



Common Council

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Agenda

Wednesday, February 17, 2021

7:30 PM

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Common Council** of the City of De Pere will be held on **February 17, 2021** at **7:30 PM**.

Due to the current public health emergency, the meeting will be held electronically and the public may attend this meeting electronically or telephonically by accessing either:

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/DePere>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(312\) 757-3117](tel:+13127573117)

Access Code: 154-883-285

THIS MEETING WILL NOT BE HELD IN PERSON.

This meeting may also be rebroadcast on TV throughout the week and available on demand at <http://depercitywi.igm2.com/>.

I. Call to Order

1. Roll Call
2. Approval of the minutes of the February 2, 2021 Common Council meeting.
3. COVID-19 update from the Health Department.
4. Recommendation from the Finance/Personnel Committee to accept \$250 sponsorship from the Kress Inn and Bemis Conference Center in support of De Pere TV.
5. Recommendation from Finance/Personnel Committee to Approve Providing Incentive for Employees and Spouses to receive COVID-19 and Flu Vaccinations
6. Recommendation from Plan Commission to approve a proposed 1 lot and 2 outlot certified survey map at 1400 BLK Biotech WY (Parcel WD-L492-2).
7. Recommendation from Board of Public Works to approve investigation of Sustana Request to Discharge Non-Contact Coolant Water to Future Storm Water Pond
8. Recommendation from Board of Public Works to approve award of Contract 21-05 Sidewalk and Curb Repairs to Sommers Construction Company, Inc. in the amount of \$238,190
9. Recommendation from the Board of Public Works to approve award of Contract 21-06 Concrete Street Repairs to Vinton Construction Company in the amount of \$247,223
10. Recommendation from the Board of Public Works to Approve Soliciting Design Services for Municipal Service Center Expansion

11. Recommendation from the Board of Public Works to deny Alderperson Hansen's Request for the City of De Pere to adopt a Responsible Bidder's Ordinance
12. Recommendation from the License Committee regarding the Application for Class "A" Fermented Malt Beverage License and "Class A" Intoxicating Liquor License for Krist Oil Company (DBA Krist Food Mart #92), 1218 Grant St. Submitted by Krist Oil Company; Agent Mark Thiede Neenah, WI.
13. Ordinance #21-02 Amending § 10-5(a) De Pere Municipal Code Regarding Selection and Tenure of Certain City Officers.
14. Ordinance #21-03 Amending § 54-7(c) De Pere Municipal Code Regarding Residential Fences.
15. Resolution #21-19 Authorizing Agreement Between the City of De Pere and St. Norbert College, Inc. Regarding the Reconstruction and Discontinuance of a Portion of Reid Street.
16. Resolution #21-20 Amending Resolution #20-117 (Adoption of Tax Levy for City Purposes to Support the 2021 City Budget) by Reapportionment of \$133,395 from General Fund - Unassigned Reserves for Additional Staffing Positions.
17. Resolution #21-21 Authorizing Information Technology Department Staffing Amendment, Creating Video Production Specialist Position and Related Changes to City's Table of Organization and Compensation Plan.
18. Resolution #21-22 Creating Police Social Worker Position in Police Department and Related Changes to City's Table of Organization and Compensation Plan.
19. Review and and possible action on amending Resolution #17-27 regarding expenditure of excess stadium tax revenue to redirect previously allocated funds to site preparation work for the Cultural Foundation, Inc. redevelopment project.
 - A. Resolution #21-23 First Amendment Rescinding Excess Stadium Tax Allocation and Redirecting the Same (\$125,000 from Voyageur Park Amphitheater/Stage to Site Preparation Work for Cultural Foundation, Inc. Redevelopment Project)
 - B. Resolution #21-24 Second Amendment Rescinding Excess Stadium Tax Allocation and Redirecting the Same (\$300,000 from Splash Pad Funding to Site Preparation Work for Cultural Foundation, Inc. Redevelopment Project)
20. Resolution #21-25 Terminating Tax Increment District No. 5 in the City of De Pere.
21. Resolution #21-26 Extending the Life of Tax Incremental District No. 6 for the Purposes of Funding Affordable Housing and Improving Housing Stock in the City of De Pere.
22. Resolution #21-27 Establishing Pandemic Response - Downtown Business Recruitment Grant Program - "Jump Start De Pere".
23. Appointments to boards and commissions by Mayor Boyd.
24. Voucher approval.
25. Future agenda items.
26. Adjournment.

Carey Danen
City Clerk

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

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Jim Schneider, Sustana Group
Mark Thiede



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Approval of the minutes of the February 2, 2021 Common Council meeting.

ATTACHMENTS:

- 2-2-21 Common Council Minutes_Draft (PDF)



Common Council

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Draft Minutes

Tuesday, February 2, 2021

7:30 PM

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

Attendee Name	Title	Status	Arrived
Dan Carpenter	Aldersperson	Present	
Mike Eserkaln	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Amy Chandik Kundingner	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Present	
Casey Nelson	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	
Kelly Ruh	Aldersperson	Present	
James Boyd	Mayor	Present	

2. Approval of the minutes of the January 19, 2021 Common Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Amy Chandik Kundingner, Aldersperson
SECONDER:	Jonathon Hansen, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kundingner, Ledvina, Nelson, Raasch, Ruh

3. COVID-19 update from the Health Department.

Health Director Debbie Armbruster reported that testing numbers are down; they have heard reports that parents are keeping their children home for the ten day isolation period instead of getting them tested. She emphasized the importance of getting tested so that staff can do contact tracing. Debbie reported that they have received over 500 calls from residents over the age of 65; they vaccinated 110 people last week. In response to Aldersperson Carpenter's question, Debbie reported that they are requesting 100 doses at a time; with over 3,000 residents in that age range, it would take many weeks to get them all vaccinated. They are providing people on the waitlist with information on other clinics in the area.

Aldersperson Raasch commented that he's heard reports that there is treatment available, but not being offered which could prevent COVID pneumonia. Debbie stated that hospitals are treating with convalescent serum and infusion therapy to mitigate the spread of the virus within the body.

