
	I-RVT9459	CDW GOVERNMENT INC	R	5/07/2019		997.12CR	088598	
	I-RWB8356	CDW GOVERNMENT INC	R	5/07/2019		113.24CR	088598	
	I-RWF6141	CDW GOVERNMENT INC	R	5/07/2019		18.24CR	088598	
	I-RWH1311	CDW GOVERNMENT INC	R	5/07/2019		54.46CR	088598	
	I-RXN2100	CDW GOVERNMENT INC	R	5/07/2019		61.32CR	088598	
	I-RXV8176	CDW GOVERNMENT INC	R	5/07/2019		1,424.31CR	088598	6,497.10
0812	COLORTECH OF WISCONSIN INC							
	I-13089	COLORTECH OF WISCONSIN INC	R	5/07/2019		209.40CR	088599	209.40
7851	COMMERCIAL LIGHTING							
	I-1912164	COMMERCIAL LIGHTING	R	5/07/2019		182.16CR	088600	182.16
0217	COUNTRY VISIONS COOPERATIVE							
	I-201904299325	COUNTRY VISIONS COOPERATIVE	R	5/07/2019		4.98CR	088601	
	I-201904299326	COUNTRY VISIONS COOPERATIVE	R	5/07/2019		14.00CR	088601	18.98
0554	DAVIS & KUELTHAU SC TRUST ACCOUNT							
	I-435020	DAVIS & KUELTHAU SC TRUST ACCO	R	5/07/2019		459.00CR	088602	459.00
6526	DE PERE BASEBALL							
	I-201904299327	DE PERE BASEBALL	R	5/07/2019		27.50CR	088603	27.50
0075	DIGGERS HOTLINE INC							
	I-190 3 36401	DIGGERS HOTLINE INC	R	5/07/2019		310.56CR	088604	310.56
3212	DIXON ENGINEERING INC							
	I-19-5127	DIXON ENGINEERING INC	R	5/07/2019		1,450.00CR	088605	1,450.00
7908	DORNER VALVES & AUTOMATION							
	I-147483-IN	DORNER VALVES & AUTOMATION	R	5/07/2019		11,100.00CR	088606	11,100.00

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
6858	DRP REPAIR LLC I-8676	DRP REPAIR LLC	R	5/07/2019		26.23CR	088607	26.23
0085	EMERGENCY MEDICAL PRODUCTS INC I-2061951	EMERGENCY MEDICAL PRODUCTS INC	R	5/07/2019		1,417.23CR	088608	1,417.23
7095	ENVIRO SCIENCES/ALPHA ENERGY INC. I-12438	ENVIRO SCIENCES/ALPHA ENERGY I	R	5/07/2019		177.50CR	088609	177.50
7422	EXCEL UNDERGROUND LLC I-6817	EXCEL UNDERGROUND LLC	R	5/07/2019		2,996.30CR	088610	2,996.30
0096	FIRE APPARATUS & EQUIPMENT INC I-19518	FIRE APPARATUS & EQUIPMENT INC	R	5/07/2019		183.00CR	088611	183.00
5481	FIRST AYD I-90468	FIRST AYD	R	5/07/2019		387.56CR	088612	387.56
0200	FIRST SUPPLY LLC I-11311433-00 I-11623082-00 I-11627554-00 I-11627568-00 I-11631105-00	FIRST SUPPLY LLC FIRST SUPPLY LLC FIRST SUPPLY LLC FIRST SUPPLY LLC FIRST SUPPLY LLC	R R R R R	5/07/2019 5/07/2019 5/07/2019 5/07/2019 5/07/2019		57.94CR 32.66CR 46.60CR 127.50CR 3.64CR	088613 088613 088613 088613 088613	 268.34
0097	FIVE ALARM INC I-185750-1	FIVE ALARM INC	R	5/07/2019		679.73CR	088614	679.73
0835	FOSTER COACH SALES INC I-16750	FOSTER COACH SALES INC	R	5/07/2019		104.50CR	088615	104.50
0107	FOX VALLEY TECHNICAL COLLEGE I-TPB0000518451 I-TPB0000519073	FOX VALLEY TECHNICAL COLLEGE FOX VALLEY TECHNICAL COLLEGE FOX VALLEY TECHNICAL COLLEGE	R R R	5/07/2019 5/07/2019 5/07/2019		120.00CR 275.00CR	088616 088616	 395.00
4176	FRANK'S RADIO SERVICE INC I-113152	FRANK'S RADIO SERVICE INC	R	5/07/2019		494.00CR	088617	494.00
0089	FRV INC I-131928	FRV INC	R	5/07/2019		76.32CR	088618	76.32
2495	GLAXOSMITHKLINE I-8252772377	GLAXOSMITHKLINE	R	5/07/2019		913.00CR	088619	913.00

