



Common Council

335 South Broadway

Regular Meeting

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

Agenda

Tuesday, March 4, 2014

7:30 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a Regular Meeting of the **Common Council** of the City of De Pere will be held on **March 4, 2014** at **7:30 PM** in the **De Pere City Hall Council Chambers**, 335 S. Broadway Street, De Pere, WI 54115.

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

Call to order.

1. Roll call.
2. Pledge of allegiance to the Flag.
3. Approval of the Minutes of the February 18, 2014 Common Council Meeting.
4. Public Hearing for a Rezoning & Conditional Use Application for 115 North Erie Street is scheduled for 7:35 p.m. or soon after.
 - A. Notice of Public Hearing.
 - B. Recommendation from the Plan Commission.
 - C. Ordinance #14-03, Rezoning Certain Property (Parcel ED-1064).
 - D. Resolution #14-16, Authorizing and Approving a Conditional Use Permit (Parcel ED-1064).
5. Public Hearing on Chapter 98 - De Pere Sign Ordinance is scheduled for 7:35 p.m. or soon after.
 - A. Notice of Public Hearing.
 - B. Recommendation from the Plan Commission.
 - C. Ordinance #14-04, Repealing and Recreating Chapter 98, De Pere Municipal Code Regulating Signs.
6. Public comment upon matters not on the agenda or other announcements.
7. Recommendation from the License Committee on an Application for a Premise Description Change for the Wine Cellar, 813 Main Ave., De Pere, WI. Submitted by The Wine Cellar II, Inc., Agent: Dale Dombroski, 1159 Drews Dr., De Pere, WI 54115.
8. Recommendation from the Board of Park Commissioners for Approval of Donation from Cellcom
9. Recommendation from Board of Park Commissioners for Approval of Donation from De Pere Optimist Club for Summer Day Camp

10. Recommendation from the Plan Commission to accept the new City of De Pere Downtown Design Guidelines.
11. Ordinance #14-05, Amending §8-2, De Pere Municipal Code Relating to Bow Hunting within the City.
12. Resolution #14-17, Authorizing Release of Utility Easements (Shelley Lane).
13. Resolution #14-18, Authorizing Partial Release of Drainage Easement (Shelley Lane).
14. Resolution #14-19, Authorizing Acceptance of Wisconsin Economic Development Corporation Grant for Community Development Investment Program.
15. Resolution #14-20, Designating the Green Bay Press Gazette as the Official City Newspaper after February 27, 2014.
16. Voucher Approval.
17. Operator License Applications.
18. Future agenda items.
19. Consider request of Davis & Kuelthau for Conflict Waiver.
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.

20. Consideration of Amendments to Sale and Purchase Agreement Between the City and Cleo Klubertanz.
PLEASE TAKE NOTICE, that pursuant to Wis. Stats. §19.85(1)(e), the Council may convene in closed session for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

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.

21. 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
Mayor
City Administrator
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce.
ALFRED J & MELISSA L WALKER
ALI BRI PROPERTIES LLC
ANDREW D & JACQUELYNE R SEIBEL
ANTHONY D & KATHERINE J HAMILTON
BANK OF AMERICA NA
BEACHWALKER EXPRESS LLC
BELLA REALTY LLC
BRANDIN T & SARAH R COLLINS
BROYER PROPERTIES LLC
CLYDE B & JUANITA M TETZLAFF
COLLIN ANDERSON
CRAIG R & DIANE C NELSON
DANIEL J ULLMAN
DEANNA J PETERSON
DOROTHY K GIOVANNINI
EPL INVESTMENTS LLC
GEORGE A & SHARON R THORNE
HIMAL LLC
JOAN & JOHN STECKART
LAWRENCE L & CHRISTINE A FISETTE
LIGHTHOUSE LUBE REAL ESTATE LLC
LTF INVESTMENTS LLC
MARY R LOGGHE
MATTHEW R & JESSICA M PETTY
MATTHEW R KAPINOS
MICHAEL COPPENS
NULUND GROUP LLC
PEDS LLC
PHILIP L FISETTE
PHYLLIS M COUNIHAN
RICK A VAN ENKEVORT
SAINT MARY CONGREGATION
SUMMERLEIGH ASSOCIATES INC
THOMAS B MONAHAN
THOMAS J BIERKE
TIMOTHY J FAUST
WILLIAM J VAN RENS JR
WOODWARD INVESTMENTS LLC
JULIE BYRNE
DALE DOMBROSKI

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

MEETING DATE: March 4, 2014

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Defnet

SUBJECT: Approval of the Minutes of the February 18, 2014 Common Council Meeting.

ATTACHMENTS:

- 2-18-2014 Common Council Meeting (PDF)



Common Council

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Draft Minutes

Tuesday, February 18, 2014

7:30 PM

De Pere City Hall Council Chambers

1. Call to order. The Common Council Meeting was called to order on February 18, 2014 at 7:30 PM, De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

Attendee Name	Title	Status	Arrived
Kevin Bauer	Aldersperson	Present	
James Boyd	Aldersperson	Present	
Scott Crevier	Aldersperson	Present	
Michael Donovan	Aldersperson	Present	
Bob Heuvelmans	Aldersperson	Present	
Jim Kneiszel	Aldersperson	Present	
Larry Lueck	Aldersperson	Present	
Lisa Rafferty	Aldersperson	Present	
Michael J. Walsh	Mayor	Present	

2. Pledge of allegiance to the Flag. The Council said the Pledge of Allegiance.

3. Approval of the Minutes of the February 4, 2014 Common Council Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Aldersperson
SECONDER:	Bob Heuvelmans, Aldersperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

4. Public comment upon matters not on the agenda or other announcements. Aldersperson Donovan mentioned the passing of former Alderspersons Jim Hooyman and Bob Wilmet. Mayor Walsh Introduced Boy Scout Troop 1043: Josh, Payton, Owen, and Chris. They were present to complete their Communication Merit Badges.

5. Recommendation from the Finance/Personnel Committee to Approve Funding Additional Single Leaf Loader.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Aldersperson
SECONDER:	James Boyd, Aldersperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

6. Recommendation from the Finance/Personnel Committee to Fund the Purchase of New Garbage & Recycling Trucks.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Aldersperson
SECONDER:	Michael Donovan, Aldersperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

Attachment: 2-18-2014 Common Council Meeting (1910 : Approval of the Minutes of the February 18, 2014 Common Council Meeting.)

7. Recommendation from the Finance/Personnel Committee to accept the phone survey proposal from the St. Norbert College Strategic Research Institute to complete a Community Survey.
- Aldersperson Heuvelmans suggested having Alderspersons perform the community survey for cost savings. City Administrator Larry Delo stated that statistically it wouldn't match up with the demographics of the community; the 400 responses have to match the demographics of the City. Discussion followed. Aldersperson Lueck asked what was different now compared with 2011 when the City wanted to do a survey and the Council voted against it? City Administrator Larry Delo referred to a question asked in 2008 that asked citizens if they would like to maintain city service levels if it required tax rate increases and that the response was yes; he questions whether this response would be the same after the recession. He also mentioned the fact that cell phones wouldn't be included and that statistically it shouldn't affect the survey. He doesn't think he can look at the survey questions and know how citizens would respond. Discussion followed.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Kevin Bauer, Aldersperson
SECONDER:	Jim Kneiszel, Aldersperson
AYES:	Kevin Bauer, James Boyd, Jim Kneiszel, Lisa Rafferty
NAYS:	Michael Donovan, Bob Heuvelmans, Larry Lueck
ABSTAIN:	Scott Crevier

8. Recommendation for replacing Zamboni at De Pere Ice Arena.

Parks and Recreation Director Marty Kosobucki explained the need to replace the Zamboni at the De Pere Ice Arena. Don Chilsen of Brown County Ice Management found a 2003 electric Zamboni for the City with a purchase price of \$84,900. Mayor Mike Walsh stated that he has been in contact with WPS and that they are willing to make a donation towards the purchase of a new Zamboni but he couldn't state how much the donation might be.

Marty Kosobucki mentioned that the De Pere Ice Arena dedicated fund has \$52,114.41 intended for the De Pere Ice Arena capital improvements and repairs that can be used for the purchase of the new machine. There is also the ability to sell the existing Zamboni. Discussion followed.

Aldersperson Kneiszel moved, seconded by Aldersperson Boyd to open the meeting. Upon vote, motion carried unanimously.

Craig Nash, a board member of the Greater Green Bay Figure Skating Club, discussed the people that benefit from the use of the facility.

Susan Darling, President of the Greater Green Bay Figure Skating Club stated that they would be interested in raising funds for the Zamboni but they'd like to know who else is willing to join them in fundraising.

Don Chilsen of Brown County Ice Management answered the Council's questions about the new Zamboni and other questions about De Pere Ice Arena.

Discussion followed.

Jane Johnson, Committee Chair of the Communications Committee of De Pere Youth Hockey, spoke in favor of the purchase of the new Zamboni and stated that they would donate over \$5,000 to purchase the machine.

Discussion followed.

Mike Abrahamson, a board member of the Greater Green Bay Figure Skating Club, stated that the \$52,000 in the De Pere Ice Arena fund comes from the user groups.

Aldersperson Crevier moved, seconded by Aldersperson Boyd to close the meeting. Upon vote, motion carried unanimously.

Discussion followed. Aldersperson Crevier moved, seconded by Aldersperson Boyd to amend the recommendation to purchase the Zamboni to allow for excess of the \$52,114.41 spent on replacement to include unassigned reserves from the general fund. Upon vote on the amendment, motion carried unanimously. Upon roll call vote on the recommendation as amended, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Aldersperson
SECONDER:	Kevin Bauer, Aldersperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

9. Recommendation from the Finance/Personnel Committee to approve Police Department reorganization request (AMENDED ITEM).
Police Chief Derek Beiderwieden came forward to answer questions for the Council. Aldersperson Bauer asked about the position of the Community Resources position; Chief Beiderwieden answered that the position would be absorbed by all patrol officers. Discussion followed on the new structure being suggested by the Police Chief.

Aldersperson Boyd moved, seconded by Aldersperson Heuvelmans to open the meeting. Upon vote, motion carried unanimously.

Dale Hutjens came forward to tell the Council about the positive experience his Neighborhood Watch Group has had with the current Community Resources Officer.

Kathleen Achten came forward to tell the Council about the number of neighborhoods that have formed watch groups in the City of De Pere and the positive impact the Community Resources position has had on the community.

Aldersperson Donovan moved, seconded by Aldersperson Heuvelmans to close the meeting. Upon vote, motion carried unanimously.

Discussion followed. Upon vote on the motion on the table to approve the reorganization request, the motion failed unanimously. Aldersperson Lueck moved, seconded by Aldersperson Heuvelmans to refer the recommendation back to staff. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [0 TO 8]
MOVER:	Michael Donovan, Aldersperson
SECONDER:	Scott Crevier, Aldersperson
NAYS:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

10. Ordinance #14-02, Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

11. Resolution #14-09, Authorizing Annual Notification to Wisconsin Department of Administration Requesting Direct Distribution of Lottery Tax Credit, School Tax Credit and any other Tax Credits to the City of De Pere.
Clerk-Treasurer Shana Defnet explained the basis of the Resolution to Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

12. Resolution #14-10, Authorizing Lease Agreement with Wisconsin Document Imaging.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

13. Resolution #14-11, Authorizing Facade Improvement Grant to Ronald G. Manning and Mary Alexis Pfutzenreuter Joint Revocable Trust (345 Main Avenue).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Michael Donovan, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

14. Resolution #14-12, Authorizing Agreement for Consulting Services Between the City of De Pere and Midwest Engineering Services, Inc. (2014 Construction Materials Testing and Soil Boring).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Heuvelmans, Alderperson
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

15. Resolution #14-13, Authorizing Agreement for Consulting Services Between the City of De Pere and GRAEF - USA, Inc. (2014 Storm Water Management Improvements).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Kneiszel, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

16. Resolution #14-14, Amending Sections 2.2, 6.4 and 10.2 of the City of De Pere Employee Policy Manual.
Alderperson Crevier stated that funding for out-of-state travel is approved as part of the budget for training. Discussion followed.

City Administrator Larry Delo mentioned a letter sent to Alderpersons by two City Hall employees that asked Council to consider doing different summer hours to match the Municipal Service Center; he informed Council that the hours at the MSC had been listed incorrectly and that they will be the same hours held at City Hall. Discussion followed.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Donovan, Alderperson
SECONDER: James Boyd, Alderperson
AYES: Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

17. Resolution #14-15, Authorizing Agreement with MailCom Consulting LLC for Water Bill Mailing Services.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Larry Lueck, Alderperson
SECONDER: Lisa Rafferty, Alderperson
AYES: Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

18. Summary of Compensation Appeals

19. Voucher Approval.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Scott Crevier, Alderperson
SECONDER: Bob Heuvelmans, Alderperson
AYES: Bauer, Boyd, Crevier, Donovan, Heuvelmans, Kneiszel, Lueck, Rafferty

20. Operator License Applications.

CITY OF DE PERE -FEBRUARY 18, 2014					
ITEM	NAME	ADDRESS	CITY	ST	54115
Previously Tabled Operator License Applications					
1	KENNEDY, DERIK R.	843 ASH ST., APT. A	DE PERE	WI	54115
2	MANN, BRADLEE J.	210 FERNARDO DR.	DE PERE	WI	54115
3	THIERS, JENNICA D.	474 N. GOOD HOPE RD.	DE PERE	WI	54115
Operator License Applications for the 2012-2014 Licensing Period					
1	CORRIGAN, NICOLE L.	733 OAK ST.	DE PERE	WI	54115
2	HOGAN, ANDREW K.	1482 REDSTONE TRL., UNIT 1	GREEN BAY	WI	54313
3	KIEWEG, CHELSEA D.	4143 PENSATUCKEE BAY SHORE RD	OCONTO	WI	54153
4	KASTER, NICHOLAS C.	408 N. ST. BERNARD DR.	DE PERE	WI	54115
5	LINSSSEN, ANDREA M.	1982 GEMINI ST., APT. 5	GREEN BAY	WI	54311
6	MALONEY, SHANDA M.	1991 SWAN RD., #912	DE PERE	WI	54115
7	SANDOVAL, CHRISTIAN A	500 MAIN AVE., APT. 203	DE PERE	WI	54115
8	TRUTTMANN, BRENT R.	N5260 CTY RD. E	DE PERE	WI	54115

Alderperson Bauer moved, seconded by Alderperson Boyd to table Previously Tabled Operator License Applications #1 and 2 and to deny Previously Tabled Operator License Application #3. Upon vote, motion carried unanimously.

Alderperson Bauer moved, seconded by Alderperson Heuvelmans to approve Operator License Applications #2-6 and 8 and to table Operator License Applications #1 and 7. Upon vote, motion carried unanimously.

21. Future agenda items.
22. Consideration of Amendments to Sale and Purchase Agreement Between the City and Cleo Klubertanz.

Aldersperson Rafferty moved, seconded by Aldersperson Kneiszel to enter into closed session at 10:23 p.m. Upon roll call vote, motion carried unanimously.

Aldersperson Donovan moved, seconded by Aldersperson Heuvelmans to return to open session at 10:38 p.m. Upon roll call vote, motion carried unanimously.

Aldersperson Donovan moved, seconded by Aldersperson Bauer to allow for amendments to the Klubertanz agreement that provides for a revised offer to purchase. Upon vote, motion carried unanimously.

23. Adjournment.

Aldersperson Lueck moved, seconded by Aldersperson Boyd to adjourn the Common Council Meeting at 10:39 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Defnet, Clerk - Treasurer

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: March 4, 2014

DEPARTMENT: Plan Commission

FROM: Ken Pabich

SUBJECT: Ordinance #14-03, Rezoning Certain Property (Parcel ED-1064).

ATTACHMENTS:

- Ord14-03 (DOCX)
- 3-4-14 Class II RZ 115 N Erie (DOCX)
- ED-1064_App(PDF)
- PC_Staff_Jan2014_Erie St_Rezoning (PDF)

ORDINANCE #14-03

REZONING CERTAIN PROPERTY
(PARCEL ED-1064)

WHEREAS, the Common Council of the City of De Pere, having reviewed the recommendation of the City Plan Commission regarding the proposed change in zoning classification for the property described below and having scheduled a public hearing then to be decided by the Common Council; and

WHEREAS, the City Clerk-Treasurer, having published a Notice of Public Hearing regarding such proposed zoning change and, pursuant thereto, a public hearing having been held on the 4th day of March, 2014 at 7:35 p.m. and the Common Council having heard all interested parties or their agents and attorneys;

NOW, THEREFORE, the Common Council of the City of De Pere, Wisconsin, do ordain as follows:

Section 1. That the following described property:

Original Plat of De Pere, Lot 4, Block 44
Parcel ED-1064 (115 North Erie Street)

be and the same are hereby rezoned from the present zoning classification of R-2, Single and Two-Family Residence District to B-1, Central Business, as set forth in and regulated by the provisions of §14-43 of the De Pere Zoning Code, conditioned upon compliance with the recommendations of the Plan Commission and compliance with the provisions of Chapter 14, De Pere Municipal Code.

Section 2. That the Clerk-Treasurer is directed to amend the City of De Pere Zoning Map in conformity with the provisions of this ordinance.

Section 3. That all other ordinances in conflict herewith are hereby repealed.

Ordinance #14-03

Page 2 of 2

Section 4. That this ordinance shall take effect upon its passage and publication according to law.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____

Nays: _____

Publication Date: _____

Effective Date: _____

Attachment: Ord14-03 (1790 : Ordinance #14-03, Rezoning for 115 N Erie St)

Publish: February 6 and February 13, 2014 in the De Pere Journal (Class 2 Notice)

NOTICE OF PUBLIC HEARING

Notice is Hereby given, that on **Tuesday, March 4, 2014** at 7:35 PM or as soon thereafter as can be heard in the Council Chambers of the De Pere City Hall, 335 S. Broadway St, De Pere, WI, a public hearing will be held by the Common Council of the City of De Pere to act on the rezone request for the following property:

Rezoning of 115 N. Erie Street (Parcel ED-1064) from Single-Two Family Residence (R-2) to Central Business (B-1). Applicant: PEDS LLC.

A map of the proposed rezoning is available through the City of De Pere Planning Department at 335 S. Broadway St., De Pere, WI 54115.

Dated this 6th day of February, 2014.

BY ORDER OF THE COMMON COUNCIL

Michael J. Walsh
Mayor

Shana Defnet
City Clerk-Treasurer

Attachment: 3-4-14 Class II RZ 115 N Erie (1790 : Ordinance #14-03, Rezoning for 115 N Erie St)

	CITY OF DE PERE APPLICATION FOR REZONING	Fee: \$ 260.00	
		Receipt #:	
		Date: 1-15-2014	

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

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) PEDs	Authorized Representative Mark Soderlund	Title	
Mailing Address 1251 Scheuring Rd #2	City De Pere	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

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

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description ORIGINAL PLAT OF DEPERE LOT 4 BLK 44	Parcel Number(s): ED-1064
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SECTION 4: Proposed Rezoning Use

Existing Zoning:	R-2, SINGLE & TWO FAMILY RESIDENCE		
Proposed Zoning:	B-1, CENTRAL BUSINESS		
Adjacent Zoning: North R-2, SINGLE & TWO FAMILY	Adjacent Zoning: South B-1, CENTRAL BUSINESS	Adjacent Zoning: West B-1, CENTRAL BUSINESS	Adjacent Zoning: East B-1 and R-2
Present Use of Parcel	Vacant Parcel		
Proposed Use of Parcel	Mixed Use, Central Business uses on the first floor with an apartment on the second floor		

SECTION 5: Certification and Permission

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

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

Name of Owner/Authorized Representative (please print)	Title	Phone Number
Signature of Applicant		Date Signed

Attached additional sheets if necessary.

	CITY OF DE PERE APPLICATION FOR CONDITIONAL USE	Fee: \$ 260.00	
		Receipt #: _____	
		Date: 1-15-2004	

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

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) PEDs	Authorized Representative Mark Soderlund	Title	
Mailing Address 1251 Scheuring Rd #2	City De Pere	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

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

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description ORIGINAL PLAT OF DEPERE LOT 4 BLK 44	Parcel No. ED-1064
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SECTION 4: Proposed Conditional Use

Existing Zoning:	R-2, SINGLE & TWO FAMILY RESIDENCE
Present Use of Parcel:	Vacant
Proposed Use of Parcel:	Mixed Use, Central Business uses on the first floor with an apartment on the second floor
Present Use of Adjacent Properties:	North: R-2, South: B-1, West: B-1, East: B-1 and R-2

SECTION 5: Certification and Permission

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

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

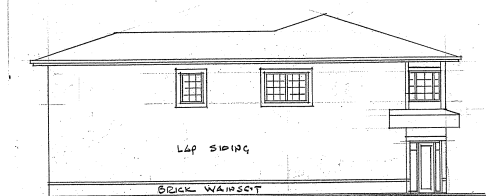
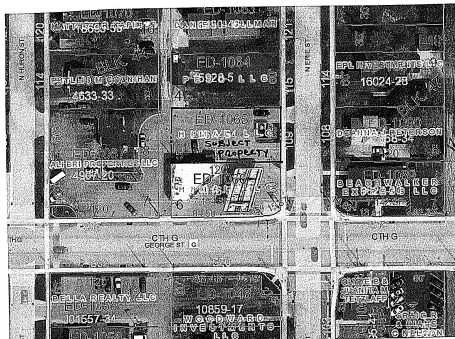
Name of Owner/Authorized Representative (please print)	Title	Phone Number
Signature of Applicant		Date Signed

A plan consisting of all applicable information listed on the attached shall be submitted with this application.

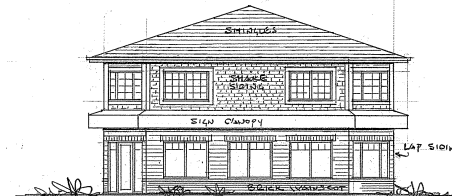
TO BE COMPLETED BY CITY STAFF

A Conditional Use Permit is authorized by the De Pere Zoning Code, Section(s):	
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Attachment: ED-1064_App (1790 : Ordinance #14-03, Rezoning for 115 N Erie St)



SOUTH ELEVATION SCALE: 1/8" = 1'-0"



EAST ELEVATION SCALE: 1/8" = 1'-0"

NOTE:
CONSTRUCTION OF THIS BUILDING SHALL MEET OR EXCEED ALL APPLICABLE ORDINANCES, CODES AND STANDARDS. IN THE CASE OF CONFLICT, THE MOST STRINGENT SHALL APPLY. INTERNATIONAL BUILDING CODE (2009) WITH ST. OF WI. SUPPLEMENTS.

CONTRACTORS SHALL LOCATE ALL UTILITIES BEFORE CONSTRUCTION AND NOTIFY ARCHITECT AND OWNER OF ANY INTERFERENCES.

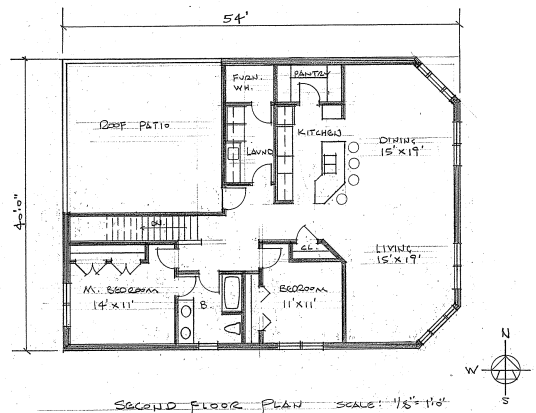
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ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH ALL CODES OR AGENCIES HAVING JURISDICTION OVER THE PROJECT.

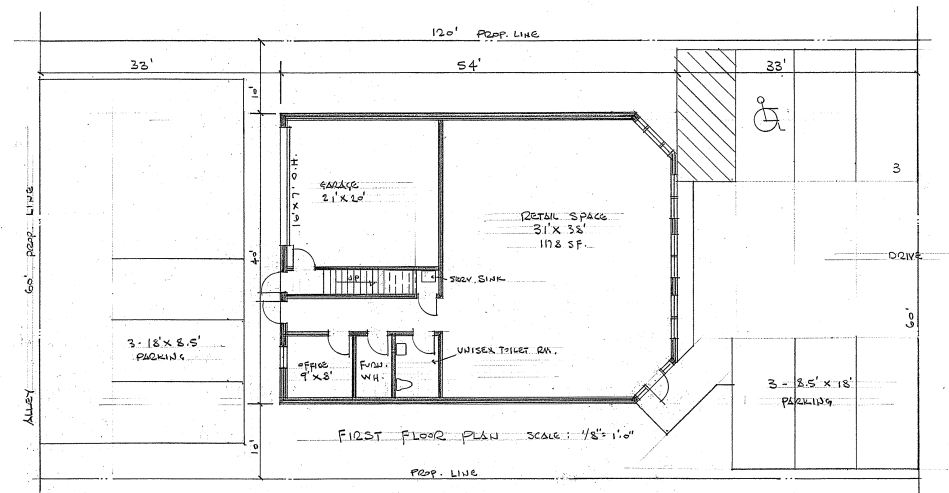
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PROPOSED BUILDING:
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SECOND FLOOR : 1678 SF.
TOTAL USG FLOOR : "M & B"
FIRST FLOOR : "M & B"
SECOND FLOOR : U.O.C. SINGLE FAMILY IPT.
TYPE OF CONSTRUCTION : "VB"
2 STORIES
WALL : SPRINKLED

SITE ADDRESS
109 N. Erie St.
De Pere, WI 54115



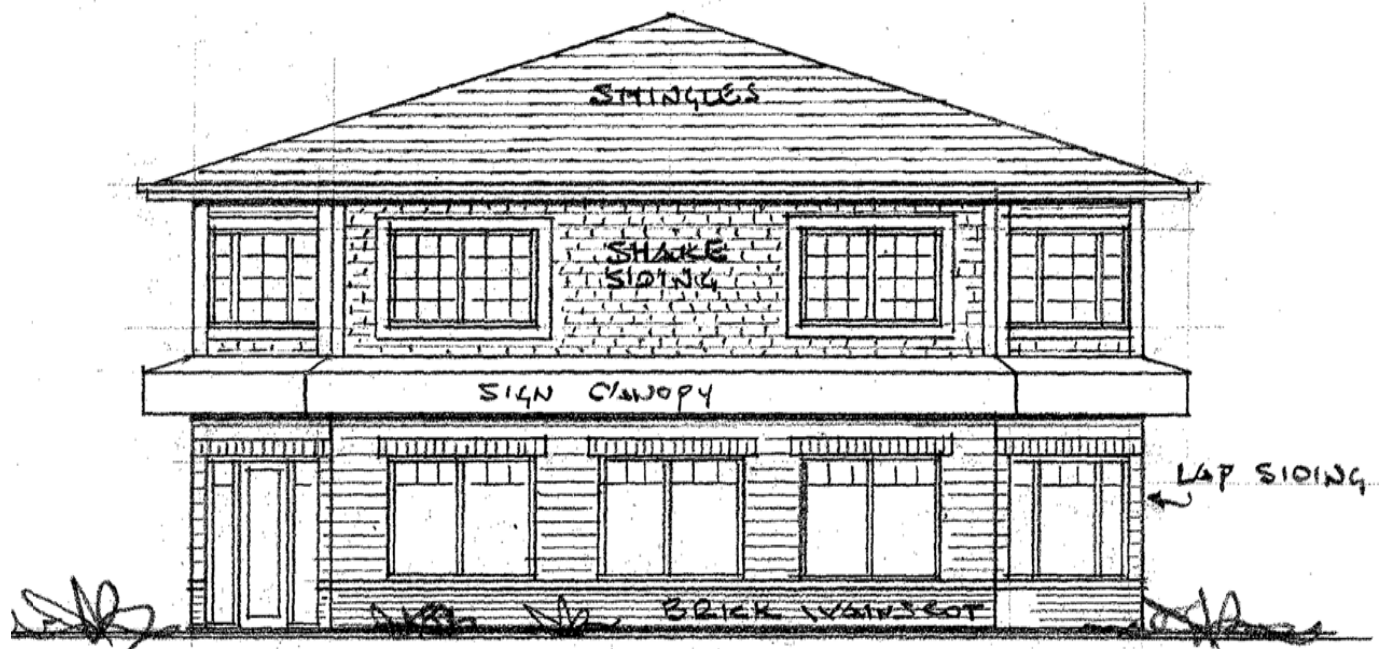
SECOND FLOOR PLAN SCALE: 1/8" = 1'-0"



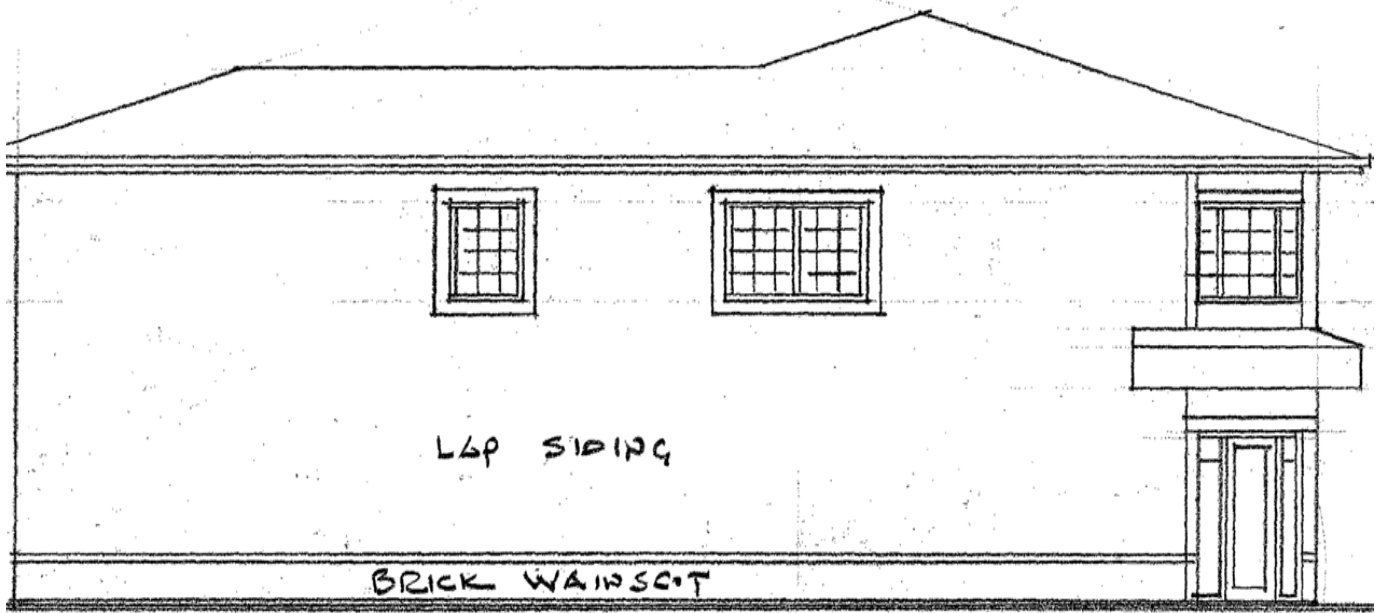
FIRST FLOOR PLAN SCALE: 1/8" = 1'-0"

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	PROPOSED BUILDING FOR		FILE:
	PED'S LLC.		JOB NO.
	DE PERE, WI.		1 of 2

4.C.C



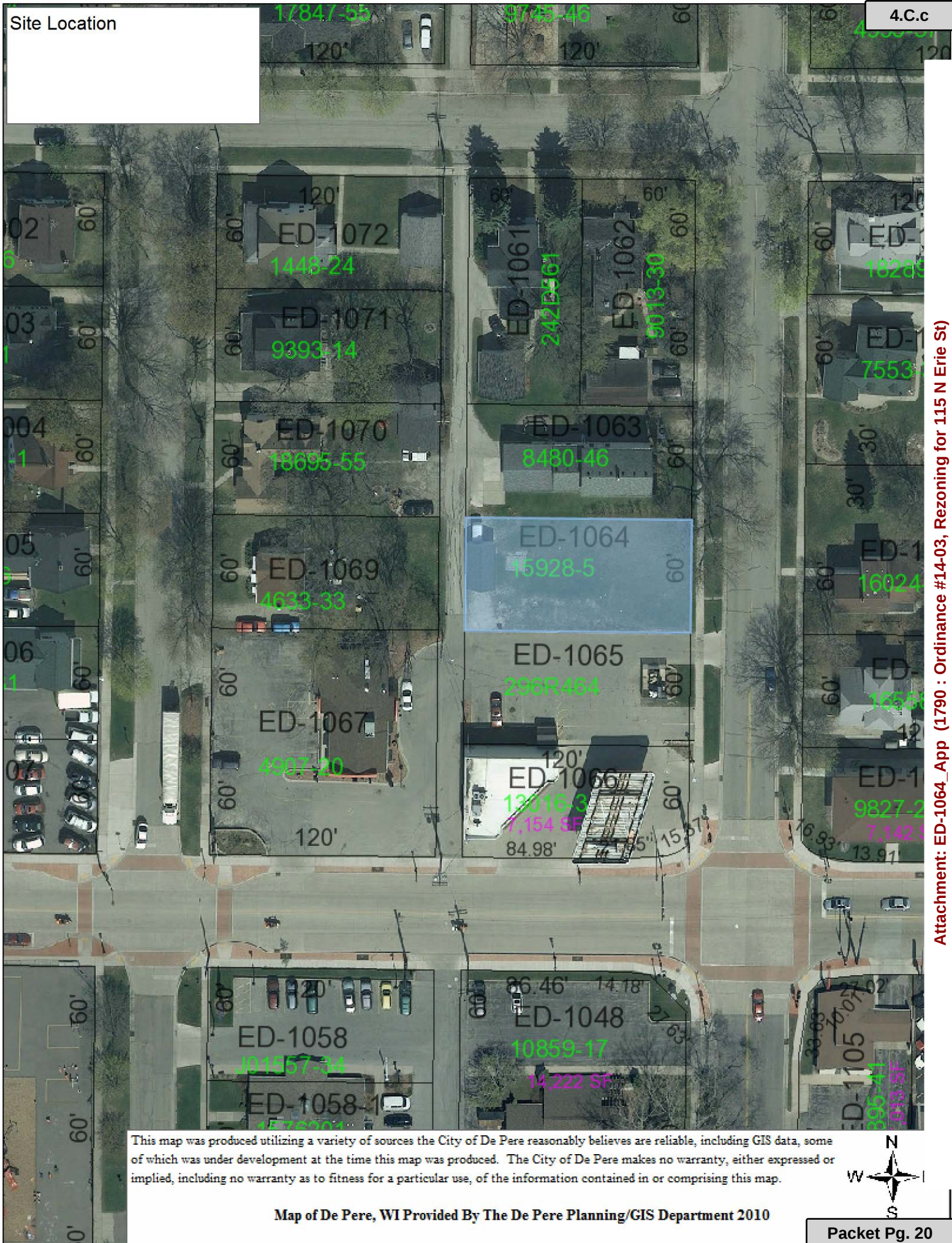
EAST ELEVATION SCALE : 1/8" = 1'0"



SOUTH ELEVATION SCALE: 1/8" = 1'-0"

Site Location

4.C.c



This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness for a particular use, of the information contained in or comprising this map.



Item #3: Review the Rezoning Request and Conditional Use Application for 115 N Erie St (Parcel ED-1064). Applicant: PEDs.

Description: The current parcel is vacant. The owner wants to place a mixed use building on the site. The first floor would be for commercial use and the second floor would be for an apartment. The property is currently zoned R-2 (Single-Two Family Residence) and the proposed zoning would be B-1 (Central Business). The B-1 district allows apartments on the second floor as a conditional use.

Location: 115 N Erie Street

Zoning

Existing Zoning: The R-2 Single and Two-Family Residence District is designed to accommodate single family homes and duplexes along with compatible uses that are characteristic of low to medium density neighborhoods.

Proposed Zoning: The B-1 Central Business District is designed to accommodate those retail and office uses which are characteristic of the major shopping streets of the "downtown" area of the city.

Adjacent Zoning: R-2 to the north, B-1 to the south, R-2 to the east and west.

Land Use

Current use: Vacant.

Use of Adjacent Property: Uses are all consistent with the zoning.

Suitability to Existing Zoning: The existing area is in transition. With the gas station to the south, the lot has remained undeveloped.

Suitability to Proposed Zoning: The requested use would be compatible with the zoning to the south. If designed properly the building could serve as a nice transition to the residential area to the north.

Effects of Proposed Rezoning

Densities:	Change	Utilities:	Change	Police and Fire:	Change
Traffic:	Increase	Pedestrian:	Increase	Parking:	Provided on site
Highway Access:	NA	Garbage:	Increase	Property Value:	Increase
Pollution:	No change	Schools:	Increase		

Conditional Use Review

Conditional is required in a B-1 district to allow for residential use on the second floor. The Downtown Master Plan encourages increasing the options for downtown living options. The primary issue is usually parking, however in this case the parking would be provided on site.

Recommendation

Based on the review of staff, we would recommend the following:

1. That the rezoning be approved and forwarded for the required public hearing.
2. Items that need to be addressed in the site plan include building design, drainage, and emergency access to the second floor.
3. Conditional Use: Staff recommends approval with no additional conditions.

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: March 4, 2014

DEPARTMENT: Plan Commission

FROM: Ken Pabich

SUBJECT: Resolution #14-16, Authorizing and Approving a Conditional Use Permit (Parcel ED-1064).

ATTACHMENTS:

- Reso14-16 (DOCX)
- 3-4-14 Class 1-CU-115 N Erie (DOCX)
- ED-1064_App(PDF)
- PC_Staff_Jan2014_Erie St_Rezoning (PDF)

RESOLUTION #14-16

AUTHORIZING AND APPROVING A CONDITIONAL USE PERMIT
(PARCEL ED-1064)

WHEREAS, the Common Council of the City of De Pere has reviewed the recommendation of the City Plan Commission regarding the granting of a conditional use as described below and has determined that the matter be scheduled for public hearing and decided by the Common Council; and

WHEREAS, the City Clerk-Treasurer has published a Notice of Public Hearing regarding the proposed conditional use and, pursuant thereto, a Public Hearing has been held at the City Hall Council Chambers on the 4th day of March, 2014 at 7:35 p.m., whereupon the Common Council heard all interested parties, their agents and attorneys;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Common Council of the City of De Pere, Wisconsin, as follows:

That the Common Council does hereby find and determine that an application for a conditional use permit has been made by a party in interest in accordance with §14.30, De Pere Municipal Code, further, that the standards relating to the conditional use as set forth in §14.30(5), De Pere Municipal Code, have been or will be complied with and that the Common Council does therefore and hereby, pursuant to §14.30(6), De Pere Municipal Code, authorize and grant a conditional use permit as provided at §14.43(2)(a)(9), De Pere Municipal Code, for purposes of permitting within the B-1 Central Business District, second floor residential occupancy for a single two-bedroom dwelling unit at 115 N. Erie Street (ED-1064), subject to and contingent upon on-site tenant parking being provided.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____
Nays: _____

Attachment: Reso14-16 (1885 : Resolution #14-16, Conditional Use for 115 N Erie Street (Parcel ED-1064).)

Publish: February 13th, 2014 in the De Pere Journal (Class 1 Notice)

NOTICE OF PUBLIC HEARING

Notice is Hereby given, that on **Tuesday, March 4, 2014** at 7:35 p.m. or as soon thereafter as can be heard in the Council Chambers of the De Pere City Hall, 335 S. Broadway Street, De Pere, Wisconsin, a public hearing will be held by the Common Council of the City of De Pere to act on the conditional use request for the following property:

Conditional Use to allow for residential use on the second floor at 115 N. Erie Street, which has been requested to be rezoned as Central Business (B-1) District. Petitioner: PEDS LLC.

Dated this 13th day of February, 2014.

BY ORDER OF THE COMMON COUNCIL

Michael J. Walsh
Mayor

Shana Defnet
City Clerk-Treasurer

Attachment: 3-4-14 Class 1-CU-115 N Erie (1885 : Resolution #14-16, Conditional Use for 115 N Erie Street (Parcel ED-1064).)

	CITY OF DE PERE APPLICATION FOR REZONING	Fee: \$ 260.00
		Receipt #:
		Date: 1-15-2014

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

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) PEDs	Authorized Representative Mark Soderlund	Title	
Mailing Address 1251 Scheuring Rd #2	City De Pere	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

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

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description ORIGINAL PLAT OF DEPERE LOT 4 BLK 44	Parcel Number(s): ED-1064
---	------------------------------

SECTION 4: Proposed Rezoning Use

Existing Zoning:	R-2, SINGLE & TWO FAMILY RESIDENCE		
Proposed Zoning:	B-1, CENTRAL BUSINESS		
Adjacent Zoning: North R-2, SINGLE & TWO FAMILY	Adjacent Zoning: South B-1, CENTRAL BUSINESS	Adjacent Zoning: West B-1, CENTRAL BUSINESS	Adjacent Zoning: East B-1 and R-2
Present Use of Parcel	Vacant Parcel		
Proposed Use of Parcel	Mixed Use, Central Business uses on the first floor with an apartment on the second floor		

SECTION 5: Certification and Permission

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

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

Name of Owner/Authorized Representative (please print)	Title	Phone Number
Signature of Applicant		Date Signed

Attached additional sheets if necessary.

	CITY OF DE PERE APPLICATION FOR CONDITIONAL USE	Fee: \$ 260.00	
		Receipt #: _____	
		Date: 1-15-2004	

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

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Applicant Name (Ind., Org. or Entity) PEDs	Authorized Representative Mark Soderlund	Title	
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Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

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Existing Zoning:	R-2, SINGLE & TWO FAMILY RESIDENCE
Present Use of Parcel:	Vacant
Proposed Use of Parcel:	Mixed Use, Central Business uses on the first floor with an apartment on the second floor
Present Use of Adjacent Properties:	North: R-2, South: B-1, West: B-1, East: B-1 and R-2

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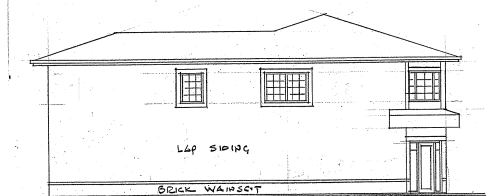
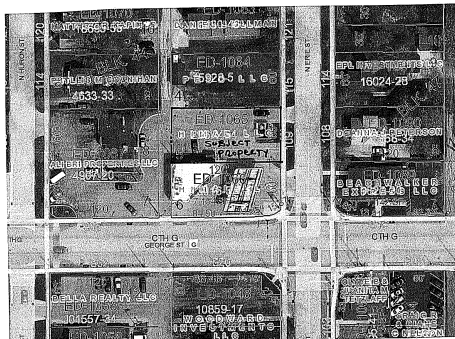
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Signature of Applicant		Date Signed

A plan consisting of all applicable information listed on the attached shall be submitted with this application.