4. Recommendation from Plan Commission to approve a Request For Proposal (RFP) to update the 2010 City of De Pere Comprehensive Plan and to write a new West Downtown Vision Plan.

In response to Aldersperson Hansen's question, Development Services Director Dan Lindstrom explained that planners typically create a twenty year vision plan, with the assumption that it will be updated within a ten year timeframe. Dan confirmed that the Cultural District plan which was approved a couple of years ago will be incorporated into

this update. He explained that many of the aspects of that plan are still relevant, so the focus of this update will be on the west side of the downtown.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

5. Recommendation from the Board of Park Commissioners to Approve Additional Funding for VFW Access Road, with staff recommendation that the additional funding come from the VFW Pool referendum fund.

Parks and Recreation Director Marty Kosobucki explained that the Board of Park Commissioners recommended that the \$6,000 overage come from the pool referendum fund, but staff is recommending that the original \$25,000 come from there as well. That cost was originally identified in the budget under bonding. Discussion followed on the the procedure to fund pool projects. Short term borrowing will sometimes be used for initial funding, but then would be paid off as referendum funds come in.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

6. Recommendation from the Board of Park Commissioners to Approve the Change Order Request for Gas Fired Heater at VFW Pool, with funding to come from the general fund undesignated reserves.

Mayor Boyd noted that the monies for this change order will come from the pool referendum fund; the wrong funding source was identified in the agenda item title.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Defnet Ledvina, Nelson, Raasch, Ruh

7. Recommendation from the License Committee on the application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License for Jeff L. Labombarb, O.T.R. Pub, 413 Main Ave. Submitted by Jeff L. Labombarb, Green Bay, WI.

Alderperson Carpenter moved, seconded by Alderperson Ledvina, to deny the application based upon the Police Chief's recommendation and the information provided by the Clerk. Chief Beiderwieden cited a history of calls for service, multiple law violations, a history of liquor license turnover at the establishment, and the adverse effect of illegal activity on the community.

RESULT:	DENIED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

8. Resolution #21-14 Approving Operation and Maintenance Assistance Agreement with Carrico Aquatic Resources, Inc. (2021 Water Management Assistance Program).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

9. Resolution #21-15 Authorizing Agreement for Consulting Services Between the City of De Pere and Fred Kolkman Tennis & Sport Surfaces, LLC (VFW Tennis Court Resurfacing and Redesign).

In response to Alderperson Carpenter's question, Parks and Recreation Director Marty Kosobucki confirmed that the cost of the agreement is \$2,000.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Kelly Ruh, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

10. Resolution #21-16 Authorizing Agreement for Contractor Services Between The City of De Pere and Robertson Dynasty Inc. (Tree Pruning Services- City Area 3).

Alderperson Hansen asked for a description of Area 3; Parks and Recreation Director Marty Kosobucki stated that he will work with the City Forester to send this information to alderpersons. Alderperson Hansen asked if staff will be looking for a more sustainable option, given that some of the bids were so high. Marty stated that they plan to review this before the next budget season.

Discussion followed regarding emerald ash borer efforts, and staff's plan going forward to address the delays in the City-wide pruning plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

11. Resolution #21-17 Authorizing Submission of Wisconsin Department of Natural Resources Boating and Fishing State and Federal Grant Application for Perkofski Boat Launch Dock Refurbishing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Casey Nelson, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

12. Resolution #21-18 Authorizing Submission of Wisconsin Department of Natural Resources Boating and Fishing State and Federal Grant Application for Perkofski Boat Launch Dock Extensions.

Alderperson Raasch reiterated his concern that the City has dipped into undesignated reserves fairly frequently compared with previous years. He stated that these reserves are important to the City's bonding rates, and he is not going to support the resolution for that reason. Discussion followed regarding the contingency fund that the City used to maintain; City Administrator Larry Delo explained that the Council decided to eliminate it approximately 15 years ago. Alderperson Kunding requested that staff provide the balance of the unassigned reserves fund whenever an item identifies this as the funding source. Alderperson Hansen stated that he's comfortable using unassigned reserves, noting that when projects come in under budget, the savings goes into unassigned reserves. Larry confirmed that this is the case when funding comes from capital projects. If it is bonded for and comes in under budget, then the City just bonds less.

RESULT:	ADOPTED [7 TO 1]
MOVER:	Amy Chandik Kunding, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Ruh
NAYS:	Dean Raasch

13. Appointments to boards and commissions by Mayor Boyd.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

14. Voucher approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Casey Nelson, Alderperson
SECONDER:	Kelly Ruh, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

15. Future agenda items.

Mayor Boyd announced that Development Services Director Dan Lindstrom will be offering a "TID 101" training the week of February 15th for any alderpersons who are interested. A Doodle poll will be sent out to determine scheduling, and the session will also be recorded.

Aldersperson Raasch would like to discuss the possibility of reinstituting a contingency fund during the 2022 budget prep session.

Aldersperson Ledvina requested an update about the new staff positions in the IT and Police departments. City Administrator Larry Delo will include information in the next Friday Memo.

16. City Administrator annual performance appraisal.

Aldersperson Raasch moved, seconded by Aldersperson Carpenter to close the meeting at 8:20 PM. Upon vote, motion carried unanimously. Aldersperson Raasch moved, seconded by Aldersperson Carpenter to open the meeting at 9:14 PM. Upon vote, motion carried unanimously.

Aldersperson Hansen moved, seconded by Aldersperson Nelson to approve a 2% salary increase for City Administrator Larry Delo, which equates to a salary of \$155,040 for calendar year 2021.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jonathon Hansen, Aldersperson
SECONDER:	Casey Nelson, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

17. Adjournment.

Aldersperson Kunding moved, seconded by Aldersperson Ledvina to adjourn the meeting at 9:18 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: COVID-19 update from the Health Department.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Information Technology

FROM: Kevin Clark

SUBJECT: Recommendation from the Finance/Personnel Committee to accept \$250 sponsorship from the Kress Inn and Bemis Conference Center in support of De Pere TV.