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
6923	GORDON FLESCH COMPANY INC. I-IN12570603	GORDON FLESCH COMPANY INC.	R	5/07/2019		157.00CR	088620	157.00
0116	GRAINGER INC I-9149928690 I-9151271054	GRAINGER INC GRAINGER INC	R R	5/07/2019 5/07/2019		431.79CR 146.40CR	088621 088621	 578.19
0666	GRAY'S INC I-35483	GRAY'S INC	R	5/07/2019		828.00CR	088622	828.00
0117	GRAYBAR ELECTRIC COMPANY INC I-9309593190 I-9309593191	GRAYBAR ELECTRIC COMPANY INC GRAYBAR ELECTRIC COMPANY INC	R R	5/07/2019 5/07/2019		66.11CR 60.84CR	088623 088623	 126.95
0124	GREEN BAY CITY TREASURER I-117748 I-117749 I-117750 I-117751 I-117752	GREEN BAY CITY TREASURER GREEN BAY CITY TREASURER GREEN BAY CITY TREASURER GREEN BAY CITY TREASURER GREEN BAY CITY TREASURER	R R R R R	5/07/2019 5/07/2019 5/07/2019 5/07/2019 5/07/2019		1,024.68CR 1,141.36CR 171.08CR 207.77CR 240.96CR	088624 088624 088624 088624 088624	 2,785.85
6608	GROTH, TRISTA I-201904309331	GROTH, TRISTA	R	5/07/2019		40.00CR	088625	40.00
4902	HALRON LUBRICANTS INC C-1065997-00 C-1066876-00 I-1065367-00 I-1065504-00 I-1065703-00 I-1066378-00	HALRON LUBRICANTS INC HALRON LUBRICANTS INC HALRON LUBRICANTS INC HALRON LUBRICANTS INC HALRON LUBRICANTS INC HALRON LUBRICANTS INC	R R R R R R	5/07/2019 5/07/2019 5/07/2019 5/07/2019 5/07/2019 5/07/2019		40.00 40.00 85.19CR 992.94CR 370.90CR 229.23CR	088626 088626 088626 088626 088626 088626	 1,598.26
1237	HASTINGS AIR ENERGY CONTROL I-I77283	HASTINGS AIR ENERGY CONTROL	R	5/07/2019		1,901.85CR	088627	1,901.85
0446	HAWKINS INC I-4471892	HAWKINS INC	R	5/07/2019		4,389.20CR	088628	4,389.20
0912	HEID MUSIC CO I-2353009 I-2357944 I-2358080	HEID MUSIC CO HEID MUSIC CO HEID MUSIC CO	R R R	5/07/2019 5/07/2019 5/07/2019		699.00CR 54.00CR 216.00CR	088629 088629 088629	 969.00