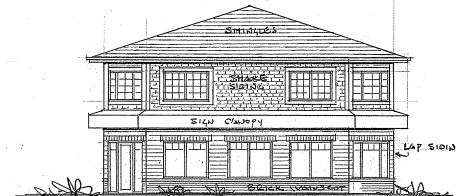
TO BE COMPLETED BY CITY STAFF

A Conditional Use Permit is authorized by the De Pere Zoning Code, Section(s):	
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Attachment: ED-1064_App (1885 : Resolution #14-16, Conditional Use for 115 N Erie Street (Parcel ED-1064).)



SOUTH ELEVATION SCALE: 1/8" = 1'-0"



EAST ELEVATION SCALE: 1/8" = 1'-0"

NOTE:
CONSTRUCTION OF THIS BUILDING SHALL MEET OR EXCEED ALL APPLICABLE ORDINANCES, CODES AND STANDARDS. IN THE CASE OF CONFLICT, THE MOST STRINGENT SHALL APPLY. INTERNATIONAL BUILDING CODE (2009) WITH ST. OF WI. SUPPLEMENTS.

CONTRACTORS SHALL LOCATE ALL UTILITIES BEFORE CONSTRUCTION AND NOTIFY ARCHITECT AND OWNER OF ANY INTERFERENCES.

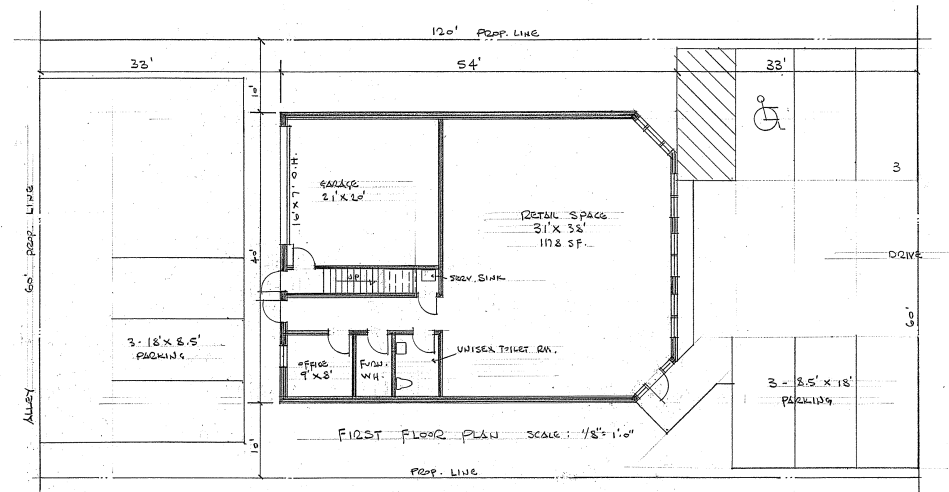
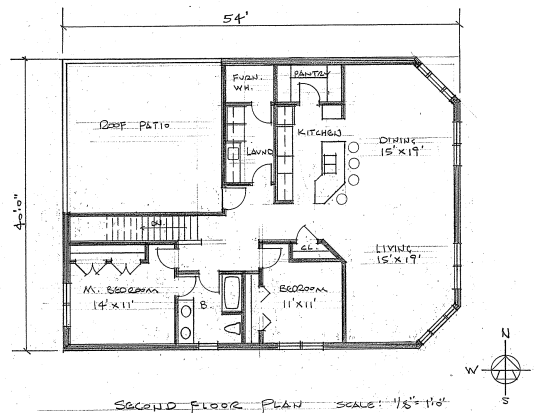
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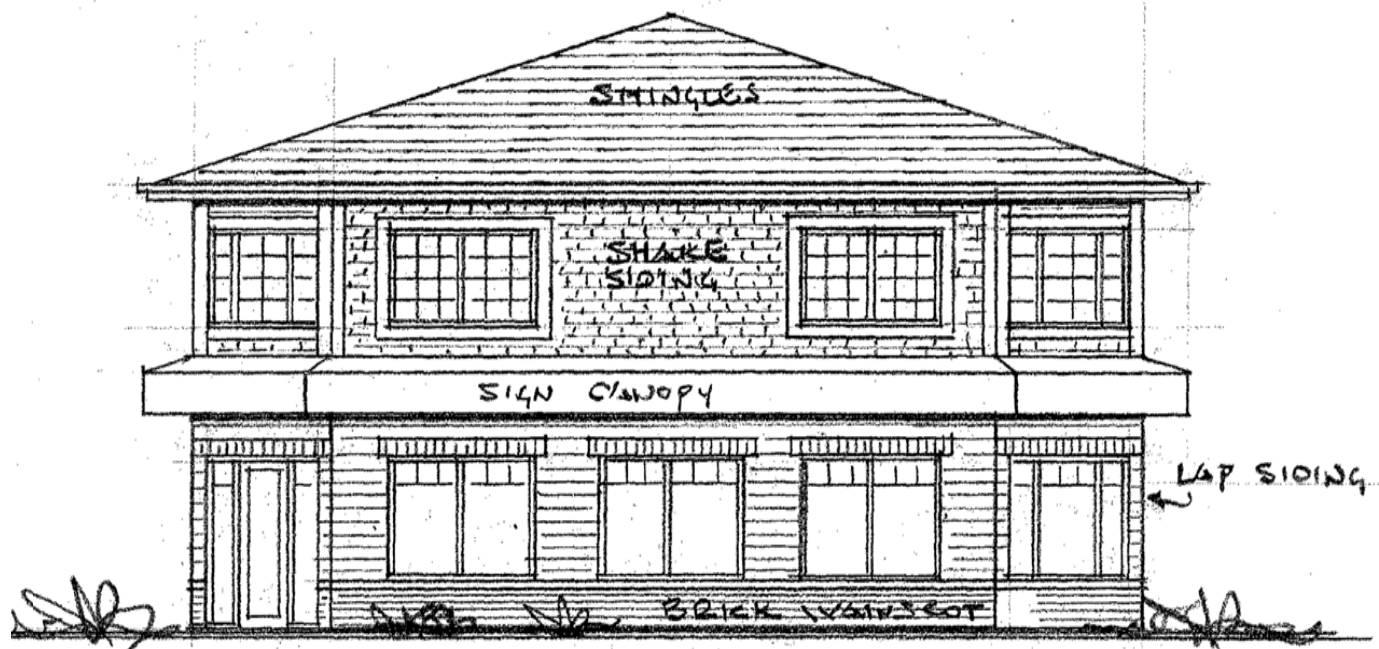
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SECOND FLOOR : 1678 SF.
I.B.C. USE GROUP :
FIRST FLOOR : "M & B"
SECOND FLOOR : "U.O.C. SINGLE FAMILY IPT"
TYPE OF CONSTRUCTION : "V.B."
2 STORIES
WALL : SPRINKLED

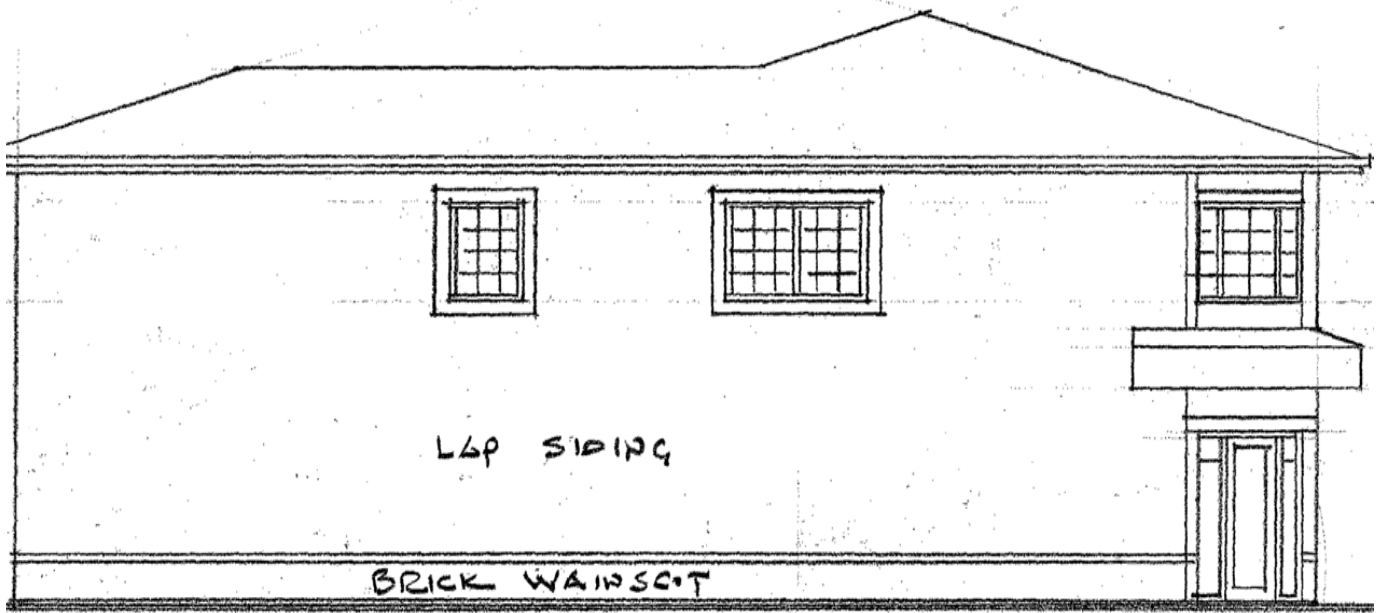
SITE ADDRESS
109 N. GALE ST.
DEPERE, WI. 54115



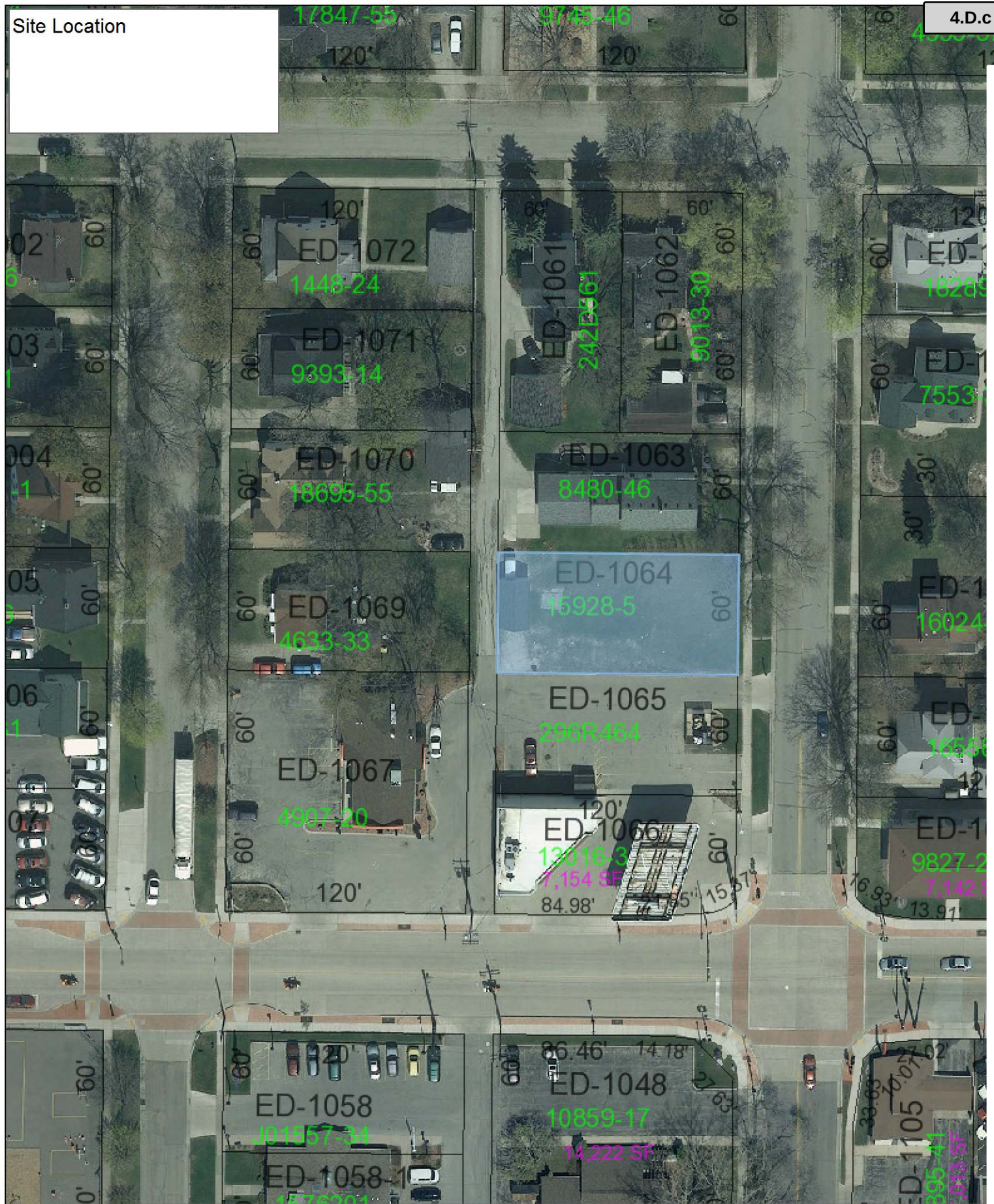
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	PROPOSED BUILDING FOR PED'S LLC.		FILE: _____
	DEPERE, WI.		JOB NO. _____
	1 of 2		4.D.C



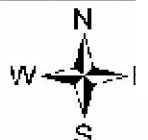
EAST ELEVATION SCALE : 1/8" = 1'0"



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Effects of Proposed Rezoning

Densities:	Change	Utilities:	Change	Police and Fire:	Change
Traffic:	Increase	Pedestrian:	Increase	Parking:	Provided on site
Highway Access:	NA	Garbage:	Increase	Property Value:	Increase
Pollution:	No change	Schools:	Increase		

Conditional Use Review

Conditional is required in a B-1 district to allow for residential use on the second floor. The Downtown Master Plan encourages increasing the options for downtown living options. The primary issue is usually parking, however in this case the parking would be provided on site.

Recommendation

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City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: March 4, 2014

DEPARTMENT: Plan Commission

FROM: Ken Pabich

SUBJECT: Ordinance #14-04, Repealing and Recreating Chapter 98, De Pere Municipal Code Regulating Signs.

ATTACHMENTS:

- Ord14-04 (DOCX)
- Sign_Ordinance_Update_Summary (PDF)
- §14-27 Variances redlined (DOCX)
- §1-2 redlined (DOCX)
- PC_Staff_Jan2014_Sign Ordinance (PDF)

ORDINANCE #14-04

REPEALING AND RECREATING CHAPTER 98,
DE PERE MUNICIPAL CODE
REGULATING SIGNS

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

Section 1: Chapter 98, De Pere Municipal Code, is hereby repealed and recreated as follows:

Chapter 98 SIGN ORDINANCE**Table of Contents**

Sec. 98-1. Title of chapter.

Sec. 98-2. Purpose of chapter.

Sec. 98-3. Definitions.

Sec. 98-4. Licensing; indemnification; insurance; permits; applications; fees; issuance and denial; appeals.

Sec. 98-5. Legal nonconforming signs.

Sec. 98-6. Removal and disposition of signs.

Sec. 98-7. Administration (sign inspector).

Sec. 98-8. Prohibited signs.

Sec. 98-9. Signs not requiring a sign permit.

Sec. 98-10. Construction specifications.

Sec. 98-11. Installation and maintenance.

Sec. 98-12. General design requirements.

Sec. 98-13. Special signs.

Sec. 98-14. General requirements by sign type.

Sec. 98-15. Signs permitted by zoning districts.

Sec. 98-16. Billboards/off premise signs.

Sec. 98-17. Remedies.

Sec. 98-1. Title of chapter.

This chapter shall be known as the sign ordinance of the city.

Sec. 98-2. Purpose of chapter.

(a) The purpose of this chapter is to establish standards to safeguard life, health and property and to promote the public welfare by the regulation, administration and enforcement of outdoor sign advertising and display within the city. This chapter recognizes the need to protect the safety and welfare of the public and the need for well maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication while acknowledging that careful control of signage can protect and enhance the community.

(b) This chapter further intends to protect and enhance the historical and cultural role of the city. Given the unique attributes of the city, including the Fox River and the downtown district, and the extensive investment made in revitalizing the downtown district, a significant degree of regulation over the aesthetic nature of signs in this district is considered an important public interest. The downtown district philosophy combines historic preservation with development to establish a thriving and aesthetically pleasing business center that strengthens the economic vitality and values of the community.

(c) To carry out these general purposes, these regulations are intended to:

- (1) Permit the effective use of signs as a means of commercial and non-commercial communication; maintain and enhance the ability of the city to attract sources of economic development and growth;
- (2) Maintain and enhance the ability of the city to preserve and protect special and unique natural and architectural features and historic landmarks;
- (3) Maintain pedestrian and traffic safety and minimize the distractions, hazards and obstructions caused by signs;
- (4) Minimize the possible adverse effects of signs on nearby public and private property;

- (5) Preserve property values within the city and allow signs appropriate to the character of each zoning district;
 - (6) Enable fair and consistent enforcement of these sign regulations.
- (d) This chapter authorizes the use of signs visible from public rights-of-way, provided that the signs are:
- (1) Compatible with zoning regulations;
 - (2) Designed, constructed, installed and maintained in such a manner that the signs do not endanger public safety or traffic safety;
 - (3) Legible, readable and visible in the circumstances in which the signs are used; and
 - (4) Respectful of the reasonable rights of other advertisers whose messages are displayed.

Sec. 98-3. - Definitions.

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

- (a) *Abandoned sign* means a sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere for a period of 6 months.
- (b) *Advertising vehicle* means signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- (c) *Area of copy* means the entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement or decoration of a wall sign.
- (d) *Area of sign* means the area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign face surface. In the case of wall signs, the area of copy will be used.

(e) *Art/Public Art* means items expressing creative skill or imagination in a visual form, such as painting, graphic art, murals and sculpture which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from public areas.

(f) *Awning* means a roof-like covering consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.

(g) *Awning sign* means any sign attached to or constructed in, on, or under an awning.

(h) *Backlit/Halo Sign* means a sign that has a source of copy illumination designed to project lighting against the surface behind the copy.

(i) *Banner sign* means a sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.

(j) *Billboard*; see *Off-premises sign*.

(k) *Blade sign* means a small pedestrian-oriented sign, less than 4 square feet, that projects perpendicular from a structure.

(l) *Building facade* means that portion of a building which is parallel or nearly parallel to the abutting roadway.

(m) *Business Center* means multiple businesses located on a single parcel meeting any of the following criteria:

- (1) Utilizing shared or inter-connected parking areas;
- (2) Utilizing shared access drives.

(n) *Business Center Sign* means a sign identifying the entrance to a business center and/or the names of the businesses located within the business center.

(o) *Business identification sign* means any sign which promotes the name and type of business only on the premises where it is located.

(p) *Canopy* means a roof-like structure projecting from a wall and supported in whole or in part by the building and / or vertical supports from the ground and erected primarily to provide shelter from the weather.

(q) *Canopy sign* means any sign attached to or constructed in, on, or under a canopy.

(r) *Changeable message sign* means a sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic,

electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

(s) *Commercial copy* means any sign, wording, logo, or other representation that, directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity. Commercial copy does not include contact or social media information.

(t) *Copy area* means the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

(u) *Directional sign* means any sign which is erected on private property by the owner of the property for the purpose of guiding vehicular and pedestrian traffic on the property. Such sign bears no advertising information.

(v) *Display Time* means the amount of time a message and/or graphic is displayed on an Electronic Message Sign.

(w) *Dissolve* means a mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

(x) *Double-faced sign* means a sign with copy on 2 parallel faces that are back to back, facing in opposite directions.

(y) *Downtown Main Street Overlay District* means a District that is designed to closely match the city Main Street boundaries. A map of the district, as may be amended from time to time, is attached as Appendix A and is on file in the sign inspector's office.

(z) *Dynamic Frame Effect* means an Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

(aa) *Electric sign* means any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.

(bb) *Electronic Message Sign* means A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. (See also following terms principally associated with Electronic Message Signs: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel).

(cc) *Election campaign sign* means a temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or other election.

(dd) *Externally illuminated sign* means a sign lighted by or exposed to artificial lighting by lights on the sign or directed toward the sign.

(ee) *Fade* means a mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(ff) *Flashing sign* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source, not including changeable message signs.

(gg) *Frame* means a complete, static display screen on an Electronic Message Sign.

(hh) *Frame Effect* means a visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

(ii) *Freeway* means a divided traffic way in respect to which abutting property owners and others have only limited access to and from as determined by the public authority having jurisdiction over such trafficway. Freeway also means interstate.

(jj) *Freeway oriented sign* means any sign located with the sign positioned for primary reading from the freeway.

(kk) *Frontage* means the length of the property line of any one premise parallel to and along each public right-of-way it borders.

(ll) *Grade* means the finished surface of the ground around the sign, consistent with the predominant grade for the site.

(mm) *Gross area* means the area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for area of copy apply.

(nn) *Height of sign* means the vertical distance from normal grade to the highest point of the sign. Any berming, filling, or excavating solely for the purpose of locating the sign shall be included as a part of the sign height. Note: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest point of the sign face. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade of the sign is lower than the grade of the adjacent public/private street, normal grade shall be construed as the grade of the adjacent public/private street.

(oo) *Holiday display* means displays erected on a seasonal basis in observance of religions, national or state holidays which are not intended to be permanent in nature and which contain no commercial message.

(pp) *Internally illuminated sign* means a sign lighted by or exposed to artificial lighting by lights in the sign.

(qq) *Legal nonconforming sign* means a nonconforming sign that did meet code regulations when it was originally installed.

(rr) *Marquee* means a roof-like structure of a permanent and structural nature which projects from the wall of a building.

(ss) *Marquee sign* means any sign attached to or constructed in, on, or under a marquee.

(tt) *Message Board* means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

(uu) *Monument Sign* means a sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles. Monument sign also means ground sign.

(vv) *Noncommercial message* means a message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

(ww) *Nonconforming sign* means a sign that does not meet code regulations.

(xx) *Off-premises sign* means a sign which advertises goods, products, facilities, events or services not on the premises where the sign is located, or directs persons to a different location from where the sign is located.

(yy) *On-premises sign* means a sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.

(zz) *Painted wall sign* means signs painted directly onto a building wall.

(aaa) *Pole sign* means a freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

(bbb) *Portable sign* means any sign not permanently attached to the ground or a building.

(ccc) *Projecting sign* means a sign, normally double-faced, which is attached to, and projects from, a structure or building facade. Awning, canopy and marquee signs shall not be considered projecting signs.

(ddd) *Roof sign* means a sign erected upon, against or above a roof.

(eee) *Sandwich board sign* means a portable sign which is generally temporary in nature and which is free-standing.

(fff) *Scroll* means a mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

(ggg) *Sign* means any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

(hhh) *Sign contractor* means any person, partnership or corporation engaged, in whole or in part, in the erection or maintenance of signs, excluding the business which the sign advertises.

(iii) *Sign inspector* means the person(s) charged with the responsibility to see that signage is installed and maintained in compliance with this chapter.

(jjj) *Sign structure* means any device or material which supports, has supported, or is capable of supporting, a sign in a stationary position, including decorative covers.

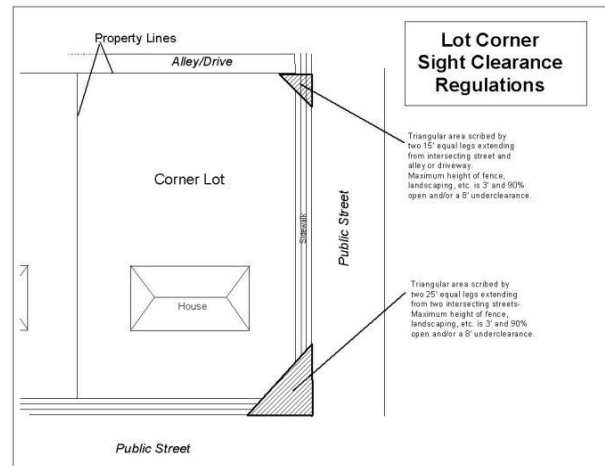
(kkk) *Swinging sign* means a sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

(lll) *Temporary sign* means a banner, pennant, poster or advertising display that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period of time only.

(mmm) *Transition* A visual effect used on an Electronic Message Sign to change from one message to another.

(nnn) *Travel* A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

(ooo) *Vision Triangle (sight clearance)* means a triangular area enclosing an isosceles triangle scribed by two 25' equal legs extended each way from the vertex of two intersecting streets, such corner determined by projecting the curb lines out to where they meet, or the triangular area enclosing an isosceles triangle scribed by two 15' equal legs extended each way from the vertex of an intersecting street and alley or two alleys, such corner determined by projecting the curb lines out to where they meet. See the following graphic:



(ppp) *Wall sign* means a sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall.

(qqq) *Window sign* means a sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(rrr) *Zoning districts* means as follows:

(1) *Residence districts.*

- R-1, Single Family Residence District
- R-2, Single and Two-Family Residence District
- R-3, General Residence District
- R-4, General Residence Office District

(2) *Business districts.*

- B-1, General Business District
- B-2, Community Shopping District
- B-3, Motor Vehicle Dependent District
- Hwy 41-A, Highway 41 Business Corridor: District A
- Hwy 41-B, Highway 41 Business Corridor: District B

(3) *Industrial districts.*

I-1, Industrial Park District
I-2, Limited Industrial District
I-3, General Industrial District
C-EO, Corporate-Executive Office District
C-EO-2, Corporate-Executive Office 2 District
I-B-1, Industrial Business Park 1 District
I-B-2, Industrial Business Park 2 District

(4) *Conservancy district.*

Sec. 98-4. Licensing; indemnification; insurance; permits; applications; fees; issuance and denial; appeals.

(a) *Yearly licensing.* Every person/company engaged in the business of installing, maintaining or removing signs within the city shall first obtain a license to perform such work. Such license shall be issued as of May 1, 2014 by the sign inspector and shall be valid for 12 months. There shall be an annual fee for such license in an amount as determined by resolution of the common council. Fees shall not be prorated. Such fee may include late fees and fees for expedited process.

(b) *Indemnification for sign installation and maintenance.* All persons engaged in the business of installing or maintaining signs which involves, in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way, or public property is used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the city, its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of this sign or any other sign work insofar as this chapter has not specifically directed the placement of the sign.

(c) *Insurance.* Every sign installer shall file with the sign inspector a certificate of insurance indicating the applicant holds a public liability and property damage specifically to include the hold harmless with bodily limits of at least \$1,000,000 per occurrence, and \$2,000,000 aggregate, and property damage insurance of at least \$250,000 per occurrence, and \$250,000 aggregate. Such insurance shall not be canceled or reduced without the insured first giving 30 days' notice in writing to the city of such cancellation or reduction.

(d) *Permits required.* Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign, or cause the same to be done in the city, without first obtaining a sign permit for each such sign from the sign inspector as required by this chapter. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure. If the work authorized by the permit has not been completed within 6 months after the date of issuance, the permit shall lapse and become null and void. The validity of a permit may be

extended by the sign inspector an additional 3 months beyond the original date for extenuating circumstances.

(e) *Application for a permit.* Application for a permit shall be filed with the sign inspector upon forms provided by the sign inspector and shall contain the following information:

- (1) The name and contact information of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
- (2) The following shall be provided in PDF, Microsoft Word or Microsoft Excel format:
 - a. Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction size, dimensions, and kind of materials to be used in such structure.
 - b. A site plan shall be submitted showing the buildings on the premises upon which the structure is to be erected and maintained, together with location, size and types of existing signs on the premises where the proposed sign is to be located.
 - c. A color rendering showing the sign at the proposed location shall also be provided.
- (3) Calculations or evidence showing that the structure, design and mounts meet the requirements of this chapter for wind pressure load.
- (4) Evidence of liability, insurance policy or bond as required in this section.
- (5) Such other information as the sign inspector may require to show full compliance with this and all other applicable laws of the city.
- (6) Signature of the applicant and property owner.

(f) *Permit applications for signs encroaching upon right-of-way.* If the sign application involves the installation of a sign which encroaches upon or over right-of-way, such permit application shall also require the following:

- (1) Location of encroachment identified in drawings/renderings required under paragraph (e)(2);
- (2) Acknowledgment by property and business owner that city may revoke permission to encroach upon right-of-way if it determines public safety, maintenance, other use or other legitimate reason;

- (3) Property owner agreeing to hold the City of De Pere harmless from any and all injury that may occur to any party as the result of the use of the right-of-way referenced hereunder. This provision is intended to indemnify and hold harmless the City of De Pere to the fullest extent permitted by law and includes the payment of reasonable attorney fees for the defense of any claims brought which can fairly be said to be under the intent and purpose of this hold harmless agreement.
- (4) To secure such hold harmless agreement, property or business owner shall maintain a general liability insurance policy on its business operations in an amount of not less than \$1,000,000 per occurrence and shall produce a Certificate of Insurance demonstrating to the satisfaction of the city that the city is entitled to coverage thereunder under the terms and conditions of this agreement. A copy of the certificate of insurance must be provided and maintained or the permission to encroach on right-of-way shall be revoked.
- (5) The authority to encroach upon right-of-way shall not transfer to any new business or property owner. A new permit is required.

(g) *Permit fees*, Application for permit shall be filed with the sign inspector together with such fee therefore as is determined by resolution of the common council. Such fee may include inspection fees, late fees and fees for expedited process.

(h) *Permit issuance and denial*. The sign inspector shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign within the city when the permit application is properly completed, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations of the city. If the sign permit is denied, the sign inspector shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial, along with the return of all permit fees and papers.

(i) *Sign permit variance*.

- (1) In the event of a sign permit denial due to the requirements in this section contained causing undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the plan commission under Section 14-27(6) of this code, accompanied with such fee as determined by resolution of the common council. Such fee may include late fees or fees for expedited process. The plan commission shall take action on any variance request within 60 days of receipt of the variance application or the same shall be deemed denied. The sign inspector shall comply with and enforce the plan commission's decision.
- (2) The sign inspector's failure to either formally grant or deny a properly completed sign permit application within 7 days of the date of application

meeting the requirements of this chapter shall be cause for appeal to the plan commission.

Sec. 98-5. - Legal nonconforming signs.

(a) *Notification of nonconformance.* After enactment of this chapter, the sign inspector shall survey the city to inventory all signs. Upon determination that a sign is nonconforming, the sign inspector shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the sign is located of the following:

- (1) The sign's nonconformity.
- (2) Whether the sign is eligible for characterization as a legal nonconforming or is unlawful.

(b) *Signs eligible for characterization as legal nonconforming.* Any sign located within the city limits as of the date of adoption of the ordinance from which this chapter is derived, or located in an area annexed to the city hereafter, which does not conform with the provisions of this chapter, is eligible for characterization as a legal nonconforming sign and is permitted providing it also meets the following requirements:

- (1) The sign was covered by a proper sign permit prior to the date of adoption of the ordinance from which this chapter is derived.
- (2) If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of the ordinance from which this chapter is derived.

(c) *Loss of legal nonconforming status.* A sign loses its nonconforming status if one or more of the following occurs:

- (1) The sign is abandoned as defined in this code.
- (2) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration.
- (3) The sign is relocated. However, relocation of a sign pursuant to the exercise or the threat of exercise of eminent domain by a governmental authority shall not cause a legal nonconforming sign to lose such status provided the sign is relocated to an area on the same tax parcel and as close as practicable to the original site acquired by said government action.
- (4) The sign fails to conform to this chapter regarding maintenance and repair, abandonment, or dangerous or defective signs.

- (5) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this chapter with a new permit secured therefor, or shall be removed.

(d) *Legal nonconforming sign maintenance and repair.* Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs. If the cost of such repair and maintenance exceeds 50% of the replacement cost value new of a nonconforming sign, a sign permit shall be applied for and the sign shall be made to conform to this chapter be removed.

Sec. 98-6. - Removal and disposition of signs.

(a) *Maintenance and repair.*

- (1) Every sign including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.
- (2) The sign inspector shall require compliance with all standards of this chapter. If the sign is not modified to comply with safety standards outlined in this chapter, the sign inspector shall require its removal in accordance with this section.

(b) *Abandoned signs.* All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the sign inspector shall give the owner 30 days' written notice to remove such sign. Upon failure to comply with this notice, the city may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

(c) *Deteriorated or dilapidated signs.* The sign inspector shall cause to be removed any deteriorated or dilapidated sign under the provisions of Wis. Stats. §66.0413.

Sec. 98-7. - Administration (sign inspector).

The city building inspector is designated as sign inspector hereunder to enforce the provisions of this chapter. The sign inspector shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform with the requirements of this code, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the city, and make such reports as the city may require.

Sec. 98-8. - Prohibited signs.

The following signs shall be prohibited within the city:

- (a) *Signs within the right-of-way.* Except as provided in Section 98-4(f).
- (b) *Abandoned signs.*
- (c) *Flashing or moving signs.* Changeable message signs are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than 7 revolutions per minute.
- (d) *Swinging signs.*
- (e) *Painted wall signs.*
- (f) *Roof signs.*
- (g) *Manual changeable copy signs.* Except as permitted as a temporary sign under Section 98-13(a).
- (h) *Unclassified signs.* The following signs are prohibited:
 - (1) Floodlighted signs (unless lights are so shielded as to not allow view of the actual light source from any city street or residential neighborhood).
 - (2) Signs which bear or contain statements, words or pictures of obscene, pornographic or which shock the conscience of the public.
 - (3) Signs which are an imitation of, or resemble in shape, size, copy or color, an official traffic sign.
- (i) *Inflatable signs except:*
 - (1) Balloons or inflatable figures used in a parade, festival, civic event or holiday display.
 - (2) Novelty balloons less than 2' in diameter and not more than 3' in any dimension which are tethered or moored not to exceed 20'.
- (j) *Electronic Message Signs.* The use of figures, images or animation in Electronic Message Signs is prohibited.

Sec. 98-9. - Signs not requiring a sign permit

The following signs are permitted in any zoning district without obtaining a permit, as specified in this section. However, all signs must comply with all other general sign regulations established in Section 98-14. These signs shall not be applied toward the maximum sign allowance specified for a property, except as otherwise indicated in this subsection. No signs are allowed within street right-of-way under this section.

(a) *Address numbers and nameplates.* Residential and professional address numbers and nameplates not exceeding 1 square foot in area per building identifying the owner or occupant of a property or name of a permitted home occupation. Such numbers and nameplates shall comply with Section 22-3 of this code.

(b) *Art/Public art.* Such displays shall not obstruct the vision triangle at intersections and shall not be located within or over any public right-of-way.

(c) *Construction signs.* Two construction signs per construction project not exceeding 50 square feet in sign area per sign. Such signs may be erected no more than 5 days prior to construction, shall be confined to the construction site, and shall be removed no more than 60 days after completion of construction.

(d) *Directional signs.* Directional signs not exceeding 6 square feet in a commercial, mixed-use, or industrial district or 3 square feet in a residential district displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, loading areas, addresses, or similar noncommercial information. Sign height shall not exceed 6’.

(e) *Flags.* Flags, including official government flags, emblems, or temporary displays of a patriotic, religious, charitable, or other civic character, may be displayed provided that such signs are not placed in the public right-of-way.

(f) *Historic plaques.* Plaques or name plates identifying historic buildings, structures, or districts, provided no such historic plaque shall exceed 4 square feet in area.

(g) *Holiday decorations.* National or state holidays which are not intended to be permanent in nature and which contain no commercial message.

(h) *Interior signs.* Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building that are not visible from the public right-of-way. Such signs must comply with the structural, electrical, or materials specifications required by this chapter or the building code.

(i) *Memorial signs.* Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material, provided no such memorial sign shall exceed 4 square feet in area.

(j) *Neighborhood identification signs.* In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood, apartment or subdivision identification, provided that the legend of such sign or display shall consist only of the neighborhood, apartment or subdivision name.

(k) *Plaques.* One religious symbol, commemorative plaque, or identification emblem, provided no such symbol, plaque, or emblem shall exceed 4 square feet in area and provided all such symbols, plaques, and emblems shall be placed flat against a building.

(l) *Public signs.* Public signs, street signs, warning signs, railroad crossing signs, emergency signs, or signs of public service companies for the purpose of promoting safety.

(m) *Political and campaign signs.* Political and campaign signs on behalf of candidates for public office or issues on election ballots, provided that such signs are subject to the following regulations:

- (1) Permission shall be obtained from the owners or tenants in possession of the property upon which an election campaign sign is placed. No sign shall be located on public property.
- (2) The person or organization responsible for the erection or distribution of any such signs, or the owner, or agent of the property upon which such signs are located, shall cause their removal within 3 days after the election to which the signs are pertinent unless such signs shall continue to be pertinent to a general election to be held within 90 days. If the signs are not removed within the 3 day period, the sign inspector or authorized designee, shall cause such sign to be removed without the necessity of giving notice and the costs thereof placed upon the tax roll for such parcel as a special charge for current services rendered under Wis. Stats. §66.0627.
- (3) Each sign, except billboards, shall not exceed 16 square feet in nonresidential zoning districts and 11 square feet in residential zoning districts. This paragraph does not apply to a sign which is affixed to a permanent structure and does not extend beyond the perimeter of the structure. If the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.
- (4) No sign shall be placed upon a building or a zoning lot that will create a traffic or safety hazard. The city police department shall be primarily responsible for determining safety and traffic factors of such sign. If it is determined that any signage is a traffic and/or safety factor, the city police department shall have the authority to remove such signage. If such sign is not removed within the time frame given, the police department shall cause such sign to be removed and the costs thereof placed upon the tax

roll as a special charge for current services rendered under Wis. Stats. §66.0627.

(n) *Real estate signs.* One real estate sales sign on any lot or parcel, or two signs per corner lot, provided that such sign is located entirely within the property to which the sign applies and is not directly illuminated.

- (1) In residential districts, such signs shall not exceed 6 square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
- (2) In all other districts, such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.

(o) *Seasonal flags, pennants, streamers and banners.* Placement is authorized under a city issued permit or placed upon city right-of-way by city personnel.

(p) *Temporary sales signs.* Temporary sales signs not exceeding 8 square feet and limited to 1 sign per property.

- (1) Signs shall be located on private property where the sale is conducted and shall be set back 5' from all property lines and out of the sight triangle.
- (2) Such signs may be erected for periods not exceeding 3 days and shall be removed at the end of the sale.

(q) *Temporary civic signs.* Temporary signs pertaining to public or civic events or advertising displays not exceeding 16 square feet in area to be displayed for a limited period of time not to exceed 30 days.

(r) *Vehicular signs.* Signs on vehicles operated in the normal course of business, which is not primarily the display of signs.

Sec. 98-10. - Construction specifications.

- (a) All signs shall comply with the provisions of the city building ordinance.
- (b) All monument sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (c) Electrical service to ground signs shall be concealed wherever possible.
- (d) All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:

- (1) For solid signs, 30 pounds per square foot on the largest face of the sign and structure.
- (2) For skeleton signs, 30 pounds per square foot of the total face cover of the letters and other sign surfaces, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

(e) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.

(f) Cables, anchors, guys, fasteners, lag screws, bolts, or other equipment or materials used in securing any non-temporary sign to its mounting shall be made of galvanized metal or of equal corrosion resisting metal or metal treated so as to be equally corrosion resistant. Supports and braces used to secure or support a sign shall be designed as an integral part of the sign design or sign structure, or be screened from public right-of-way whenever possible.

(g) All electric signs shall also include: for incandescent lamp signs, the number of lamp holders; for electric discharge lamp signs, the input amperes at full load and the input voltage.

Sec. 98-11. - Installation and maintenance.

(a) *Safety.*

- (1) All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task.
- (2) At the time of permit application, plans shall be filed with the sign inspector for footings for signs 8' to 20' in height, methods of attachment of projecting signs, and engineering specifications and calculations as required by the sign inspector.

(b) *Electric signs.* This chapter recognizes that electric signs are controlled under the special equipment provisions of the city electrical ordinance/National Electric Code. Electric sign contractors and their employees are herein authorized to perform the following specific tasks:

- (1) Install exterior electric signs, ballasts or high voltage transformers to sockets or outline lighting tubes, and may connect such signs to primary branch circuit, if such circuit already exists outside of the building.
- (2) Install interior electric signs, but may not connect such signs to the primary branch circuit.

Sec. 98-12. - General design requirements.

(a) *Design.* Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect. The use of high intensity colors or florescent pigments is prohibited.

(b) *Maintenance.* Every sign shall be constructed and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed, or preserved including all parts and supports.

(c) *Illumination.* Illumination of signs is permitted subject to the following standards:

- (1) Illumination of signs shall be directed or shaded so that the no direct rays shall:
 - a. interfere with the vision of persons on adjacent streets or properties
 - b. be directed onto adjacent residential uses or districts; or,
 - c. create a nuisance condition as determined by the sign inspector and/or designee.
- (2) Where internal illumination of signs is permitted, signs shall be designed to minimize the amount of light that is transmitted through the sign panel. The display of white light should be limited to the sign copy. The display of internal illumination through the background shall be controlled by one or more of the following:
 - a. limiting the illuminated background to 30% of the sign area;
 - b. changing the shape of the sign to reduce the lighted surface area,
 - c. using a dark color; or
 - d. using an opaque screen.
- (3) Underground wiring shall be required for illuminated signs not attached to a building.