Staff is requesting approval to accept a \$250 sponsorship from the Kress Inn & Bemis Conference Center in support of De Pere TV. They will be recognized as a supporter on TV and online for one year and acknowledged with a letter of thanks and appreciation. The donation will be used to support ongoing De Pere TV operations. This is the sixth year sponsoring De Pere TV.

The Finance/Personnel Committee unanimously approved this item at the February 9, 2021 meeting.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Human Resources

FROM: Shannon Metzler

SUBJECT: Recommendation from Finance/Personnel Committee to Approve Providing Incentive for Employees and Spouses to receive COVID-19 and Flu Vaccinations

ATTACHMENTS:

- Covid & Flu vaccination Incentive (PDF)

CITY OF DE PERE MEMO



To: Members of the Finance/Personnel Committee
 From: Shannon Metzler, Human Resources Director
 Lawrence M. Delo, City Administrator
 RE: Incentive for Employees and Spouses to receive COVID and Flu Vaccinations
 Date: February 9, 2021

Note: At the February 9, 2021 Finance/Personnel Committee the below recommendation was approved 4 to 1.

As the COVID-19 vaccination is becoming available, it is expected that around 70% or less of adults will obtain the vaccination. City administration is suggesting offering an incentive to employees and spouses that obtain the COVID-19 vaccination along with the flu vaccination. We currently offer points for receiving the flu vaccination incentive in our cafeteria wellness plan but would like to offer an additional incentive to those that are vaccinated with both vaccinations.

As you likely are aware, due to cost saving measures put into place over the years, we have a significant surplus in our health fund. For any employee or spouse that is on the medical plan, we are proposing offering a \$250 deposit into the employee's Health Reimbursement Account (HRA). If an employee and their spouse both complete both vaccinations, they would receive a deposit of \$500 (in addition to their current deposit) in the employee's HRA.

Next month we will be presenting a recommendation for additional ways to reduce our health plan surplus. This is one of the ways we'd like to start. There are currently 197 employees and spouses on the medical plan and if each one received both the vaccinations, the total plan cost would be \$49,250. We have approximately a \$1.2 million dollar surplus in the health fund. Therefore, the incentive will have a limited impact to the plan. To date, 49% of our employees have been offered the COVID-19 vaccination. Approximately 1/3 (or 70% of those offered) of our staff has received the first COVID-19 vaccination.

The vaccinations must be completed prior to the end of 2021 and employees would receive the incentive in January of 2022. Flu shots must be completed between August and the end of the year to be given credit for that year's flu shot incentive. We recommend this program continue into future years. If there is not a new COVID-19 vaccination or the need for a re-vaccination, then employees would still be eligible for the incentive for just receiving the flu vaccination. If an employee and/or spouse are not eligible for the COVID-19 vaccination for whatever reason in 2021, they would still receive the incentive.

By offering this incentive, we would need to accommodate any employee and/or spouse that couldn't be vaccinated due to medical or religious reasons and offer reasonable alternative standards (RAS). A note from the doctor explaining the medical reason why the employee and/or spouse is not eligible would be required or documentation of the member's religious beliefs.

Please contact me at 339-4045 if you have questions prior to the meeting or Larry at 339-4044. Thank you.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: Recommendation from Plan Commission to approve a proposed 1 lot and 2 outlot certified survey map at 1400 BLK Biotech WY (Parcel WD-L492-2).

On January 25, 2021 Plan Commission unanimously recommended approval of the CSM with a vote of 7-0.

NOTE: During the Plan Commission Meeting, Parcel WD-L492-B-3 was also reviewed and it was identified that the parcel would not be part of the part of the CSM.

ATTACHMENTS:

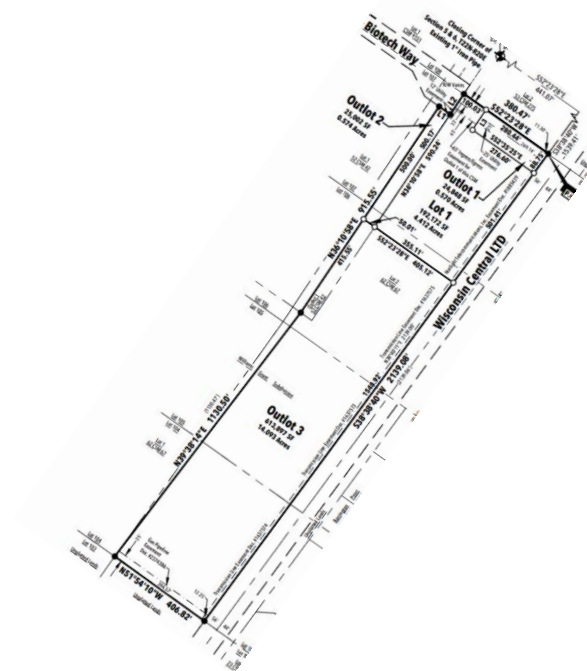
- 01-25-21 Plan Commission Report - CSM on Biotech WY (DOCX)
- Preliminary CSM REVISED 2 (PDF)

- ITEM X:** Consideration and possible action regarding a proposed 1 lot and 3 outlet certified survey map at 1400 BLK Biotech WY (Parcels WD-L492-2, WD-L492-B-3).*