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
3294	DAN HERMANS I-201904309332	DAN HERMANS	R	5/07/2019		31.60CR	088630	31.60
5674	HOME TEAM SPORTS & APPAREL INC I-37451	HOME TEAM SPORTS & APPAREL INC	R	5/07/2019		256.03CR	088631	256.03
5484	HYDROCORP INC I-51935-IN	HYDROCORP INC	R	5/07/2019		240.00CR	088632	240.00
1399	INDOFF INC I-3231723 I-3233045 I-3233995 I-3235022 I-3235938 I-3237846 I-3238258	INDOFF INC INDOFF INC INDOFF INC INDOFF INC INDOFF INC INDOFF INC INDOFF INC	R R R R R R R	5/07/2019 5/07/2019 5/07/2019 5/07/2019 5/07/2019 5/07/2019 5/07/2019		91.62CR 193.95CR 47.29CR 66.99CR 112.96CR 146.60CR 16.64CR	088633 088633 088633 088633 088633 088633 088633	676.05
7909	INTERMOUNTAIN WORKMED I-3033756	INTERMOUNTAIN WORKMED	R	5/07/2019		505.44CR	088634	505.44
2602	JOSSART BROTHERS INC I-19-09 (1)	JOSSART BROTHERS INC	R	5/07/2019		151,498.83CR	088635	151,498.83
1276	JX ENTERPRISES INC C-1479862P I-1421489S I-1475038P I-1475393P I-1476316P I-1476318P I-1477440P I-1477454P I-1478148P I-1478151P I-1478152P I-1478313P I-1478992P I-1478993P I-1479319P I-1479360P I-1479536P I-1479617P I-1479654P I-1479688P I-1479864P	JX ENTERPRISES INC JX ENTERPRISES INC	R R	5/07/2019 5/07/2019		11.53 142.34CR 117.50CR 70.60CR 67.27CR 3.21CR 60.00CR 60.00CR 290.74CR 35.68CR 22.82CR 9.68CR 50.62CR 5.70CR 773.95CR 121.97CR 214.99CR 49.99CR 102.69CR 923.88CR 35.08CR	088636 088636	3,147.18

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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A / P CHECK REGISTER

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
VOID	VOID CHECK		V	5/07/2019			088637	**VOID**
3986	KIMPS ACE HARDWARE CORP							
	I-360706	KIMPS ACE HARDWARE CORP	R	5/07/2019		67.09CR	088638	
	I-360727	KIMPS ACE HARDWARE CORP	R	5/07/2019		52.77CR	088638	119.86
7910	HOLLY KNUDSEN							
	I-201904309333	HOLLY KNUDSEN	R	5/07/2019		168.00CR	088639	168.00
4584	KRUCZEK CONST INC							
	I-18-14 (5)	KRUCZEK CONST INC	R	5/07/2019		195,526.00CR	088640	195,526.00
7063	LEAVES INSPIRED TREE NURSERY LLC							
	I-354	LEAVES INSPIRED TREE NURSERY L	R	5/07/2019		911.00CR	088641	911.00
0903	THE MAIL HAUS INC							
	I-160046	THE MAIL HAUS INC	R	5/07/2019		152.00CR	088642	152.00
6198	MAILFINANCE							
	I-H7695524	MAILFINANCE	R	5/07/2019		330.00CR	088643	
	I-N7663501	MAILFINANCE	R	5/07/2019		314.73CR	088643	644.73
3216	ALAN MATZKE							
	I-201904309334	ALAN MATZKE	R	5/07/2019		765.06CR	088644	765.06
0173	MENARDS INC							
	I-45641	MENARDS INC	R	5/07/2019		15.48CR	088645	
	I-46081	MENARDS INC	R	5/07/2019		20.08CR	088645	
	I-46327	MENARDS INC	R	5/07/2019		35.75CR	088645	
	I-46742	MENARDS INC	R	5/07/2019		111.77CR	088645	
	I-46746	MENARDS INC	R	5/07/2019		13.82CR	088645	
	I-46757	MENARDS INC	R	5/07/2019		16.72CR	088645	
	I-46820	MENARDS INC	R	5/07/2019		16.98CR	088645	
	I-46844	MENARDS INC	R	5/07/2019		42.43CR	088645	
	I-46902	MENARDS INC	R	5/07/2019		37.87CR	088645	
	I-46950	MENARDS INC	R	5/07/2019		28.93CR	088645	
	I-47027	MENARDS INC	R	5/07/2019		38.85CR	088645	378.68
7911	MATT MISER							
	I-201904309335	MATT MISER	R	5/07/2019		862.95CR	088646	862.95
6958	NATHAN MRSTIK							
	I-201904309336	NATHAN MRSTIK	R	5/07/2019		9.99CR	088647	9.99