(d) *Blanketing.* Blanketing of signs is prohibited.

(e) *Vertical Clearance Areas.*

- (1) *Vehicle Area Clearance.* When a sign extends over a private area where vehicles travel or are parked, the bottom of the overhanging sign must be at least 12' above the ground. Vehicle areas include but are not limited to driveways, alleys, parking areas, and loading and maneuvering areas.
- (2) *Pedestrian Area Clearance.* When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure must be at least 7' above the ground.

(f) *Transitional Areas.* Signs are prohibited within any transitional area required by Chapter 14 of this Code.

(g) *Calculation of Area of Copy.* Sign area shall be calculated as follows:

- (1) *Calculation of Area of Individual Signs.* The allowable area of a sign face shall be measured by enclosing the most protruding points or edges of a sign within the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material, color, or decoration forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Such area shall not include any base, supports, bracing, supporting fence, or supporting wall when they are clearly incidental to the display itself.
- (2) *Calculation of Area of Multi-faced Signs.* The allowable sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 2' apart, the sign area shall be computed by measurement of one of the faces.

(h) *Computation of Height.* The allowable height of a sign shall be measured by calculating the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be the lower of:

- (1) the existing grade prior to construction; or,
- (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

(i) *Assignment of Allowable Sign Area - Multi-Tenant Buildings.* When the allowable area for signs is based on the linear feet of a building exposure, the allowable sign area may be assigned to each tenant as follows:

- (1) allowable sign area multiplied by the percent of building exposure or building space occupied by each tenant;
- (2) the allowable sign area divided by the number of tenants; or,
- (3) the allowable sign area may be assigned at the discretion of the property owner.

Sec. 98-13. – Special signs.

(a) *Temporary signs* shall be allowed in excess of the sign limitations for permanent signs, in compliance with the following:

- (1) Temporary signs shall be permitted only in mixed-use, commercial, and industrial districts or in residential districts in conjunction with a new subdivision.
- (2) Signs shall comply with the setback provisions for monument or ground/pylon signs in each zoning district.
- (3) Signs shall be limited to 32 square feet in total area per property.
- (4) Signs shall require a permit from the sign inspector for each location and time-period.
- (5) Signs shall be located on the property the advertising pertains to, unless for a civic or public event which may project over the right-of-way with city approval.
- (6) Signs shall be limited to a maximum of 3 periods per year per property (defined by a single Property Identification Number). Each period not to exceed 30 days.
- (7) All pennants, streamers, banners, and other forms of temporary signs must be maintained and not frayed, torn, or tattered.
- (8) Banners, pennants, searchlights or balloons shall not be used on a permanent basis. No more than 2 banners, balloons, flags, or posters shall be permitted at one time on a property and can only be used for a maximum of ten days. Balloons and other aerial devices may not exceed 20' in height.
- (9) No more than one reader board or other portable ground sign shall be permitted at one time on a property, subject to the time limitations under paragraph (6) above.

(b) *Trailer or Mobile Mounted Signs.* Trailer or mobile signs mounted are permitted for a total of four weeks per year, provided no one period exceeds two weeks, and:

- (1) Each permit is to be issued to a single parcel or identifiable shopping center and not each business therein.
- (2) Such signs may be located in the front yard setback area if it is not within 15' of an intersecting street or driveway to preserve sight distance.

- (3) A site plan accompanies application illustration location.
- (4) Construction and electrical codes of the city shall apply to the extent applicable.
- (5) Portable Electronic Message Center signs are prohibited in residential districts and the Downtown District.

(c) *Public / Private Schools or Colleges and Religious Institutions or Places of Worship Signs* are regulated as follows:

- (1) A wall sign identifying the institution name can be used in combination with a monument sign.
- (2) One monument sign is permitted per street frontage, and one sign attached to a building is permitted per building façade facing a public street.
- (3) Monument signs shall be no larger than 8' in height and contain no more than 50 square feet of sign area (per side). Signs attached to a building shall not have any support structures extending above roof/cornice and shall contain no more than 32 square feet of sign area.
- (4) The monument sign shall be architecturally compatible with the building and have a 1- to 4-foot high masonry base of similar building materials and/or an earth berm.
- (5) The horizontal measurement of the monument sign must be greater than the vertical measurement.
- (6) Monument signs shall be set back not less than 15' from any property line.
- (7) Architectural details compatible with the building design may not exceed 16" above the maximum height.
- (8) The monument sign is to be limited to name, logo, and address.
- (9) Four lines of reader board are permitted on the monument signage, not to be greater than 75% of the sign area. Letters contained within the reader board shall not be less than 6" in height. No additional exterior reader boards and/or changeable copy will be permitted on site.
- (10) The reader board shall be limited to advertising for onsite activities. No off-site advertising shall be permitted.
- (11) Electronic Message Sign (EMC) or sign is permitted subject to:
 - a. Electronic message signs shall be a part of a monument sign.

- b. An electronic message sign shall not operate between 11:00 PM and 5:00 AM.
- c. The transition time between messages and/or message frames is limited to 1 second in residential districts.
- d. EMC display features and functions are prohibited: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.

- (12) A detailed landscape plan is required with a landscape area sufficient to cover an area extending not less than 3' past any part of the ground-mounted sign. The landscape plan is subject to sign inspector approval.

(d) *Subdivision Development.* Two temporary signs in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

- (1) Permit required. Requests for subdivision development signs shall be required to submit a site plan, sign details, and other information, to the office of the sign inspector for review of compliance with all applicable codes. No fee will be required.
- (2) Time limit. Such permits may be issued until 80% of the lots have been sold, or less than 5 lots remain in the subdivision, after which said signs shall be removed.
- (3) Text, content. The temporary subdivision sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate firm, and may refer to materials, appliances, supplies, and building trades used in connection with the dwelling units or services provided by the developer. Said signs may be externally illuminated.
- (4) Location. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located.
- (5) Height and size. Signs shall be no greater than 10' in height with 3' of under-clearance. Maximum sign area shall not exceed a total of 64 square feet.

(e) *Changeable Copy.* Changeable copy signs may be incorporated within or used as institutional identity signs in any district in compliance with the following restrictions.

- (1) Changeable copy signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business identification sign so that separation between the 2 signs is limited to 1'.

- (2) The changing sign shall not exceed the following size limitations:

<u>Total Sign Face, One Side</u>	<u>Portion Allowed to be Changing</u>
Less than 24 square feet	Up to 8 square feet
24 square feet to 96 square feet	33% of total sign area
More than 96 square feet	32 square feet or less

- (3) The changing sign message shall consist of letters and numbers only. For changing signs, automatic copy shall not change more than 6 times per minute.

- (4) Color may not be red, green, or amber if sign is located in the front setback if within the vision triangle of an intersection.

(f) *Fuel / Gas Center Signs.*

- (1) A fuel center sign can use digital LED lighting for displaying the fuel cost. The LED lighting display cannot be used for any other type of copy.
- (2) The digits used in such LED shall not exceed 8" in height for monument sign and 12" in height for pole sign.

(g) *Sandwich Board Signs.*

- (1) Uses. A sandwich board sign may be permitted within the city right-of-way for parcels with frontage in the Downtown Main Street Overlay District and must meet the following standards.
- (2) Dimensional/Design Standards:
- Area. Sign face area shall not exceed 8 square feet per sign face.
 - Width. Sign face width shall not exceed 2' measured at the widest point of the sign face.
 - Height. Sign height shall not exceed 4' measured from the ground to the top of the sign.
 - Ballast. A ballast shall be installed at the base of a sandwich board sign to ensure stability in windy conditions.
 - Portability. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.
 - Color/Illumination. The sign shall not be painted traffic yellow or construction zone orange, nor shall it be reflective, fluorescent or illuminated.

- g. Signs shall not resemble or contain any MUTCD-compliant traffic control devices in size, shape, message, or color.
- h. A maximum of one sandwich board sign per individual business shall be permitted. No supplemental sign, notice, flag, balloon or other decoration shall be attached to the sign.
- i. The sandwich board shall be manufactured to a professional standard of construction, finish and graphics; be fabricated of sign grade wood or metal and be free standing and self-supporting and not be affixed to or mounted on wheels.
- j. The sign shall be fold-over or breakaway in design, as to not be capable of producing serious injury to pedestrians, bicyclists, and motorists.
- k. The sign shall be maintained in good repair.
- l. The sign shall not obstruct building exits.

(3) Placement:

- a. Sidewalk Width. Signs shall be placed only on sidewalks where a minimum 5 foot clear sidewalk is maintained. The sign may be placed on the sidewalk fronting the place of business directly adjacent to the property line or building façade.
- b. Removal. Sandwich board signs may be displayed only during the period a business is open to the public and shall be removed at close of business each day. Sandwich board signs shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sandwich board sign shall be free of snow and ice and shall be placed on the ground at all times. Sandwich board signs shall not be placed on snow banks. Businesses that utilize sandwich board signs will hold the city harmless from damage to the signs due to snow removal.
- c. Location. Signs shall be located according to the following standards:
 - i) No sandwich board sign shall be placed within 10 linear feet of another sandwich board sign, measured from the base of each sign. Sandwich board signs shall not be located adjacent to a bus stop nor in any manner interfere with passengers boarding or alighting from a transit vehicle.

- ii) Signs shall be located in the following portions of the sidewalk, to be determined by the Department of Public Works staff based on accessibility and safety standards, including location and proximity of doorways, width of tree plot, maximum distance between pedestrian obstacles, location of crosswalks, and other physical features of the location that affect accessibility and safety.
- iii) Signs shall be placed a minimum of 48" from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement. Signs shall be placed a minimum of 10' from a building corner of pedestrian crosswalk. Signs shall not be closer than 2' from the face of the street curb.
- iv) Signs shall not block or interfere with any permanent or temporary traffic control devices.
- d. ADA Compliance. Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
- (4) Enforcement. More than 2 violations of the sandwich board sign standards in 1 calendar year shall result in the removal of the sandwich board. A new sandwich board sign shall not be permitted for the business for a minimum of 12 months from the date of the sign permit revocation.

Sec. 98-14. – General Requirements by sign type.

Three sign types per business may be used outside of the downtown overlay district. In the downtown overlay district, the use of two sign types per business is permitted.

(a) *Awnings/Canopies/Marquees.* Awning, canopy, and marquee signs shall be permitted subject to the following standards:

- (1) Awning/Canopies without signage are permitted above doors and windows.
- (2) Awning/Canopy signage is only permitted at the ground level.
- (3) A minimum clearance of 7' shall be maintained from ground level.
- (4) Signage shall not extend above the roof or parapet of the structure to which it is attached.
- (5) Signage shall not interfere with street trees or traffic signs.

- (6) Signage shall be supported solely by the building to which it is attached and no columns or posts shall be permitted as supports within the right-of-way.
- (7) The roofs of all marquees/awnings and canopies shall be used for no other purpose than to form and constitute a roof. The roofs of all marquees/awnings and canopies on private property shall not drain directly onto the public right-of-way. The roofs of all marquees/awnings and canopies shall be constructed to support a live load of not less than 60 pounds per square foot.
- (8) No advertising shall be placed on the marquee/awning or canopy except the name or logo of the owner, business or industry conducted within the premises, address of the building, or the building name.
- (9) Any text, logos, or other graphic representation qualifying as a sign which is placed on an awning, canopy, or marquee shall be included within the calculation of total allowable wall sign area and are subject to the requirements of this ordinance.
- (10) Lettering and Logos shall not exceed more than 30% of the total exterior of awning/canopy and cannot exceed 30 square feet.
- (11) Awning/Canopy shall not be white or translucent.
- (12) Awnings with back-lit graphics or other kinds of interior illumination are not permitted.
- (13) Matte finish canvas or acrylic coated fabric is preferred. Vinyl is not a permitted material.
- (14) Lettering or logos shall be painted or otherwise permanently affixed in letters not exceeding 20" in height on the front and side portions thereof.
- (15) Awnings shall be designed to project over individual windows and door openings and not project as a single continuous feature extending over masonry.
- (16) Marquee signs shall be limited to buildings occupied by theaters, cinemas, performing arts facilities, or parking structures.
- (17) The sign copy of marquee signs shall be limited to the business name and changeable copy related to upcoming and future attractions.

- (18) In the Downtown Main Street Overlay District, the sign may project into the public right-of-way, but may not be erected closer than 3' to any street curb line.

(b) *Business Center Signs.* Business center signs shall be permitted subject to the following standards:

- (1) Intended to identify the entrance, the name of the business center, and/or the names of businesses within the business center.
- (2) Business center signs shall keep the first 2' of the sign closest to the ground free of sign copy for the purposes of snow storage and landscaping. This portion of the sign shall not be counted toward the calculation of allowable sign.
- (3) Business center signs in the Downtown Business District shall be monument signs.
- (4) Electronic Message Signs are prohibited.

(c) *Electronic Message Signs (EMS).* Signs whose informational content can be changed or altered by electronic means shall be subject to the following standards:

- (1) EMS must be located on the site of the use identified or advertised by the sign.
- (2) EMS shall not be utilized as a stand-alone sign and shall be incorporated into or attached to the primary business identification sign so that separation between the 2 signs is limited to 1'.
- (3) EMS shall occupy no more than 30% of the sign area.
- (4) No EMS shall conflict with the visibility of any street signage or traffic signals.
- (5) EMS shall be allowed on monument and pole signs.
- (6) EMS shall be perpendicular to the street frontage.
- (7) EMC EMS shall have a minimum display time of 8 seconds.
- (8) The transition time between messages and/or message frames is limited to 3 seconds and these transitions may employ fade, dissolve, and or other transition effects. Flashing or video is prohibited.

- (9) The EMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. No such sign shall be illuminated that is greater than necessary for adequate visibility. Message center signs that are found to be too bright shall be modified with the order of the city.
 - (10) Including an EMS as part of a permanent sign will prohibit the use of any portable signs.
 - (11) EMS Signs shall not display off-premise commercial advertising.
- (d) *Monument Signs.* Monument signs shall be permitted subject to the following standards:
- (1) Monument signs shall keep the first 2' of the sign closest to the ground free of sign copy. This portion of the sign shall not be counted toward the calculation of allowable sign area.
 - (2) Monument signs must incorporate design details, materials, and colors of the associated building(s). EIFS shall not be allowed on the bottom 3'.
 - (3) The maximum height of the sign base shall be no more than 1/3 the total sign height.
 - (4) Letter heights shall not exceed 8".
 - (5) Sign text shall be limited to the building or project name, logos, and the business address.
 - (6) Corner lots: 2 monument signs are permitted with a minimum of 250' of frontage on each street.
- (e) *Pole Signs.* Pole signs shall be subject to the following standards:
- (1) The structure shall be constructed and designed to incorporate design details, materials, and colors of the associated building(s). EIFS shall not be allowed on the bottom 3'. Poles shall be shrouded and integrated into the overall sign design.
 - (2) Sign panels shall not extend more than 2' beyond the width of the architectural support elements on the sign except in the primary view of any freeway.

- (f) *Projecting Signs.* Projecting signs shall be subject to the following standards:
- (1) Projecting signs shall project from the wall at an angle of 90°.
 - (2) One projecting sign is permitted per business if spacing requirements are met.
 - (3) Projecting signs shall be considered double-faced signs.
 - (4) A minimum clearance of 7' shall be maintained from ground level and may project no more than 4' from the building or closer than 3' to the edge of the sidewalk, whichever is less.
 - (5) No projecting sign shall be erected within 15' of any other projecting sign; however, this provision shall not prohibit at least 1 projecting sign per property tax parcel.
 - (6) Projecting signs shall not be mounted above the second floor windowsill in multi-storied buildings.
 - (7) Projecting signs shall have a minimum clearance of 12" between building face and sign, while maintaining a maximum projection of 48".
 - (8) Upper floor businesses may have 1 shared projecting sign per entrance.
 - (9) Mounting hardware shall be an attractive part of the sign design. Simple round pipe brackets with plugged ends or added decorative elements are generally appropriate for signs.
 - (10) Projecting signs are not allowed at the intersection of streets except at right angles to a building front.
 - (11) Projecting signs shall not be internally illuminated.
 - (12) In the Downtown Main Street Overlay District, signs may project into the public right-of-way with a revocable occupancy permit, but shall not be erected closer than 3' to any street curb line.
- (g) *Wall Signs.* Wall signs shall be subject to the following standards:
- (1) Wall Signs shall not project more than 12" from the building surface which must also include the mounting brackets.
 - (2) Wall Signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

- (3) Wall Signs shall not obscure architectural features of the building, including but not limited to windows, arches, sills, moldings, cornices, and transoms.
- (4) Wall signs shall not be mounted above the second floor windowsill in multi-storied buildings.
- (5) For multiple story buildings in Downtown Main Street Overlay District, wall signs shall only be permitted as follows (except as provided for in this ordinance):
 - a. on the building frieze;
 - b. in the area between the first floor and the window sill of the second story window; if no windows are present, then no higher than 20'.
- (6) In the Downtown Main Street Overlay District, no wall sign shall be erected within 15' of any other projecting sign; however, this provision shall not prohibit at least 1 wall sign per property tax parcel.
- (7) In the Downtown Main Street Overlay District, the width of the sign shall not exceed the width of the storefront.
- (8) Existing buildings with signage above the height of the window sill of a second story window may replace sign copy with a sign of the same size, shape, and lettering.
- (h) *Window Signs.* Wall signs shall be subject to the following standards:
 - (1) Window signs may be placed on any window glass of street facing walls of the building.
 - (2) The total coverage of all permanent, neon and temporary window signs shall not exceed 30% of the total glass area of the window.
 - (3) Sign copy should not exceed 12" in height.
 - (4) Window signs should be applied directly to the interior surface of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.
 - (5) Neon signs displayed indoors constitute permanent window signs. Only 1 neon sign shall be permitted per business facade.

Sec. 98-15. – Signs permitted by zoning districts.

(a) *Signs permitted in residential districts.* The following signs types shall be permitted in the Single Family (R-1), Single / Two Family (R-2), Residence (R-3), and General Residence / Office (R-4) districts.

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.

Signs Permitted in Residential Districts								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
Districts								
R-1	No	No	No See Special Signs	No*	No	No	No	No
R-2	No			No*		No	No	
R-3	No			Yes*		No	Yes	
R-4	Yes			Yes*		Yes	Yes	
Standards								
Restrictions	See Section 98-14(a)			See Section 98-14(d)		See Section 98-14(f)	See Section 98-14(g)	
Max # of Signs	1			1**		1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	
Max Area	Limited to 5' in width. Lettering limited to 12" in height.			1 sq ft per linear foot of storage frontage or 25 sq ft, which ever is less.		6 sq ft	1 sq ft per linear foot of storage frontage or 25 sq ft, which ever is less.	
Lighting	Lighting under structure is permitted.			External or back lit / halo illumination		External lighting	External or back lit / halo illumination	
Max Height	May not extend above roof			6'		12'	12' or as approved by Plan Commission	
Min Clearance	7'			na		7'	na	
Set Back	na			15' off property line.		na	na	
Notes:								
* See Section 98-13(c) for permitted monument signs for Public/Private Schools or Colleges and Religious Institutions or Places of Worship.								
** See Section 98-14(d)(6) for restrictions related to number of signs for corner lots.								

(b) *Signs permitted in commercial districts.* The following signs types shall be permitted in the General Business (B-2), Motor Vehicle Dependent Business (B-3), Highway 41 Business A (HWY41-A), and Highway 41 Business B (HWY41-B) districts:

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.

Signs Permitted in Commercial Districts								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
Districts								
B-2	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
B-3								
HWY41-A								
HWY41-B								
Standards								
Restrictions	See Section 98-14(a)	See Section 98-14(b)	See Section 98-14(c)	See Section 98-14(d)	See Section 98-14(e)	See Section 98-14(f)	See Section 98-14(g)	See Section 98-14(h)
Max # of Signs	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 per business center	1 sign	1 per street frontage	1 sign	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.
Max Area	1 sq ft per linear foot of store frontage or 200 sq ft, which ever is less.	200 sq. ft. under 10 stores / 320 sq ft over 10 stores **	Shall not exceed 50% of the allowable area of a ground or wall sign	1 sq ft per linear foot of store frontage or 50 sq ft, which ever is less.	100 sq ft, 150 HWY41-A,B	8 sq ft	1 sq ft per linear foot of store frontage or 100 sq ft, which ever is less.	No more than 30% of the gross first floor window area
Lighting	External	Yes	Yes	Yes	Yes	External lighting only	Yes	No
Max Height	Below 2nd floor windows or 20', which ever is less.	20'	20'	8'	20', 35' HWY41-A,B	Below 2nd floor windows or 20', which ever is less.	Below 2nd floor windows or 20', which ever is less. Or as approved by Plan Commission	na
Min Clearance	7'	10' under clearance if within 15' of ROW line	10' under clearance if within 15' of ROW line	na	10' under clearance if within 15' of ROW line	7'	na	na
Set Back	na	0'	0'	15'	0'	na	na	na
Notes:								
** not to exceed 75 sq. ft per sign face for 1st business, 50 sq. ft. per sign face for each business thereafter								

(c) *Signs permitted in industrial districts.* The following signs types shall be permitted in the Industrial Park (I-1), Limited Industrial (I-2), General Industrial (I-3), Corporate-Executive Office (C-EO), Corporate-Executive Office 2 (C-EO-2), Industrial-Business 1 (I-B-1), and Industrial-Business 2 (I-B-2) districts:

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.

Signs Permitted in Business Park and Industrial Districts								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
Districts								
I-1	Yes	No	No, only if permitted under PDD	Yes	No	No	Yes	No
I-2								
I-3								
C-EO								
C-EO-2								
I-B-1								
I-B-2								
Standards								
Restrictions	See Section 98-14(a)			See Section 98-14(d)			See Section 98-14(g)	
Max # of Signs	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.			1 **			1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	
Max Area	1 sq ft per linear foot of business frontage or 200 sq ft, which ever is less.			1 sq ft per linear foot of business frontage or 200 sq ft, which ever is less.			1 sq ft per linear foot of business frontage or 200 sq ft, which ever is less.	
Lighting	External			Yes			Yes	
Max Height	Below 2nd floor windows or 20', which ever is less.			8'			Below 2nd floor windows or 20', which ever is less. Or as approved by Plan Commission	
Min Clearance	7'			na			na	
Set Back	na			15'			na	
Notes:								
** See Section 98-14(d)(6) for restrictions related to number of signs for corner lots.								

(d) *Signs permitted in the Conservancy districts.* Within the Conservancy District (CON), the following signs types shall be permitted:

- (1) All exempt signs, as listed in Section 98-9.
- (2) Temporary signs, as listed in Section 98-13.

Signs Permitted in Conservancy District								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
Districts								
CON	No	No	No	Yes	No	No	No	No
Standards								
Restrictions				See Section 98-14(d)				
Max # of Signs				1				
				100 sq ft				
Max Area								
Lighting				Yes				
Max Height				6'				
Min Clearance				na				
Set Back				15'				

(e) *Signs permitted in Downtown Main Street Overlay District.* The following signs types shall be permitted in the Downtown Main Street Overlay District and properties zoned Central Business (B-1), General Business (B-2), Motor Vehicle Dependent Business (B-3), districts:

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.
- (3) For individual businesses that have multiple right-of-way exposure, a maximum of 4 signs are permitted regardless of sign type used.
- (4) Business center signs must comply with the following:
 - a. To be permitted, the building footprint shall not cover more than 50% of the lot area.
 - b. The maximum square footage of sign area is determined by multiplying the total lot square footage x 0.00175. The sign shall not exceed 80 square feet in size.

Signs Permitted in Main Street Overlay District

	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
Districts								
R-4	Yes	Yes	No	Yes	No	Yes	Yes	Yes
B-1								
B-2								
B-3								
Standards								
Restrictions	See Section 98-14(a)	See Section 98-14(b)		See Section 98-14(d)		See Section 98-14(f)	See Section 98-14(g)	See Section 98-14
Max # of Signs	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 per business center		1		1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.
Max Area	Maximum 1 sq ft for each linear ft. of storefront not to exceed 30 sq ft	See paragraph (e)(3) above		1 sq ft per linear foot of store frontage or 30 sq ft, which ever is less.		Maximum 1 sq. ft. for each linear ft. of storefront not to exceed 8 sq. ft./face	1 sq ft per linear foot of store frontage or 50 sq ft, which ever is less.	No more than 30 percent of the gross first floor window area
Lighting	External	External		External or back lit / halo illumination		External	External or back lit / halo illumination	Not permitted
Max Height	Below 2nd floor windows or 20', which ever is less.	10'		6'		Below 2nd floor windows or 20', which ever is less.	Below 2nd floor windows or 20', which ever is less.	na
Min Clearance	7'	na		na		7'	na	na
Set Back	na	0'		10'		na	na	na

Sec. 98-16. – Billboards/off premise signs.

All billboard/off premise signs are prohibited effective _____(effective date of ordinance to be inserted).

Sec. 98-17. Remedies.

Violation or failure to comply with the provisions of this chapter shall be and hereby is declared to be unlawful.

(a) Any sign erected, altered, moved or structurally modified without a permit, or altered with a permit but in violation with the provisions of this chapter, shall be removed at the owner's expense or brought into compliance within 7 days of written notification by the sign inspector. If the violation is failure to obtain a permit, a permit fee shall be required, and the permit fee shall be five times the normal fees. If the owner does not remove or bring into compliance, the sign inspector may order removal, the expenses of which will be assessed to the tax roll of the property on which the noncomplying sign is located.

(b) This section shall not preclude the city from maintaining any appropriate action to prevent or remove a violation of this chapter. If the owner does not remove or bring into compliance, the sign inspector may order the sign removed. If such sign is not removed by the owner within the time period specified, the city may cause removal, with the owner being responsible for all costs. These expenses will be assessed to the tax roll of the property on which the noncomplying sign is located.

Section 2: §14-7(6), *Variance by plan commission in limited circumstances*, is hereby amended by inserting the following as the second sentence therein:

The Plan Commission may also grant variances for signs under §98-4(i) of this code.

Section 3: §1-2(1), *General rule*, is hereby amended by adding the following as the last sentence therein:

Where an ordinance is silent or where rules of construction do not provide a reasonable basis for concluding an action is allowed, the action is prohibited.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall take effect on and after passage and publication.

Ordinance #14-04
Page 39 of 39

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of
March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____
Nays: _____
Publication Date: _____
Effective Date: _____

Attachment: Ord14-04 (1791 : Ordinance #14-04, Chapter 98 - Sign Ordinance.)

CITY OF DE PERE

335 South Broadway
De Pere, WI 54115
Fax No.: 920/339-4049
Web: <http://www.de-pere.org>



March 4, 2014

To: Common Council

From: Judy Schmidt-Lehman, City Attorney
Ken Pabich, Director of Planning and Economic Development

RE: Summary of Change to Chapter 98, Sign Ordinance

The Plan Commission requested that staff provide a brief summary of the changes made to the ordinance. Staff relied on the original structure of Chapter 98 for our update; however there were changes throughout the ordinance which made following a redline version very difficult to understand. If you have any questions on the overall ordinance or the modifications, please feel free to contact us before the meeting.

Section	Summary of Changes
98-1: Title	No change
98-2: Purpose	Provide updates to the wording of the section and added item 98-2(b)c.
98-3. Definitions	Updates to definitions were made where necessary and we added to new definitions as needed to match the ordinance. For example, new definitions were added to deal with the technology surrounding electronic message board signs.
98-4. Licensing; indemnification; insurance; permits; applications; fees; issuance and denial; appeals.	Clarifications were made for licensing, insurance rates were adjusted, permit application process was better defined, and applications in the ROW were added. Sign variances are moved to the Plan Commission so they are considered at the same time as site plans are reviewed.
Sec. 98-5. Legal nonconforming signs.	Minimal wording changes to improve readability.
Sec. 98-6. Removal and disposition of signs.	Minimal wording changes to improve readability.
Sec. 98-7. Administration.	Defined city building inspector as sign inspector.

Attachment: Sign_Ordinance_Update_Summary (1791 : Ordinance #14-04, Chapter 98 - Sign Ordinance.)

Sec. 98-8. Prohibited signs.	Minimal wording changes to improve readability. We also added Manual Change Copy signs as a prohibited sign. Electronic Message Board signs prohibit the use of figures, images or animation.
Sec. 98-9. Signs not requiring a sign permit.	This section was completely updated with more sign types being added that do not require a permit. We also updated political signage standards to match state regulations.
Sec. 98-10. Construction specifications.	Minimal wording changes to improve readability.
Sec. 98-11. Installation and maintenance.	Minimal wording changes to improve readability and match proper national code references.
Sec. 98-12. General design requirements.	This section was completely redone. For the design requirements, we want to provide more detail on requirements which includes item like: maintenance, illumination, sign clearance, area of copy, height, and multi-tenant building signage.
Sec. 98-13. Special signs.	This section was completely redone. Special signs and there use were added for the following: Temporary Signs, Trailer or Mobile Mounted Signs, Public / Private Schools or Colleges and Religious Institutions or Places of Worship Signage, Subdivision Development Signage, Changeable Copy Signage, Fuel / Gas Center Signage, and Sandwich Board Signs.
Sec. 98-14. General requirements by sign type.	New Section. Original ordinance section was titled Signs Permitted by Zoning Districts (moved to next section). The section defines the types of signs that are permitted and also any special standards that must be followed when using the sign type.
Sec. 98-15. Signs permitted by zoning districts.	New Section. Original ordinance section was titled Signs within the Downtown District. The section provides a summary of each zoning district and the types of signs that are permitted. It was designed to help the applicant understand what can be done in the zoning district.
Sec. 98-16. Billboards/off premise signs.	New Section. This section defines that off premise signage is not permitted.
Sec. 98-17. Remedies.	New Section. The section defines remedies if an action or provision of the ordinance is found to be in noncompliance.

PART II - MUNICIPAL CODE
Chapter 14 - ZONING ORDINANCE

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

14-27. Variances.

- (1) *Purpose.* The Board of Appeals, after a public hearing, may vary the regulations of this ordinance, in harmony with its general purpose and intent, only in the specific instances hereinafter set forth, where such Board makes findings of fact in accordance with the standards hereinafter prescribed and, further, finds that there are practical difficulties of particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.
- (2) *Application for variance and notice of hearing.* An application for a variance shall be filed, in writing, with the Building Inspector. The application shall contain such information as the Board may, by rule, require. Notice of the time and place of such public hearing shall be published at least once in the official newspaper and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least ten (10) days prior to the date of the hearing. The Board shall thereafter reach its decision within thirty (30) days from the filing of the appeal.
- (3) *Standards for variances.* The Board of Appeals shall not vary the regulations of this ordinance, as authorized in Subsection 2., above, unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
 - (b) The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classifications;
 - (c) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property;
 - (d) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - (e) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (4) *Conditions.* The Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this section and the objectives of this ordinance.
- (5) *Time limitation.* No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (6) *Variance by plan commission in limited circumstances.* The Plan Commission may grant variances as a consequence of subdivision plat/certified survey map approval for the following: minimum lot area, minimum lot width, minimum open space, minimum front, rear, side, or corner side yard setback provided it finds the variance is consistent with the applicable standards of Section 14-27(3). The Plan Commission may also grant variances for signs under §98-4(i) of this code. All property owners within one hundred (100) feet of any property proposed for such variances shall be forwarded a copy of the Plan Commission agenda prior to the Plan Commission meeting at which the proposed variance is reviewed.

Attachment: ?14-27 Variances redlined (1791 : Ordinance #14-04, Chapter 98 - Sign Ordinance.)

PART II - MUNICIPAL CODE

Chapter 1 GENERAL PROVISIONS

Sec. 1-2. Construction of ordinances.

In the construction of this Code and other ordinances of the City of De Pere the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

- (1) *General rule.* All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. Where an ordinance is silent or where the rules of construction do not provide a reasonable basis for concluding an action is allowed, the action is prohibited.
- (2) *Gender; singular and plural.* Every word in any ordinance importing masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.
- (3) *Person.* The word "person" shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.
- (4) *Tenses.* The use of any verb in the present tense shall include the future, where applicable.
- (5) *Shall have been.* The words "shall have been" include past and future cases.
- (6) *Acts by agents.* When an ordinance requires an act to be done, which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.
- (7) *Reasonable time.* In all cases when an ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.
- (8) *Computation of time.* The time within which an act is to be done as provided in any ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday it shall be excluded; and when any such time is expressed in hours, the whole of Sunday, from midnight to midnight, shall be excluded.
- (9) *References.* All references to chapters or sections are to the chapters and sections of this Code, unless otherwise specified.
- (10) *Conflict.* If the provisions of different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter. If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

(Code 1974, § 1.02)

State law reference— Authority to codify ordinances, Wis. Stats. § 66.035.

Item #4: Review the new version of Chapter 98 Sign Ordinance.

Over the past year and a half, staff has worked on a new comprehensive sign ordinance for the City. The entire ordinance has been redone and it is intended to replace the existing Chapter 98. An overview of the ordinance was provided at the October 2013 Plan Commission meeting.

In terms of the review process, staff has also sent the ordinance to all of the local sign companies that do business in the City, as well as to Definitely De Pere (our Main Street Program) and the Historic Preservation Commission. We have invited these entities to submit written comments or come to the meeting to provide input at the October meeting. The comments that were submitted to the City have been addressed as best as possible.

Recommendation

Staff would recommend approval of the new ordinance and that it be forwarded to the City Council for a public hearing.

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

MEETING DATE: March 4, 2014

DEPARTMENT: City Clerk-Treasurer

FROM: Vicki Scray

SUBJECT: Recommendation from the License Committee on an Application for a Premise Description Change for the Wine Cellar, 813 Main Ave., De Pere, WI. Submitted by The Wine Cellar II, Inc., Agent: Dale Dombroski, 1159 Drews Dr., De Pere, WI 54115.

The Wine Cellar is moving to a different retail space within the strip mall it is currently located.

ATTACHMENTS:

- Application Wine Cellar 03-04-14 (PDF)

456-0000573462-03

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning March 18 20 14 ;
ending June 30 20 14TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } De Pere
☒ City ofCounty of Brown Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ LIMITED LIABILITY COMPANY
☒ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): The Wine Cellar IT, Inc.

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

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>President Dale Dombrski</u>	<u>1159 Drows Dr</u>	<u>De Pere 54115</u>
Vice President/Member	<u>Vice President Lori Dombrski</u>	<u>1159 Drows Dr</u>	<u>De Pere 54115</u>
Secretary/Member	<u>Secretary Lori Dombrski</u>	<u>1159 Drows Dr</u>	<u>De Pere 54115</u>
Treasurer/Member	<u>Treasurer Dale Dombrski</u>	<u>1159 Drows Dr</u>	<u>De Pere 54115</u>
Agent	<u>Dale Dombrski</u>		
Directors/Managers			

3. Trade Name Wine Cellar Business Phone Number 920-336-0811
4. Address of Premises 881 813 Main Ave Post Office & Zip Code De Pere 54115

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☒ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 5400 ft Square Box Retail 1000 Sq ft Back room storage

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
(b) If yes, under what name was license issued? _____
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the 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.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 31st day of January, 20 14X Dale Dombrski
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)X Lori Dombrski
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

My commission expires _____

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>1-31-14</u>	Date reported to council/board	Date provisional license issued <u>— 0 —</u>	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

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

MEETING DATE: March 4, 2014

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Recommendation from the Board of Park Commissioners for
Approval of Donation from Cellcom

The Board of Park Commissioners is requesting approval to accept a donation of two cell phones from Cellcom (valued at \$500) to be used at Summer Day Camp this upcoming season.

Thank you for your time and consideration.

ATTACHMENTS:

- Memorandum Cellcom Optimists 2014(PDF)

Memorandum

To: Board of Park Commissioners

From: Cindy Lee, Activity Coordinator

Date: January 28, 2014

Re: Approval to Accept Donation from Cellcom, De Pere Optimist Club

The memo is to seek the Board of Park Commissioner's approval for the De Pere Community Center to accept a donation of the use of two cell phones and cell phone service for Summer Day Camp, valued at \$500 total. The phones would be used from June 9, 2014 – August 15, 2014. Each camp location would have use of one phone.

Cellcom would be recognized in camp information supplied to parents.

We are also seeking the Board of Park Commissioner's approval for the De Pere Community Center to accept a donation of \$500 from the De Pere Optimist Club towards t-shirts for our Summer Day Camp.

The Optimist Club would be recognized as a sponsor of our t-shirts with their logo on the back of the shirts.

Thank you for your time and consideration.

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

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Thank you for your time and consideration.

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

MEETING DATE: March 4, 2014

DEPARTMENT: Plan Commission

FROM: Ken Pabich

SUBJECT: Recommendation from the Plan Commission to accept the new City of De Pere Downtown Design Guidelines.

ATTACHMENTS:

- Main Street Design Guidelines_Final2014 (PDF)
- PC_Staff_Jan2014_Downtown Design Guidelines (PDF)

Main Street De Pere

DESIGN GUIDELINES



A guide to renovation and rehabilitation for the business district.

2014

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1. INTRODUCTION

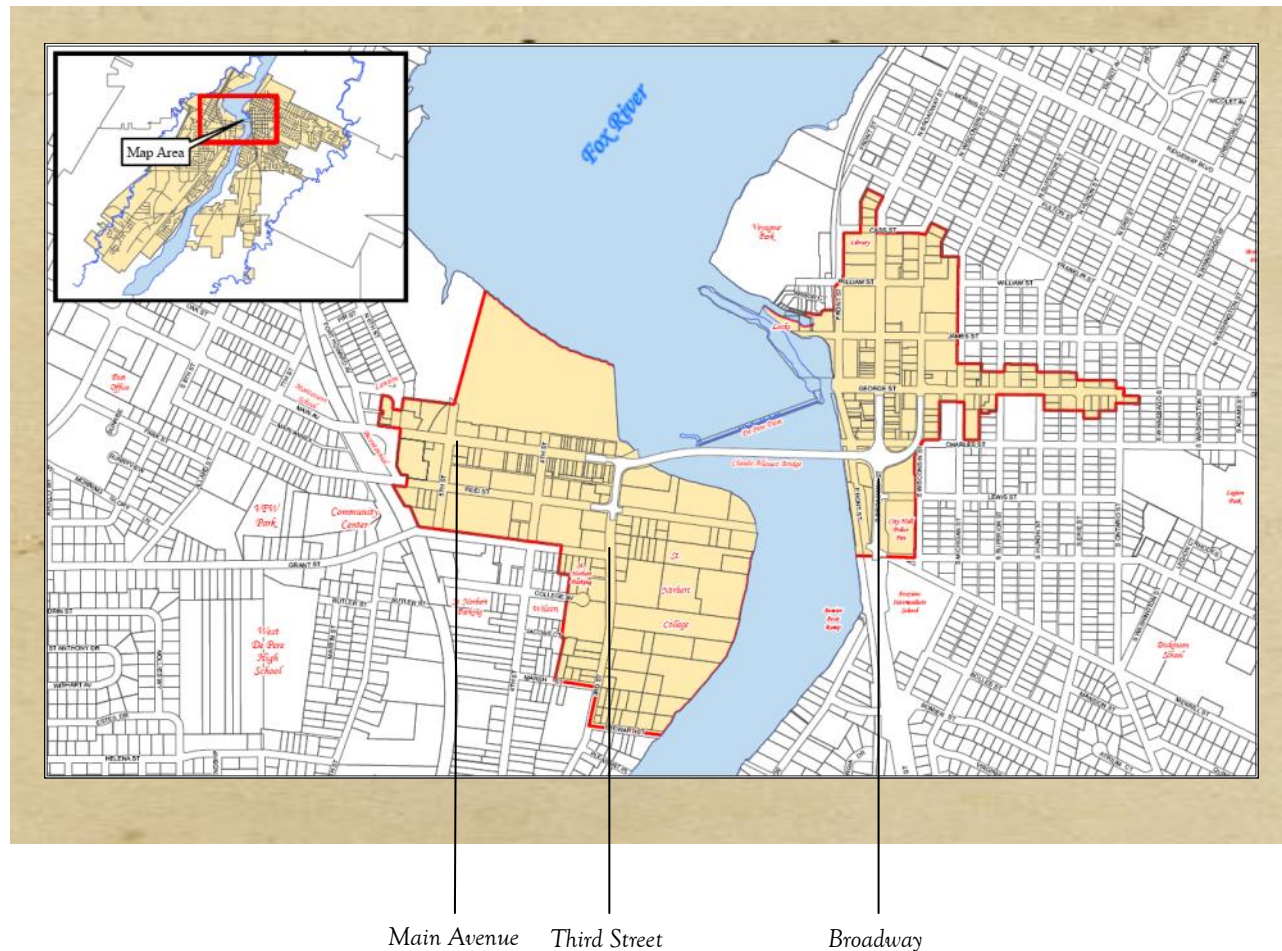
The Main Street Approach

Set up in 1977 by the National Trust for Historic Preservation to stimulate economic development within the context of historic preservation, the Main Street Program now involves over 600 communities nationwide. Wisconsin has been involved since 1988, with over 36 currently participating cities. A maximum of five communities each year are selected to become Wisconsin Main Street Participants. De Pere was selected in 1990.

The Main Street Approach combines historic preservation with downtown development to create a working, growing and aesthetically pleasing business center that works to reinforce and rekindle the economic vitality and values that Main Street stands for – making it once again the unique commercial and social heart of the city.

The process is designed to improve all aspects of the downtown for tangible – and intangible – benefits. Improving economic management, strengthening public participation and making downtown a fun place to visit are as critical to De Pere's success as recruiting new business, rehabilitating old buildings and expanding parking.

Building on downtown's inherent assets of rich architecture, personal service and traditional values, the Main Street Approach has earned national recognition as a practical strategy appropriately scaled to each community's local resources and conditions.



1. Introduction

Why Design Guidelines?

These design guidelines serve as a guide for various improvement projects. They are intended to suggest ways in which property/business owners can take advantage of downtown's charm and history.

Each individual building facade plays an important role in the makeup of the downtown district. Storefronts, window displays, signage, color, canopies and architectural details all play an integral part in the successful design of individual buildings. Rehabilitating *your* downtown building can be mind-boggling:

- What materials should I use?
- What colors are best?
- Is an awning appropriate?
- What kind of sign would work best and what is the process for getting appropriate signage approved?