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION:	Certified Survey Map Review
COMMON DESCRIPTION:	1400 BLK Biotech WY, located east and south from the American BL and Biotech WY intersection.
PARCEL NUMBER(S):	WD-L492-2, WD-L492-B-3
EXISTING ZONING:	I-B-2 (Industrial-Business-2 District)
SURROUNDING LAND USES:	Dog Park (I-B-1) and Industrial (I-B-2) to the North. Vacant (I-B-2) to the south. Also, Town of Lawrence (residential and railroad). Vacant (R-1) and railroad to the east. Vacant (I-B-2) and Industrial (I-B-2) to the west.
COMPREHENSIVE PLAN:	Business Park.
APPLICANT/OWNER:	City of De Pere Applicant and Property Owner 335 S. Broadway Street De Pere, WI 54115
SITE HISTORY:	The City owned site has been used for agricultural purposes since at least air photos of 1938. In the late 2000's, the Biotech WY street connection and a City owned railroad spur were developed at the northwest end of the subject site. The railroad spur is on Parcel WD-L492-B-3. In January 2021, a request was made to reconfigure the area with one lot for future sale, and three outlots for future potential parking, an existing railroad spur, and for future sale and attachment to an adjacent parcel(s).
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. • The purpose of the CSM is to divide property for future potential parking, an existing railroad spur, and for future sale and attachment to an adjacent parcel(s) within the Business Park. ○ Lot 1 will be 4.4 acres. ○ Outlot 1 will be 0.6 acres. ○ Outlot 2 (railroad spur) will be 0.6 acres. ○ Outlot 3 will be 14.1 acres. • The CSM establishes ingress/egress easements (for lot, outlot, and dog park) and utility easements at the north end of the site. • All lots are in City ownership, with an expectation of sales in the near future.

There are 2 issues to address for the CSM, which are listed in the Staff Recommendation.

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

REVIEW PROCESS:

For City certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council also reviews and provides a final decision of approval or rejection when the CSM includes public dedications and/or City-owned property. Common Council is expected to take action on February 2, 2021.

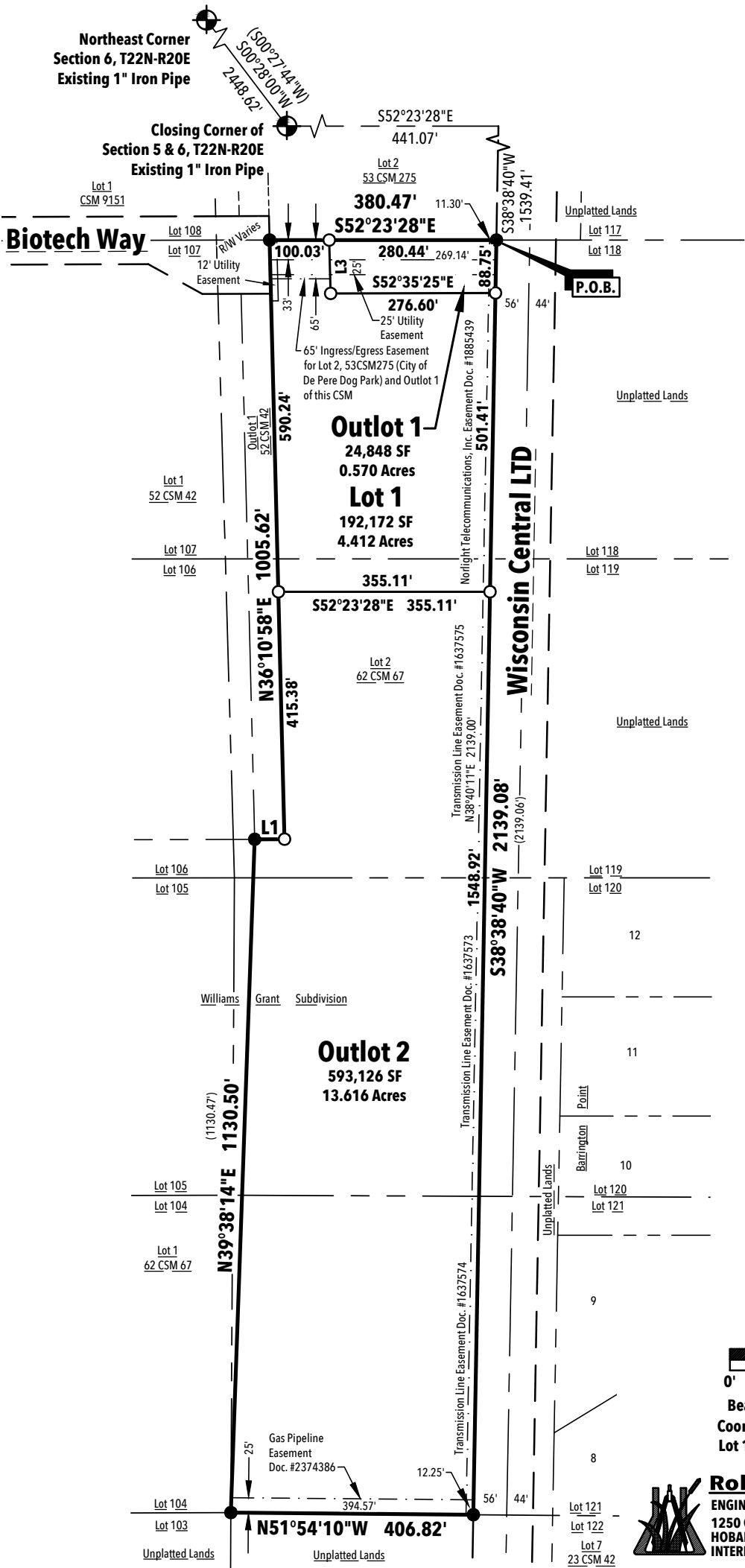
STAFF RECOMMENDATION:

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

1. Meeting all other state and local regulations.
2. In the Owner's Certificate and City Certificate, revise the names and titles for Carey Danen to reference 'Carey E. Danen, City Clerk.'

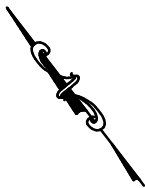
CERTIFIED SURVEY MAP

ALL OF LOT 2, VOLUME 62 OF CERTIFIED SURVEY MAPS, PAGE 67, MAP NUMBER 8721,
DOCUMENT NUMBER 2762431, BEING PART OF LOTS 118, 119, 120 AND 121, WILLIAMS
GRANT SUBDIVISION, VOLUME 6 OF PLATS, PAGE 13, CITY OF DE PERE, BROWN COUNTY,
WISCONSIN



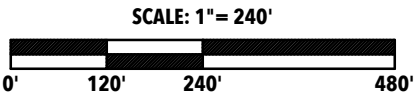
Line Table

Line #	Length	Direction
L1	50.00'	S52°35'25"E



LEGEND

- Existing 3/4" Iron Rod
- Existing 1" Iron Pipe
- Set 1" x 18" Iron Pipe with cap weighing 1.38 lbs./lin. ft.
- Recorded County Monument
- POB Point of Beginning
- (xx.xx') Record bearing or distance



Bearings are referenced to the Brown County Coordinate System. The east line of Government Lot 1, Section 6, T22N-R20E bears S00°28'00"W.