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
1475	MUNICODE							
	I-325772	MUNICODE	R	5/07/2019		1,248.92CR	088648	1,248.92
7129	NELSON TACTICAL							
	I-18781	NELSON TACTICAL	R	5/07/2019		845.26CR	088649	
	I-19099	NELSON TACTICAL	R	5/07/2019		830.38CR	088649	1,675.64
0531	NORTHEAST AUTO PARTS INC							
	I-338090	NORTHEAST AUTO PARTS INC	R	5/07/2019		125.69CR	088650	
	I-338565	NORTHEAST AUTO PARTS INC	R	5/07/2019		24.60CR	088650	
	I-338619	NORTHEAST AUTO PARTS INC	R	5/07/2019		17.96CR	088650	
	I-338624	NORTHEAST AUTO PARTS INC	R	5/07/2019		245.12CR	088650	
	I-338629	NORTHEAST AUTO PARTS INC	R	5/07/2019		13.98CR	088650	
	I-338654	NORTHEAST AUTO PARTS INC	R	5/07/2019		18.20CR	088650	
	I-338661	NORTHEAST AUTO PARTS INC	R	5/07/2019		18.68CR	088650	
	I-338717	NORTHEAST AUTO PARTS INC	R	5/07/2019		19.02CR	088650	
	I-338727	NORTHEAST AUTO PARTS INC	R	5/07/2019		14.02CR	088650	
	I-338758	NORTHEAST AUTO PARTS INC	R	5/07/2019		28.16CR	088650	
	I-338771	NORTHEAST AUTO PARTS INC	R	5/07/2019		203.80CR	088650	
	I-338801	NORTHEAST AUTO PARTS INC	R	5/07/2019		355.79CR	088650	
	I-338824	NORTHEAST AUTO PARTS INC	R	5/07/2019		12.03CR	088650	
	I-338860	NORTHEAST AUTO PARTS INC	R	5/07/2019		64.74CR	088650	
	I-338896	NORTHEAST AUTO PARTS INC	R	5/07/2019		27.00CR	088650	
	I-338908	NORTHEAST AUTO PARTS INC	R	5/07/2019		33.69CR	088650	
	I-338929	NORTHEAST AUTO PARTS INC	R	5/07/2019		84.02CR	088650	
	I-338933	NORTHEAST AUTO PARTS INC	R	5/07/2019		79.50CR	088650	
	I-338942	NORTHEAST AUTO PARTS INC	R	5/07/2019		21.52CR	088650	
	I-339010	NORTHEAST AUTO PARTS INC	R	5/07/2019		19.93CR	088650	
	I-339018	NORTHEAST AUTO PARTS INC	R	5/07/2019		33.96CR	088650	1,461.41
VOID	VOID CHECK		V	5/07/2019			088651	**VOID**
4850	NORTHEAST WISCONSIN TECHNICAL COLLEGE							
	I-4232	NORTHEAST WISCONSIN TECHNICAL	R	5/07/2019		846.65CR	088652	846.65
3250	NORTHERN LAKE SERVICE							
	I-353842	NORTHERN LAKE SERVICE	R	5/07/2019		80.00CR	088653	80.00
7912	NORTHSTAR ENVIRONMENTAL TESTING LLC							
	I-190-252	NORTHSTAR ENVIRONMENTAL TESTIN	R	5/07/2019		1,615.00CR	088654	1,615.00
7913	OCCUPATIONAL HEALTH CENTERS OF CA							
	I-64054932	OCCUPATIONAL HEALTH CENTERS OF	R	5/07/2019		964.50CR	088655	964.50