If you wish to improve your building then begin by assessing the condition of the entire facade.

- How could storefront improvements relate to the overall appearance of the building?
- How does the building relate to neighboring buildings?
- How does the storefront improvement relate to the historic upper portion of the building?

- What changes are needed to improve the appearance and integrity of the upper portion of the building?
- Windows maintenance and refurbishing

Fortunately, all of these questions can now be answered by the Main Street De Pere's design assistance program. The Main Street program offers free design assistance to business/property owners within the Main Street area who are interested in doing exterior and interior renovation projects. This program can help take the guesswork out of your rehab project by providing you with sample drawings of possible facade improvements. Color schemes, paint and awning samples, signs as well as technical information about how to get the work done are just some of the solutions the program can offer. You can also get assistance for a sign project alone.

To apply for design assistance, simply contact the Main Street De Pere program manager and complete the Main Street application form at the end of this document. Applications for design assistance are processed on a first-come, first-serve basis. So, the sooner you apply, the sooner you'll see results. When your project recommendations are complete they will be sent to you – the owner – and the program manager. Your program manager will work with you until the project is complete.

Those wishing to utilize Main Street's design assistance or loan program are required to have drawings approved by the design committee.

"The Main Street program offers free design assistance to business and property owners within the Main Street area who are interested in doing exterior and interior renovation projects."

For more information contact:

DEFINITELY DE PERE
A MAIN STREET COMMUNITY
111 S. Broadway Street
De Pere, WI 54115
(920) 403 - 0337
www.definitelydepere.org



2. HISTORY OF DE PERE

History of De Pere

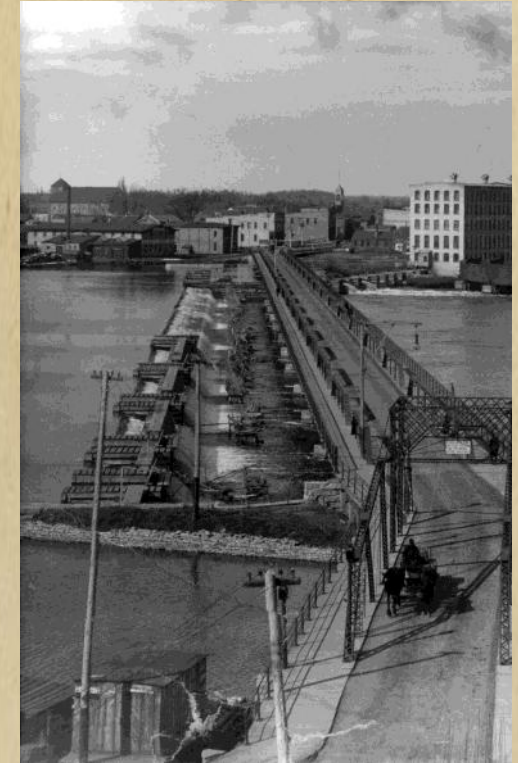
De Pere owes its development to a strategic location at a falls along the Fox River, just five miles south of the river's mouth into Green Bay. Jean Nicolet, the region's first European Explorer, camped here in 1637 during an expedition to find a trade route to China. While these rapids stymied his quest, they also created an ideal location for a trading post between Native American Tribes and French fur traders. Here, Father Jean-Claude Allouez founded the St. Francis Xavier Mission in 1671, which became a regional outpost and caused the area to be called "Les Rapides des Peres (The Rapids of the Fathers). In 1786, the mission burned, temporarily ending settlement in the immediate region.

By 1830, the construction of two Military Roads along the Fox River, between Fort Howard at Green Bay and Fort Crawford, on the Mississippi River, again focused attention on the Fox River rapids. They provided a source of energy to power mills and marked the point of transition between ocean-going vessels and the smaller steamers and paddle wheelers that could traverse a system of canals. In 1836, the De Pere Hydraulic Company built a dam at the rapids, and by 1850, the growing settlement boasted several mills and a shipyard. In 1857, the Village of De Pere was incorporated on the east bank, with its primary business district adjacent to the river. Yet, the construction of the Chicago and Northwestern Railroad on the west bank already threatened the primacy of inland water transportation and eventually led to the development of the Village of West De Pere, with its incorporation in 1870, and its business district along Main Avenue. In 1890, the need to build a

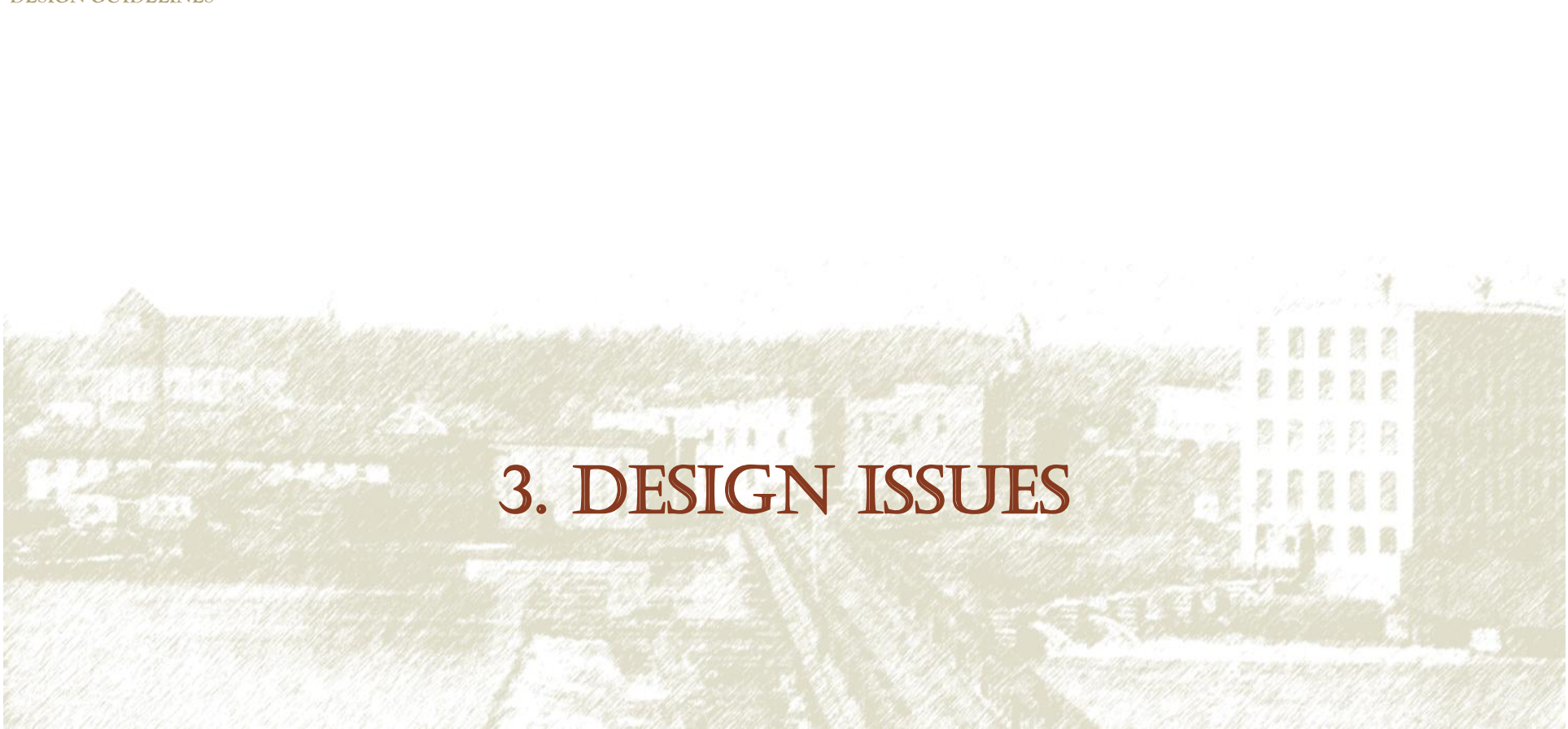
bridge across the river encouraged the unification of the two Villages.

The unified De Pere is a vital and economically strong community with a solid employment base, a growing population, two independent school districts, and the home of St. Norbert College, an outstanding educational and cultural resource. The City is united by the striking Claude Allouez Bridge which traverses the river at "les Rapides des Peres." The river, together with its rapids, remains the city's defining feature and greatest natural resource while presenting tremendous opportunities. The river also creates a physical division that separates Downtown De Pere into two distinct districts, each with individual qualities, strengths and challenges.

2. History of De Pere



Across the Fox River at this point the first bridge was built in the 1830's. This photo shoes the second bridge a century later (De Pere Journal)



3. DESIGN ISSUES

3. Design Issues

Traditional Facade Components

The traditional commercial storefront can be considered the most important element that sets apart and gives historical significance and character to downtown De Pere. The majority of our historical buildings date from the late 1800's to the early 1900's. When originally constructed, our downtown buildings shared a consistency in design and proportion that was key to creating a strong visual image. This consistency was and is still important in conveying how our downtown is perceived by the client who may seek goods or services here. A visually unified downtown can go a long way in attracting people in our downtown as well as to the individual shops and businesses that are located here.

Changes have occurred to our buildings over the years in response to various merchandising trends, technology, and changing tenants. In most cases the changes affected the storefront area while the upper facade remained in tact. Most revisions to the storefront are superficial, leaving the structural integrity of the original storefront design intact. In some of these cases the original storefronts may still be in place but covered over or in need of maintenance and repair.

The basic commercial facade consists of three parts:

- The storefront with an entrance and large display windows
- The upper masonry facade with regularly spaced windows

- The decorative cornice that caps the building

These components may appear in various shapes, sizes and styles but the result is essentially the same facade. In the downtown business district of De Pere the typical building facade is a two story masonry construction.

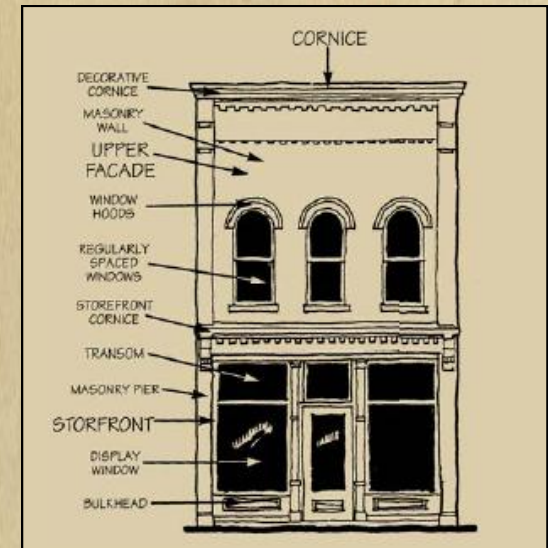
Storefront Design

The traditional De Pere building facade has a well-defined opening that the original storefront filled. The opening is bounded on each side by piers which were usually constructed of masonry. It is bounded on top by the storefront cornice which is the structural member supporting the upper facade, and bounded below by the sidewalk.

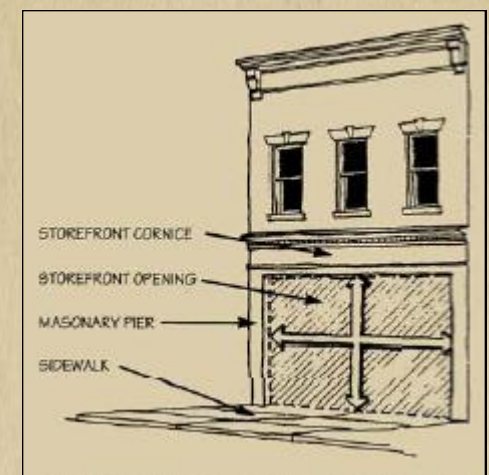
The storefront was composed almost entirely of windows. The large glazed opening of the storefront served to display goods the store or business had to sell as well as to allow natural light deep into the store, minimizing the need for artificial light sources.

The openness of the storefront is also important because it is part of the overall proportion system of the facade. The proportion of window to wall areas in the traditional facade calls for more glass on the upper facade. When these buildings were built, their owners recognized the importance of maintaining these proportions so that the downtown would maintain a consistent design theme, thus making it an attractive place for its customers to do business.

TRADITIONAL FACADE COMPONENTS



STOREFRONT BOUNDARIES



Traditional Facade Components

RECOMMENDED

- Commercial first floor and mixed use/ residential second floor
- Large and transparent facade elements
- Exposed transom windows
- Maintain ornamental elements around windows, doors, and cornice
- Use colors and signage that are well-integrated with building style

NOT RECOMMENDED

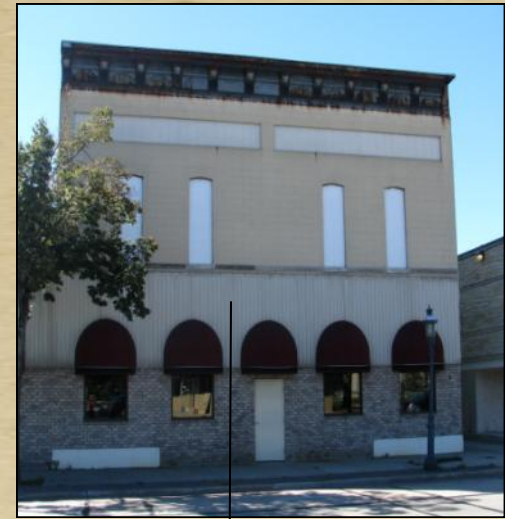
- Non-transparent storefront
- Shingled mansard canopies
- Non-original materials covering original facade components
- Colors or signage that do not integrate with building style
- Downsized or concealed building windows



Appropriate design feature



Appropriate design feature



Not appropriate design feature

Storefront Improvements

In considering improvements to the storefront it is very important that the original opening be recognized and maintained. The remodeled storefront should be designed to fit inside the original opening and not extend beyond or in front of it, nor downsized

Key features to consider:

- The storefront should be composed almost entirely of glass. If glass is not appropriate for the business, consider the use of window treatments as a solution.
- The entry should be maintained and restored in its original location and configuration. If the original entry is gone, the new entry should be designed and placed considering traditional design themes and its relationship to the overall building facade and symmetry.
- Transom windows that are covered or blocked should be reopened and restored whenever possible.
- Storefront bulkheads should be restored or renovated.
- Original elements such as cast iron columns, storefront cornices, entry doors and lighting fixtures should be restored.
- Signage should be integrated into the storefront design.
- Lighting could be integrated into the storefront design.

- Awnings, if required, should be integrated into the storefront design. Awnings should be made of canvas material and not vinyl or shingled canopies.

The storefront design should reflect the time period in which the building was constructed. Renovating late 19th century buildings such as we have in De Pere with colonial motifs and mansard roofs is certainly inappropriate.

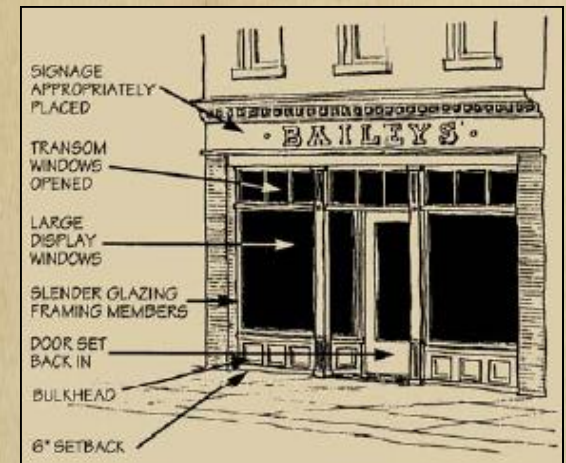
When planning the renovation of a storefront, it could be very helpful to contact the local museums or the Main Street office to see if there are turn-of-the-century photographs available of your building. Old photographs can be a valuable tool to help determine original design, materials and signage used on your buildings.

MUSEUMS

White Pillars (920) 336-3877
info@DePereHistoricalSociety.org
Neville Public Museum (920) 448-4460
Brown County Library (920) 448-5815

TRADITIONAL STOREFRONT DESIGN

Storefront Fits within Boundaries



INAPPROPRIATE HISTORICAL THEME



Historic photos of your building may be available for reference, showing the original appearance.

Storefront Improvements

RECOMMENDED

- Storefront made of mostly glass
- Transom windows open
- Restored bulkheads
- Appropriate colors used

NOT RECOMMENDED

- Awnings made from shingle or vinyl material
- Mansard roofs
- Colonial motifs



Appropriate design feature



Appropriate design feature



Not appropriate design feature

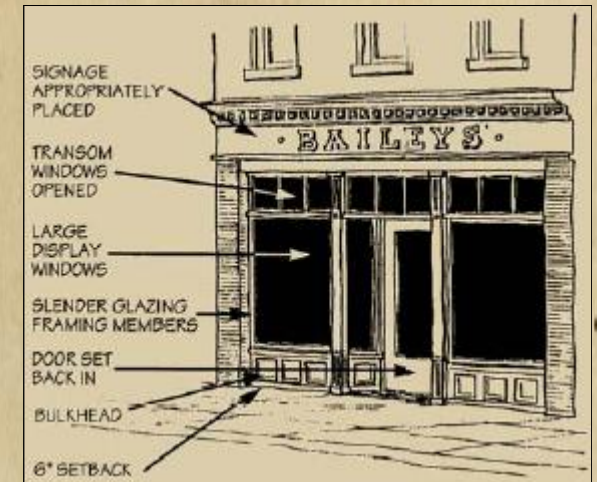
3. Design Issues

Storefront Materials

When designing a new storefront or renovating an existing storefront, remember that the goal should be a transparent facade. Keeping the storefront materials simple will help you achieve this goal. There is no need to introduce new building materials to those that originally existed on your building. Whether building new or renovating existing storefronts, use materials that perform their intended function well and use these materials consistently throughout the design. By doing so, you accomplish simplicity in the design and uniformity in the overall storefront appearance. Always try to use existing materials. It is better to repair them than to replace them.

TRADITIONAL STOREFRONT
DESIGN

Storefront Fits within Boundaries



business with nice use of transom windows

3. Design Issues

Storefront Materials

RECOMMENDED

Typical examples of materials and their location on the storefront.

- **Storefront Frame:** wood, cast iron, anodized aluminum
- **Display Windows:** clear safety glass
- **Transom Windows:** clear, tinted, stained or etched glass
- **Entrance Door:** wood or aluminum with a large safety glass panel
- **Bulkheads:** wood panels, polished stone, glass, tile, metal clad plywood panels
- **Storefront Cornice:** wood, cast iron, sheet metal
- **Side Piers:** should be same material as upper facade (typically brick and stone)



Appropriate design feature



Appropriate design feature



Appropriate design feature

Storefront Materials

NOT RECOMMENDED

Certain materials should never be used on the traditional commercial building because they have no relationship to the original building's design themes and therefore flaw the consistency of appearance of the building and the downtown area.

Inappropriate materials are listed to the right.

- Cultured Stone
- Fake Brick
- Rough Textured Wood Siding
- Wooden Shingles on Mansard Roofs
- Gravel Aggregate Materials
- Stucco Material (EIFS)
- Vinyl siding
- Half log siding
- Vinyl windows



Not appropriate design feature



Not appropriate design feature



Not appropriate design feature

3. Design Issues

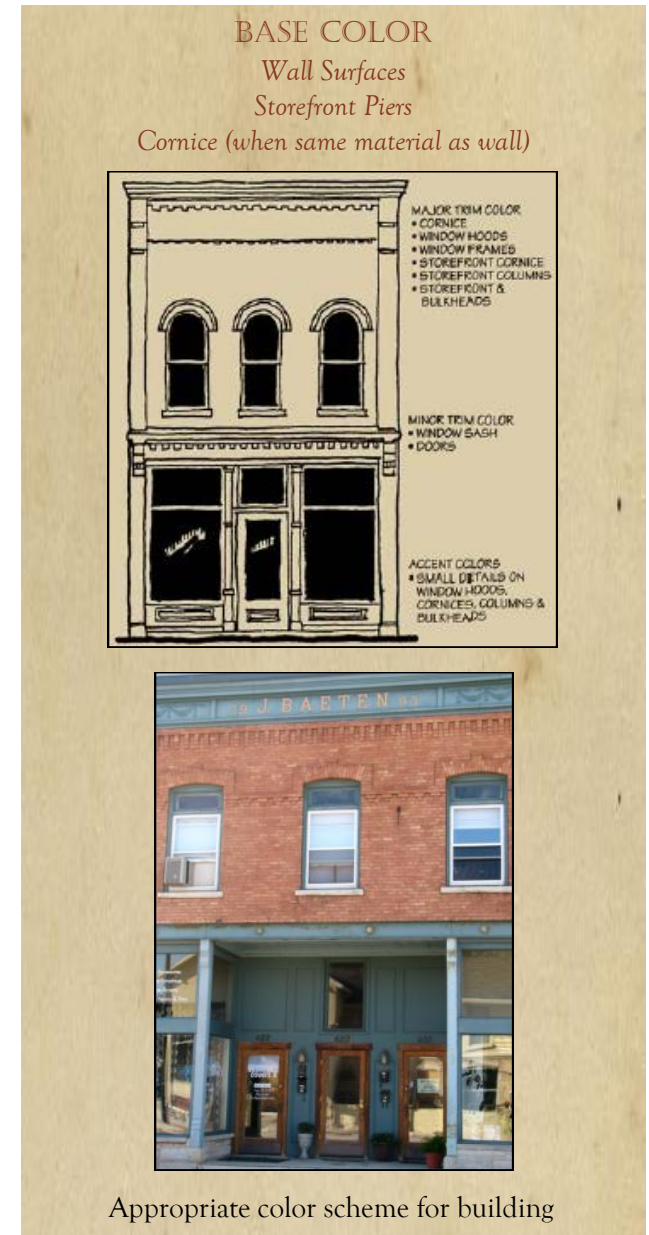
Color

As with materials, the color scheme chosen for the facade should be sensitive to the time period the building was constructed. To determine the color scheme to be used, consult an architect or go to the local paint store and ask to see color cards for historic paint colors and their combinations. You can also research colors for your building's era by going on-line prior to meeting with an architect or visiting a paint store.

If you have masonry facade that is already painted and the paint seems to be holding - paint it again. If masonry is to be painted, the colors used should be within the natural color range of the material to be painted. **Existing brick or masonry finishes are preferred to be maintained or restored instead of the application of paint or plaster finishes.**

Colors should accentuate the architectural details of the building - but don't over do it! The levels of coloration might be broken down as follows:

- Base Color
- Major Trim Color
- Minor Trim Color
- Accent Color





4. MAINTENANCE & REPAIR

4. Maintenance & Repair

Maintenance & Repair

Many of De Pere's existing downtown structures contain two favorable qualities. One is that they are structurally sound. Modifications that may have been done were basically superficial, affecting features such as windows, doors, and facades. A second quality is the building's survival of original design features and materials. Alterations usually consist of materials that are attached to existing walls rather than involving reconstruction and demolition. These qualities enable us to maintain and repair our buildings rather than demolish. With a few exceptions, we can transform "Main Street" into an accurate semblance of what was, while still adapting them for modern uses.

Exterior materials will be addressed more extensively than those of the interior, as interiors are often dictated by business-related items such as image, display, and theme. However, considerable attention should be made in inviting the original building design to work both inside and out. Avoid creating a historically accurate exterior and ignore the interior design completely. A couple of elements that add value and character include interior brick walls and stamped tin ceilings. Try to incorporate these elements into your interior design. With this in mind, Main Street De Pere is offering design assistance for both exterior and interior renovation projects.

Before considering any repair or remodeling, materials should be examined by an architect or experienced contractor as to their actual condition and potential for cleaning or repair. Once evaluated, cleaning and repair may proceed. All work should

be professionally done, as proper equipment, working

experience, and basic knowledge can be utilized. We will briefly describe repair and maintenance for the store owner's basic familiarity.

Existing brick or masonry finishes are preferred to be maintained or restored instead of the application of paint or plaster finishes.

"With a few exceptions we can transform 'Main Street' into an accurate semblance of what was, while still adapting them for modern uses."

FOR MORE MAINTENANCE AND
REPAIR INFORMATION REFER TO:

[http://www.nps.gov/tps/how-to-preserve/
briefs.htm](http://www.nps.gov/tps/how-to-preserve/briefs.htm)

Masonry

As most towns, a large number of De Pere's buildings consist of brick masonry. There also exist some structures consisting of stone, concrete block, and marble. It should not be an assumption that all masonry needs cleaning. Several buildings have already been cleaned and repaired, and others were never painted. Minor staining or discoloration can sometimes add character to a structure, or simply remain as an acceptable condition. If, however, the masonry is unacceptable, several cleaning methods may be used.

Water Cleaning

Washing with water and detergent is the simplest of all methods and is successful on lightly soiled masonry. This method is probably the easiest for the amateur, but also time consuming. Water cleaning involves two steps.

- 1) The first is spraying to presoak the masonry.
- 2) The second step is time consuming and more difficult as it involves scrubbing with a hand or power brush.

Whether done by an amateur or professional, care must be taken to use water efficiently. Cracks in walls or around openings can lead to interior water damage. Brick cleaning should be done before finishing the interior of that particular wall. Water cleaning should be avoided in cold weather, absorbing water can freeze and fracture surfaces. Test washing a small area of the wall will determine the extent and method of cleaning required.

High Water Pressure Cleaning

High water pressure cleaning is not recommended as it damages masonry and can infiltrate through cracks. This cleaning method should be done only by professionals and should not exceed the recommendations in the preservation briefs provided below.

Be aware of the risks involved if you proceed with this method of cleaning.

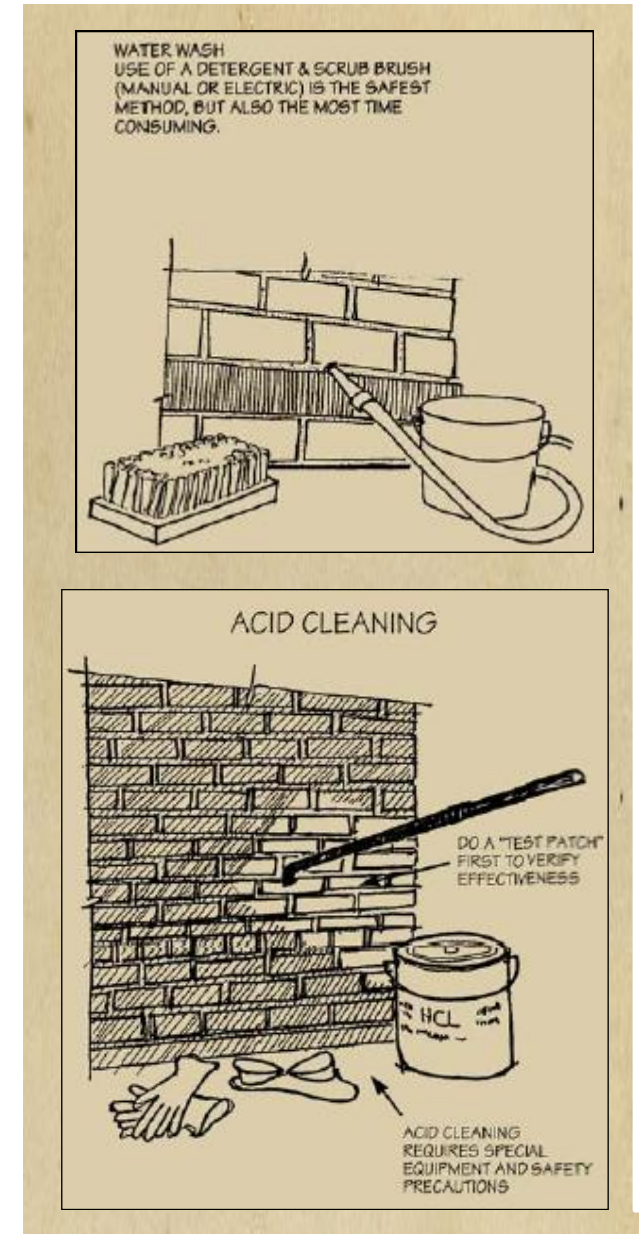
Chemical Cleaning

Due to a variety of chemicals, potential toxicity, cleanup, and specialized equipment, professional help must be seriously considered. Chemical cleaning is best utilized for paint removal and elimination of deep stains. Care must be taken in use of acids. Even in a diluted solution, acids can harm limestone and marble. Cleaning should be done in the gentlest means possible. The wall does not need to look as if new.

FOR MORE INFORMATION ON CLEANING
MASONRY WITH WATER REFER TO:

<http://www.nps.gov/tps/how-to-preserve/briefs/1-cleaning-water-repellent.htm>

4. Maintenance & Repair



Masonry

Sandblasting

Sandblasting is prohibited. It is the most detrimental, especially when considering brick. Sandblasting removes the outer surface of the brick, exposing the softer inner surface. This leaves the brick more susceptible to weathering. Sandblasting also pits the surface, leaving horizontal areas and pockets for moisture and dirt to collect.

Repointing

Weathering of masonry also involves the mortar joints. If masonry is to be cleaned, the addition of new mortar to the joints is often necessary. This is called repointing. The joints are first thoroughly cleaned out to existing sound mortar. Then, new mortar is filled in and finished to **match the depth and style of the intended original joint**. Mortar can be pigmented to match any existing color. After repointing, the surrounding masonry must be cleaned as it is impossible to fill joints without touching them with mortar.

Toothing

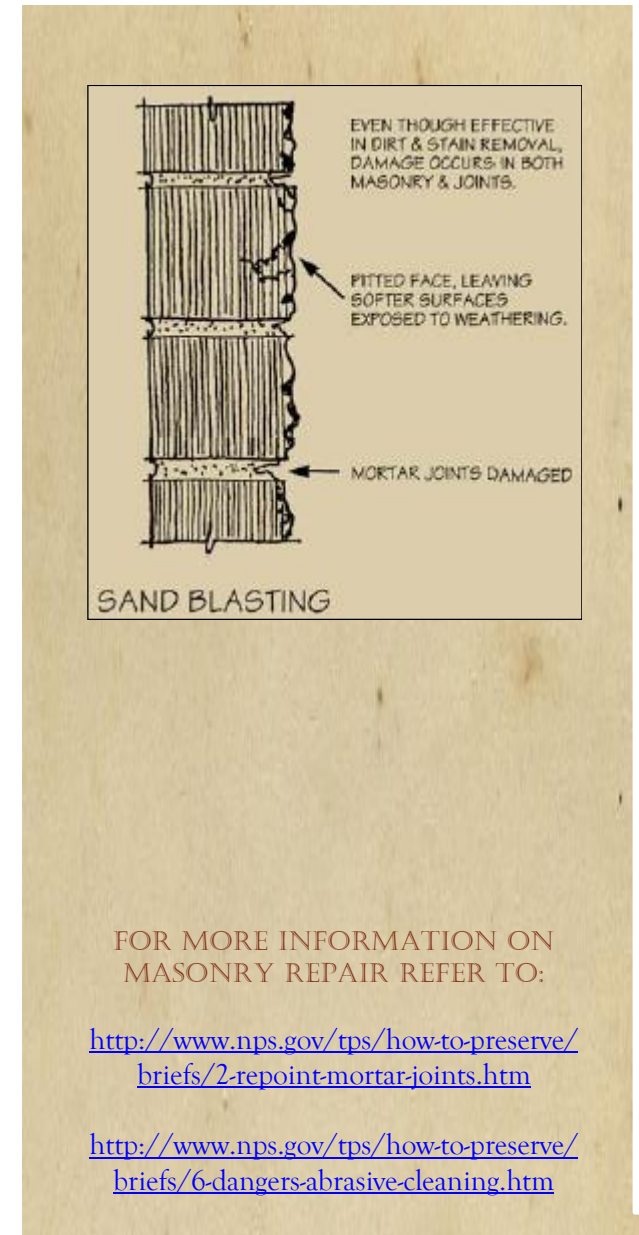
An occasion may arise when an opening must be cut into or enlarged in the existing masonry wall. As the opening is cut into the wall, every masonry unit is cut back to the adjacent vertical joint. This allows new masonry units to be set in such a way as to blend in with existing masonry while creating a stronger joint.

General Maintenance

For general maintenance concerns, refer to preservation briefs. However some basic guidelines for masonry to follow are:

- Sandblasting is prohibited.
- Do not use power tools
- Do not paint
- Do not use waterproof sealant
- Consider the softness -Portland cement/ Lime mortar type. The type of mortar can be determined through a testing process to ensure a match.

4. Maintenance & Repair



Wood

De Pere's existing buildings use wood on the exterior primarily for window and door framing, trim, cornices, bracing and brackets. Although masonry dominates storefronts, maintenance and repair of wood is essential in restoring original building design and integrity. Wood accents the masonry, and is the material one comes in contact with.

If wood is found to be in need of repair, replace or patch that particular piece of wood. Replacing the wood frame, for example, is not necessary if just one section of frame is damaged. Replace with the same species of wood if possible for uniform finishing. Conversely, refinishing wood should not be a patch job. Rather, the entire frame, as an example, should be refinished. Paint or stain can be removed by several methods. Among these are sanding, melting or dissolving with chemicals. Sandblasting should not be used as it pits and separates the grain.

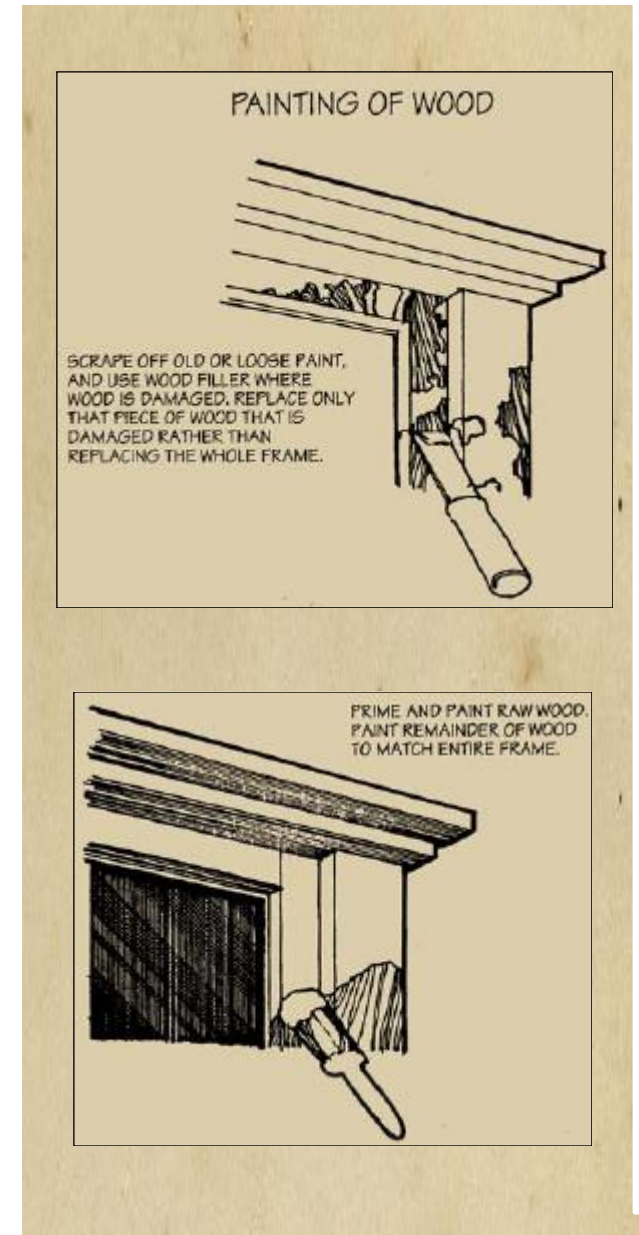
FOR MORE INFORMATION WOOD
PRESERVATION REFER TO:

<http://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm>

<http://www.nps.gov/tps/how-to-preserve/briefs/10-paint-problems.htm>

<http://www.nps.gov/tps/how-to-preserve/briefs/45-wooden-porches.htm>

4. Maintenance & Repair



4. Maintenance & Repair

Architectural Metals

Architectural metals such as cast iron, galvanized steel, aluminum, copper, zinc, and tin, are used sparingly at roof parapet and flashing. Aluminum is also used for flashing, but mainly for window frames and doors, while metal wall panels are found in modern buildings.

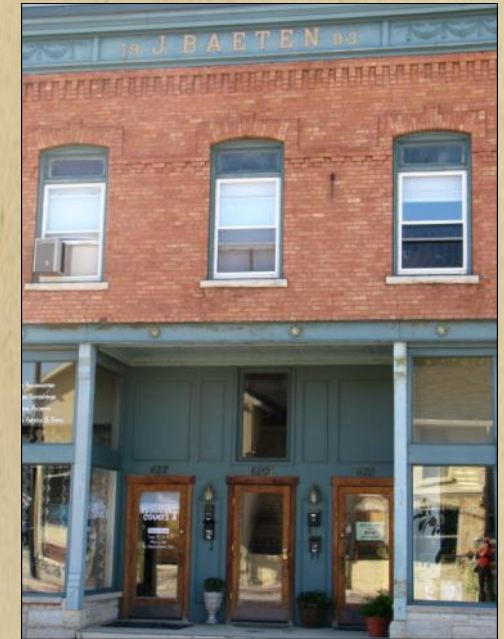
Maintenance:

Any metal encountered can be cleaned. As with masonry, care should be taken to avoid damage by using gentle methods. Sandblasting is to be avoided with cast iron being the only exception. Softer metals can be cleaned with solvents or sanding.

Ferrous metals, (metals with an iron content) such as steel door frames, should be primed and painted. Copper, stainless steel, or other similar metals, were meant to be exposed. Aluminum can be left unfinished, painted, or factory finished with a baked coating.

Repair:

Most Metals in need of repair can be repaired or fabricated and replaced. The De Pere area boasts of competent craftsmen and contractors that can do the job. Metals damaged beyond repair are replaced by wood, fiberglass, epoxy, or other metal. Dissimilar metals must be insulated from each other to avoid electrolysis, a naturally occurring reaction.



Recommended preservation of building's metal.

FOR MORE INFORMATION ON
ARCHITECTURAL METALS REFER TO:

[http://www.nps.gov/tps/how-to-preserve/
briefs/27-cast-iron.htm](http://www.nps.gov/tps/how-to-preserve/briefs/27-cast-iron.htm)

[http://www.nps.gov/tps/how-to-preserve/
briefs/8-aluminum-vinyl-siding.htm](http://www.nps.gov/tps/how-to-preserve/briefs/8-aluminum-vinyl-siding.htm)

Windows

Windows are one of the most prominent and important features of storefronts. Unfortunately, they are often the most altered and neglected of the storefront materials. Window replacement can be expensive, but worth the cost when replaced with the proper unit. If the original unit is still in place, **repair** it rather than replace it. Good windows contain several attributes.

Energy Conservation:

Modern units contain insulated glazing and “thermally broken” frames. Both glazing and frames contain either an air space or gasketing to eliminate frost and moisture penetration. If original units are repaired, custom fabricated storm units can be installed to achieve the same result.

Light Quality:

Proper sizing of the storefront window can enhance the amount of natural light entering. Glass can also be rated to control the type of light entering through, such as E-rated glass which prevents discoloring of merchandise. Tinted glass is not allowed at street level. This can be valuable to the store owner for merchandise display.

Aesthetics:

Window manufacturers offer a wide variety of color, shape, and style in standard units. With additional cost, custom units can be made **to fit any opening or building style**. If the window is replaced, it should fit the original opening size. Properly designed windows will

enhance the original character of the buildings.

If windows are completely replaced, the new units should contain the same proportions as the original. Consideration should be given to horizontal and vertical mullions that provide design continuity throughout the building. Always use the entire original window opening, even if the opening was partially filled in from previous remodeling.

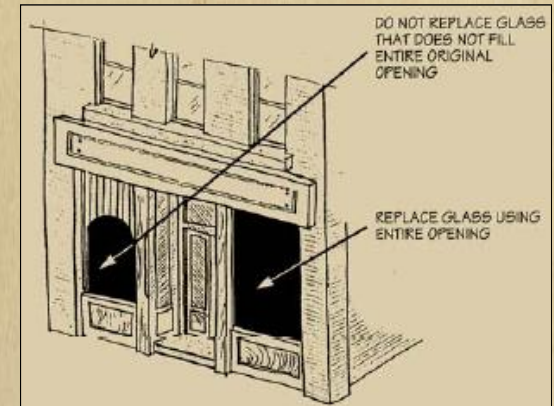
FOR MORE INFORMATION ON
WINDOWS REFER TO:

<http://www.nps.gov/tps/how-to-preserve/briefs/12-structural-glass.htm>

<http://www.nps.gov/tps/how-to-preserve/briefs/13-steel-windows.htm>

<http://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm>

4. Maintenance & Repair



Recommended window replacement

Utilities

Heating, ventilating, and electrical systems are becoming more sophisticated as energy conservation and green technology is foremost in today's society. It is essential that all systems are inspected by licensed contractors or engineers. Existing systems may have been altered to a condition that is impossible to evaluate by a layperson. Expansion of store area also dictates an investigation of the system's capacity. Store owners should also be aware that spending more money on efficient systems will mean cost savings on a daily basis. All systems must satisfy both the Wisconsin State Building Code and regulations as determined by the City of De Pere. The placement of window units is prohibited. Instead, roof mounted units are permitted - as they are typically screened, or unseen from the streets below.

Energy Audit

Consider an energy audit if you are remodeling an older building to improve energy efficiency and reduce overall demand on utilities.