Robert E. Lee & Associates, Inc.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
HOBART, WI 54155
INTERNET: www.releeinc.com

PHONE: (920) 662-9641
FAX: (920) 662-9141

SHEET 1 OF 3

Packet Pg. 19

CERTIFIED SURVEY MAP

ALL OF LOT 2, VOLUME 62 OF CERTIFIED SURVEY MAPS, PAGE 67, MAP NUMBER 8721, DOCUMENT NUMBER 2762431, BEING PART OF LOTS 118, 119, 120 AND 121, WILLIAMS GRANT SUBDIVISION, VOLUME 6 OF PLATS, PAGE 13, CITY OF DE PERE, BROWN COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, Troy E. Hewitt, Professional Land Surveyor, do hereby certify that by the order and under the direction of the owners listed hereon, I have surveyed, mapped and divided all of Lot 2, Volume 62 of Certified Survey Maps, Page 67, Map Number 8721, Document Number 2762431, being part of Lots 118, 119, 120 and 121, Williams Grant Subdivision, Volume 6 of Plats, Page 13, City of De Pere, Brown County, Wisconsin.

Said parcel contains 810,146 square feet or 18.598 acres of land more or less subject to easements and restrictions of record.

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in the surveying, mapping and dividing of the same.

Dated this _____ day of _____, 2021.

Troy E. Hewitt PLS #2831
ROBERT E. LEE & ASSOCIATES, INC.

RESTRICTIVE COVENANTS:

1. The land on all side and rear lot lines of all lots not included in the drainage easement shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
2. Each lot owner shall grade the property abutting a street to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.
3. No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along any lot lines or street lines, a disturbance of survey stake by anyone is a violation of Section 236.32 of the Wisconsin statutes.

UTILITY EASEMENT PROVISIONS:

An easement for electric, natural gas, and communications service is hereby granted by

City of De Pere, Grantor, to

Wisconsin Public Service Corporation, a Wisconsin Corporation, grantee,

Time Warner Cable, AT&T and City of De Pere,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable tv facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "utility easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable tv facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over grantees' facilities or in, upon or over the property within the lines marked "utility easement" without the prior written consent of grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This utility easement provision does not prevent or prohibit others from utilizing or crossing the utility easement as the utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



CERTIFIED SURVEY MAP

ALL OF OUTLOT 1, VOLUME 52 OF CERTIFIED SURVEY MAPS, PAGE 42, MAP NUMBER 7575, DOCUMENT NUMBER 2282341 AND ALL OF LOT 2, VOLUME 62 OF CERTIFIED SURVEY MAPS, PAGE 67, MAP NUMBER 8721, DOCUMENT NUMBER 2762431, BEING PART OF LOTS 118, 119, 120 AND 121, WILLIAMS GRANT SUBDIVISION, VOLUME 6 OF PLATS, PAGE 13, CITY OF DE PERE, BROWN COUNTY, WISCONSIN

OWNER'S CERTIFICATE:

As owners, we do hereby certify that we caused the land described on this Certified Survey Map to be surveyed, mapped, divided and dedicated as represented on this map. We also do further certify that this Certified Survey Map is required by s-236.34 to be submitted to the following for approval or objection:

CITY OF DE PERE

James Boyd, Mayor

Date

Carey E. Danen, City Clerk

Date

STATE OF WISCONSIN)
COUNTY) SS

Personally came before me this day of , 2021, the above named to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

(print name)

My commission expires:

CITY OF DE PERE APPROVAL CERTIFICATE:

Approved by the City of De Pere Common Council on this day of , 2021.

Carey E. Danen, City Clerk

TREASURER'S CERTIFICATE:

As duly appointed/elected City of De Pere and Brown County Treasurer, we hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below.

Joe Zegers

Date

City of De Pere Treasurer

Paul Zeller

Date

Brown County Treasurer





City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from Board of Public Works to approve investigation of Sustana Request to Discharge Non-Contact Coolant Water to Future Storm Water Pond

The Board of Public Works at the February 8, 2021 meeting approved investigating the request from Sustana to discharge non-contact coolant water to the future stormwater pond and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- 2021 0208 CI_BOPW-Sustana Discharge Request (PDF)
- SUSTANA PROPOSAL (PDF)
- 2021 0119 Letterofrequest (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works
From: Eric P. Rakers, P.E., City Engineer
Date: February 8, 2021