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BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
2788	CHAD OPICKA I-201904309337	CHAD OPICKA	R	5/07/2019		17.12CR	088656	17.12
4728	OSHKOSH FIRE & POLICE EQUIPMENT INC I-176740	OSHKOSH FIRE & POLICE EQUIPMEN	R	5/07/2019		2,288.00CR	088657	2,288.00
7355	OXFORD IMMUNOTEC I-T1167431	OXFORD IMMUNOTEC	R	5/07/2019		52.75CR	088658	52.75
0197	PACKER CITY INTERNATIONAL INC I-X101101798:01 I-X101104576:01	PACKER CITY INTERNATIONAL INC PACKER CITY INTERNATIONAL INC	R R	5/07/2019 5/07/2019		25.77CR 34.36CR	088659 088659	 60.13
1331	PACKER FASTENER & SUPPLY INC I-433297	PACKER FASTENER & SUPPLY INC	R	5/07/2019		35.00CR	088660	35.00
5903	PASTERSKI, LUKE I-201904309338	PASTERSKI, LUKE	R	5/07/2019		89.95CR	088661	89.95
0584	PATRICK ZELZER AND ASSOCIATES I-ZEL-2019000854 I-ZEL-2019000976 I-ZEL-2019000977 I-ZEL-2019000978	PATRICK ZELZER AND ASSOCIATES PATRICK ZELZER AND ASSOCIATES PATRICK ZELZER AND ASSOCIATES PATRICK ZELZER AND ASSOCIATES	R R R R	5/07/2019 5/07/2019 5/07/2019 5/07/2019		75.00CR 75.00CR 75.00CR 75.00CR	088662 088662 088662 088662	 300.00
6126	PM SUPPLY - WRIGHT INDUSTRIAL I-81648	PM SUPPLY - WRIGHT INDUSTRIAL	R	5/07/2019		290.02CR	088663	290.02
0208	POMP'S TIRE SERVICE INC I-90055849	POMP'S TIRE SERVICE INC	R	5/07/2019		65.00CR	088664	65.00
6741	PRIME MEDIA ACQUISITION CORP I-209959-IN	PRIME MEDIA ACQUISITION CORP	R	5/07/2019		471.12CR	088665	471.12
0395	PRO ONE JANITORIAL INC I-145254	PRO ONE JANITORIAL INC	R	5/07/2019		1,125.00CR	088666	1,125.00
6948	RAY'S TIRE I-1006022	RAY'S TIRE	R	5/07/2019		3,357.26CR	088667	3,357.26
0227	REINDERS INC I-1774730-00 I-1777730-00 I-1778229-00 I-2097594-00	REINDERS INC REINDERS INC REINDERS INC REINDERS INC	R R R R	5/07/2019 5/07/2019 5/07/2019 5/07/2019		9,942.62CR 277.42CR 116.01CR 252.00CR	088668 088668 088668 088668	 10,588.05

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0158	ROBERT E LEE & ASSOCIATES INC							
	I-75443	ROBERT E LEE & ASSOCIATES INC	R	5/07/2019		811.50CR	088669	
	I-75444	ROBERT E LEE & ASSOCIATES INC	R	5/07/2019		762.00CR	088669	1,573.50
6380	ROCK OIL REFINING INC							
	I-277799	ROCK OIL REFINING INC	R	5/07/2019		100.00CR	088670	100.00
3960	ROTO-ROOTER							
	I-17354	ROTO-ROOTER	R	5/07/2019		165.00CR	088671	165.00
7914	SABA SOFTWARE (CANADA) INC							
	C-INV00037366	SABA SOFTWARE (CANADA) INC	R	5/07/2019		1,894.03	088672	
	I-INV00037055	SABA SOFTWARE (CANADA) INC	R	5/07/2019		6,629.11CR	088672	4,735.08
0234	SAINT NORBERT LANGUAGE SERVICES							
	I-LS43278	SAINT NORBERT LANGUAGE SERVICE	R	5/07/2019		55.00CR	088673	55.00
0235	SAINT VINCENT HOSPITAL							
	I-49421	SAINT VINCENT HOSPITAL	R	5/07/2019		7.62CR	088674	7.62
6649	SCHMIDT BOAT LIFTS & DOCKS INC.							
	I-T18077	SCHMIDT BOAT LIFTS & DOCKS INC	R	5/07/2019		325.00CR	088675	325.00
3458	SEROOGY'S CHOCOLATES							
	I-201904309339	SEROOGY'S CHOCOLATES	R	5/07/2019		180.00CR	088676	180.00
2953	SHERWIN INDUSTRIES INC							
	I-SS078844	SHERWIN INDUSTRIES INC	R	5/07/2019		188.00CR	088677	188.00
3234	SHERWIN WILLIAMS							
	I-6036-0	SHERWIN WILLIAMS	R	5/07/2019		172.90CR	088678	
	I-8678-6	SHERWIN WILLIAMS	R	5/07/2019		150.00CR	088678	
	I-9101-6	SHERWIN WILLIAMS	R	5/07/2019		395.20CR	088678	
	I-9446-4	SHERWIN WILLIAMS	R	5/07/2019		1,185.60CR	088678	1,903.70
2791	SIRCHIE FINGER PRINT LABS LLC							
	I-394066-IN	SIRCHIE FINGER PRINT LABS LLC	R	5/07/2019		54.80CR	088679	54.80
7915	SOUNDOFF SIGNAL							
	I-5825	SOUNDOFF SIGNAL	R	5/07/2019		6,274.56CR	088680	
	I-5903	SOUNDOFF SIGNAL	R	5/07/2019		1,209.60CR	088680	7,484.16