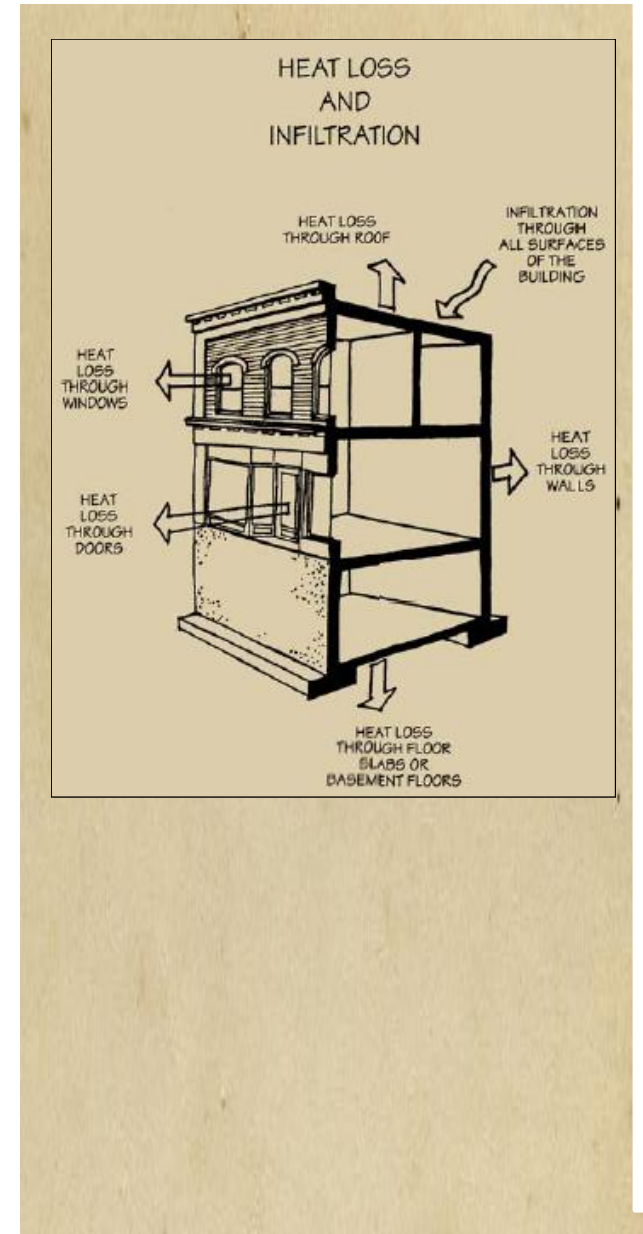
A Word of Warning

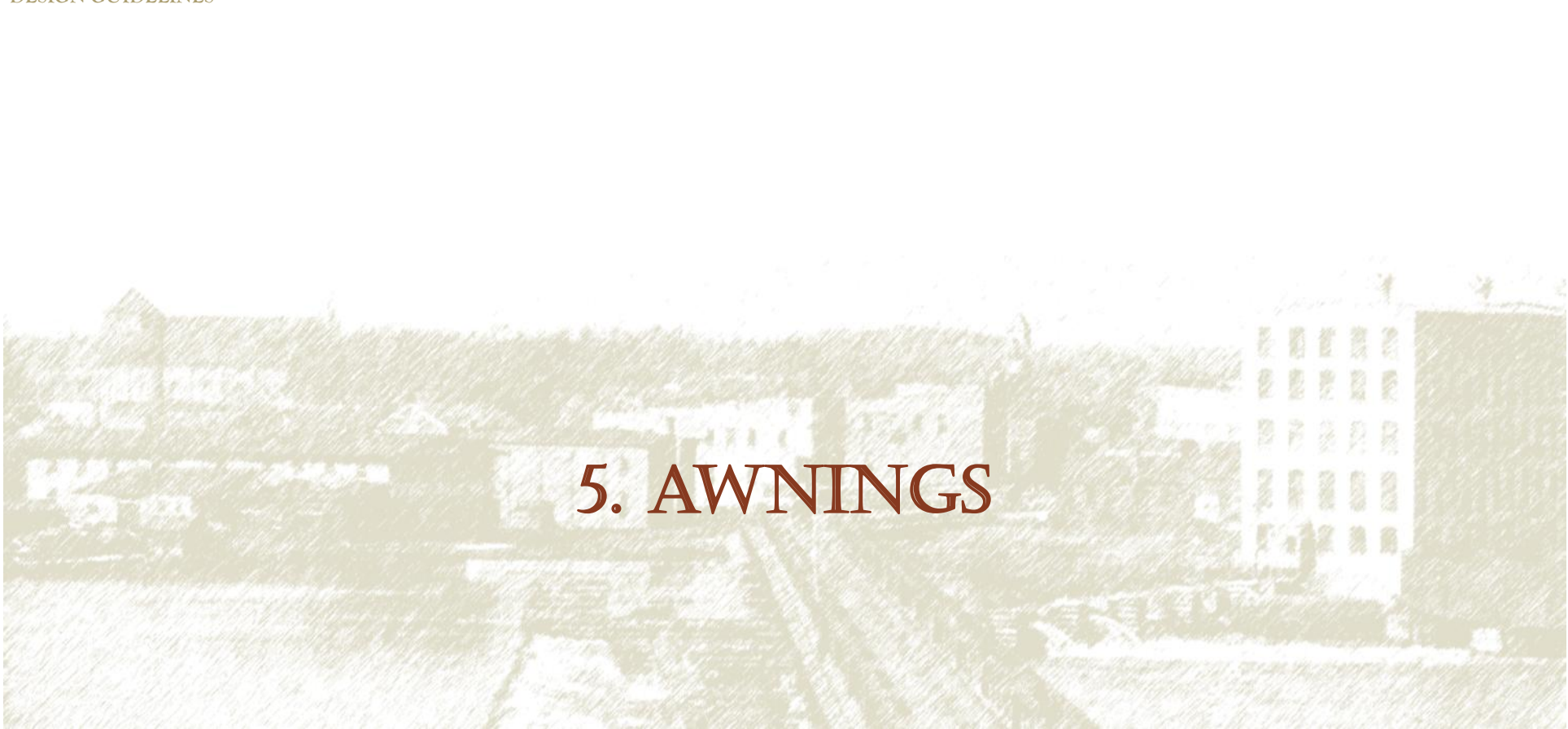
Maintenance and repair of existing buildings often require removal of undesirable or damaged materials. De Pere's buildings were constructed before asbestos was discovered to be hazardous material. Not only is it unhealthy to remove certain forms of asbestos, it is unlawful. If asbestos and lead-paint or materials containing asbestos is suspected, notify an architect or contractor. They can verify its presence and recommend a certified asbestos removal company.

FOR INFORMATION ON ENERGY
EFFICIENCY REFER TO:

<http://www.nps.gov/tps/how-to-preserve/briefs/3-improve-energy-efficiency.htm>

4. Maintenance & Repair



An aerial photograph of a city street, likely Main Street in De Pere, Wisconsin. The street runs vertically through the center of the image, flanked by various buildings. On the right side, there is a prominent white building with many windows. The street is bordered by a river or a large body of water on the left. The overall scene is a mix of urban development and natural elements.

5. AWNINGS

5. Awnings

Awnings

Awnings and Canopies

An awning has fabric (or vinyl) over a thin metal frame. They can be fixed or retractable. A canopy is a rigid structure, either with a flat roof or a pitched and shingled roof. Theater marquees, shingled mansards, or canopies over bank or hotel entries are common examples.

The canvas awning was an important design element in the traditional storefront. It provided shelter for pedestrians from sun and rain, added color, and acted as a transition between the storefront and the upper facade. The awning can also be used as a location for building signage.

If an awning is to be used, its shape should reinforce the frame of the storefront opening. It should be attached below the storefront cornice or sign panel. Awnings should never conceal significant buildings elements, such as columns, piers, trims, transoms, cornices, etc. Each awning should only be as wide as the window or storefront it is located within. If there are multiple storefronts, a separate awning should be used for each, with the space between them matching the space between the storefronts. When one business occupies two or more buildings or storefronts, a separate awning should be used for each, even if they are the same color and design, with the space between them matching the space between storefronts. The same is true for awnings on upper floor windows. There should be a separate awning for each, and the awning should only be as wide as the window itself, and shall not conceal the window trim.

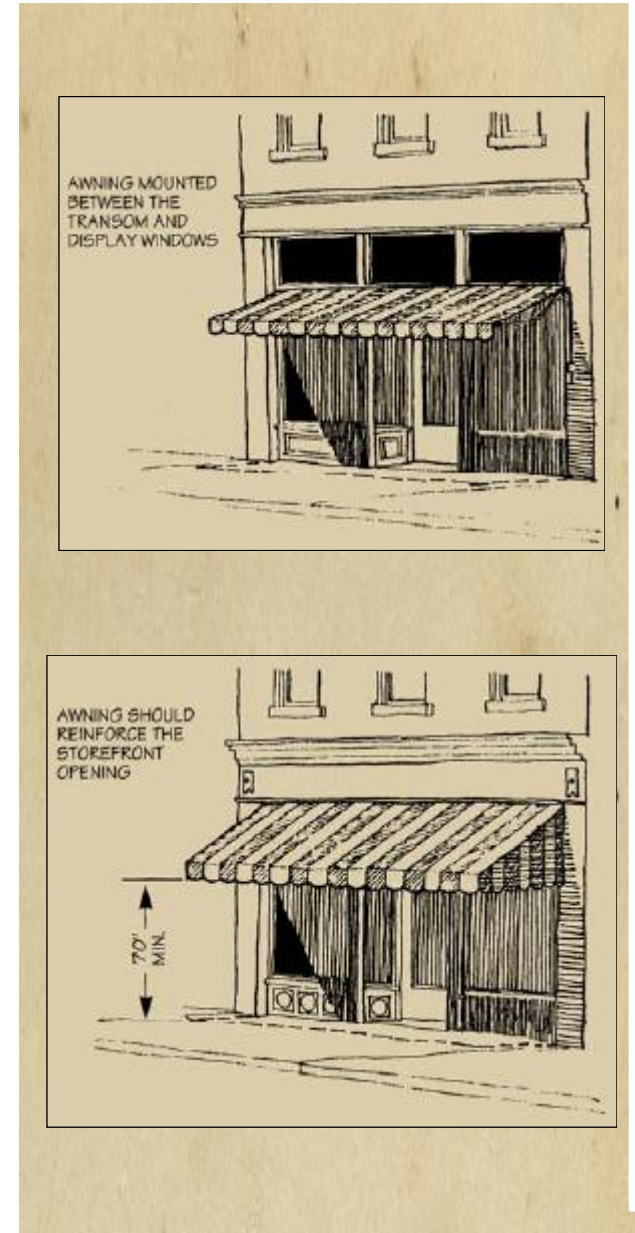
The standard street level awning should be mounted such that its valance is approximately eight feet above the sidewalk and it projects out between 4 and 7 feet from the building.

The awning can also be a useful tool to disguise inappropriate storefront alterations while maintaining the proportions of the traditional storefront.

Color and Material

Awnings are available in several materials and colors of varying cost and durability. They are also available in a variety of profiles. However, the traditional commercial awning material is canvas, not vinyl or shingled, and its profile is the watershed design. Other profiles tend to be too contemporary when placed on a traditional facade. Awning fabric may need replacing after 7-10 years, but the frames can last a long time.

Awning color should be compatible with your building and adjacent buildings.



Awnings

RECOMMENDED

- Retractable awning design
- Preferred material is “Sunbrella”
- Neutral color schemes that coordinate with the building materials

NOT RECOMMENDED

- Shiny or back-lit awnings
- Vinyl for historic buildings
- Metal application except on canopies



Appropriate design feature



Appropriate retractable design



Not appropriate design feature



6. SIGNAGE

6. Signage

Signage

Signage is governed by the City of De Pere municipal code in chapter 98. Signs are important to the store owner for advertising, identity, and image. As they are an extremely visible element of the storefront, signs must be used carefully so as not to detract from facades. With a little forethought and careful planning, signage can embrace other store owners needs and De Pere's image.

Placement

Storefronts should be limited up to three signs - one primary and two secondary.

The primary sign should be located above storefront display windows but below the sills of the second floor windows. On many examples of turn-of-the-century buildings a continuous brick ledge or corbelling is used to separate the second floor and above from the storefront below. This space is ideal for sign placement, as it was often created for this purpose. In some instances, newer buildings contain areas above the highest windows for signage. (This location is acceptable but should be avoided if possible, as a great majority of De Pere's buildings were designed to accept signage above the display windows.) Another option for a primary sign location can be an awning, provided the awning is properly integrated with the building.

Types of secondary signage include hanging, window, awning, blade, or any sign that is located below the primary sign. If a projected sign is planned, placement will be critical to avoid interferences with adjacent signs and architecture of the storefront itself. These signs should be located

so the bottoms are no less than eight feet above the sidewalk. Window signs should consist of a material and color that contrasts with the display, while being small enough to not interfere with display area.

- The architecture of the building often identifies specific locations for signs, and these locations should be used.
- The size of signs shall be in proportion to the size of their location.
- Signs are limited to the business name only.
- To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry. This technique does not damage the surface and allows for easy removal.
- Signs that are replaced on stucco exteriors can result in unattractive "patched" areas. These potential maintenance problems shall be addressed during the approval process for the sign replacement.
- Signage on awnings is suggested to be placed on the awning fringe or lip at the bottom



Recommended signage placement on awnings

General Guidelines for All Signs (Main Street Overlay District)

Applicability

The standards and guidelines in this manual apply to all properties within the Main Street Overlay district of the City of De Pere.

- All proposed signs consistent with the guidelines stated herein shall require approval by the City.
- The Main Street Design Committee can provide assistance with businesses on signage.
- Signs may not be changed or installed until the City of De Pere has issued the permit.
- Many non-conforming signs will exist within the commercial core of Downtown De Pere after these guidelines are adopted. The intent of the Main Street De Pere Design Committee is to improve the Downtown experience for everyone. Therefore, voluntary compliance with these guidelines is highly encouraged for businesses with existing signage.

Purpose

The intent of the sign design guidelines is to accomplish the following:

- Assist property owners and business owners in understanding City expectations.
- Minimize the time involved for processing sign approvals.
- Encourage creative and innovative approaches to signage.
- Enhance overall property values and the visual environment by discouraging visual clutter of the street.
- Ensure that commercial signs are designed for the purpose of identifying a business attractively and functionally, rather than to serve as advertising.
- Ensure signs on the façade of buildings reinforce the existing characters and are in rhythm with the architecture.
- Establish reasonable and improved standards for business identification.
- Promote economic vitality in the downtown.

PERMITTED SIGNS

The following sign types are permitted in the Main Street Overlay District

- Wall Signs
- Awnings & Canopy Signs
- Projecting Signs/ blade signs
- Window Signs (Painted, neon, vinyl)
- Plaque Signs
- Restaurant Menu Signs
- Monument Signs
- Tenant Directory Signs
- A-Frame Signs (Sidewalk Signs)
- Temporary Signs
- Business Center Signs
- Portable Signs (Limited Use)
- Neon

All signs in the Main Street Overlay District must be either exterior-lit (halo) or non-lighted.

General Guidelines for All Signs (Main Street Overlay District)

Overview

- All signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall building design.
- Signs should complement the character of the building and its use.
- Signs should respect the immediate context of the building's location and the overall character of Downtown De Pere.
- Signs should be designed with the purpose of promoting commercial and street activity while enhancing the pedestrian experience.
- The size of signs and its letters should be located in the logical "signable areas."
- Signs are not permitted to cover or obscure architectural features of buildings.
- Design elements such as window patterns (vertical and horizontal rectangles, arches, squares, etc.) will help determine the sign shape that will suit the building.
- All signs are to be maintained properly such that they are always in clean, working condition and the copy is not obscured or damaged.
- New signs proposed for existing buildings should provide a compatible appearance with the existing signage of other tenants.

Permitted Sign Area

The table to the right provides some general information related to the permitted sign area. Please refer to the City Signage Code (Chapter 98) for specific restrictions.

Size

Big does not necessarily mean powerful. Primary signs of proper size can combine with the entire storefront to become more meaningful than just the sign itself. The sign must be subordinate to the building, not the opposite. Actual size may vary, but signboards, if used, need not exceed two and a half feet high. This size is appropriate for distances the sign will be read from in a downtown setting. Letters should be not less than eight inches, nor more than eighteen inches high. Lettering should account for 50% - 65% of a signboard.

ALLOWABLE SIGN AREA PER BUILDING EXPOSURE

Please refer to the City of De Pere Signage Code for specific restrictions.

Wall Signs	Maximum 1 sq. ft. for each linear foot of the storefront, not to exceed 50 sq. ft. and cannot be wider than the storefront
Awnings & Canopy Signs	Maximum 1 sq. ft. for each linear foot of the storefront not to exceed 30 sq. ft.
Marquee	Maximum 1 sq. ft. for each linear foot of the storefront not to exceed 30 sq. ft.
Projecting	Maximum 1 sq. ft. for each linear foot of the storefront not to exceed 8 sq. ft. per face
Monument	Maximum 1 sq. ft. for each linear feet of the building exposure; not to exceed 30 sq. ft.
Sidewalk	Maximum 8 sq. ft. per sign face, 16 sq. ft. per sign

6. Signage

General Guidelines for All Signs (C-2 District)

Letters

Letter styles (fonts) are numerous and can vary in color. Choose a color that compliments the building as well as contrasts with the background of the signboard. Light letters on a dark background provide the easiest reading. Businesses should use a sign or design company (architect) to prepare business signage, signs should not be hand-made.

Message

Messages should be kept simple in content. The major function of the sign is to introduce the storefront and its contents. Wording should be minimal, and slogans avoided. Descriptive words should be used rather than providing listings of items to be sold. Simple wording is easier to read by pedestrians and street traffic.

Multi-Storied Buildings

- Ground floor tenants should place signs at the storefront level.
- Window signs are permitted on upper stories (see guidelines for qualifying signs).
- Upper story tenant signs shall be window signs not exceeding 30% of each window area.

Design & Materials

- Exterior finishes, and colors should be similar or complimentary to those of the building or structures on site.
- Signs should be professionally constructed using high-quality materials such as metal, stone, hard

wood (MDO plywood, high density foam), brass-plated, or exposed neon.

- Internally lit letters (other than exposed inert gas tubing) or box signs ARE PROHIBITED.
- The colors and lettering styles should complement the building facade and neighboring businesses.
- Excessively bright colors or over-scaled letters are not recommended to used as a means to attract attention.
- The design and alignment of signs on multiple use buildings should compliment each other such that a unified appearance is achieved.

Sign Message

- Primary signs contain only the name of the business and/or its logo. Secondary text identifies services and should be located in a secondary position on the sign.
- Signage that contains advertising is not permitted.
- Sign message must be designed to fit properly into the sign location.
- Modification to logos and corporate identifiers may be required to fit attractively in the space provided.
- Sign fonts shall be selected to provide both clarity and artistic integrity.



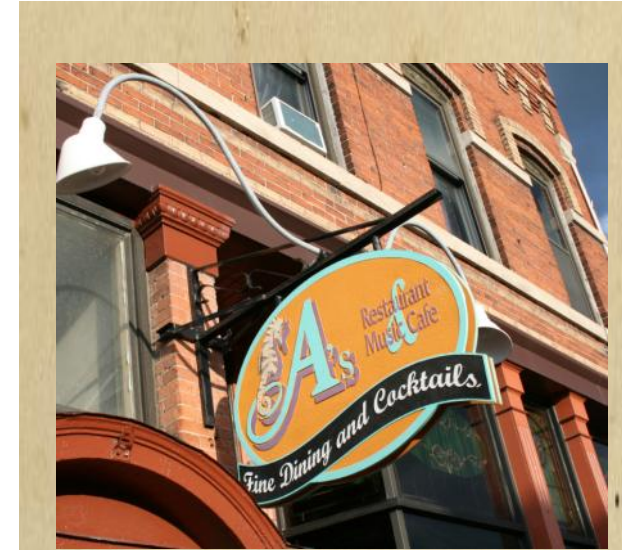
Appropriate sign design and materials used

6. Signage

General Guidelines for All Signs (C-2 District)

Sign Lighting

- Projecting luminaries used for externally illuminated signs should be simple and unobtrusive in appearance. They should not obscure the graphics of the sign
- Direct external lighting directed away from vehicles, or pedestrians, or adjacent property.
- Back-lit, halo-lit illumination, or reverse channel letters with halo illumination are allowed for lighting purposes. Such signs convey a subtle and attractive appearance and are very legible under moderate ambient lighting conditions.
- Internally lit signs and signs which use blinking, marquee, or flashing lights are NOT PERMITTED. Visible raceways and transformers are highly discouraged and should be painted to match the exterior so it blends in as much as possible. Sign installation details shall indicate the location of the transformer and other mechanical equipment.
- Where letter signs face residential areas, a low level of brightness shall be maintained with the use of halo-lit letters or down lighting (i.e. gooseneck luminaries).



Appropriate external lighting of sign



Appropriate halo-lit sign design feature

Permitted Signs & Specific Guidelines

Wall Signs

Wall signs or flush mounted signs are to be mounted flush and fixed securely to a building wall, projecting no more than 12 inches from the face of a building wall, and not exceeding sideways beyond the building face or above the window sill of the second story window.

- Wall signs should be located on the upper portion of the storefront, within or just above the enframed storefront opening. The length of the sign should not exceed the width of the enframed storefront.
- Wall signs shall be placed within a clear signable area. Signable areas are defined as an architecturally continuous wall surface uninterrupted by doors, windows or architectural detail.
- Wall signs shall not exceed 1 square foot for each lineal foot of storefront, with a maximum of 50 square feet, and a minimum of 10 square feet for ground floor businesses. Second floor businesses are allowed 1 shared wall sign per entrance not to exceed 8 square feet.
- Wall signs shall be mounted in locations that respect the design of a building, including the arrangement of bays and openings.
- Signs should not obscure windows, grillework, transoms, pilaster, and ornamental features. Typically, wall signs should be centered on horizontal surfaces (i.e. over a storefront opening)

- Wall signs shall be designed to be compatible with the storefront in scale, proportions, and color.
- Signs should be designed to create a projection, provide shadow relief, and a substantial appearance.
- Signs painted directly onto building are prohibited.
- Existing buildings with signage above the window sill of the second story window can be replaced with a sign of the same size, shape, and lettering size.

Awning & Canopy Signs

- This type of sign is typically printed on, painted on, or attached to an awning or canopy above a business door or window. They generally serve to bring color to the shopping environment and are oriented toward pedestrians from the opposite side of the street. They also identify the main entrance to an establishment.
- Awning sign area shall have a maximum of 1 sq ft for each lineal foot of storefront not to exceed 30 sq ft.
- Lettering and logo shall comprise of no more than 30% of the total exterior surface of an awning or canopy. The maximum allowed is 1 square foot for each lineal foot of storefront.

- Awnings and canopies must be permanently attached to buildings.
- The minimum height of awnings shall be 7 feet from the lowest point lowest point to the sidewalk
- Open-ended awnings are preferred.
- Awnings and canopies shall be mounted on the horizontal framing element separating the storefront window from the transom (A crosspiece separating a doorway from a window)
- Awnings shall be designed to project over individual window and door openings and not project as a single continuous feature extending over masonry pier or arches.
- Awnings shall be mounted on the wood or metal framings within a door or window opening, not on the wall surrounding the opening.
- Awnings with back-lit graphics or other kinds of interior illumination are not permitted.
- Matte finish canvas or acrylic coated fabric is preferred. Vinyl is not a permitted material.
- Awnings with a solid color are preferred. Striped awnings may be appropriate for some buildings without ornamental facades. Striped awnings with highly contrasting, bright colors are discouraged.

Permitted Signs & Specific Guidelines

Projecting Signs

These signs are affixed to the face of a building or structure and project in a perpendicular manner more than 12 inches from the wall surface of that portion of the building or structure to which it is mounted. Projecting signs are strongly encouraged and should be carefully designed to reflect the character of each building and business as well as fitting comfortably with other adjacent signage.

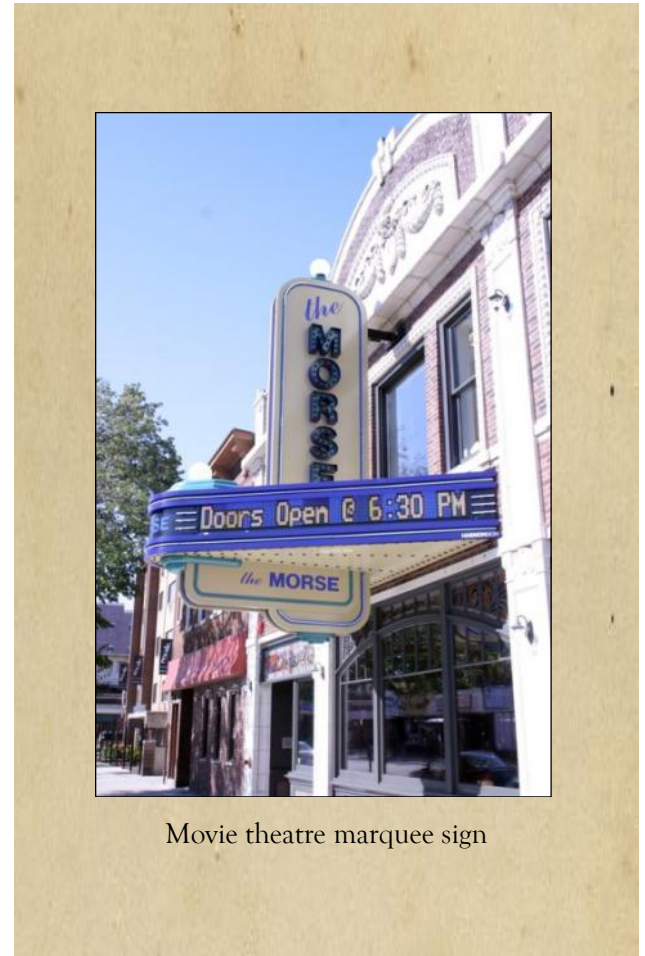
- Projecting signs should not be mounted above the second floor windowsill in multi-storied buildings.
- The design of the sign should consider visually interesting elements such as square or rectangular shapes with painted or applied letters, two or three dimensional symbols or icons, irregular outlines, and/or internal cutouts.
- Projecting signs shall be small in scale and provide a vertical clearance of 7 feet along pedestrian areas.
- Projecting signs shall be oriented to pedestrians passing along the sidewalk in front of the building rather than to automobiles or pedestrians on the far side of the street. This can be achieved by providing a minimum clearance of 12 inches between building face and sign, while maintaining a maximum projection of 48 inches.
- Projecting signs should fit within an imaginary rectangle with a maximum area of 8 sq. ft. per face, not to exceed 16 sq. ft. per sign.

- Upper floor businesses may have 1 shared projecting sign per entrance not to exceed 8 sq. ft.
- Mounting hardware should be an attractive part of the sign design. Simple round pipe brackets with plugged ends or added decorative elements are generally appropriate for signs. These decorative elements should be mounted in the mortar, not the brick. However, decorative metal brackets add to the character of the building.
- For multi-tenant buildings, a maximum of one projecting sign per storefront is allowed and there must be a minimum of 20 feet between projecting signs.

Marquee Signs

- Marquee signs are projecting signs attached to or supported by a permanent canopy often made of metal and glass. Marquee signs are to be installed only on buildings occupied by theaters, cinemas, or performing arts facilities.
- The sign copy of marquee signs shall be limited to the facility's name and changeable copy related to upcoming and future attractions.
- The facility name portion of the sign should not exceed 40% of the total sign area and the changeable copy portions of the sign should not exceed 80% of the total sign area.

- Marquee signs are subject to 1 square foot for each linear foot of building exposure, not to exceed 30 square feet.
- Marquee signs must maintain a minimum clearance of 7 feet.



Movie theatre marquee sign

6. Signage

Permitted Signs & Specific Guidelines

Window Signs

These signs are painted, posted, displayed, or etched, on an interior translucent or transparent surface, including windows or doors. Window signs generally contain only text but in some circumstances can express a special business personality through logos or images combined with color.

- Window signs shall not exceed 30% of the window area so that visibility into and out of the window is not obscured.
- Sign copy should not exceed 12 inches in height.
- Window signs should be created from high quality materials such as paint, gold-leaf, custom vinyl cut outs, or neon.
- Window signs should be applied directly to the interior surface of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.
- Well designed window graphics shall be used in the construction of the sign to attract attention but still allow pedestrians to view store interiors.

Blade Signs

Hanging signs are similar to projecting signs except that they are suspended below a marque or under a canopy. Hanging signs are generally smaller than projecting signs due to their lower mounting height.

- Hanging signs shall be used only at ground floor locations except for upper floor businesses with covered entry porches and balconies.
- Hanging signs shall be treated similar to, but smaller than, projecting signs.
- Hanging signs, excluding support rods, chains or similar hangers, shall fit within an imaginary rectangle with a maximum area of 4 square feet.
- Signs shall be oriented toward the pedestrian and should impart a sense of creativity in its design.

Plaque Signs

This type of signage is a small version of wall signs that are attached to surfaces adjacent to shop front entries

- Plaque signs are to be located only on wall surfaces adjacent to tenant entries.
- Plaque signs are to fit within an imaginary rectangle with a maximum area of 2 square feet.
- Limit plaque sign projections from wall surfaces to a maximum of 2 inches

- Signs can only include the business name and a business logo. Unless they are historic markers depicting the building's significance, in which case more information can be included about the building.
- Historic Markers do not count against the total number of signs
- Plaque signs are encouraged to include unique designs or other visually stimulating decorations and may be irregular in outline shape.
- Limited to one at each entrance.



Appropriate window signage design

6. Signage

Permitted Signs & Specific Guidelines

Restaurant Menu Signs

These types of signs incorporate a menu containing a listing of products and prices offered by the business. Such signs facilitate the customer in locating a restaurant in which to patronize.

- Restaurant menu signs should be located in a permanently mounted display box on the surface of the building adjacent to the entry. Taping the menu is NOT appropriate.
- For special circumstances in which restaurants occupy a considerable amount of window space, menus are to be decoratively displayed in the window adjacent to the entry.
- High quality materials and artistic designs should be used in the construction of menu signs.
- Limited to one at each entrance.
- Restaurant menu signs are not included in the calculation of maximum sign area.
- Menu Signs do not count as 1 of the business's maximum number of signs.
- The allowable area for restaurant menu signs shall be a maximum of 3 square feet.
- Restaurant menu signs shall be appropriate in size, location, and design to the character and architectural detail of the building as well as to the character of the restaurant.

Monument Signs

This sign is a freestanding ground mount sign.

- Monument signs do not overhang public property and have a solid footing.
- Monument signs should be constructed out of materials that compliment the building.
- Architectural lines which compliment that of the building should be incorporated, especially with respect to the top of the sign.
- The design of the sign structure and the text should express high quality construction.
- Monument signs should be composed of individual lettering.
- Letter heights should not exceed 8 inches.
- Monument signs may be illuminated either by external fixtures designed to compliment the appearance of the sign or halo-lit illumination. Internal illumination is NOT PERMITTED.
- Sign text should be limited to the building or project name, logos, and the business address.
- The maximum sign height, including the sign base, shall not exceed 6 feet.
- Monument signs should only be used when other alternative types of signage would not provide adequate identification.



Appropriate monument sign design



Restaurant Menu Sign Example

Permitted Signs & Specific Guidelines

Tenant Directory Signs

This type of sign is used to identify multi-tenant buildings and businesses that do not have direct frontage on a public street. Tenant directory signs shall be constructed and oriented to the pedestrian.

- Tenant directory signs shall be mounted flat against a solid wall or incorporated into a monument sign located on the property on which the tenants are located.
- Sign size shall meet the requirements of the sign type.
- The sign copy may include the following building or project name, project logo, address, business tenant names, and suite number or letters.
- The letter size of the building name, project name, or logo should not exceed 4 inches in height. All other copy should not exceed 2 inches in height.
- Tenant directory signs should be constructed of materials that compliment both the building structure and its use.
- Freestanding signs are considered monument.



Appropriate directory sign design features

6. Signage

Permitted Signs & Specific Guidelines

A-Frame Signs (aka Sandwich Board Signs)

A-frame signs are designed to stand on their own private property. Such signs are portable and are usually placed to attract pedestrians into shopping areas.

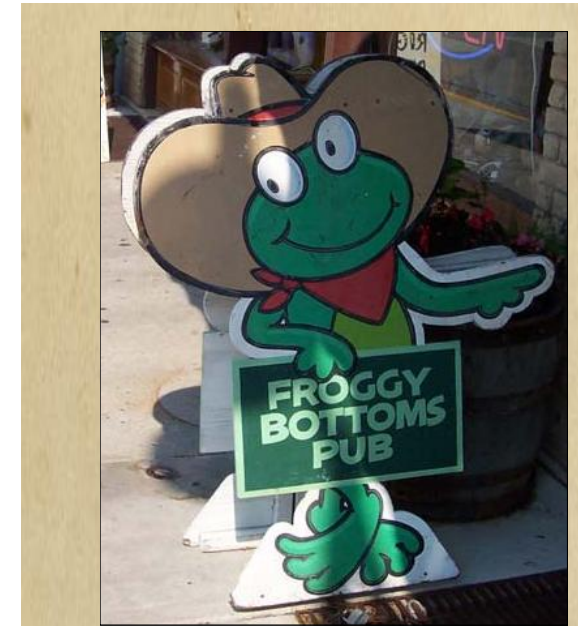
- A-Frame signs should be constructed using one of the following durable materials: wooden or metal signs suspended from a wire frame, wooden A-Frame signs with open bases, or shaped silhouette signs made of plywood, metal or similar wood-like material that can withstand various weather conditions.
- Glass, breakable materials, paper, laminated paper, vinyl, plastic, PVC pipe frames, or illumination are NOT PERMITTED materials for A-Frame signs.
- A-Frame signs should reflect the character of the business and building, just like monument signs.
- A-Frame sign designs should be uncluttered, with a minimum amount of text. Logos and graphics are encouraged.
- A-Frame signs must not be permanently affixed to any object, structure, or the ground.
- The maximum sign area for the A-Frame sign is 8 square feet. Sign area is calculated on one side only.
- A-Frame signs may contain one area not larger than one square foot in size, with small text. The remainder of the sign lettering shall be 2-4 inches high
- The maximum size for rectangular A-Frame signs is 4 feet in height and 2 feet in width. Rectangular signs are required to have an open base, either with widen or cut-outs or legs.
- The maximum recommended size for shaped silhouette A-Frame signs is inches in height and 30 inches in width, provided the maximum sign area is not exceeded.
- Signs shall be placed only on sidewalks where a minimum 5 ft. clear sidewalk is maintained.
- No sandwich board sign shall be placed within 10 linear ft. of another sandwich board sign measured from the base of each sign, 48 inches from all obstructions within the sidewalk right-of-way, 10 feet from a building corner or pedestrian walk, 25 ft. from an intersection, and minimum 2 ft. from the curb.

Abandoned Signs

Abandoned signs within the district are covered by section 98.6 of the sign ordinance

Changeable Signs

Whiteboard, chalkboards, or other changeable letter areas are not to exceed 80% of the sign, and must be framed with something that reflects the character of the business and building.



Appropriate A-frame sign designs

6. Signage

Signage

RECOMMENDED

- Signage/lettering below the second story company's brand windows
- Use of neutral tones that compliment the building façade and still fall in line with the company's brand.
- Appropriate window signage application
- Projecting signage within specified square footage.

*Appropriate design feature**Appropriate design feature**Appropriate design feature*

6. Signage

Signage

NOT RECOMMENDED

- Bright color advertisements applied directly to the surface of the building.
- Temporary/ portable signs not approved by City.
- Back-lit signs
- Banners applied to building facade.
- Oversized signage beyond the limited square footage described in these design guidelines.



Not appropriate design feature



Not appropriate design feature



Not appropriate design feature

An aerial, sepia-toned photograph of a city street, likely Main Street in De Pere. The street runs vertically through the center, flanked by various buildings and trees. The text "7. LIGHTING" is overlaid in the center of the image.

7. LIGHTING

7. Lighting

Lighting

Lighting on the building facade is an important element when considering visibility in the evening hours. Generally the street lighting installed by the city provides good illumination of the overall building facade.

To attract attention to the storefront area there are a couple of traditional methods of lighting:

- **Well Lit Display Windows**
 - Attract attention to items in your window
 - Residual light washes the sidewalk, attracts pedestrians, and provides safety
- **Light Over the Recessed Entry Door**
 - Attract attention to items in your window
- **Lighted Signage in the Window**
 - Neon
- **Architectural Lighting**
 - Up-lighting on prominent building features
- **Signage Lighting**
 - Goose neck lighting

Storefront lighting should be tastefully done either to highlight your product, your building, or your signage. Flashing lights, flashing signage, digital signs, or excessively bright lights are not appropriate.

RECOMMENDED

Description of recommended design concepts.

- Lighting style that is consistent with the downtown
- Exterior color of fixture is appropriate for application.

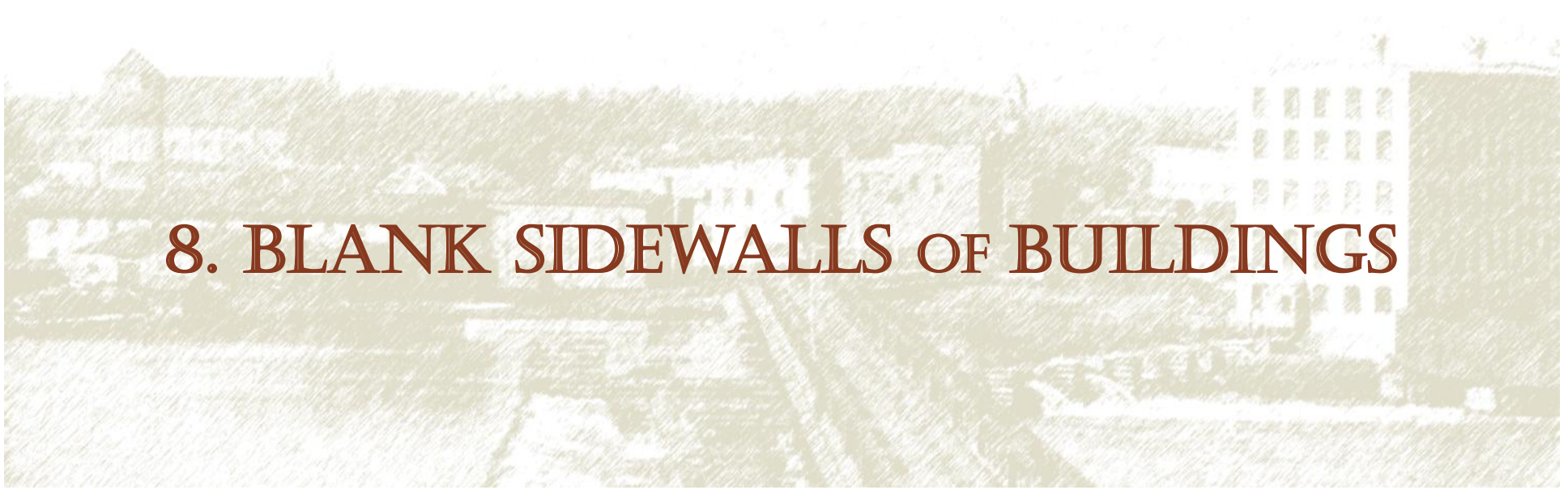
NOT RECOMMENDED

Description of non-recommended design concepts.

- Flashing Lights
- Over excessive brightness for application
- Disruptive to traffic or pedestrians
- Internally lit



Appropriate exterior lighting fixtures and color



8. BLANK SIDEWALLS OF BUILDINGS

Blank Sidewalls of Buildings

The introduction of vehicular and pedestrian circulation patterns, as well as adjacent building demolition will create a potential problem of exposing sidewalls. These walls are more difficult to aesthetically treat because there is less design elements to work with. Trim is held to a minimum, and there are generally fewer windows, doors, or other features to treat. One must also realize sidewall mounted signs are to be avoided due to City ordinances. However, there are several treatments that can be used to help “dress up” a blank wall.

Murals applied directly to the building façade is not allowed; however they are encourage to be painted on removable panels. If the masonry is already painted, this is an exception.

RECOMMENDED

Description of recommended design concepts.

- Appropriate neutral colors that represent typical building material and compliment each other
- Similar façade material, creating a seamless sidewall

NOT RECOMMENDED

Description of non-recommended design concepts.

- Unfinished application to wall
- Different materials from existing structure.

8. Blank Sidewalls of Buildings



Appropriate Blank sidewall of building.

Graphics

Non advertising graphics are allowed. However, wall graphics can be visually unappealing if done incorrectly – too many colors, colors used incorrectly, proportion, and the type of graphic can become distracting and sometimes worse than a blank wall. We recommend the following:

- Submit a colored and correctly scaled drawing of the graphic and sidewall for review and approval by the Main Street De Pere Design Committee.

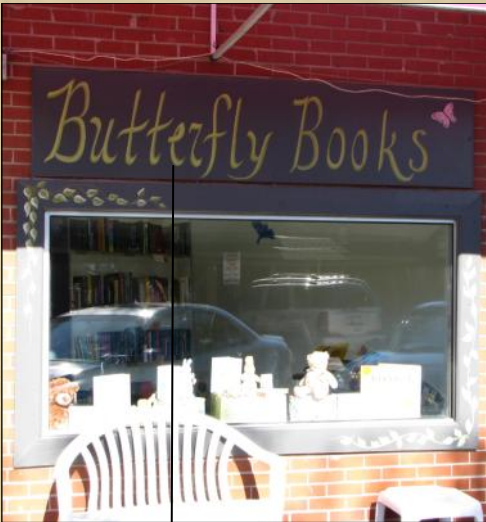
- The graphic relates directly to the store's product or logo. This assigns a definite purpose to the graphic, other than merely covering the wall.

8. Blank Sidewalls of Buildings

RECOMMENDED

Description of recommended design concepts.

- Related to store logo
- Appropriate color scheme for building
- Appropriate size in proportion to building



Appropriate design feature



Appropriate design feature



Appropriate design feature

8. Blank Sidewalls of Buildings

Graphics

NOT RECOMMENDED

- Bright colors applied directly to building siding
- Advertising painted directly onto building siding



Not appropriate design feature



Not appropriate design feature



Not appropriate design feature

Continuation of Storefront Elements

Strong storefront elements can be copied and extended across the sidewall. Examples are facade trim, window head millwork, wall accent trim, or paint color. The introduction of these elements add a horizontal or vertical rhythm, and interrupt an otherwise monotonous wall. This also prepares the pedestrian for what they will see when approaching their storefront.