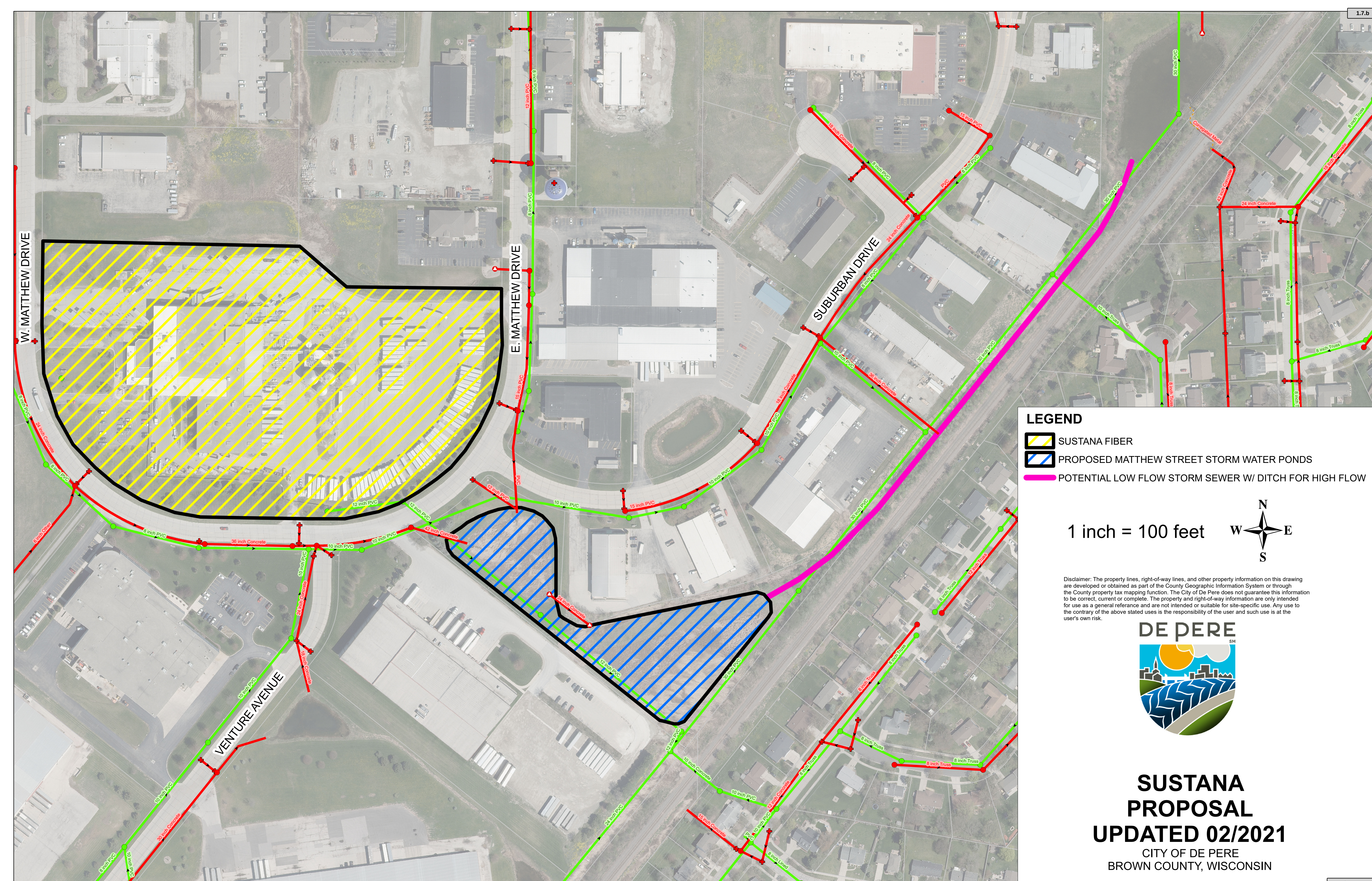
RE: **Consideration and possible action on Sustana Request to Discharge Non-Contact Coolant Water to Future Storm Water Pond***

Staff has received a request from Sustana, 1751 W. Matthew Drive, to discharge non-contact coolant water to the proposed storm water pond off of Matthew Drive. The City is designing the proposed storm water pond off of Matthew Street. This is the pond that the City has received a grant to construct from the Wisconsin Department of Natural Resources (WDNR). Staff is looking for Board input on allowing the discharge of water from Sustana prior to investing the design impacts. Staff is in support of the discharge with the following conditions:

- Creation of an agreement which will be approved by the Board and Council identifying parameters of the discharge.
- No impact to performance of the pond to treat City storm water.
- Construction of a low-flow pipe from the new pond to the existing pond along Scheuring Road. This pipe will be funded by Sustana
- Requirement that Sustana can reroute the discharge when required by the City, such as when maintenance is required or in case of an emergency.
- Any pond upsizing due to the discharge is funded by Sustana.
- Any storm water testing due to the discharge is funded by Sustana.
- Continued approval of discharge by the WDNR.

If the parameters above can be met for the City and Sustana, this will be brought back to the Board and Council for approval of an Agreement. Overall, from a sustainability perspective, it is better to discharge clean water to our storm sewer system rather than to the sanitary sewer that requires energy to treat the water at the wastewater treatment standpoint. This will also help a local business in De Pere reduce operation costs by not having to pay to treat the clean water.

Staff recommends Board approval to investigate the discharge of noncontact coolant water to the proposed pond.





January 19th, 2021

Sustana, Fox River Fiber, llc
1751 W Matthew Dr
DePere, WI 54115

City of DePere
925 S Sixth St
DePere, WI 54115

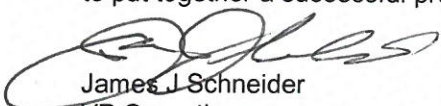
Attn: Eric Rakers, Scott Thoreson

Sustana, Fox River Fiber is a recognized in the industry as a leader in sustainability and innovative closed loop processes. Continuous efforts are made to eliminate or reduce our environmental footprint in the areas of water reduction and energy. We appreciate the City of DePere's partnership as we work towards these goals.

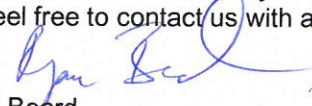
A major step towards closing our mill requires the discharge of non-contact cooling water to the storm sewer. We have received the approval from the DNR for the discharge, however, we need some further help from the City to make it work. Requested path forward:

- City will convert dry ponds on Matthew Drive into wet ponds by mid-November
 - Part of existing grant project
- City will design and provide cost estimate to run a low flow pipe along railroad tracks, traveling to the retention pond on Scheuring Road
 - City will build and own the pipe, Sustana will pay for installation
 - Design for average flow of 800,000 gallons/day with max temperature of 85 F
- Sustana would enter into an agreement with the City, which would include, but not limited to:
 - Testing requirements
 - Ability to eliminate or divert discharge when needed

We ask that we get your approval to move forward and work directly with Eric Rakers and Scott Thoreson to put together a successful project. Please feel free to contact us with any questions you may have.