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0999	STAPLES ADVANTAGE							
	I-3408923962	STAPLES ADVANTAGE	R	5/07/2019		11.98CR	088681	
	I-3409992519	STAPLES ADVANTAGE	R	5/07/2019		103.24CR	088681	
	I-3411380076	STAPLES ADVANTAGE	R	5/07/2019		42.99CR	088681	158.21
1494	STATE BAR CLE REGISTRATIONS							
	I-5059744	STATE BAR CLE REGISTRATIONS	R	5/07/2019		44.56CR	088682	44.56
6782	TRUCK COUNTRY OF WISC							
	I-842427-00	TRUCK COUNTRY OF WISC	R	5/07/2019		25.68CR	088683	
	I-843093-00	TRUCK COUNTRY OF WISC	R	5/07/2019		21.63CR	088683	
	I-843623-00	TRUCK COUNTRY OF WISC	R	5/07/2019		9.28CR	088683	
	I-844072-00	TRUCK COUNTRY OF WISC	R	5/07/2019		226.65CR	088683	
	I-844131-00	TRUCK COUNTRY OF WISC	R	5/07/2019		9.86CR	088683	
	I-844388-00	TRUCK COUNTRY OF WISC	R	5/07/2019		222.86CR	088683	
	I-845019-00	TRUCK COUNTRY OF WISC	R	5/07/2019		68.02CR	088683	
	I-845958-00	TRUCK COUNTRY OF WISC	R	5/07/2019		7.20CR	088683	591.18
0417	TWEET GAROT MECHANICAL INC							
	I-73232	TWEET GAROT MECHANICAL INC	R	5/07/2019		503.00CR	088684	
	I-73445	TWEET GAROT MECHANICAL INC	R	5/07/2019		337.75CR	088684	840.75
5663	TYLER TECHNOLOGIES INC							
	I-025-252788	TYLER TECHNOLOGIES INC	R	5/07/2019		2,587.61CR	088685	
	I-045-254988	TYLER TECHNOLOGIES INC	R	5/07/2019		50.00CR	088685	2,637.61
0272	UNIFORM SHOPPE INC							
	I-286751	UNIFORM SHOPPE INC	R	5/07/2019		286.80CR	088686	
	I-286759	UNIFORM SHOPPE INC	R	5/07/2019		115.98CR	088686	402.78
1911	UNITED PARCEL SERVICE INC							
	I-000070A6Y6169	UNITED PARCEL SERVICE INC	R	5/07/2019		18.34CR	088687	18.34
0857	USA BLUEBOOK							
	I-862754	USA BLUEBOOK	R	5/07/2019		408.13CR	088688	408.13
0277	VAN'S FIRE & SAFETY INC							
	I-4121675	VAN'S FIRE & SAFETY INC	R	5/07/2019		330.02CR	088689	330.02
7210	VANDEN PLAS SANITATION INC.							
	I-38080	VANDEN PLAS SANITATION INC.	R	5/07/2019		123.60CR	088690	123.60