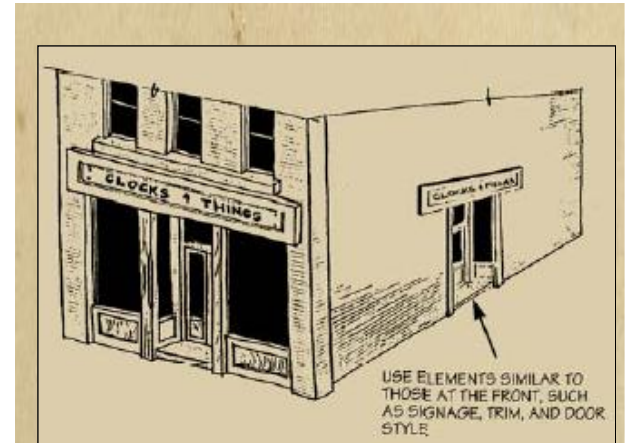
Doors and Windows

When a sidewall is exposed, and is adjacent to parking or pedestrian access, the introduction of a door would serve not only as an entrance, but would add interest to the wall as well. The door should include trim and other physical amenities to invite use and avoid the appearance of a hole in the wall. The addition of windows visually opens the wall and buildings interior to the pedestrian. Caution should be used when adding doors, windows, and their amenities to avoid competing with the main entrance.

Landscaping

If the sidewall is clean and not bland enough to warrant the addition of a storefront elements or doors or windows, landscaping is an economical solution. When designed and installed professionally, landscaping can add rhythm, pattern and concealment. Landscaping can be used in conjunction with other treatments. It should be noted that landscaping requires maintenance and is susceptible to damage.

8. Blank Sidewalls of Buildings





9. LANDSCAPING

9. Landscaping

Landscaping

Landscaping of the streetscape can help to soften the pedestrian environment at the street by adding color and life to an otherwise hard, somewhat noisy area. The City is responsible of the installation and care of street landscaping, however, business owners are responsible to maintain the terrace.

Owners can supplement what is already in place by providing plantings of their own. Plantings can be permanent or portable planters. Plantings can be used to screen trash receptacles, non-accessible doorways, and parking areas. Owners are encourage to work with the City to ensure landscaping does not impact required access routes.

If you have landscaping, it must be maintained. An empty or poorly maintained flow box can be unsightly. Shrubbery or trees that are not properly or regularly trimmed could be an eyesore.

Consult with a qualified nursery to select plantings which will perform well, given the locations and conditions of your site.

FOR MORE INFORMATION:

For questions or assistance on what can be done with the terrace areas please contact the City Forester at 920-339-8362.



Appropriate landscape design feature

9. Landscaping

Landscaping

RECOMMENDED

- Planters
- Use of side or rear entrances to soften appears



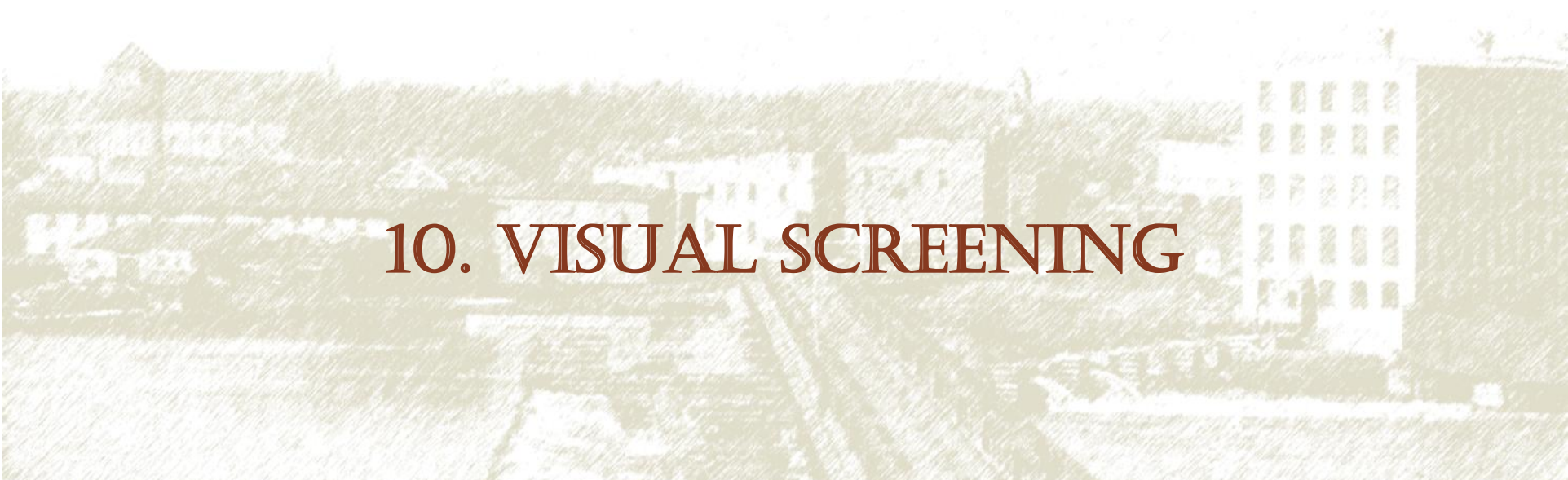
Appropriate design feature



Appropriate design feature



Appropriate design feature

An aerial photograph of a city street, likely Main Street in De Pere, Wisconsin. The street runs vertically through the center of the image, flanked by various buildings and trees. The image is faded and serves as a background for the section header.

10. VISUAL SCREENING

10. Visual Screening

Visual Screening

Many places of business have outside appearances that often prove unsightly. Trash receptacles, condensing units, electrical transformers, and other obstruct pedestrian movement. As essential as they may be, these objects do little to add to the aesthetics of the building. There are several methods of reducing their negative affect,

Elimination:

If possible, eliminate these objects. Trash receptacles can be located inside if space is available. Air conditioning condensers can be roof mounted and electrical transformers can be installed inside the building. Transformers must be housed in a fire-rated and ventilated area.

Placement:

The most economical method of “screening” is placing objects away from pedestrian and vehicular traffic. Consideration should be given to access for maintenance and pickup especially for recycling receptacles.

Concealments:

In many instances, trash receptacles, condensers, or transformers must occupy the same general area desired for pedestrians. The only option is concealment. There are many visual barriers available on the market. Wood fences, or metal fences with wood or plastic slates are a few. Considering shared dumpster locations is a good idea. These are

acceptable, but preferable method is to construct visual barriers with materials consistent with the adjacent building. A blending of materials is more compatible with the storefront. Another method of concealment is the use of landscaping. With professional assistance, the proper pattern and species of plants can be realized. It should be noted however, that landscaping will need care.



Visual Screening

RECOMMENDED

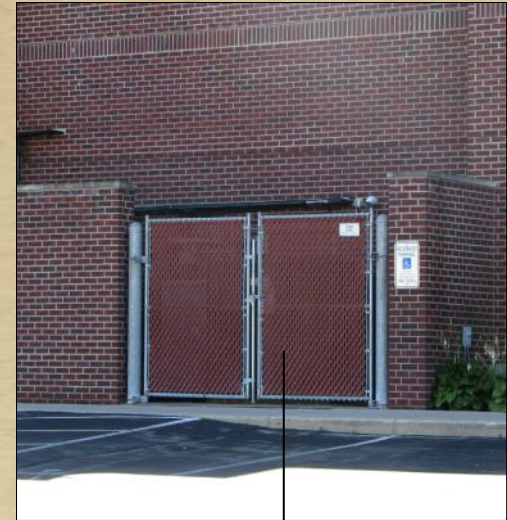
- Use to hide trash receptacles, condensers, or transformers
- Use of landscaping instead of constructed materials if possible
- If landscaping isn't applicable, then use similar materials to the existing building



Appropriate design feature



Appropriate design feature



Appropriate design feature



11. REAR FACADES

11. Pedestrian Access

Rear Facades

Building and business identity are important considerations to the store owner. Access must also be considered important to insure convenience, safety, and repeat business of the customer. Pedestrian access must be associated with parking and a clear identity of entry points.

Front Entrances

If at all possible, the front entrance should be the most important. Front entrances are integral to storefront design, giving the street the “hometown” image, inviting browsing and window shopping. Canopies, color, signage, and proportions of the building can combine with the front entrance to create a strong image.

Rear and Side Entrances

Some of De Pere’s busy streets, particularly portions of Broadway and Main Avenue, are busy enough to warrant rear or side entrances. These entrances are conveniently accessible to more parking than that in the front. For this reason, rear and side entrance treatments should include the entire exposed rear and side walls for identity. The potential impact of these walls is often overlooked.

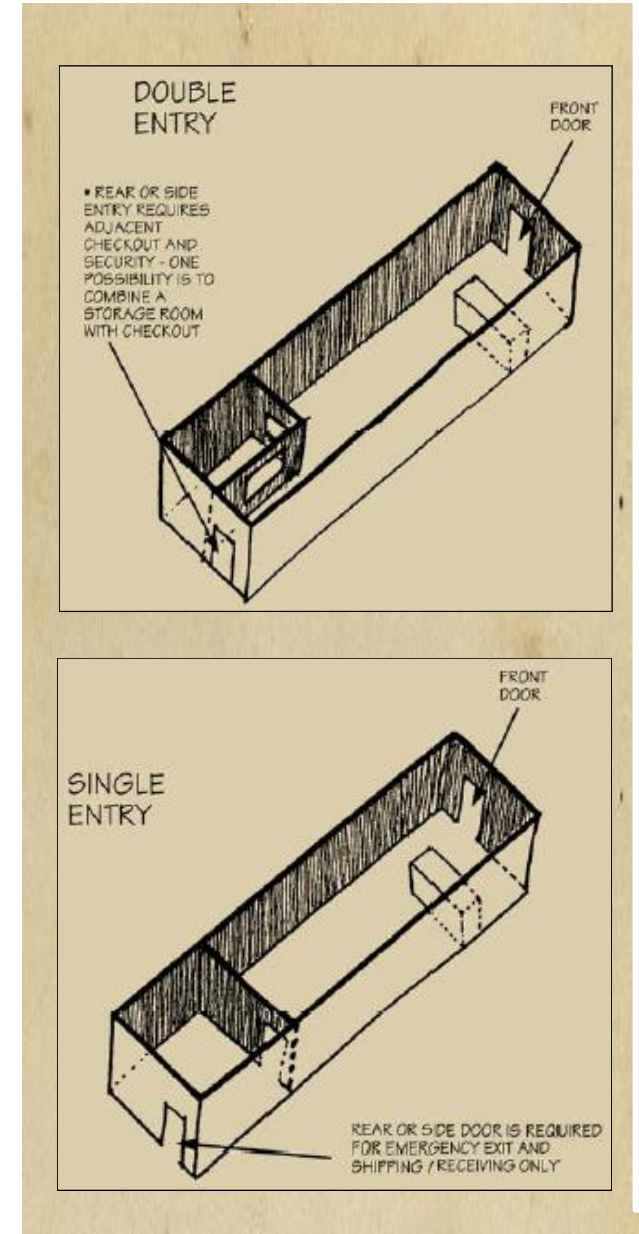
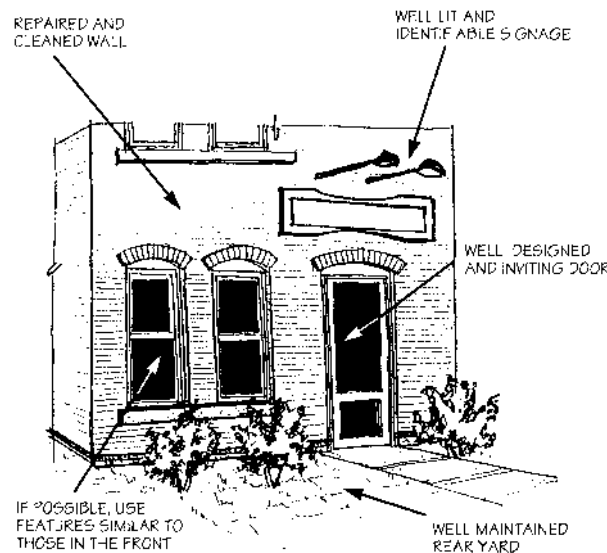
A combination of front entrances with side or rear entrances is called “double fronting.” There are certain advantages to double fronting:

- Circulation patterns are enhanced
- Better access to off-street parking
- Store identity is created on more than one side of the building.
- Alternative access during road construction or events

Double front can also create disadvantages:

- Initial cost of remodeling is increased
- Maintenance cost are increased as additional doors, windows, and sidewalks are created
- Security problems increase

Front, side, or rear entrances must share a common characteristic of presenting an attractive door to the pedestrian. Usually, the best doors are the original units properly maintained and repaired. If these are beyond repair, new doors can be made to closely resemble to original doors. Another option is to use simple, cleanly designed aluminum doors that will not detract from existing wall treatment. The so-called Colonial, Georgian, or Early American doors are poor representations of their namesake.



Rear Facades

RECOMMENDED

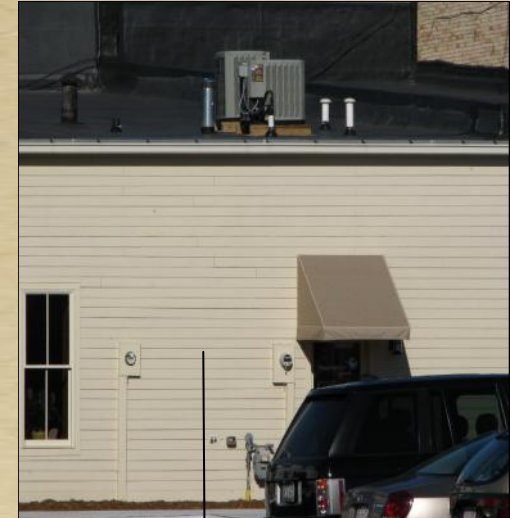
- Should have common design characteristics compared to the main entrance
- Appropriate lighting
- Appropriate signage similar to main entrance
- Similar materials to main entrance

NOT RECOMMENDED

- Poorly lit entry



*Appropriate design feature, however,
a door with more glass is encouraged*



Not appropriate design feature

An aerial photograph of a city street, likely Main Street in De Pere, Wisconsin. The street runs vertically through the center of the image, flanked by various buildings. On the right side, there is a prominent white building with many windows. The street is bordered by a river or a large body of water on the left. The overall scene is a mix of urban development and natural elements.

12. INFILL STRUCTURES

Infill Structures/Redevelopment

New construction on vacant lots in downtown should be encouraged. The success of these buildings can be enhanced by recreating the original rhythm of existing building facades. It is important that individual buildings act as part of the entire street facade. When a building is missing and a parking lot or park takes its place, the street scape is disrupted where these obvious “gaps” exist.

The design of new buildings must be appropriate and compatible with neighboring buildings. Because these infill buildings are new they should look new and not attempt to duplicate historic structures. Their appearance, however, should be sensitive to the characteristics of its surrounding buildings. Infill structures must take design cues from existing architectural parameters already established downtown.

Proportion

The height and width of infill structures will be determined by the proportions of buildings immediately adjacent. Height should match adjacent buildings. Width should fill the entire void between buildings. If the void is very wide, the façade should be broken up into discernible bays which mimic the rhythm of facades on the streetscape.

Composition

The organization of elements of new facades should be similar to that of surrounding facades. Storefront cornice heights, bulkhead heights, rhythms that exist throughout the block should be carried out in the new façade. Existing window opening patterns of the upper façade and existing window openings

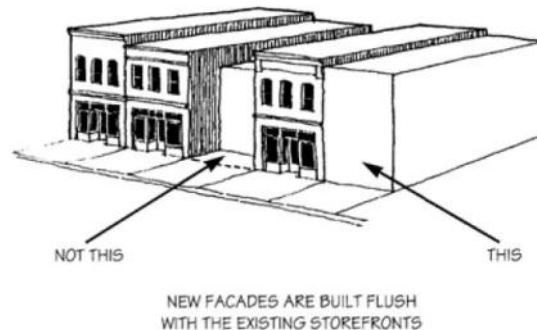
of the lower storefront should be acknowledged in the new design. The ratio of window openings to solid wall should also be in keeping with nearby buildings.

Building Setback

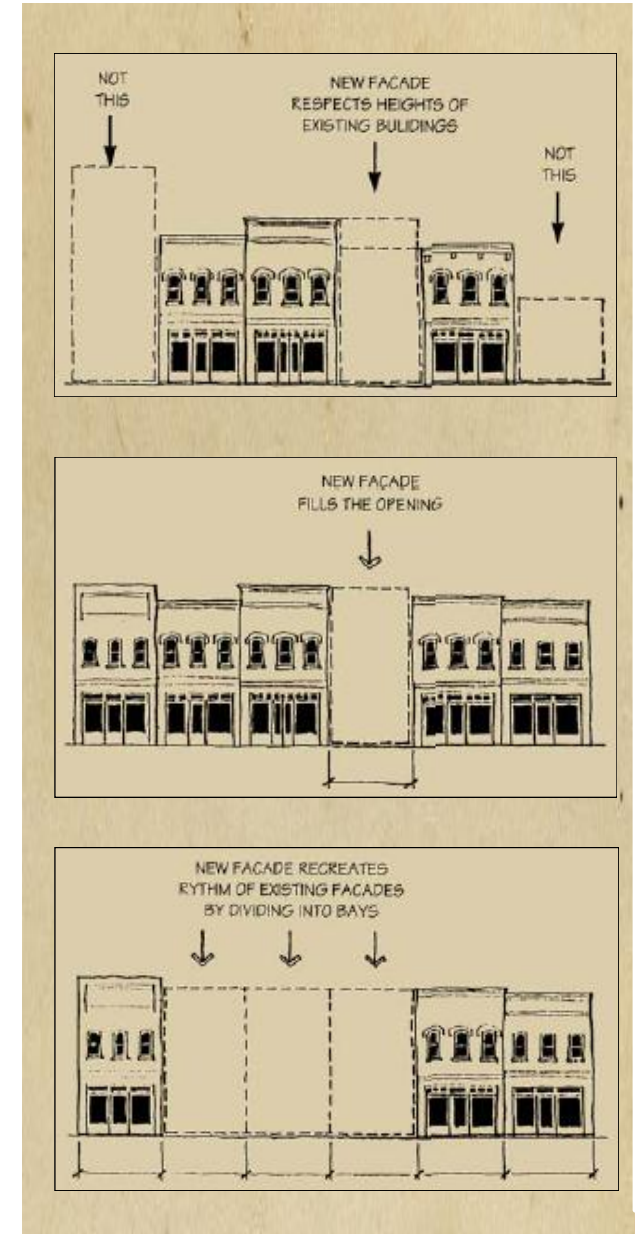
Infill structures should align their facades flush with the adjacent buildings and sidewalks to reinforce the rhythm and consistency of the streetscape.

Materials

The most dominant material in downtown De Pere is brick, although there are a few limestone structures. Infill facades should be constructed with materials similar to the material in adjacent facades. Infill buildings should not stand out from others. Material color should be chosen that is compatible with that of adjacent facades.



12. Infill Structures



12. Infill Structures

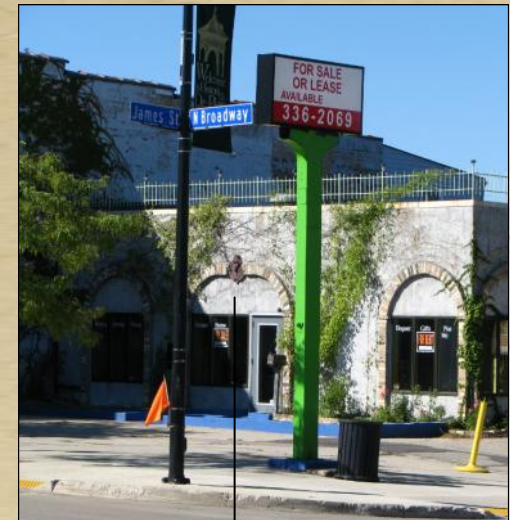
Infill Structures/Redevelopment

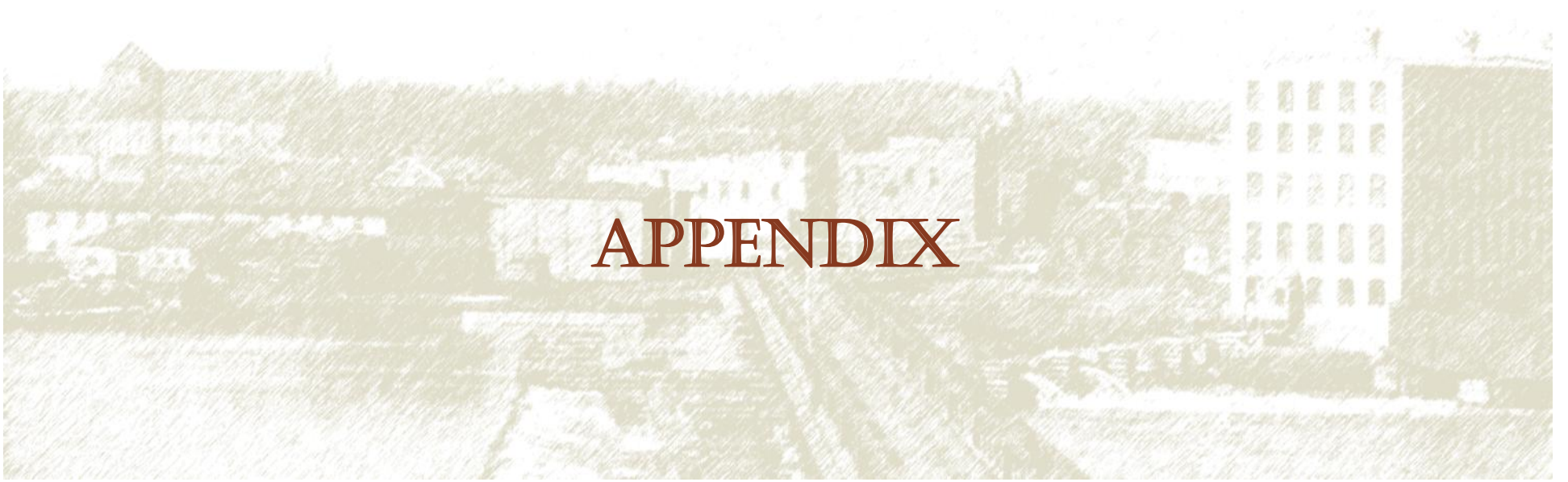
RECOMMENDED

- Meet surrounding facade widths, height, and setbacks
- Have design cohesive with elements of surrounding commercial district
- Incorporate elements of design from surrounding district in signage, cornices, materials, etc.

NOT RECOMMENDED

- Differing heights, width, or setback from rest of surrounding district
- Non-cohesive facade design with rest of commercial district

*Appropriate design feature**Appropriate design feature**Not appropriate design feature*



APPENDIX

The Secretary of the Interior's "Standards for Rehabilitation"

The following standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be places in a new use that requires minimal change to the defining characteristics of the building and its site environment.
2. The historic characteristic of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, should not be undertaken.
4. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to the historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

"Rehabilitation" is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features which are significant to its historic, architectural, and cultural values.

Tax Credits

Owning a historic property in Wisconsin carries with it several benefits. One of these is the ability to participate in federal and state income tax incentives programs for rehabilitation of historic properties. Currently, there are two programs available to owners of properties that are listed in the national or state registers of historic places, or that may be eligible for listing in the national register. These programs are:

Federal 20% Historic Rehabilitation Credit.

A 20 percent federal investment tax credit (ITC) for rehabilitation of income producing historic buildings.

Wisconsin 10% Supplement to Federal Historic Rehabilitation Credit.

An additional 10 percent Wisconsin investment tax credit (ITC) for persons who qualify for the 20 percent tax credit.

There is also a program available to owners of properties which are not listed in the national register.

Federal 10% Non-Historic Tax Credit

A 10 percent federal investment tax credit (ITC) for persons who rehabilitate income producing buildings which are built before 1936.

The rules for applying for these programs vary; furthermore, they are subject to change. A complete recitation of the rules governing these programs is beyond the scope of this summary. If you own or

plan to own property built before 1936, the Main Street Program and the Division of Historic Preservation will be happy to assist you in participating in these programs.

PROGRAM REQUIREMENTS

Federal 20% Rehabilitation Credit

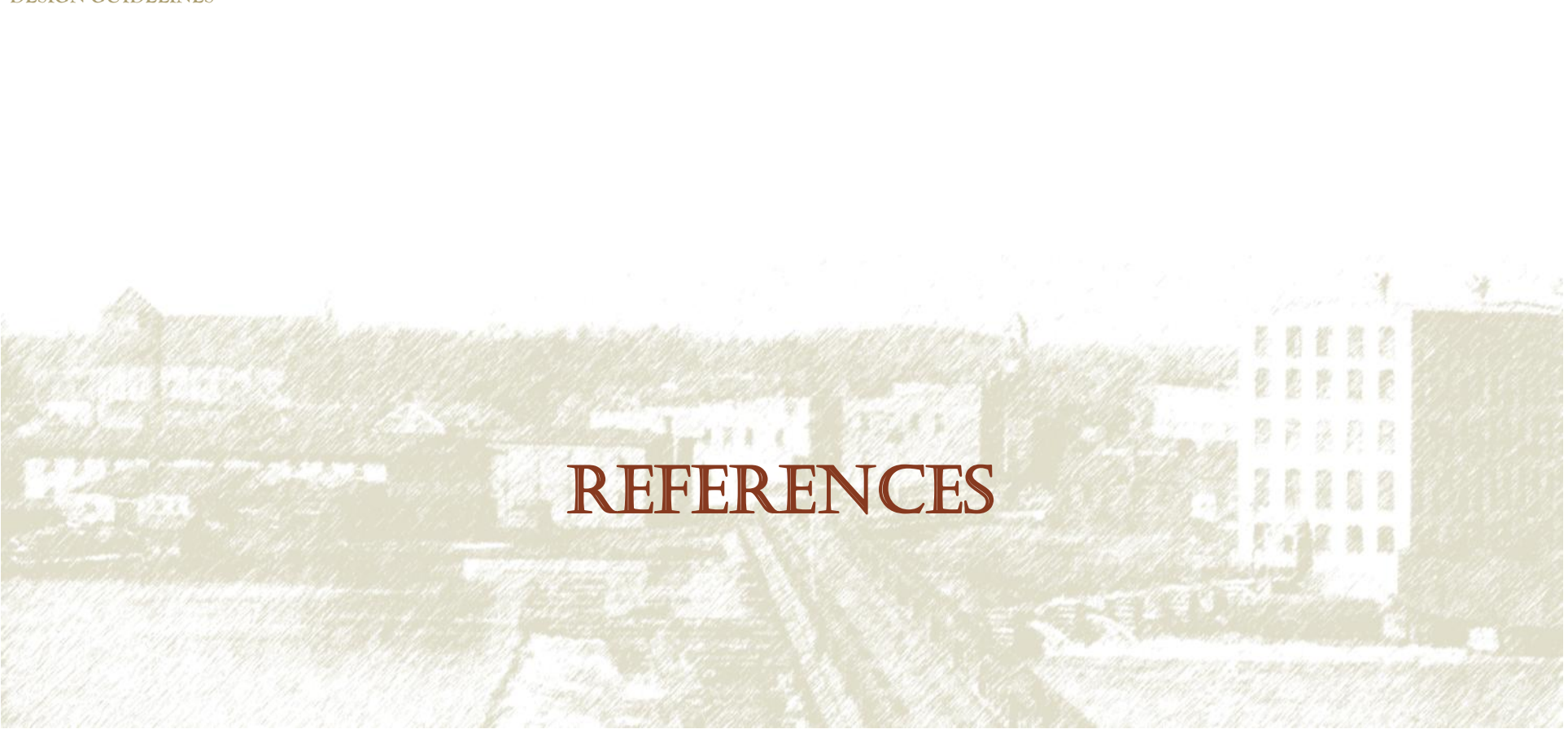
– plus –

Wisconsin 5% Supplement

- **Property must be historic.** Must be: listed in National Register within National Register District; or determined eligible for National Register through Part 1 application process.
- **Minimum investment.** You must spend; at least as much as the adjusted basis of the building; or \$5000, whichever is greater.
- **Must comply with Secretary of Interior's Standards for Rehabilitation.**
- **Formal application is required.**
- **Property must be a building.**
- **Property must be income-producing.** Must be depreciable, by IRS standards.
- **Cannot sell building or destroy its historical significance for five years** or repay tax credit to IRS, prorated over 5 years.
- **May apply after work is begun to receive federal 20% credit; must apply before work begins to receive additional Wisconsin 10% credit.**

National Park Service: Preservation Briefs

Preservation Briefs 1: The Cleaning and Waterproof Coating of Masonry Buildings	Preservation Briefs 19: The Repair and Replacement of Historic Wooden Shingle Roofs	Preservation Briefs 37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Buildings
Preservation Briefs 2: Repointing Mortar Joints in Historic Brick Buildings	Preservation Briefs 20: The Preservation of Historic Barns	Preservation Briefs 38: Removing Graffiti From Historic Masonry
Preservation Briefs 3: Conserving Energy in Historic Buildings	Preservation Briefs 21: Repairing Historic Flat Plaster– Walls and Ceilings	Preservation Briefs 39: Holding the Line: Controlling Unwanted Moisture in Historic Buildings
Preservation Briefs 4: Roofing for Historic Buildings	Preservation Briefs 22: The Preservation and Repair of Historic Stucco	Preservation Briefs 40: Preserving Historic Ceramic Tile Floors
Preservation Briefs 6: Dangers of Abrasive Cleaning to Historic Buildings	Preservation Briefs 23: Preserving Historic Ornamental Plaster	Preservation Briefs 41: Seismic Retrofit of Historic Buildings
Preservation Briefs 7: The Preservation of Historic Glazed Architectural Terra-cotta	Preservation Briefs 24: Heating, Ventilating, and Cooling Problems and Recommended Approaches	Preservation Briefs 42: The Maintenance, Repair and Replacement of Historic Cast Stone
Preservation Briefs 8: Aluminum and Vinyl Siding on Historic Buildings	Preservation Briefs 25: The Preservation of Historic Signs	
Preservation Briefs 9: The repair of Historic Wooden Windows	Preservation Briefs 26: The Preservation and Repair of Historic Log Buildings	
Preservation Briefs 10: Exterior Paint Problems on Historic Wood Work	Preservation Briefs 27: The Maintenance and Repair of Architectural Cast Iron	
Preservation Briefs 11: Rehabilitating Historic Storefronts	Preservation Briefs 28: Painting Historic Interiors	
Preservation Briefs 12: The Preservation of Historic Pigmented Structural Glass	Preservation Briefs 29: The Repair, Replacement, and Maintenance of Historic Slate Roofs	
Preservation Briefs 13: The repair and Thermal Upgrading of Historic Steel Windows	Preservation Briefs 30: The Preservation and Repair of Historic Clay Tiles Roofs	
Preservation Briefs 14: New Exterior Additions to Historic Buildings: Preservation Concerns	Preservation Briefs 31: Mothballing Historic Buildings	
Preservation Briefs 15: Preservation of Historic Concrete: Problems and General Approaches	Preservation Briefs 32: Making Historic Properties Accessible	
Preservation Briefs 16: The use of Substitute Materials on Historic Building Exteriors	Preservation Briefs 33: The Preservation and Repair of Historic Stained Glass and Leaded Glass	
Preservation Briefs 17: Architectural Character: Identifying the Visual Aspects of Historic Buildings and an Aid to Preserving the Character	Preservation Briefs 34: Applied Decoration for Historic Interiors: Preserving Composition Ornament	
Preservation Briefs 18: Rehabilitating Interiors in Historic Buildings	Preservation Briefs 35: Understanding Old Buildings: The Process of Architectural Investigation	
	Preservation Briefs 36: Protecting Cultural Landscapes: Plannings, Treatment and Management of Historic Landscapes	



REFERENCES

References

- The Secretary of the Interior's "Standards for Rehabilitation"
- De Pere Sign Ordinance, City of De Pere
- D.I.L.H.R. Wisconsin Administrative Code Building, Heating Ventilating and Air Conditioning
- Documentary on White Pillars, De Pere Historical Society
- "Birthplace of a Commonwealth," by Jack Rudolph, 1976
- The State Historical Society of Wisconsin
- Wisconsin Main Street Program
- The Neville Museum, Green Bay, Wisconsin

Definitely De Pere

A Main Street Community
111 S. Broadway Street
De Pere, WI 54115
(920) 403 - 0337
www.definitelydepere.org

Building Codes

De Pere Building Inspection
(920) 339-4053

Facade Program

Application:
www.de-pere.org/egov/docs/1251141453_198028.pdf

Maps of TIF's

www.deperechamber.org/downloads/documents/TIFMap.pdf

Revolving Loan Fund

Application:
www.de-pere.org/egov/docs/1223324615_931457.pdf

Manual:

www.de-pere.org/egov/docs/1223324712_995422.pdf

The State Historical Society

816 State Street
Madison, Wisconsin 53702

National Park Service

Preservation Briefs

<http://www.nps.gov/tps/how-to-preserve/briefs.htm>

Financial Incentives

<http://www.nps.gov/tps/tax-incentives.htm>

Local Sign and Historic Ordinances Can be Found at



APPLICATION FORMS

Item #5: Review the new version of City of De Pere Downtown Design Guidelines.

The **Main Street De Pere Design Guidelines** is an update to the original guidelines that were created in 1991. The updated guidelines were completed by the Design Committee of Definitely De Pere (the City Main Street program). Significant work was done by the committee to update each section with current references and better graphics whenever possible.

The **Main Street De Pere Design Guidelines** overlaps with the new City Sign Ordinance since it includes a chapter on downtown signage. In this chapter, it provides best practices, recommendations, and even some of the detail from the **Chapter 98 Sign Ordinance**. It should be noted that the **Main Street De Pere Design Guidelines** would be adopted as a document that is used as a resource, while the **Chapter 98 Sign Ordinance** will be adopted as an update to our existing code.

Recommendation

Staff would recommend that the Plan Commission accept the Guidelines and that the Guidelines be forwarded to the City Council to also be accepted.

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: March 4, 2014

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Ordinance #14-05, Amending §8-2, De Pere Municipal Code
Relating to Bow Hunting within the City.

I have included attachments from our City Attorney addressing recommendations to change our City Ordinance as it relates to bow hunting within the City Limits. Due to recent change in legislation, a change in our ordinance is required. As our City Attorney explains, we were hoping to coincide the change in ordinance with our research on our deer population, however the timing of our deer population research does not match with when our ordinance needs to be revised.

ATTACHMENTS:

- Ord14-05 (DOCX)
- Bowhunting Memo w attachments (PDF)

ORDINANCE #14-05

AMENDING §8-2, DE PERE MUNICIPAL CODE
RELATING TO BOW HUNTING WITHIN THE CITY

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

Section 1: **§8-2, Loading and discharge of weapons**, is hereby amended by adding thereto a new paragraph (b) as follows:

(b) *Bow and Arrow or Crossbow.*

- (1) Except as provided in sub. (2), it shall be unlawful for a person to discharge a bow and arrow or crossbow within a distance of one hundred (100) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows and gives written permission to the person to use or discharge an arrow or bolt with a bow and arrow or crossbow within the specified distance of the building. Any person who discharges a bow and arrow or crossbow shall discharge the arrow or bolt toward the ground. The term "building" shall be as defined in Wis. Stats. §29.038.
- (2) It shall be unlawful for a person to use or discharge a bow and arrow or crossbow on or across any portion of land owned or leased by the City.
- (3) It shall be unlawful for a person to use or discharge a bow and arrow or crossbow where the arrow or bolt may endanger the life, limb or property of another or will traverse any part of any street, alley, public grounds or parks."

and re-lettering the current paragraph (b) as (c).

Section 2: §8-2(c), *Weapons other than firearms*, is hereby amended by re-titling said paragraph "Other Weapons".

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

Section 4: This ordinance shall take effect on and after passage and publication.

Ordinance #14-05
Page 2 of 2

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of
March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____
Nays: _____
Publication Date: _____
Effective Date: _____

Attachment: Ord14-05 (1886 : Ordinance #14-05, bow hunting within the City Limits)

CITY OF DE PERE

MEMO

To: George Brown, Chair
Members of the Board of Park Commissioners

From: Judith Schmidt-Lehman, City Attorney

RE: State Preemption of Bow Hunting Restrictions within City Limits

Date: February 7, 2014

As you may know, a new state law ("Act 71"; effective December 14, 2013) generally prohibits municipalities from banning bow and arrow and crossbow hunting within city limits. Attached is an article published in the February 2014 issue of *the Municipality* which explains the new restrictions.

The purpose of this memo is to explain the impact of this new state law and its effect on §8-2, De Pere Municipal Code, which prohibits the discharge of weapons (including bow and arrow and crossbow) within the City.

One important thing to know is that Act 71 pertains to *hunting* with bow and arrow or crossbow; it does not allow the use of bow and arrow/crossbow at times other than when hunting periods/seasons are open. I believe there is a mistaken impression among some that Act 71 allows hunting with bow and arrow/crossbow *anytime*. That is not correct; it is only during the various hunting seasons as established or permitted by the DNR. The City's ordinance remains in effect prohibiting discharge of bow/crossbow at all times other than when used for hunting during the appropriate hunting season.

Another last important aspect of Act 71 is that the City may prohibit hunting, even with bow and arrow/crossbow, on city owned property. Since the discharge of weapons is currently prohibited under §8-2, De Pere Municipal Code, the City has not addressed whether to allow hunting on city property. However, the enactment of Act 71 now requires action either prohibiting or allowing bow and arrow/crossbow hunting on city owned property.

When Act 71 was initially adopted, I had hoped this issue could await the results of the deer population. However, the Spring 2014 turkey hunt season is set to open mid-April 2014 and it is improbable that the survey results will be known and acted upon in that time frame.

Therefore, it is recommended that §8-2, De Pere Municipal Code, be amended to incorporate the new requirements of Act 71 and to prohibit hunting on city owned property until such time as the Park Board and the Council have the opportunity to review the results of the deer population survey and take final action after knowing those results.

Attached is draft language for the amendment. This language comes from a couple of ordinances recently adopted by other communities in response to Act 71.

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

JSL:jld

Attachment

cc: Michael Walsh, Mayor
Lawrence Delo, City Administrator
Marty Kosobucki, Parks, Recreation & Forestry Director

H:\jdupont\Memos\2014\Brown & Park Board-(bowhunting) 2-7-14-148-002-14.docx

Attachment: Bowhunting Memo w attachments (1886 : Ordinance #14-05, bow hunting within the City Limits)

LEGAL NOTE

MUNICIPAL POWERS TO REGULATE BOW HUNTING ARE LIMITED

By Curt Witynski, Assistant Director

2013 Wisconsin Act 71, which took effect December 14, 2013, generally prohibits municipalities from banning hunting with a bow and arrow or crossbow within the community. However, municipalities retain some limited ability under the Act to regulate bow and arrow and crossbow hunting. Under Act 71, a municipality may:

1. Prohibit a person from hunting with a bow and arrow or crossbow within a specified distance, not to exceed 100 yards, from a build-

ing used for human occupancy located on another person's land. Any such ordinance must provide that the restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building. Wis. Stat. sec. 29.038(3)(b)1.3.a.

2. Require a person who hunts with a bow and arrow or crossbow to discharge the arrow or bolt toward the ground, such as from a tree

stand. Wis. Stat. sec. 29.038(3)(b)1.3.b.

Also, under current law, which was left untouched by Act 71, a municipality may prohibit hunting by bow and arrow, crossbow or firearm, in municipal parks and any other municipally owned land. Wis. Stat. sec. 29.038(2)(b). No other local regulations of bow hunting are allowed.

Powers of Municipalities 924



**When air, water, and other environmental issues arise,
turn to Marney Hoefer.**

Marney has expertise in environmental regulatory matter, governmental relations, and energy, with emphasis on air and water issues. She worked on a variety of issues as an attorney for state government including: air permitting and compliance issues, greenhouse gas and mercury regulations, wastewater permitting and compliance issues, thermal wastewater discharges, public records, open meetings and grant eligibility issues.

When environmental law issues arise, do what other leaders do.
Turn to Stafford Rosenbaum.

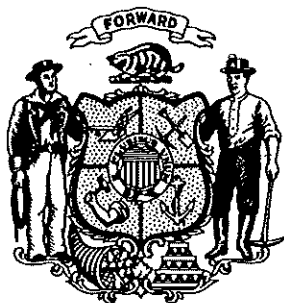
www.staffordlaw.com

888.655.4752
222 West Washington Avenue • Madison
1200 North Mayfair Road • Milwaukee

where leaders turn

StaffordRosenbaum LLP
Attorneys

State of Wisconsin



2013 Assembly Bill 8

Date of enactment: December 12, 2013
Date of publication*: December 13, 2013

2013 WISCONSIN ACT 71

AN ACT *to renumber and amend 29.038 (3); and to create 29.038 (3) (b) of the statutes; relating to: restrictions imposed by local governmental units on hunting with a bow and arrow or crossbow.*

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

SECTION 1. 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended to read:

29.038 (3) (a) ~~A. Except as provided in par. (b),~~ a local governmental unit may enact an ordinance or adopt a regulation, resolution or other restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety.

SECTION 2. 29.038 (3) (b) of the statutes is created to read:

29.038 (3) (b) 1. In this paragraph:

a. "Building" means a permanent structure used for human occupancy and includes a manufactured home, as defined in s. 101.91 (2).

b. "Restriction" means an ordinance, regulation, resolution, or other restriction enacted or adopted by a local governmental unit.

2. Except as provided in subd. 3., a local governmental unit may not enact or adopt a restriction that prohibits a person from hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit.

3. A local governmental unit may enact or adopt a restriction that does any of the following:

a. Prohibits a person from hunting with a bow and arrow or crossbow within a specified distance, not to exceed 100 yards, from a building located on another person's land. A restriction enacted or adopted under this subd. 3. a. shall provide that the restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building.

b. Requires a person who hunts with a bow and arrow or crossbow to discharge the arrow or bolt from the respective weapon toward the ground.