James J. Schneider
VP Operations
Sustana, Fox River Fiber
(920)347-4433

jschneider@sustanagroup.com


Ryan Beard
Production Manager
Sustana, Fox River Fiber
(920)347-4432

rbeard@sustanagroup.com

Attachments: Permit Request
Permit Approval

Sustana Fiber Fox River facility
1751 Matthew Dr
De Pere (Wisconsin) 54114
USA

sustanagroup.com

P 1 920 347-4223
info@sustanagroup.com

State of Wisconsin
Department of Natural Resources
Bureau of Water Quality
PO Box 7921, Madison WI 53707-7921
dnr.wi.gov

Noncontact Cooling Water, Refrigeration Condensate, and Boiler Blowdown General Permit Request

WPDES Permit No. WI-0044938-06

Form 3400-223 (06/17)

Page 1 of 6

Notice: Pursuant to chs. NR 200 and 205, Wis. Adm. Code, this permit application is required to request coverage under General WPDES Permit No. WI-0044938-06 for noncontact cooling water pollutant discharges to surface waters. Failure to complete this form in its entirety may result in a returned form or a denied request for coverage. Personal information collected will be used for administrative purposes and may be provided to requestors to the extent required by Wisconsin Open Records law [ss. 19.31-19.39, Wis. Stats.].

Section I: WPDES Permittee Responsible for the Pollutant Discharge

Parent Company/Owner Fox River Fiber Co., LLC	Authorized Representative Jonathan Logan	Phone No. (incl. area code) (920) 615-0120	
Mailing Address- PO Box, Street, or Route 1751 West Matthew Drive	City De Pere	State WI	ZIP Code 54115
Title Environmental Coordinator		Email Address jlogan@sustanagroup.com	

Section II: Facility Site Name and Identification Information

Facility Name Fox River Fiber Co., LLC	Contact Name Jonathan Logan	Phone No. (incl. area code) (920) 615-0120	
Mailing Address- PO Box, Street, or Route 1751 West Matthew Drive	City De Pere	State WI	ZIP Code 54115
Title Environmental Coordinator		Email Address jlogan@sustanagroup.com	

Section III: Discharge Location Information

Outfall Latitude 44.4269494	Outfall Longitude -88.0929577
---------------------------------------	---

Section IV: Discharge Characterization

Type of Wastewater (Noncontact cooling water, boiler water, refrigeration condensate, reverse osmosis permeate, other- specify)	Outfall No. (001, 002, etc.)	Average Daily Flow (gallons per day)	Discharge Type (surface water, surface water via storm sewer, groundwater)	Storm sewer distance to surface water, if applicable		Surface water, if applicable	
				Distance (m)	Source of Information	Name	WBIC*
Noncontact cooling water	003	800,000	storm Water	899.20	Brown County GIS	Lower Fox River	117900

*The WBIC (Water Body Identification Code) for a specific water body can be found at: <http://dnr.wi.gov/water/waterSearch.aspx>

Section V: Eligibility

- Are any of the following wastewaters discharged to surface waters or groundwater: Contact cooling water, water from boiler cleaning operations, air compressor condensate contaminated with oil and grease, softener regeneration backwash, or other process wastewaters (wastewaters that come in contact with or are in result of production operations at a facility)?

☒ No

☐ Yes. The discharge is not eligible for this General Permit. Skip to Section VII. Contact the Department to obtain an application for an individual WDPES discharge permit.
- To the maximum extent of your knowledge, does the discharge contain any of the substances listed below or other substances that would be harmful to animal, plant, aquatic life (metals, volatile compounds, etc.) not sourced from the intake water or otherwise covered by the General Permit?

alpha-BHC	4,4'-DDT	Polychlorinated Biphenyls (PCB)
beta-BHC	Dieldrin	Pentachlorobenzene
gamma-BHC (Lindane)	Hexachlorobenzene	Photomirex
delta-BHC	Hexachlorobutadiene	1,2,3,4-Tetrachlorobenzene
Chlordane	Mercury	1,2,4,5-Tetrachlorobenzene
4,4'-DDD	Mirex	2,3,7,8-Tetrachlorodibenzo-p-dioxin
4,4'-DDE	Octachlorostyrene	Toxaphene

☒ No

☐ Yes. Your discharge is not eligible for the General Permit. Skip to Section VII. Contact the Department to obtain an application for an individual WDPES discharge permit.

Noncontact Cooling Water, Refrigeration Condensate, and Boiler Blowdown General Permit Request

WPDES Permit No. WI-0044938-06

Form 3400-223 (06/17)

Page 2 of 6

3. Are water treatment or conditioning additives used in waste streams that are discharged to surface waters or seeped into groundwater?

☒ No. No water treatment additives (such as, separation aids, boiler treatments, scale/rust inhibitors, biocides, chlorine, etc.) are used.

☐ Yes. Additives are used. *Appendix A must be completed to receive coverage under this General Permit.*

Are any of the additives considered a biocide? (Biocides are designed to control biological growth, such as algae)

☐ No.

☐ Yes. Chlorination only.

Frequency of Use: _____

Maximum Concentration Used: _____

☐ Yes. *Biocides other than chlorination are used. The discharge is not eligible for this General Permit. Skip to Section VII. Contact the Department to obtain an application for an individual WDPES permit.*

Do any of the additives contain phosphorus?

☐ No.

☐ Yes.

Frequency of Use: _____

Chemical(s): _____

Concentration of Phosphorus in Chemical: _____

Maximum Concentration Used: _____

4. Has the discharge previously been covered under this general permit?

☒ No.

☐ Yes. If so, have there been any process changes that would affect the flow or composition of the discharge since general permit coverage was last received?

☐ No.

☐ Yes. If so, please describe:

5. What is the maximum expected discharge temperature of the discharge (in Degrees Fahrenheit)? 110

6. What is the source of the cooling water? *Check all that apply.*

☒ Groundwater. *The discharge is potentially eligible for the NCCW General Permit. Skip to Section VII.*

☐ Municipal water. *Go to Question 11.*

☐ Lake Michigan via intake structure. *Go to Question 7.*

☐ Other surface water via intake structure. *Go to Question 7.*

Complete all applicable questions for each checked box above.