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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PACKET: 06089 MAY 2019 COUNCIL - 1 5-7-19

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**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
3707	VIKING ELECTRIC SUPPLY							
	I-S002480401.002	VIKING ELECTRIC SUPPLY	R	5/07/2019		490.00CR	088691	
	I-S002495621.001	VIKING ELECTRIC SUPPLY	R	5/07/2019		105.65CR	088691	595.65
7916	VISIONMARK NAMEPLATE CO LLC							
	I-32083	VISIONMARK NAMEPLATE CO LLC	R	5/07/2019		295.99CR	088692	295.99
0287	WI DEPT OF ADMINISTRATION							
	I-505-0000036725	WI DEPT OF ADMINISTRATION	R	5/07/2019		175.00CR	088693	175.00
7527	WI DEPT OF JUSTICE							
	I-455TIME-0000006732	WI DEPT OF JUSTICE	R	5/07/2019		300.00CR	088694	
	I-455TIME-0000006808	WI DEPT OF JUSTICE	R	5/07/2019		768.00CR	088694	1,068.00
6469	WI DOCUMENT IMAGING							
	I-65799	WI DOCUMENT IMAGING	R	5/07/2019		442.94CR	088695	442.94
7350	WI MEDIA							
	I-2364777	WI MEDIA	R	5/07/2019		961.48CR	088696	961.48
7857	WISCNET							
	I-14054	WISCNET	R	5/07/2019		1,163.00CR	088697	1,163.00
1	WITEK, SANDRA L							
	I-201904309340	MAILBOX	R	5/07/2019		75.00CR	088698	75.00
0300	ZARNOTH BRUSH WORKS INC							
	I-174282-IN	ZARNOTH BRUSH WORKS INC	R	5/07/2019		13.61CR	088699	13.61

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	121	0.00	510,606.17	510,606.17
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:	2	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:	123	0.00	510,606.17	510,606.17

TOTAL ERRORS: 0

TOTAL WARNINGS: 0

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)

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BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
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** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
100	5/2019	109,648.85CR
201	5/2019	4,781.58CR
208	5/2019	191.92CR
209	5/2019	115.44CR
405	5/2019	348,616.87CR
601	5/2019	32,706.32CR
650	5/2019	14,545.19CR
=====		
ALL		510,606.17CR

Attachment: 5-7-19 VOUCHERS (8198 : Voucher Approval.)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019
DEPARTMENT: City Clerk
FROM: Carey Danen
SUBJECT: Operator License Applications.

ATTACHMENTS:

- 5-7-19 (PDF)

CITY OF DE PERE
License Committee - May 7, 2019

Previously Tabled Operator License Applications	
1	CRUEGER, ZACHARY A.
2	PAGENKOPF, AMY C.

Temporary Operator License Applications	
1	ANDERSON, CHELSEA H.
2	BUSSIERE, ANDREW W.
3	BUSSIERE, NATALIA
4	MASON, PAUL T.
5	SHOEMAKER, LISA M.
6	TEASE, MATT C.
7	VAN DE HEI, THOMAS J.
8	WENDLENDT, JULIE A.
9	WENDT, JAY W.
10	WUCHERER, KATHLEEN J.

New Operator License Applications	
1	BERG, ANGELA J.
2	BOYD, SAMUEL J.
3	BROEFFLE, ANNABELLE R.
4	DUQUAINE, JESSICA L.
5	HOFFMAN, MICHAEL R.
6	MALLO, KAYLA M.
7	MILLER, IVETE C.
8	NELSON, RYAN W.
9	SCHROEDER, STEVE M.
10	STEINER, ALLISON R.
11	SZALKOWSKI, KENDRA B.
12	VAN DEN HEUVEL, BRODERICK R.

Attachment: 5-7-19 (8196 : Operator License Applications.)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: May 7, 2019

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Update and Possible Action on Order Granting Plaintiff's Motion for Summary Judgment in Hope Lutheran Church et.al. v. City of De Pere.