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

PART II - MUNICIPAL CODE

Chapter 8 OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS

Sec. 8-2. Loading and discharge of weapons.**(a) Firearms.**

- (1) "Firearm" has the meaning given in Wis. Stats. § 167.31(1)(c).
- (2) *Discharge of firearms within the city limits.* No person shall discharge, or cause to be discharged, any firearm within the city limits as defined in this section, except as follows:
 - a. For use in the hunting of migratory birds and waterfowl in that portion of the Fox River contiguous to unincorporated areas which allow hunting, and in accordance with state regulations.
 - b. For the purpose of elimination of animals, as authorized by the department of natural resources and the city police department, and such decision may be appealed to the common council.
- (3) Regulation of the possession of firearms shall be as provided in section 8-1 of this Code.

(b) Bow and Arrow or Crossbow.

- (1) Except as provided in sub. (2), it shall be unlawful for a person to discharge a bow and arrow or crossbow within a distance of one hundred (100) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows and gives written permission to the person to use or discharge an arrow or bolt with a bow and arrow or crossbow within the specified distance of the building. Any person who discharges a bow and arrow or crossbow shall discharge the arrow or bolt toward the ground. The term "building" shall be as defined in Wis. Stats. §29.038.
- (2) It shall be unlawful for a person to use or discharge a bow and arrow or crossbow on or across any portion of land owned or leased by the City.
- (3) It shall be unlawful for a person to use or discharge a bow and arrow or crossbow where the arrow or bolt may endanger the life, limb or property of another or will traverse any part of any street, alley, public grounds or parks."

(~~bc~~) Other Weapons ~~other than firearms.~~

- (1) No person shall carry or have under his or her control any air rifle, pellet gun, BB gun, slingshot or other weapon other than a firearm as defined above, that projects any type of missile in public while such weapon is loaded or uncased or uncovered.
- (2) No person shall discharge, or cause to be discharged, any weapon as defined herein within the city limits as defined in this section, except for the purpose of elimination of animals, as authorized by the department of natural resources and the city police department, and such decision may be appealed to the common council.

(Code 1974, § 41.02; Ord. No. 02-04, §§ 1, 2-20-2002; Ord. No. 09-16, § 1, 8-18-2009; Ord. No. 09-30, § 3, 12-15-2009; Ord. No. 13-17, § 15, 8-20-2013)

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: March 4, 2014

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Resolution #14-17, Authorizing Release of Utility Easements (Shelley Lane).

The Board of Public Works recommends approval of the following:

- (1) Vacation of the 10' utility easement across lots 259 through 262 along the south side of Shelley Lane.
- (2) Vacation of the 12' utility easement along the lot line of lots 259 and 260

ATTACHMENTS:

- Reso14-17 (DOCX)
- Exhibit A - Shelley 10' Easement (PDF)
- Release of 10' Utility Easement - Shelley Ln (DOCX)
- Exhibit A - Shelley 12' Easement (PDF)
- Release of 12' Utility Easement - Shelley Ln (DOCX)
- CE_Utility Easement Vacation - Shelley Ln (PDF)

RESOLUTION #14-17

AUTHORIZING RELEASE OF UTILITY EASEMENTS
(Shelley Lane)

WHEREAS, a 10' utility easement exists across lots 259 through 262 on Shelley Lane;
and

WHEREAS, a 12' utility easement exists between lots 259 and 260 on Shelley Lane; and

WHEREAS, staff has received a request to release both utility easements as there are no
utilities in these easements and they are no longer needed; and

WHEREAS, the Board of Public Works has reviewed such release of both utility
easements and recommends their approval thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and Clerk-Treasurer are hereby authorized and directed to execute
both Release of Utility Easements which are attached and incorporated as
Exhibits 1 and 2 respectively.

BE IT FURTHER RESOLVED THAT:

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of
March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____

Nays: _____

Attachment: Reso14-17 (1850 : Resolution #14-17, Utility Easement Vacation - Shelley Lane)

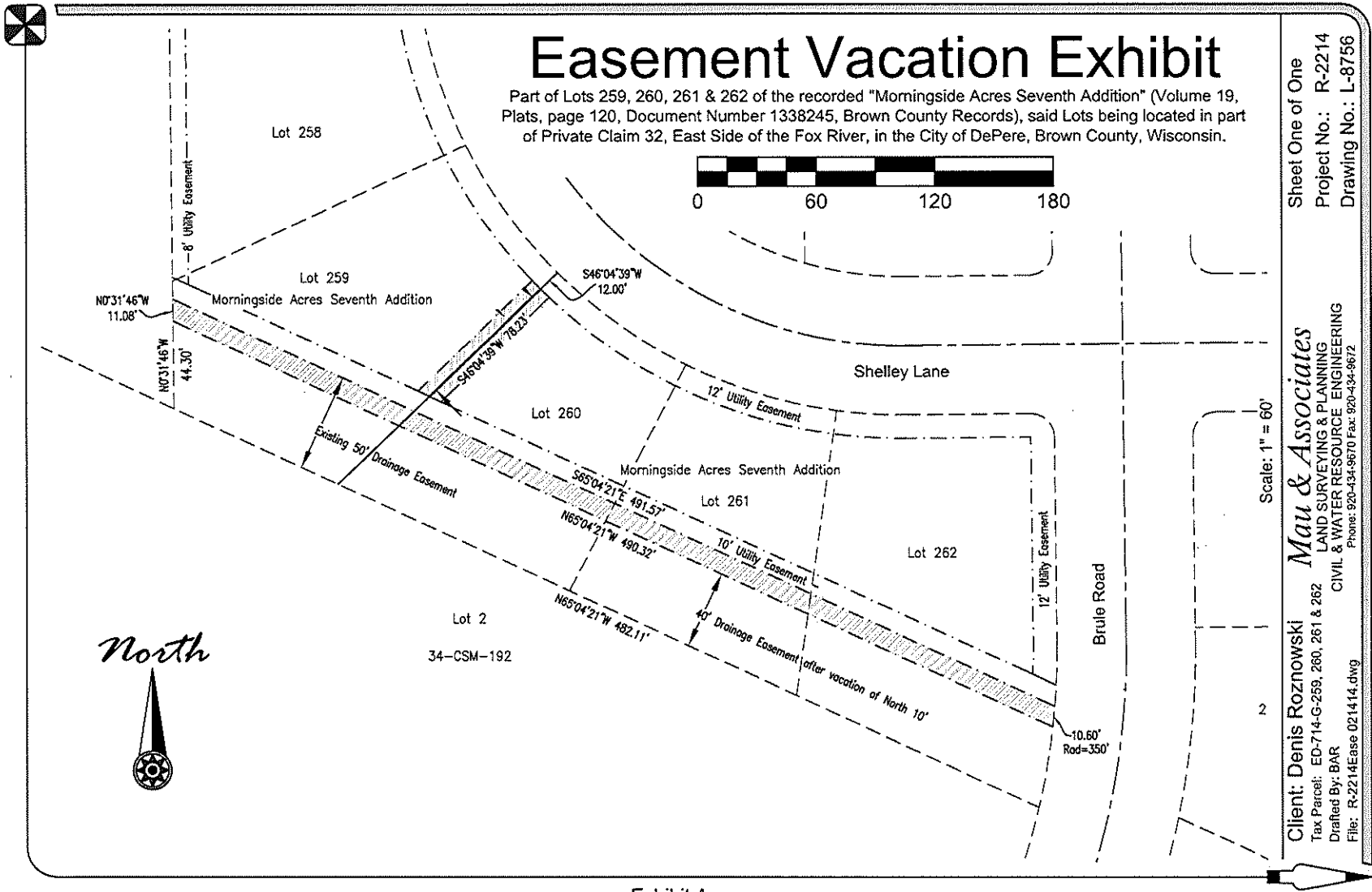


Exhibit A

Client: Denis Roznowski
Tax Parcel: ED-714-G-259, 260, 261 & 262
Drafted By: BAR
File: R-2214Ease 021414.dwg

Sheet One of One
Project No.: R-2214
Drawing No.: L-8756

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

Document Number
RELEASE OF UTILITY EASEMENT

The **City of De Pere**, a Wisconsin municipal corporation and **Time Warner Entertainment Company, L.P.**, an entity authorized to do business in the State of Wisconsin hereby release their rights, title and interest under the certain public utility easement affecting the following described real property:

The Northeasterly 10 feet of the southwesterly 60 feet of Lots 259, 260, 261 & 262 all being in "Morningside Acres Seventh Addition" (Volume 19, Plats, page 120, Document Number 1338245, Brown County Records), said Lots being located in part of Private Claim 32, East side of the Fox River, in the City of De Pere, Brown County, Wisconsin.

A scale map showing the area to be discontinued is attached hereto and incorporated herein by reference as Exhibit A.

This space is reserved for recording data

Return to

Judith Schmidt-Lehman
 City of De Pere
 335 S. Broadway
 De Pere, WI 54115

Parcel Identification Number/Tax Key Number

ED-714-G-259, ED-714-G-260, ED-714-G-261,
 ED-714-G-262

Signed this _____ day of _____, 2014.

CITY OF DE PERE

By:

 Michael J. Walsh, Mayor

 Shana L. Defnet, Clerk-Treasurer

State of Wisconsin)
) ss.
 Brown County)

This instrument was acknowledged before me on this ____ day of _____, 2014 by the above named person(s).

 (Signature, Notary Public, State of Wisconsin)

 (Print or Type Name, Notary Public, State of Wisconsin)

My commission expires: _____

(SEAL)

Attachment: Release of 10' Utility Easement - Shelley Ln (1850 : Resolution #14-17, Utility Easement Vacation - Shelley Lane)

Release of Utility Easement; Northeasterly 10 feet of the southwesterly 60 feet of Lots 259, 260, 261 & 262

TIME WARNER ENTERTAINMENT COMPANY, L.P.
By:

Print Name:
Title:

Print Name:
Title:

State of Wisconsin)
Brown County) ss.

This instrument was acknowledged before me on this ____ day of _____, 2014 by the above named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

My commission expires: _____

(SEAL)

This document was drafted by Judith Schmidt-Lehman.

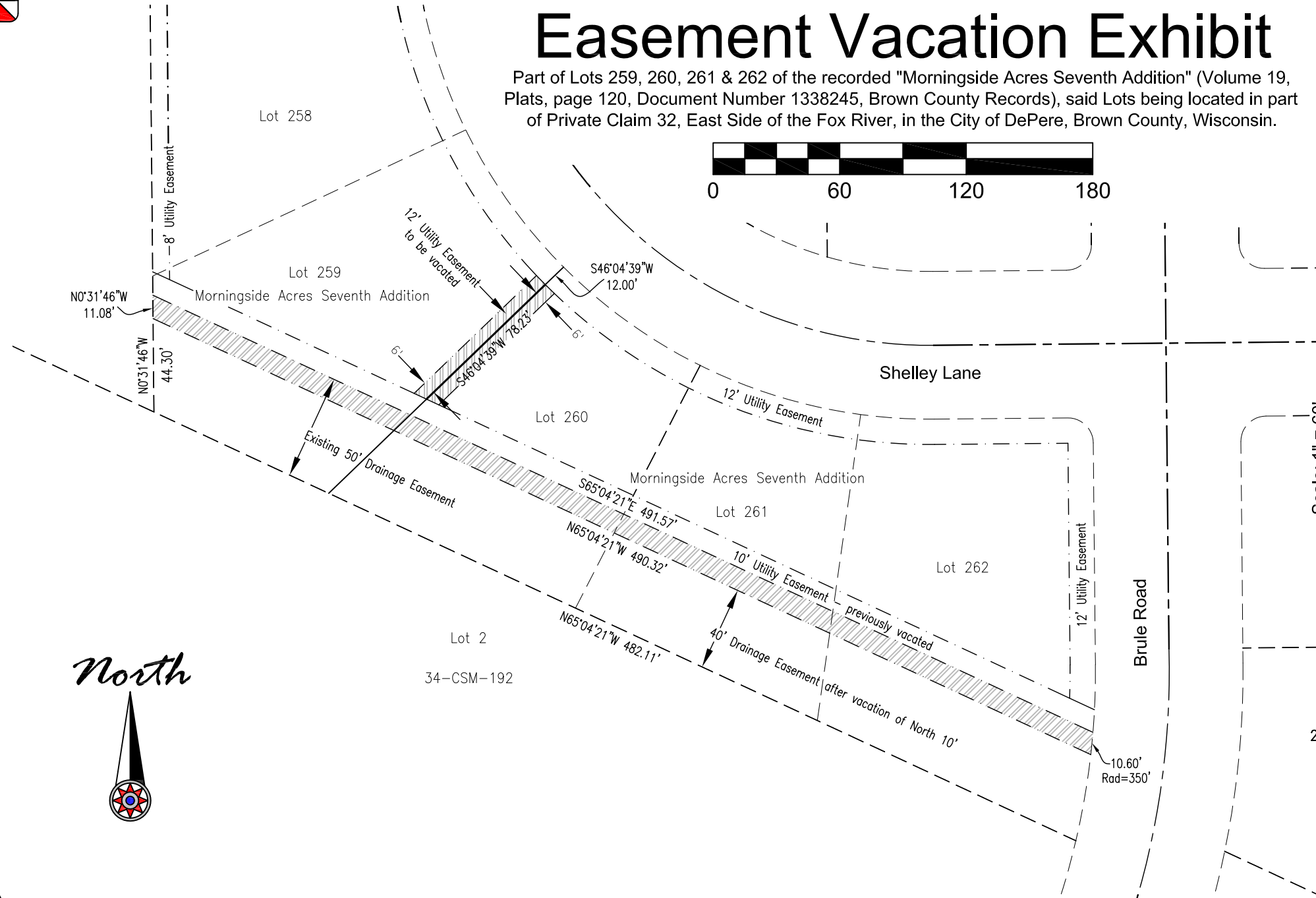
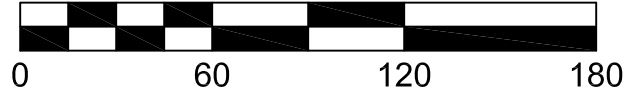
H:\jdupont\Legal Documents\2014\Release of 10' Utility Easement - Shelley Ln.docx

Attachment: Release of 10' Utility Easement - Shelley Ln (1850 : Resolution #14-17, Utility Easement Vacation - Shelley Lane)



Easement Vacation Exhibit

Part of Lots 259, 260, 261 & 262 of the recorded "Morningside Acres Seventh Addition" (Volume 19, Plats, page 120, Document Number 1338245, Brown County Records), said Lots being located in part of Private Claim 32, East Side of the Fox River, in the City of DePere, Brown County, Wisconsin.



Scale: 1" = 60'

Mau & Associates
2 LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

Sheet One of One
Project No.: R-2214
Drawing No.: L-8756

Client: Denis Roznowski
Tax Parcel: ED-714-G-259, 260, 261 & 262
Drafted By: BAR
File: R-2214Ease 021414.dwg

Exhibit A



Document Number

RELEASE OF UTILITY EASEMENT

The **City of De Pere**, a Wisconsin municipal corporation, **Wisconsin Public Service Corporation**, a Wisconsin corporation, **Wisconsin Bell, Inc. d/b/a AT&T – Wisconsin**, a Wisconsin corporation, **Time Warner Entertainment Company, L.P.**, an entity authorized to do business in the State of Wisconsin hereby release their rights, title and interest under the certain public utility easement affecting the following described real property:

The 12 foot utility easement along the common property line between Lots 259 & 260 of the recorded plat of "Morningside Acres Seventh Addition" (Volume 19, Plats, page 120, Document Number 1338245, Brown County Records), said Lots being located in part of Private Claim 32, East side of the Fox River, in the City of De Pere, Brown County, Wisconsin, whose centerline is more fully described as follows:

Commencing at the Northwest corner of Lot 260 of the recorded plat of "Morningside Acres Seventh Addition"; thence S46°04' 39" W, 12.00 feet along the West line of said Lot 260 to the point of beginning; thence continuing S46°04' 39" W, 78.23 feet along said West line to the point of ending.

A scale map showing the area to be discontinued is attached hereto and incorporated herein by reference as Exhibit A.

This space is reserved for recording data

Return to

Judith Schmidt-Lehman
City of De Pere
335 S. Broadway
De Pere, WI 54115

Parcel Identification Number/Tax Key Number

ED-714-G-259 and ED-714-G-260

Signed this _____ day of _____, 2014.

CITY OF DE PERE
By:

Michael J. Walsh, Mayor

Shana L. Defnet, Clerk-Treasurer

State of Wisconsin)
Brown County) ss.

This instrument was acknowledged before me on this _____ day of _____, 2014 by the above named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(SEAL)

My commission expires: _____

Attachment: Release of 12 "Utility Easement - Shelley Ln (1850 : Resolution #14-17, Utility Easement Vacation - Shelley Lane)

Release of 12 foot Utility Easement along the common property line between Lots 259 & 260

WISCONSIN PUBLIC SERVICE CORPORATION
By:

Print Name:
Title:

Print Name:
Title:

State of Wisconsin)
Brown County) ss.

This instrument was acknowledged before me on this _____ day of _____, 2014 by the above named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

My commission expires: _____

(SEAL)

Attachment: Release of 12 'Utility Easement - Shelley Ln (1850 : Resolution #14-17, Utility Easement Vacation - Shelley Lane)

Release of 12 foot Utility Easement along the common property line between Lots 259 & 260

WISCONSIN BELL, INC. D/B/A AT& T - WISCONSIN
By:

Print Name:
Title:

Print Name:
Title:

State of Wisconsin)
Brown County) ss.

This instrument was acknowledged before me on this ____ day of _____, 2014 by the above named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

My commission expires: _____

(SEAL)

Attachment: Release of 12 'Utility Easement - Shelley Ln (1850 : Resolution #14-17, Utility Easement Vacation - Shelley Lane)

Release of 12 foot Utility Easement along the common property line between Lots 259 & 260

TIME WARNER ENTERTAINMENT COMPANY, L.P.
By:

Print Name:
Title:

Print Name:
Title:

State of Wisconsin)
Brown County) ss.

This instrument was acknowledged before me on this ____ day of _____, 2014 by the above named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

My commission expires: _____

(SEAL)

This document was drafted by Judith Schmidt-Lehman.

H:\jdupont\Legal Documents\2014\Release of 12 'Utility Easement - Shelley Ln.docx

Attachment: Release of 12 'Utility Easement - Shelley Ln (1850 : Resolution #14-17, Utility Easement Vacation - Shelley Lane)

PLAT OF SURVEY

ALL OF LOTS 259, 260, 261 AND 262 OF THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION, BEING LOCATED IN PRIVATE CLAIM 32, EAST SIDE OF FOX RIVER, CITY OF DEPERE, BROWN COUNTY, WISCONSIN

EASEMENT REQUEST #2

CLIENT: AURORA HEALTH CARE, INC.

DESCRIPTION: ALL OF LOTS 259, 260, 261 AND 262 OF THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION, RECORDED IN VOL. 19, PLATS PAGE 120, BROWN COUNTY RECORDS, BEING LOCATED IN PRIVATE CLAIM 32, EAST SIDE OF FOX RIVER, CITY OF DEPERE, BROWN COUNTY, WISCONSIN.

SUBJECT TO ANY RESTRICTIONS OR EASEMENTS OF RECORD.

SURVEYOR'S CERTIFICATE: I, TRACY S. ONDIK, REGISTERED LAND SURVEYOR HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED AND MAPPED UNDER MY DIRECT SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

TRACY S. ONDIK S-2620

DATE: _____

NOTE: EASEMENTS HEREON SHOWN WERE DERIVED FROM THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION AS RECORDED IN VOL. 19, PLATS PAGE 120. ALL RESTRICTIONS AND SETBACKS SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITY.



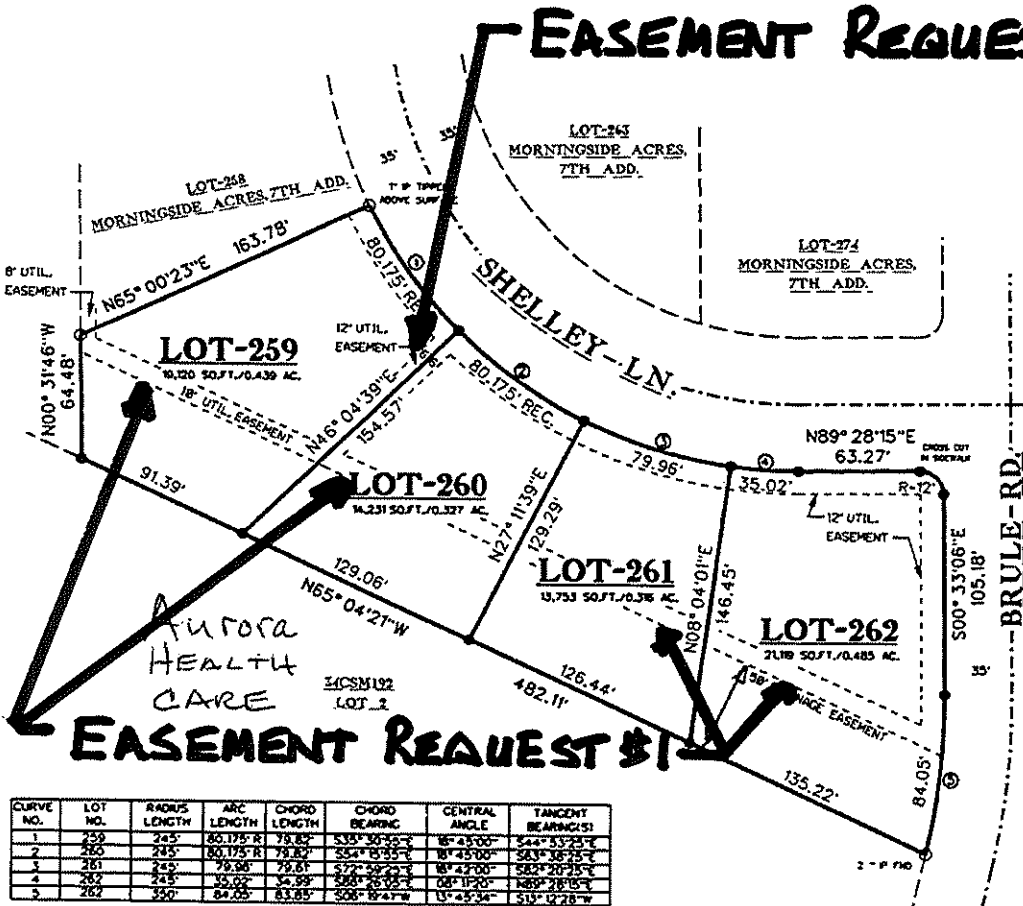
SCALE 1" = 60'

BEARINGS REFERENCED TO THE SOUTH LINE OF MORNINGSIDE ACRES, SEVENTH ADDITION, RECORDED TO BEAR N65° 04' 21" W

LEGEND

- 1.5" x 16" IRON PIPE WEIGHING 100 LBS./LIN. FOOT SET (UNLESS OTHERWISE NOTED)
- 1" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)

Soletski Surveying, LLC
 CAD Drawings, Contract Services & Land Planning
 1831 Brookfield Ave., Suite A1
 Green Bay, WI 54313
 (920) 985-0040 Fax (920) 985-0041



January 20, 2014

Eric Rakers, P.E.
De Pere City Engineer
925 S. Sixth Street
De Pere, WI 54115

Dear Mr Rakers

My wife Patty and I are the owners of a residential lot at 232 Shelley Lane (lot 259 of Morningside Crossing 7th Addition)) and are planning construction of a new home on the property beginning early spring 2014. Lots 259-262 have recently been put up for sale for residential lots, having previously been owned by Aurora Health Care, Inc.

When Morningside Crossing 7th Addition was originally laid out, the rear 60 feet of lots 259-262 was established to include a 10 ft wide utility easement and an adjacent 50 drainage easement that shares a boundary with the current Aurora Health clinic property to the south (see attached figure). This drainage easement connects to the west to the manmade pond at Jim Martin Park. The city has subsequently installed a storm sewer connecting to the pond's east side overflow structure and flowing east within the aforementioned drainage easement to Brule Road.

I have done some research at the Brown County Register of Deeds and find that the 10 ft utility easement has been released by both Wisconsin Public Service and Wisconsin Bell, with neither utility ever constructing service lines in the easement (see attached releases).

With a storm sewer in place in the drainage easement and other storm sewers present throughout the developed areas of Morningside Crossing 7th Addition (and adjacent subdivisions), a 50 ft drainage easement is not required for storm water flow in the back of these properties. There are no signs of channelization or wetland vegetation in the easement. The easement has a healthy grass crop and has been routinely mowed for decades.

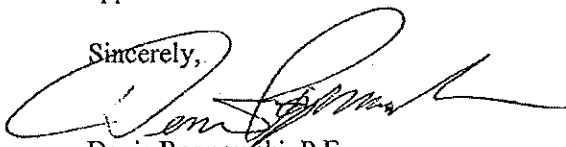
The 60 foot loss of buildable property at the rear of lots 259-262 severely limits the size of homes that can be built on these properties and would cause them to be smaller and generally inconsistent with other adjacent homes on Shelley Lane.

We are respectfully requesting that the City vacate the 10 ft utility easement and reduce the 50 ft drainage easement by moving its northern boundary no less than 10 feet to the south, thereby effectively adding a minimum of 20 feet of buildable property to the rear of my lot (and lots 260-262).

Furthermore, it appears there may be a 12 ft wide utility easement between lots 259 and 260. I see no purpose for this easement and also request that it be vacated

Your consideration of this request at your February 10th Board of Public Works meeting would be greatly appreciated.

Sincerely,



Denis Roznowski, P.E.

PLAT OF SURVEY

ALL OF LOTS 259, 260, 261 AND 262 OF THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION, BEING LOCATED IN PRIVATE CLAIM 32, EAST SIDE OF FOX RIVER, CITY OF DEPERE, BROWN COUNTY, WISCONSIN

CLIENT: AURORA HEALTH CARE, INC.

DESCRIPTION: ALL OF LOTS 259, 260, 261 AND 262 OF THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION, RECORDED IN VOL. 19, PLATS PAGE 120, BROWN COUNTY RECORDS, BEING LOCATED IN PRIVATE CLAIM 32, EAST SIDE OF FOX RIVER, CITY OF DEPERE, BROWN COUNTY, WISCONSIN.

SUBJECT TO ANY RESTRICTIONS OR EASEMENTS OF RECORD.

SURVEYOR'S CERTIFICATE: I, TRACY S. ONDIK, REGISTERED LAND SURVEYOR HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED AND MAPPED UNDER MY DIRECT SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

TRACY S. ONDIK S-2620

DATE: _____

NOTE: EASEMENTS HEREON SHOWN WERE DERIVED FROM THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION AS RECORDED IN VOL. 19, PLATS PAGE 120. ALL RESTRICTIONS AND SETBACKS SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITY.



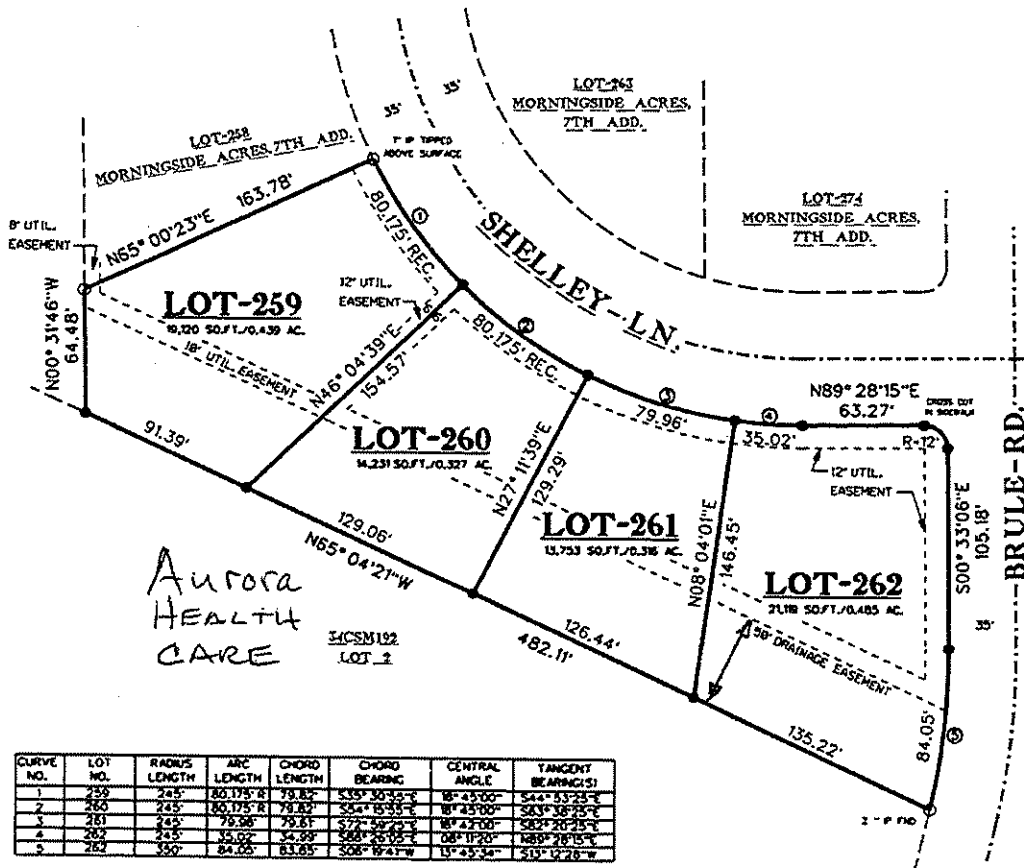
SCALE 1" = 60'

BEARINGS REFERENCED TO THE SOUTH LINE OF MORNINGSIDE ACRES, SEVENTH ADDITION, RECORDED TO BEAR N65°04'21"W

LEGEND

- 1/2" x 1/2" IRON PIPE WEIGHING 100 LBS./LIN. FOOT SET (UNLESS OTHERWISE NOTED)
- 1" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)

Soletski Surveying, LLC
 CAD Drawings, Contract Services & Land Planning
 1831 Brookfield Ave., Suite A1
 Green Bay, WI 54313
 (920) 955-0040 Fax (920) 955-0041



Kane 1407620	DOCUMENT NUMBER J 23388 1 03	RECORDING DATA DEEDS BROWN COUNTY '94 MAY 10 PM 3 32 CATHY WILLIQUETTE REGISTER OF DEEDS 1290
RELEASE OF EASEMENT WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin corporation with general offices in the City of Green Bay, Brown County, Wisconsin, hereby releases its rights under that certain public utility easement affecting the following described real property, said public utility easement being recorded in the office of the Register of Deeds for Brown County, Wisconsin, in Volume 19 of Plats, Page 120. The property on which the easement is being released is described as follows: A 10 foot strip of land running through the center of Lots 259, 260, 261 and 262 of Morningside Acres Seventh Addition as shown on the attached Exhibit "A".		Return to: Ryan Kane 146 Bryan Street Green Bay, WI 54301

Tax Parcel No.

IN WITNESS WHEREOF, Wisconsin Public Service Corporation, has caused these presents to be executed in its corporate name by its proper officer duly authorized this 3rd day of May, 1994.

WISCONSIN PUBLIC SERVICE CORPORATION

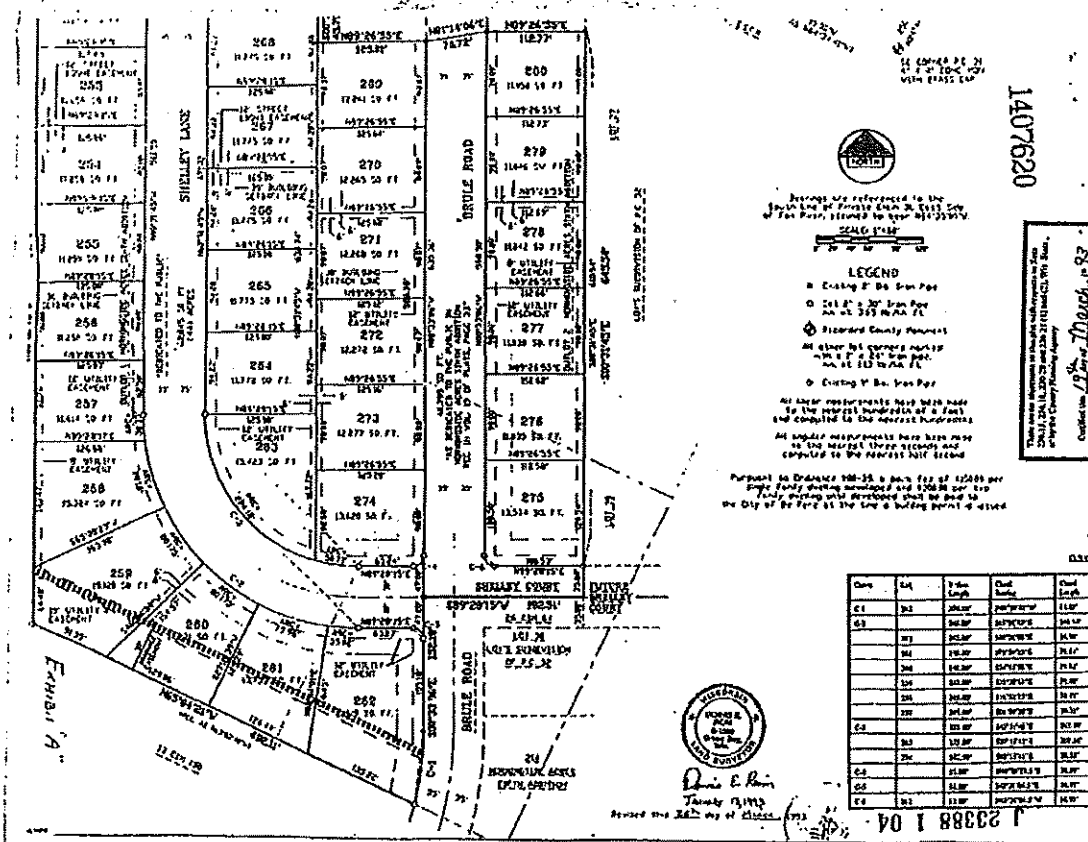
By: [Signature] (Seal)
F. W. Kicsar - Assistant Secretary

STATE OF WISCONSIN)
COUNTY OF BROWN) SS

Personally came before me this 3rd day of May, 1994, the above named R. H. Knuth, Secretary of Wisconsin Public Service Corporation, to me known to be the person executed the foregoing instrument and acknowledged that he executed and delivered the same as and for the act and deed of said Corporation.

Donna M. Sheedy
Donna M. Sheedy
Notary Public, Brown County, Wisconsin
My Commission Expires: February 12, 1995

This instrument drafted by: D. E. Mathys
Wisconsin Public Service Corporation



1400044

J 23082 I 43

REGISTER OF DEEDS
BROWN COUNTY

PARTIAL RELEASE OF EASEMENT

In consideration of the sum of ONE AND NO/100 (\$1.00) DOLLARS, WISCONSIN BELL, INC., a Wisconsin corporation, d/b/a AMERITECH, f/k/a WISCONSIN TELEPHONE COMPANY, for itself, its successors and assigns, hereby releases, discharges and abandons all of its right, title, and interest in and to the easement described as follows:

'94 MAR 22 PM 3 39

CATHY WILLIQUETTE
REGISTER OF DEEDS

The northeasterly 10.00 feet of the southwesterly 60.00 feet of Lots 259, 260, 261, 262, all being in Morningside Acres Seventh Addition. All of outlots 1 & 2 of Morningside Acres Sixth Addition. Also being part of Lots 23, 25, 26, 27, 28, 29, & 30 of Loy's Subdivision of Private Claim 32, East Side of Fox River, City of De Pere, Brown County, Wisconsin.

This Partial Release of Easement is being issued upon the request of DJK Development, ("Releasee") and is conditioned upon Releasee having this Release of Easement recorded in said Register's Office within 30 days of the date hereof. By so having this Release of Easement recorded, Releasee agrees to indemnify, protect and hold harmless Wisconsin Bell, Inc. from and against any and all claims, demands for damages, and liability for damage to property or for injuries or death to persons arising from or in connection with (1) said easement(s) (2) the removal of facilities from the property or properties affected by this Release or (3) any condition of the property or properties affected by this Release.

IN WITNESS WHEREOF, said WISCONSIN BELL, INC. by a person duly authorized pursuant to sec. 706.03(3), Wis. Stat., has caused these presents to be signed this 17th day of March, 1994.

In presence of:

WISCONSIN BELL, INC. d/b/a AMERITECH
f/k/a Wisconsin Telephone Company

Jill C. Schmidt
Jill C. Schmidt

Donald L. Abplanalp
Donald L. Abplanalp
Manager - Right of Way

J 23082 I 44

1400044

RECORDED

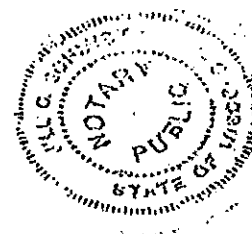
STATE OF WISCONSIN)
) ss.
 COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me 17th day
 of March, 1994, by Donald L. Abplanalp, Manager - Right of Way
 of WISCONSIN BELL, INC., a Wisconsin corporation, d/b/a AMERITECH, f/k/a
 WISCONSIN TELEPHONE COMPANY on behalf of the corporation.

Julie C. Schmidt
 Julie C. Schmidt

Notary Public, State of Wisconsin
 My commission expires February 8, 1998

Document Drafted by
 WISCONSIN BELL, INC.
 d/b/a AMERITECH
 f/k/a WISCONSIN TELEPHONE CO.
 By Donald L. Abplanalp



Ryan Kane
146 Bryan St
M.B. 54301

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: March 4, 2014

DEPARTMENT: Public Works

FROM: Scott Thoresen

SUBJECT: Resolution #14-18, Authorizing Partial Release of Drainage Easement (Shelley Lane).

The Board of Public Works recommends vacating the northerly 10' of the drainage swale across lots 259 through 262 as identified above, leaving a 40' drainage easement, contingent on the property owner creating a revised legal description and recording at the Brown County Register of Deeds.

ATTACHMENTS:

- Reso14-18 (DOCX)
- Release of Drainage Easement (Shelley Ln) (DOCX)
- Exhibit A - Shelley Drainage Easement (PDF)
- CE_Drainage Easement Vacation - Shelley Ln (PDF)

RESOLUTION #14-18

AUTHORIZING PARTIAL RELEASE OF DRAINAGE EASEMENT
(Shelley Lane)

WHEREAS, a 50' drainage easement was created across lots 259 through 262 on Shelley Lane for purposes of transporting water from the storm water pond at Martin Park ; and

WHEREAS, the drainage swale that was constructed in the easement has since been converted to a 15' storm sewer; and

WHEREAS, staff has received a request that such 50' drainage easement be reduced; and

WHEREAS, the Board of Public Works has reviewed such partial discontinuance of drainage easement request and recommends approval of a 10' reduction thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and Clerk-Treasurer are hereby authorized and directed to execute the Partial Release of Drainage Easement as is attached as Exhibit 1.

BE IT FURTHER RESOLVED THAT:

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____

Nays: _____

Attachment: Reso14-18 (1851 : Resolution #14-18, Drainage Easement Vacation - Shelley Lane)

Document Number

PARTIAL RELEASE OF DRAINAGE EASEMENT

The City of De Pere, a Wisconsin municipal corporation, hereby releases its rights, title and interest under the certain drainage easement affecting the following described real property:

The Northerly 10 feet of the 50 foot drainage easement running through Lots 259, 260, 261 & 262 of the recorded plat of "Morningside Acres Seventh Addition" (Volume 19, Plats, page 120, Document Number 1338245, Brown County Records), said Lots being located in part of Private Claim 32, East side of the Fox River, in the City of De Pere, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of Lot 259 of the recorded plat of "Morningside Acres Seventh Addition"; thence N00°31' 46"W, 44.30 feet along the West line of said Lot 259 to the point of beginning; thence continuing N00°31' 46"W, 11.08 feet along said West line to the North line of an existing 50 foot drainage easement; thence S65°04' 21"E, 491.57 feet along said North line to the Westerly right of way of Brule Road; thence Southerly 10.60 feet along said right of way being the arc of a 350.00 foot radius curve to the right; thence N65°04' 21"W, 490.32 feet to the point of beginning.

A scale map showing the area to be discontinued is attached hereto and incorporated herein by reference as Exhibit A.

This space is reserved for recording data

Return to

Judith Schmidt-Lehman
City of De Pere
335 S. Broadway
De Pere, WI 54115

Parcel Identification Number/Tax Key Number

ED-714-G-259, ED-714-G-260, ED-714-G-261,
ED-714-G-262

Signed this _____ day of _____, 2014.

CITY OF DE PERE

By:

Michael J. Walsh, Mayor

Shana L. Defnet, Clerk-Treasurer

State of Wisconsin)
Brown County) ss.

This instrument was acknowledged before me on this ____ day of _____, 2014 by the above named person(s).

(Signature, Notary Public, State of Wisconsin)

(SEAL)

(Print or Type Name, Notary Public, State of Wisconsin)

My commission expires: _____

This document was drafted by Judith Schmidt-Lehman.

Partial Release of Utility Easement; part of Lot 1, Volume 50 Certified Survey Maps, page 106, Brown County Map No. 7353

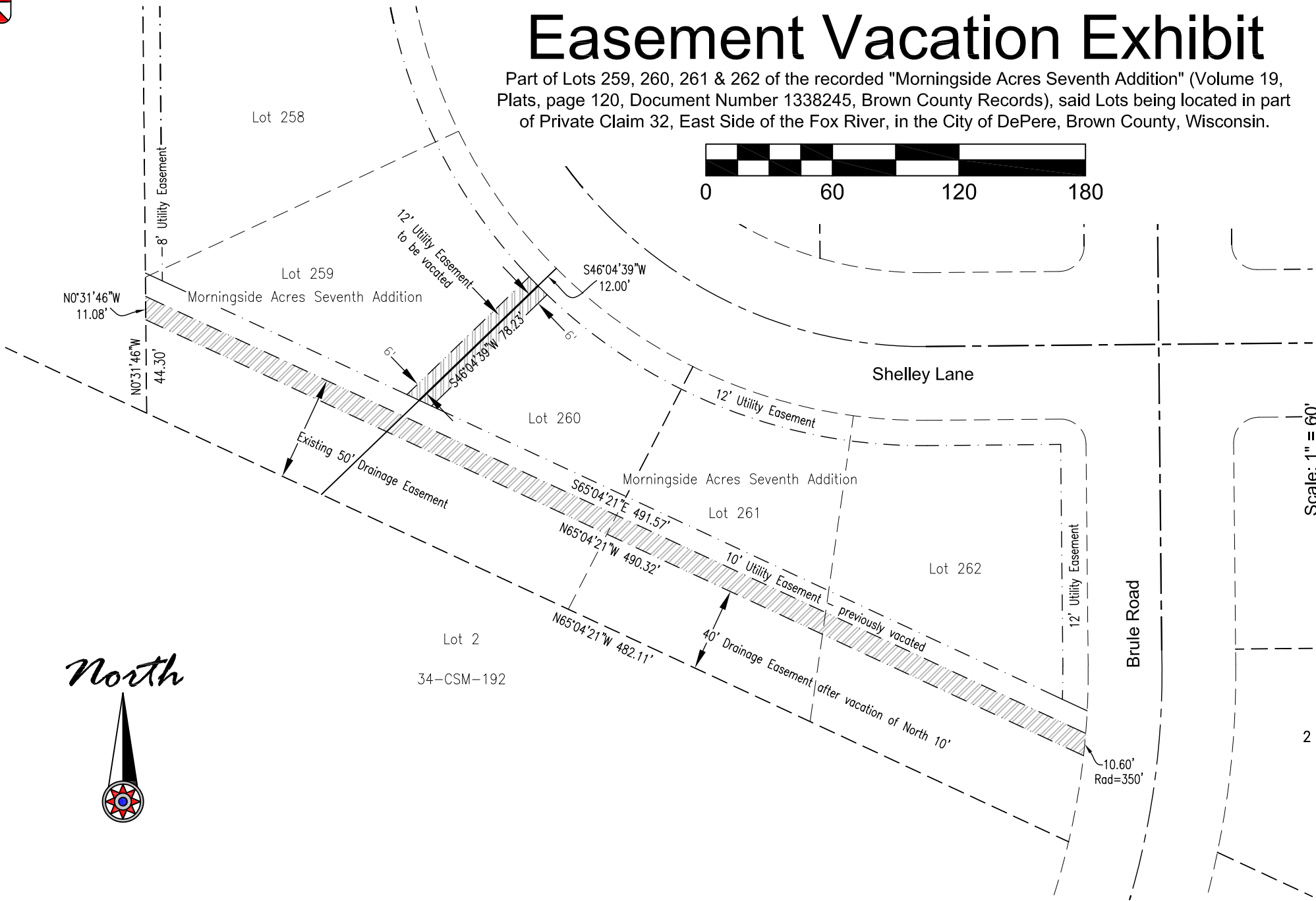
H:\jdupont\Legal Documents\2014\Release of Drainage Easement (Shelley Ln).docx

Attachment: Release of Drainage Easement (Shelley Ln) (1851 : Resolution #14-18, Drainage Easement Vacation - Shelley Lane)



Easement Vacation Exhibit

Part of Lots 259, 260, 261 & 262 of the recorded "Morningside Acres Seventh Addition" (Volume 19, Plats, page 120, Document Number 1338245, Brown County Records), said Lots being located in part of Private Claim 32, East Side of the Fox River, in the City of DePere, Brown County, Wisconsin.



Scale: 1" = 60'

Client: Denis Roznowski
Tax Parcel: ED-714-G-259, 260, 261 & 262
Drafted By: BAR
File: R-2214Ease 021414.dwg

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

Sheet One of One
Project No.: R-2214
Drawing No.: L-8756

Exhibit A



January 20, 2014

Eric Rakers, P.E.
De Pere City Engineer
925 S. Sixth Street
De Pere, WI 54115

Dear Mr Rakers

My wife Patty and I are the owners of a residential lot at 232 Shelley Lane (lot 259 of Morningside Crossing 7th Addition)) and are planning construction of a new home on the property beginning early spring 2014. Lots 259-262 have recently been put up for sale for residential lots, having previously been owned by Aurora Health Care, Inc.

When Morningside Crossing 7th Addition was originally laid out, the rear 60 feet of lots 259-262 was established to include a 10 ft wide utility easement and an adjacent 50 drainage easement that shares a boundary with the current Aurora Health clinic property to the south (see attached figure). This drainage easement connects to the west to the manmade pond at Jim Martin Park. The city has subsequently installed a storm sewer connecting to the pond's east side overflow structure and flowing east within the aforementioned drainage easement to Brule Road.

I have done some research at the Brown County Register of Deeds and find that the 10 ft utility easement has been released by both Wisconsin Public Service and Wisconsin Bell, with neither utility ever constructing service lines in the easement (see attached releases).

With a storm sewer in place in the drainage easement and other storm sewers present throughout the developed areas of Morningside Crossing 7th Addition (and adjacent subdivisions), a 50 ft drainage easement is not required for storm water flow in the back of these properties. There are no signs of channelization or wetland vegetation in the easement. The easement has a healthy grass crop and has been routinely mowed for decades.

The 60 foot loss of buildable property at the rear of lots 259-262 severely limits the size of homes that can be built on these properties and would cause them to be smaller and generally inconsistent with other adjacent homes on Shelley Lane.

We are respectfully requesting that the City vacate the 10 ft utility easement and reduce the 50 ft drainage easement by moving its northern boundary no less than 10 feet to the south, thereby effectively adding a minimum of 20 feet of buildable property to the rear of my lot (and lots 260-262).

Furthermore, it appears there may be a 12 ft wide utility easement between lots 259 and 260. I see no purpose for this easement and also request that it be vacated

Your consideration of this request at your February 10th Board of Public Works meeting would be greatly appreciated.

Sincerely,



Denis Roznowski, P.E.

PLAT OF SURVEY

ALL OF LOTS 259, 260, 261 AND 262 OF THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION, BEING LOCATED IN PRIVATE CLAIM 32, EAST SIDE OF FOX RIVER, CITY OF DEPERE, BROWN COUNTY, WISCONSIN

CLIENT: AURORA HEALTH CARE, INC.

DESCRIPTION: ALL OF LOTS 259, 260, 261 AND 262 OF THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION, RECORDED IN VOL. 19, PLATS PAGE 120, BROWN COUNTY RECORDS, BEING LOCATED IN PRIVATE CLAIM 32, EAST SIDE OF FOX RIVER, CITY OF DEPERE, BROWN COUNTY, WISCONSIN.

SUBJECT TO ANY RESTRICTIONS OR EASEMENTS OF RECORD.

SURVEYOR'S CERTIFICATE: I, TRACY S. ONDIK, REGISTERED LAND SURVEYOR HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED AND MAPPED UNDER MY DIRECT SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

TRACY S. ONDIK S-2620

DATE: _____

NOTE: EASEMENTS HEREON SHOWN WERE DERIVED FROM THE RECORDED PLAT OF MORNINGSIDE ACRES, SEVENTH ADDITION AS RECORDED IN VOL. 19, PLATS PAGE 120. ALL RESTRICTIONS AND SETBACKS SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITY.



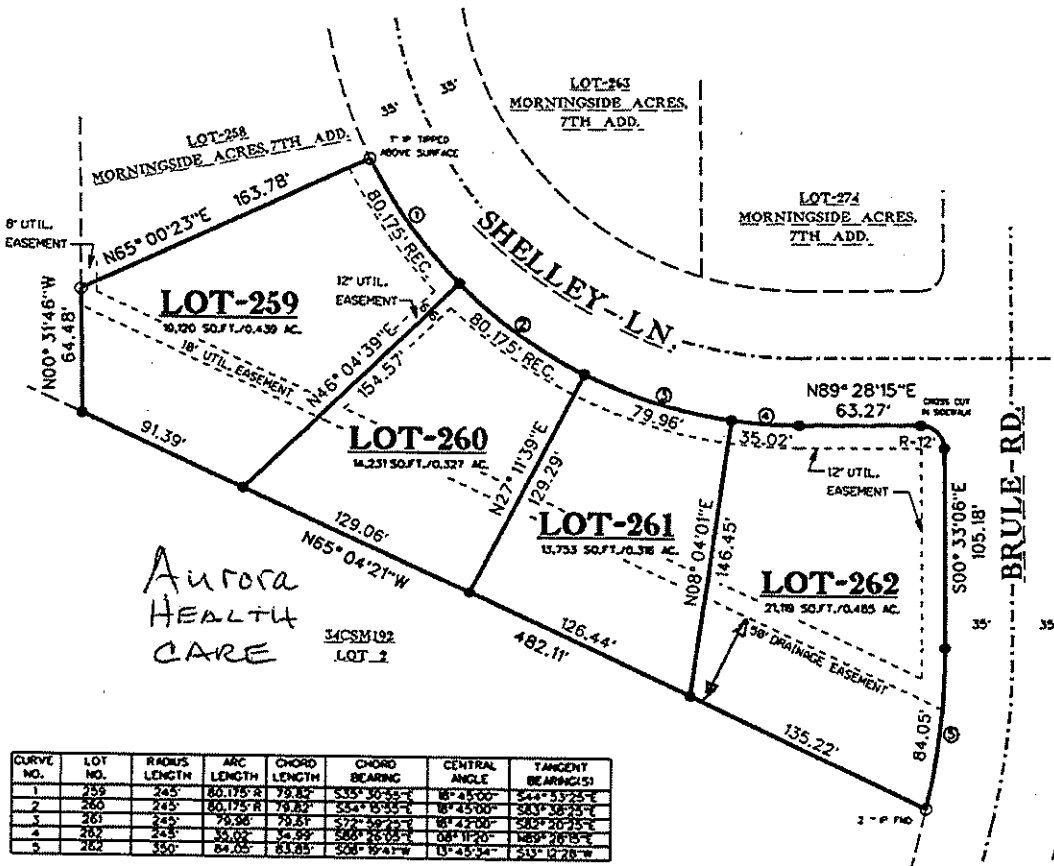
SCALE 1" = 60'

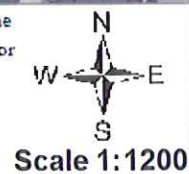
BEARINGS REFERENCED TO THE SOUTH LINE OF MORNINGSIDE ACRES, SEVENTH ADDITION, RECORDED TO BEAR N65°04'21"W

LEGEND

- 1.512" x 16" IRON PIPE WEIGHING 100 LBS./LIN. FOOT SET (UNLESS OTHERWISE NOTED)
- 1" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)

Soletski Surveying, LLC
 CAD Drawings, Contract Services & Land Planning
 1831 Brookfield Ave., Suite A1
 Green Bay, WI 54313
 (920) 985-0040 Fax (920) 985-0041





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

MEETING DATE: March 4, 2014

DEPARTMENT: Planning

FROM: Ken Pabich

SUBJECT: Resolution #14-19, Authorizing Acceptance of Wisconsin Economic Development Corporation Grant for Community Development Investment Program.

ATTACHMENTS:

- Reso14-19 (DOCX)
- 2014 City of De Pere Letter of Intent (PDF)

RESOLUTION #14- 19

AUTHORIZING ACCEPTANCE OF WISCONSIN ECONOMIC
DEVELOPMENT CORPORATION GRANT FOR
COMMUNITY DEVELOPMENT INVESTMENT PROGRAM

WHEREAS, pursuant to Resolution #13-164, the Council authorized the submission of a grant request to the Wisconsin Economic Development Corporation (WEDC) for purposes of obtaining grant funding assistance to engage engineering services to define and detail proposed Nicolet Square alley improvements, redesign of the parking lot and streetscape improvements as proposed in the 2011 Downtown Master Plan; and

WHEREAS, it is important to do this engineering work in advance of the Wisconsin Department of Transportation proposed 2016 Main Avenue street improvements; and

WHEREAS, the City has been notified that it has been awarded the requested grant in an amount not to exceed \$15,000 (25% of eligible project costs); and

WHEREAS, this project and its expense was included in 2012 bonding as part of TID #9 activities.

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

The Common Council gratefully accepts the grant award from the WEDC for the purposes described above.

BE IT FURTHER RESOLVED THAT:

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

Adopted by the Common Council of the City of De Pere, Wisconsin this 4th day of March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____
Nays: _____

Attachment: Reso14-19 (1877 : Resolution #14-19, WEDC Grant)

February 10, 2014

Larry Delo
Administrator
City of De Pere
333 S. Broadway
De Pere, WI 54115

Dear Mr. Delo:

Thank you for the opportunity to review your proposed project. Based upon the information provided to my staff, it is my understanding that the City of De Pere (City) is proposing to invest approximately \$60,000 for a feasibility study and detailed plan for redevelopment of the Nicolet Square area in the City.

This letter of intent is not a binding contract and it does not detail the specific, final terms of an agreement between WEDC and City of De Pere. This letter of intent is a contingent proposal and a commitment to work with your community toward execution of a final assistance agreement based on the framework outlined here.

As this is a collaborative project between WEDC and the City of De Pere, public announcements about the Project must be coordinated before being released. Contacts regarding such announcements should be directed to Mark Maley, WEDC's communications manager, at 608-210-6767.

To assist with this project, the Wisconsin Economic Development Corporation (WEDC) proposes to provide the following:

I. COMMUNITY DEVELOPMENT INVESTMENT (CIP) GRANT

RECIPIENT: City of De Pere

GRANT AMOUNT: Up to Fifteen Thousand and 00/100 Dollars (\$15,000). The actual amount of the WEDC Grant, which is subject to the receipt of a detailed description of the Recipient's project, would be limited to no more than twenty-five (25) percent of the eligible project costs.

USE: Eligible Community Driven Downtown Development Projects Costs

DELIVERABLES:

a) Feasibility Study and Detailed Plan for redevelopment of Nicolet Square in the City of De Pere.



201 W. Washington Avenue
Madison, WI 53703

P.O. Box 1687
Madison, WI 53701

608.210.6700
855-INWIBIZ
inwisconsin.com

II. OTHER CONDITIONS:

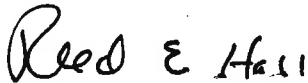
The contingent offer outlined in this letter is subject to several conditions, including:

- (1.) Execution of a final grant contract.
- (2.) The City of De Pere must execute and deliver all other documents and information required by WEDC.
- (3.) The City of De Pere must demonstrate that all necessary financing for the Project is available.
- (4.) There must not be any material change in the Project.
- (5.) WEDC may impose other thresholds and requirements regarding the City of De Pere's eligibility for the grant in addition to the deliverables stated in this letter of intent.
- (6.) The final grant contract contemplated by this letter of intent must be executed by May 10, 2014, unless WEDC and the City of De Pere agree to extend this deadline. Unless otherwise agreed to, should WEDC and the City of De Pere fail to execute a contract by May 10, 2014, the offer outlined in this proposal will automatically expire with no further notice required to the City of De Pere.

III. EXPIRATION: This letter of intent will expire automatically unless it is accepted by returning a signed copy to WEDC by March 10, 2014.

In closing, WEDC is firmly committed to doing everything possible to expedite the processing and awarding of this incentive package. Should you have any questions about WEDC's proposal, please contact Community Account Manager Naletta Burr at 608-210-6830.

Sincerely,



Reed E. Hall
SECRETARY & CHIEF EXECUTIVE OFFICER

cc: Naletta Burr, WEDC Community Account Manager
Ken Pabich, Director of Planning & Economic Development
Michael Walsh, Mayor

Attachment: 2014 City of De Pere Letter of Intent (1877 : Resolution #14-19, WEDC Grant)

ACCEPTANCE OF THE PROPOSAL:

This letter of intent represents the extent of WEDC's participation in the project. The letter can be accepted by signing below and returning to WEDC by email at contracts@WEDC.org. The terms outlined in this letter of intent expire at 5:00 pm CST on February 10, 2014.

I have read and accept the proposal outlined in WEDC's letter of intent. The City of De Pere agrees to move forward in good faith toward negotiations on the terms of and executing a final contract based on the framework outlined in this letter of intent. I understand the specific provisions of this letter are not binding upon WEDC or the City of De Pere and that WEDC may withdraw this offer at any point for any reason.

The City of De Pere agrees to consult with WEDC before making any public announcement regarding the award.

(Signature and Title)

(Date)

(Type or Print Name and Title Signed Above)

Attachment: 2014 City of De Pere Letter of Intent (1877 : Resolution #14-19, WEDC Grant)

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

MEETING DATE: March 4, 2014

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Resolution #14-20, Designating the Green Bay Press Gazette as the Official City Newspaper after February 27, 2014.

ATTACHMENTS:

- Reso14-20 (DOCX)

RESOLUTION #14-20

DESIGNATING THE GREEN BAY PRESS GAZETTE AS THE
OFFICIAL CITY NEWSPAPER AFTER FEBRUARY 27, 2014

WHEREAS, pursuant to state statute, the City is required to annually solicit bids for and officially designate an Official City Newspaper for publishing legal notices for the period May 1 through April 30 each year; and

WHEREAS, the *De Pere Journal* was designated pursuant to Resolution #13-61 as the Official City Newspaper for May 1, 2013 through April 30, 2014; and

WHEREAS, the City has received notification that after its February 27, 2014 edition, the *De Pere Journal* will cease publication; and

WHEREAS, Wis. Stats. §985.06(4) requires the Common Council designate an official newspaper in the event the City is at any time without an official newspaper; and

WHEREAS, the *Green Bay Press Gazette* has informed the City Administrator that it will honor the *De Pere Journal* publication rate through the contract term.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council designates the *Green Bay Press Gazette* as its Official City Newspaper for the period of February 28, 2014 through April 30, 2014; and directs the Clerk-Treasurer to, in accordance with Wis. Stats. §985.06(1), bid out the Official City Newspaper work subsequent therefor.

BE IT FURTHER RESOLVED THAT:

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

Resolution #14-20
Page 2 of 2

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4th day of
March, 2014.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____

Nays: _____

Attachment: Reso14-20 (1878 : Resolution #14-20, Official Newspaper)

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

MEETING DATE: March 4, 2014
DEPARTMENT: City Clerk-Treasurer
FROM: Shana Defnet
SUBJECT: Voucher Approval.

ATTACHMENTS:

- 3-4-14 VOUCHERS (PDF)

2/25/2014 4:30 PM

A / P CHECK REGISTER

PAGE: 1

PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
6426	ACL							
	I-201401-0	ACL	R	3/04/2014		120.60CR	070733	120.60
0302	AIRGAS USA LLC							
	I-9024362870	AIRGAS USA LLC	R	3/04/2014		107.91CR	070734	
	I-9024407545	AIRGAS USA LLC	R	3/04/2014		161.39CR	070734	
	I-9915989384	AIRGAS USA LLC	R	3/04/2014		159.48CR	070734	
	I-9915989385	AIRGAS USA LLC	R	3/04/2014		374.39CR	070734	
	I-9915989386	AIRGAS USA LLC	R	3/04/2014		84.68CR	070734	887.85
5604	AURORA BAYCARE MED CTR LLC							
	I-KK167	AURORA BAYCARE MED CTR LLC	R	3/04/2014		96.42CR	070735	96.42
1698	B A T I							
	I-4017	B A T I	R	3/04/2014		12,900.00CR	070736	12,900.00
0020	BADGERLAND PRINTING INC							
	I-23107	BADGERLAND PRINTING INC	R	3/04/2014		143.00CR	070737	
	I-23124	BADGERLAND PRINTING INC	R	3/04/2014		178.00CR	070737	
	I-23130	BADGERLAND PRINTING INC	R	3/04/2014		130.00CR	070737	
	I-23133	BADGERLAND PRINTING INC	R	3/04/2014		76.00CR	070737	
	I-23200	BADGERLAND PRINTING INC	R	3/04/2014		339.32CR	070737	866.32
0023	BATTERIES PLUS LLC							
	I-501-420016	BATTERIES PLUS LLC	R	3/04/2014		43.98CR	070738	43.98
0027	BAY TOWEL INC							
	I-1757247	BAY TOWEL INC	R	3/04/2014		80.90CR	070739	
	I-1758566	BAY TOWEL INC	R	3/04/2014		36.40CR	070739	
	I-1761759	BAY TOWEL INC	R	3/04/2014		36.40CR	070739	
	I-1761760	BAY TOWEL INC	R	3/04/2014		51.95CR	070739	
	I-1761761	BAY TOWEL INC	R	3/04/2014		20.91CR	070739	
	I-1763613	BAY TOWEL INC	R	3/04/2014		122.83CR	070739	
	I-1763635	BAY TOWEL INC	R	3/04/2014		80.90CR	070739	
	I-1764973	BAY TOWEL INC	R	3/04/2014		52.70CR	070739	482.99
0025	BAYCOM INC							
	I-30012	BAYCOM INC	R	3/04/2014		5,775.80CR	070740	5,775.80
1532	BOBCAT PLUS INC							
	I-IB80833	BOBCAT PLUS INC	R	3/04/2014		147.33CR	070741	
	I-IG19968	BOBCAT PLUS INC	R	3/04/2014		83.72CR	070741	231.05

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

2/25/2014 4:30 PM

A / P CHECK REGISTER

PAGE: 2

PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0038	BROADWAY AUTOMOTIVE INC							
	I-692938P	BROADWAY AUTOMOTIVE INC	R	3/04/2014		35.19CR	070742	
	I-693433P	BROADWAY AUTOMOTIVE INC	R	3/04/2014		28.06CR	070742	
	I-697916	BROADWAY AUTOMOTIVE INC	R	3/04/2014		1,109.23CR	070742	1,172.48
0888	BROWN COUNTY HEALTH DEPT							
	I-2014-008	BROWN COUNTY HEALTH DEPT	R	3/04/2014		1,815.12CR	070743	1,815.12
0042	BROWN COUNTY HIGHWAY DEPARTMENT							
	I-201402243092	BROWN COUNTY HIGHWAY DEPARTMEN	R	3/04/2014		55.43CR	070744	
	I-201402243093	BROWN COUNTY HIGHWAY DEPARTMEN	R	3/04/2014		55.43CR	070744	
	I-201402243094	BROWN COUNTY HIGHWAY DEPARTMEN	R	3/04/2014		813.04CR	070744	
	I-201402243095	BROWN COUNTY HIGHWAY DEPARTMEN	R	3/04/2014		414.75CR	070744	1,338.65
0115	CARQUEST AUTO PARTS LLC							
	I-6339-181752	CARQUEST AUTO PARTS LLC	R	3/04/2014		53.28CR	070745	
	I-6339-181947	CARQUEST AUTO PARTS LLC	R	3/04/2014		7.70CR	070745	60.98
1962	CASPERS TRUCK EQUIPMENT INC							
	I-71035	CASPERS TRUCK EQUIPMENT INC	R	3/04/2014		422.22CR	070746	422.22
0536	CDW GOVERNMENT INC							
	I-JD60036	CDW GOVERNMENT INC	R	3/04/2014		680.56CR	070747	
	I-JK32900	CDW GOVERNMENT INC	R	3/04/2014		2,043.92CR	070747	2,724.48
2708	CLEANING SOLUTION SERVICES INC							
	I-05-8816	CLEANING SOLUTION SERVICES INC	R	3/04/2014		59.64CR	070748	
	I-05-8820	CLEANING SOLUTION SERVICES INC	R	3/04/2014		43.37CR	070748	
	I-05-8853	CLEANING SOLUTION SERVICES INC	R	3/04/2014		87.82CR	070748	
	I-05-8860	CLEANING SOLUTION SERVICES INC	R	3/04/2014		1,363.55CR	070748	
	I-05-8861	CLEANING SOLUTION SERVICES INC	R	3/04/2014		1,225.00CR	070748	
	I-05-8862	CLEANING SOLUTION SERVICES INC	R	3/04/2014		1,261.85CR	070748	4,041.23
0217	COUNTRY VISIONS COOPERATIVE							
	I-201402243096	COUNTRY VISIONS COOPERATIVE	R	3/04/2014		14.80CR	070749	
	I-201402243097	COUNTRY VISIONS COOPERATIVE	R	3/04/2014		17.76CR	070749	
	I-201402243098	COUNTRY VISIONS COOPERATIVE	R	3/04/2014		7.62CR	070749	
	I-201402253112	COUNTRY VISIONS COOPERATIVE	R	3/04/2014		9.92CR	070749	50.10
0713	DE GROOT INC							
	I-6830	DE GROOT INC	R	3/04/2014		2,828.96CR	070750	
	I-6843	DE GROOT INC	R	3/04/2014		2,040.22CR	070750	4,869.18

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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A / P CHECK REGISTER

PAGE: 3

PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0069	DE PERE GREENHOUSE INC							
	I-11947	DE PERE GREENHOUSE INC	R	3/04/2014		48.95CR	070751	48.95
0917	RICK W DE WEERT							
	I-201402243099	RICK W DE WEERT	R	3/04/2014		21.08CR	070752	21.08
0075	DIGGERS HOTLINE INC							
	I-140 1 36401	DIGGERS HOTLINE INC	R	3/04/2014		129.14CR	070753	129.14
3212	DIXON ENGINEERING INC							
	I-14-7351	DIXON ENGINEERING INC	R	3/04/2014		950.00CR	070754	950.00
3782	EMBLEM ENTERPRISES INC							
	I-573957	EMBLEM ENTERPRISES INC	R	3/04/2014		383.20CR	070755	383.20
6859	EMS MEDICAL BILLING ASSOC LLC							
	I-201402243100	EMS MEDICAL BILLING ASSOC LLC	R	3/04/2014		5,422.24CR	070756	5,422.24
0331	FERGUSON WATERWORKS #1476 INC							
	I-144650	FERGUSON WATERWORKS #1476 INC	R	3/04/2014		3,390.00CR	070757	3,390.00
2627	FESTIVAL FOODS INC							
	I-34	FESTIVAL FOODS INC	R	3/04/2014		9.98CR	070758	9.98
0200	FIRST SUPPLY GREEN BAY LLC							
	I-2236347-00	FIRST SUPPLY GREEN BAY LLC	R	3/04/2014		864.00CR	070759	864.00
0562	GALL'S INC							
	I-1554248	GALL'S INC	R	3/04/2014		149.26CR	070760	
	I-1570752	GALL'S INC	R	3/04/2014		19.05CR	070760	168.31
0111	GAT SUPPLY INC							
	I-201402243101	GAT SUPPLY INC	R	3/04/2014		79.33CR	070761	79.33
6170	GATZ, DAN							
	I-201402243102	GATZ, DAN	R	3/04/2014		1,014.08CR	070762	
	I-201402243103	GATZ, DAN	R	3/04/2014		275.00CR	070762	1,289.08
2592	DENNIS F GLADWELL							
	I-201402243104	DENNIS F GLADWELL	R	3/04/2014		63.24CR	070763	63.24
4902	HALRON LUBRICANTS INC							
	C-631738-00	HALRON LUBRICANTS INC	R	3/04/2014		20.00	070764	
	C-646112-00	HALRON LUBRICANTS INC	R	3/04/2014		576.60	070764	
	C-646606-00	HALRON LUBRICANTS INC	R	3/04/2014		650.00	070764	
	I-631341-00	HALRON LUBRICANTS INC	R	3/04/2014		652.75CR	070764	
	I-645292-00	HALRON LUBRICANTS INC	R	3/04/2014		1,153.20CR	070764	
	I-646195-00	HALRON LUBRICANTS INC	R	3/04/2014		650.00CR	070764	
	I-646622-00	HALRON LUBRICANTS INC	R	3/04/2014		330.00CR	070764	
	I-647030-00	HALRON LUBRICANTS INC	R	3/04/2014		652.75CR	070764	2,192.10

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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A / P CHECK REGISTER

PAGE: 4

PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0446	HAWKINS INC							
	I-3563735 RI	HAWKINS INC	R	3/04/2014		4,811.39CR	070765	4,811.39
6904	HILL ELECTRIC INC.							
	I-76569	HILL ELECTRIC INC.	R	3/04/2014		607.47CR	070766	607.47
6589	HSBS EWD							
	I-201402243105	HSBS EWD	R	3/04/2014		186.00CR	070767	186.00
5484	HYDRO DESIGNS INC							
	I-31304-IN	HYDRO DESIGNS INC	R	3/04/2014		1,415.00CR	070768	1,415.00
6886	IMMIXTECHNOLOGY INC.							
	I-95821	IMMIXTECHNOLOGY INC.	R	3/04/2014		342.42CR	070769	342.42
1399	INDOFF INC							
	I-2390695	INDOFF INC	R	3/04/2014		197.98CR	070770	
	I-2390696	INDOFF INC	R	3/04/2014		259.95CR	070770	
	I-2390697	INDOFF INC	R	3/04/2014		267.94CR	070770	
	I-2408575	INDOFF INC	R	3/04/2014		136.37CR	070770	
	I-2408986	INDOFF INC	R	3/04/2014		47.77CR	070770	
	I-2409425	INDOFF INC	R	3/04/2014		509.00CR	070770	
	I-2411453	INDOFF INC	R	3/04/2014		629.96CR	070770	
	I-2413680	INDOFF INC	R	3/04/2014		43.19CR	070770	
	I-2414835	INDOFF INC	R	3/04/2014		119.99CR	070770	
	I-2416926	INDOFF INC	R	3/04/2014		11.29CR	070770	2,223.44
0567	INDUSTRIAL MARKETING CORP							
	I-38913	INDUSTRIAL MARKETING CORP	R	3/04/2014		438.38CR	070771	438.38
2602	JOSSART BROTHERS INC							
	I-2746	JOSSART BROTHERS INC	R	3/04/2014		1,920.00CR	070772	
	I-2747	JOSSART BROTHERS INC	R	3/04/2014		1,857.50CR	070772	
	I-2748	JOSSART BROTHERS INC	R	3/04/2014		1,878.50CR	070772	
	I-2750	JOSSART BROTHERS INC	R	3/04/2014		2,469.00CR	070772	8,125.00
1276	JX ENTERPRISES INC							
	I-D-240360031	JX ENTERPRISES INC	R	3/04/2014		399.57CR	070773	
	I-D-240380008	JX ENTERPRISES INC	R	3/04/2014		82.00CR	070773	
	I-D-240380031	JX ENTERPRISES INC	R	3/04/2014		34.58CR	070773	
	I-D-240420020	JX ENTERPRISES INC	R	3/04/2014		14.85CR	070773	
	I-D-240440078	JX ENTERPRISES INC	R	3/04/2014		79.03CR	070773	
	I-D-240440087	JX ENTERPRISES INC	R	3/04/2014		11.24CR	070773	621.27

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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A / P CHECK REGISTER

PAGE: 5

PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0149	KIMCO ENGRAVING INC							
	I-24534	KIMCO ENGRAVING INC	R	3/04/2014		185.85CR	070774	
	I-24579	KIMCO ENGRAVING INC	R	3/04/2014		15.16CR	070774	201.01
0159	LEXIS NEXIS INC							
	I-1401258680	LEXIS NEXIS INC	R	3/04/2014		213.88CR	070775	213.88
6198	MAILFINANCE							
	I-N4478517	MAILFINANCE	R	3/04/2014		314.73CR	070776	314.73
0173	MENARDS INC							
	C-35959	MENARDS INC	R	3/04/2014		179.92	070777	
	I-35167	MENARDS INC	R	3/04/2014		247.12CR	070777	
	I-35168	MENARDS INC	R	3/04/2014		217.79CR	070777	
	I-35297	MENARDS INC	R	3/04/2014		32.73CR	070777	
	I-35427	MENARDS INC	R	3/04/2014		42.76CR	070777	
	I-35446	MENARDS INC	R	3/04/2014		20.67CR	070777	
	I-35464	MENARDS INC	R	3/04/2014		10.39CR	070777	
	I-35510	MENARDS INC	R	3/04/2014		220.16CR	070777	
	I-35565	MENARDS INC	R	3/04/2014		19.40CR	070777	
	I-35682	MENARDS INC	R	3/04/2014		323.33CR	070777	
	I-35795	MENARDS INC	R	3/04/2014		32.97CR	070777	
	I-35836	MENARDS INC	R	3/04/2014		9.98CR	070777	
	I-35891	MENARDS INC	R	3/04/2014		17.19CR	070777	
	I-35900	MENARDS INC	R	3/04/2014		89.99CR	070777	
	I-35904	MENARDS INC	R	3/04/2014		23.84CR	070777	
	I-35962	MENARDS INC	R	3/04/2014		37.54CR	070777	1,165.94
VOID	VOID CHECK		V	3/04/2014			070778	**VOID**
6905	MJ TRUCK REPAIR LTD							
	I-2828	MJ TRUCK REPAIR LTD	R	3/04/2014		150.00CR	070779	150.00
0531	NORTHEAST AUTO PARTS INC							
	C-287421	NORTHEAST AUTO PARTS INC	R	3/04/2014		21.78	070780	
	I-287138	NORTHEAST AUTO PARTS INC	R	3/04/2014		23.94CR	070780	
	I-287163	NORTHEAST AUTO PARTS INC	R	3/04/2014		57.49CR	070780	
	I-287251	NORTHEAST AUTO PARTS INC	R	3/04/2014		11.91CR	070780	
	I-287262	NORTHEAST AUTO PARTS INC	R	3/04/2014		2.29CR	070780	
	I-287296	NORTHEAST AUTO PARTS INC	R	3/04/2014		60.76CR	070780	
	I-287339	NORTHEAST AUTO PARTS INC	R	3/04/2014		80.24CR	070780	
	I-287348	NORTHEAST AUTO PARTS INC	R	3/04/2014		124.93CR	070780	
	I-287407	NORTHEAST AUTO PARTS INC	R	3/04/2014		39.48CR	070780	
	I-287455	NORTHEAST AUTO PARTS INC	R	3/04/2014		186.57CR	070780	
	I-287476	NORTHEAST AUTO PARTS INC	R	3/04/2014		19.34CR	070780	
	I-287480	NORTHEAST AUTO PARTS INC	R	3/04/2014		32.30CR	070780	
	I-287500	NORTHEAST AUTO PARTS INC	R	3/04/2014		160.06CR	070780	777.53

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
1020	OVERHEAD DOOR CO OF GREEN BAY							
	I-BAY1957746	OVERHEAD DOOR CO OF GREEN BAY	R	3/04/2014		411.96CR	070781	
	I-BAY1962667	OVERHEAD DOOR CO OF GREEN BAY	R	3/04/2014		658.65CR	070781	1,070.61
5344	PABICH, KEN							
	I-201402243106	PABICH, KEN	R	3/04/2014		256.77CR	070782	256.77
0197	PACKER CITY INTERNATIONAL INC							
	C-1-240450117	PACKER CITY INTERNATIONAL INC	R	3/04/2014		67.50	070783	
	I-1-240430078	PACKER CITY INTERNATIONAL INC	R	3/04/2014		298.35CR	070783	
	I-1-240440013	PACKER CITY INTERNATIONAL INC	R	3/04/2014		67.53CR	070783	298.38
0584	PATRICK ZELZER AND ASSOCIATES							
	I-ZEL-2014000675	PATRICK ZELZER AND ASSOCIATES	R	3/04/2014		50.00CR	070784	50.00
6126	PM SUPPLY - WRIGHT INDUSTRIAL							
	I-43670	PM SUPPLY - WRIGHT INDUSTRIAL	R	3/04/2014		445.00CR	070785	445.00
0208	POMP'S TIRE SERVICE INC							
	I-90013438	POMP'S TIRE SERVICE INC	R	3/04/2014		304.91CR	070786	
	I-90013510	POMP'S TIRE SERVICE INC	R	3/04/2014		73.45CR	070786	378.36
1701	PRAXAIR DISTRIBUTION INC							
	I-48527210	PRAXAIR DISTRIBUTION INC	R	3/04/2014		97.69CR	070787	97.69
0395	PRO ONE JANITORIAL INC							
	I-90136	PRO ONE JANITORIAL INC	R	3/04/2014		1,140.98CR	070788	1,140.98
0218	PROMOTIONAL DESIGNS INC							
	I-208537	PROMOTIONAL DESIGNS INC	R	3/04/2014		511.80CR	070789	511.80
3854	R J MARX, INC							
	I-14-10156	R J MARX, INC	R	3/04/2014		213.95CR	070790	213.95
6906	READER PLUMBING & SEPTIC INC.							
	I-58024	READER PLUMBING & SEPTIC INC.	R	3/04/2014		1,237.18CR	070791	
	I-58026	READER PLUMBING & SEPTIC INC.	R	3/04/2014		836.75CR	070791	2,073.93
5393	RICOH USA INC.							
	I-5029319134	RICOH USA INC.	R	3/04/2014		195.86CR	070792	195.86
0158	ROBERT E LEE & ASSOCIATES INC							
	I-67408	ROBERT E LEE & ASSOCIATES INC	R	3/04/2014		4,116.64CR	070793	4,116.64

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

			CHECK	CHECK		CHECK	CHECK	
VENDOR	NAME / I.D.	DESC	TYPE	DATE	DISCOUNT	AMOUNT	NO#	AMOUNT
0681	ROGAN'S SHOES							
	I-214118	ROGAN'S SHOES	R	3/04/2014		789.25CR	070794	789.25
5632	RW MANAGEMENT GROUP INC							
	I-0214-640	RW MANAGEMENT GROUP INC	R	3/04/2014		9,000.00CR	070795	9,000.00
0235	SAINT VINCENT HOSPITAL							
	I-37098	SAINT VINCENT HOSPITAL	R	3/04/2014		32.10CR	070796	32.10
0242	SCOTT CONSTRUCTION INC							
	I-10829MB	SCOTT CONSTRUCTION INC	R	3/04/2014		1,398.15CR	070797	
	I-10835MB	SCOTT CONSTRUCTION INC	R	3/04/2014		1,282.26CR	070797	2,680.41
6152	SINKLER, TIM							
	I-201402243107	SINKLER, TIM	R	3/04/2014		484.93CR	070798	484.93
0255	STELLPLUG LAW SC							
	I-406-03M (4)	STELLPLUG LAW SC	R	3/04/2014		400.00CR	070799	400.00
4842	THOMSON REUTERS							
	I-829020223	THOMSON REUTERS	R	3/04/2014		379.68CR	070800	379.68
0267	TRAFFIC & PARKING CONTROL INC							
	I-I440936	TRAFFIC & PARKING CONTROL INC	R	3/04/2014		1,249.45CR	070801	1,249.45
0268	TRUCK EQUIPMENT INC							
	I-575099	TRUCK EQUIPMENT INC	R	3/04/2014		197.58CR	070802	197.58
0417	TWEET GAROT MECHANICAL INC							
	I-188478	TWEET GAROT MECHANICAL INC	R	3/04/2014		2,443.85CR	070803	
	I-188479	TWEET GAROT MECHANICAL INC	R	3/04/2014		597.16CR	070803	3,041.01
5663	TYLER TECHNOLOGIES INC							
	I-025-89819	TYLER TECHNOLOGIES INC	R	3/04/2014		2,027.47CR	070804	2,027.47
6898	UW GREEN BAY							
	I-201402243108	UW GREEN BAY	R	3/04/2014		154.37CR	070805	154.37
3085	VANDERLOOP'S SHOES INC							
	I-C019281	VANDERLOOP'S SHOES INC	R	3/04/2014		100.00CR	070806	
	I-CW022112	VANDERLOOP'S SHOES INC	R	3/04/2014		300.00CR	070806	400.00

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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A / P CHECK REGISTER

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PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14

VENDOR SET: 01

BANK : AP ASSOCIATED

			CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
5892	VONBRIESEN & ROPER SC							
	I-9117	VONBRIESEN & ROPER SC	R	3/04/2014		1,075.00CR	070807	1,075.00
6093	WALT'S PETROLEUM SERVICE INC							
	I-63398	WALT'S PETROLEUM SERVICE INC	R	3/04/2014		430.15CR	070808	430.15
4550	WI EMS ASSOCIATION							
	I-201402243109	WI EMS ASSOCIATION	R	3/04/2014		425.00CR	070809	425.00

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	76	0.00	108,119.93	108,119.93
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:	1	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:	77	0.00	108,119.93	108,119.93

TOTAL ERRORS: 0

TOTAL WARNINGS: 0

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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PACKET: 04287 MAR 2014 COUNCIL - 1 3-4-14
 VENDOR SET: 01
 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	3/2014	68,937.08CR
201	3/2014	1,107.89CR
208	3/2014	17.82CR
455	3/2014	4,116.64CR
601	3/2014	32,113.02CR
650	3/2014	1,827.48CR
=====		
ALL		108,119.93CR

Attachment: 3-4-14 VOUCHERS (1862 : Voucher Approval.)

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

MEETING DATE: March 4, 2014
DEPARTMENT: City Clerk-Treasurer
FROM: Vicki Scray
SUBJECT: Operator License Applications.

ATTACHMENTS:

- 03-04-14 (PDF)

CITY OF DE PERE - MARCH 4, 2014					
ITEM	NAME	ADDRESS	CITY	ST	54115
Previously Tabled Operator License Applications					
1	CORRIGAN, NICOLE L.	733 OAK ST.	DE PERE	WI	54115
2	KENNEDY, DERIK R.	843 ASH ST., APT. A	DE PERE	WI	54115
3	MANN, BRADLEE J.	210 FERNARDO DR.	DE PERE	WI	54115
4	SANDOVAL, CHRISTIAN A.	500 MAIN AVE., APT. 203	DE PERE	WI	54115
Operator License Applications for the 2012-2014 Licensing Period					
1	CAYO, CRAIG S.	1020 W. SPRING ST.	APPLETON	WI	54914
2	COFFEN, CHAD N.	1535 CAPITOL DR.	GREEN BAY	WI	54303
3	COFFEY, HEATHER M.	1848 VERLIN RD., APT. 8	GREEN BAY	WI	54302
4	NIKOWITZ JR., NEAL R.	801 MARVELLE LN., #102	GREEN BAY	WI	54304
5	PAUL, CINDY L.	1680 W. MAIN CIR. #86	DE PERE	WI	54115
6	STUERMER, RYAN M.	2383 S. LENEX ST.	MILWAUKEE	WI	53207
7	TELLER, DAOMA M.	1220 S. ERIE ST.	DE PERE	WI	54115

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

MEETING DATE: March 4, 2014

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Consider request of Davis & Kuelthau for Conflict Waiver.

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

MEETING DATE: March 4, 2014

DEPARTMENT: Common Council

FROM: Lisa Renier

SUBJECT: Consideration of Amendments to Sale and Purchase Agreement
Between the City and Cleo Klubertanz.