This portion of the Request for Coverage should be completed for all discharges that use surface water as a water source for cooling.

7. Has the intake structure already been found to meet best technology available (BTA) requirements by the Department?

☐ Yes. *The discharge is potentially eligible for the NCCW General Permit. Skip to Section VII.*

☐ No.

Fox River Fiber Co., LLC Jonathan Logan

Noncontact Cooling Water, Refrigeration Condensate, and Boiler Blowdown General Permit Request

WPDES Permit No. WI-0044938-06

Form 3400-223 (06/17)

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8. Is the intake structure designed to withdraw less than 2 MGD from a water of the state?

- ☐ Yes.
- ☐ No. Does the discharger use less than 25% of the water that they withdraw exclusively for cooling?
- ☐ Yes.
- ☐ No. *The discharge is not eligible for this General Permit.*
Skip to Section VII. Contact the Department to obtain an application for an individual WDPES permit.

9. Does each cooling water intake structure have a maximum design intake velocity of 0.5 feet per second (fps) **OR** a maximum actual intake velocity of 0.5 fps?

- ☐ Yes.
- ☐ No. *The discharge is not eligible for this General Permit.*
Skip to Section VII. Contact the Department to obtain an application for an individual WDPES permit.

10. Does the intake structure meet any of the following conditions?

- ☐ Yes. *Attach justification and supporting information.*
- ☐ The cooling water intake structure is located on a river or stream and withdraws less than or equal to 5% of the mean annual flow of the source water.
- ☐ The cooling water intake structure is located on a lake or reservoir where the total quantity of the water withdrawn is restricted to a level necessary to maintain the natural thermal stratification or turnover patterns (where present) except in cases where the disruption is beneficial.
- ☐ The facility operates at < 8% capacity utilization rate or at full capacity only for portions of days during a few months or less on an annual basis. If located in a spawning area, the period of cooling water intake operation must not correspond with times when spawning is occurring (depending on species present, usually between April – August).
- ☐ The facility operates a closed-cycle recirculating system that only requires make-up water (with > 3 cycles of concentration on at least a daily basis). Cycles of concentration (COC) can be measured as the ratio of chloride levels in the recirculated water or blowdown relative to the chloride levels in the source water, or makeup water; or the make-up water volume divided by the blowdown volume (provided there aren't other water losses); or the blowdown water conductivity divided by the make-up water conductivity.

The discharge is potentially eligible for the NCCW General Permit. Skip to Section VII.

- ☐ No. *The discharge is not eligible for this General Permit.*
Skip to Section VII. Contact the Department to obtain an application for an individual WDPES permit.

This portion of the Request for Coverage should be completed for all discharges that use municipal water and the water source for cooling.

11. Does the municipal water supply add polyphosphates?

- ☐ No. Polyphosphates are not added to municipal water supply.
- ☐ Yes. Polyphosphates are added to municipal water supply.
Municipal Water Source:

Fox River Fiber Co., LLC Jonathan Logan

**Noncontact Cooling Water, Refrigeration Condensate,
and Boiler Blowdown General Permit Request**

WPDES Permit No. WI-0044938-06

Form 3400-223 (06/17)

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12. Is the municipal water supply chlorinated?

- ☐ No. Chlorine is not added to municipal water supply.
- ☐ Yes. Chlorine is added to municipal water supply.

Municipal Water Source:

-
- ☐ Yes. Chloramine is added to municipal water supply.

Municipal Water Source:

Section VI: Comments

Comments

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
 Northeast Region Headquarters
 2984 Shawano Avenue
 Green Bay, WI 54313-6727

Tony Evers, Governor
Preston D. Cole, Secretary
 Telephone 608-266-2621
 Toll Free 1-888-936-7463
 TTY Access via relay - 711



January 24, 2020

Jonathan Logan, Environmental Coordinator
 Fox River Fiber Co., LLC
 1751 West Matthew Drive
 De Pere, WI 54115

Subject: Determination on Coverage under the Noncontact Cooling Water or Condensate and Boiler Water (No. WI-0044938-6)

Parent Company: Fox River Fiber Co., LLC
 Facility Name: Fox River Fiber Co., LLC
 Site Location: 1751 West Matthew Drive, De Pere, Wisconsin 54115
 Facility Identification Number (FIN): 69974

Dear Mr. Logan:

The Wisconsin Department of Natural Resources (hereafter Department) has determined that your proposed discharge for Fox River Fiber Co., LLC is eligible for coverage and is hereby authorized under the Wisconsin Pollutant Discharge Elimination System (WPDES) general permit for *Noncontact Cooling Water or Condensate and Boiler Water* (No. WI-0044938-6). This determination was based on review of the General Permit Request for Coverage form received by the Department from you on January 23, 2020. You are responsible for compliance with the requirements and conditions contained in the permit. Please download the permit and fact sheet from the Department website at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

Discharge Description:

This permit covers the discharge of noncontact cooling water to the Lower Fox River.

Your proposed or continued discharge is eligible for coverage and is hereby authorized under the Wisconsin Pollutant Discharge Elimination System (WPDES) general permit *Noncontact Cooling Water or Condensate and Boiler Water* (No. WI-0044938-6) in accordance with s. NR 208.08, Wis. Adm. Code, subject to the following conditions:

1. **Discharge Status:** The Department must be notified if the discharge is discontinued, or if the quality or quantity of the wastewater has changed from those described in the request for coverage under this permit. Please notify me at (920) 662-5174 or Laurel.L.Last@Wisconsin.gov
2. **Continuation of an Expired Permit:** The terms and conditions of this general permit remain in effect until this general permit is reissued or until an individual permit is issued for the discharge to which the general permit applied. The status of expired general permits can be accessed at <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>.
3. **Reporting:** All required monitoring should be reported via eDMR (electronic discharge monitoring report) to be consistent with federal e-reporting requirements. To receive access to the eDMR forms, you must register for a WAMS ID and request access to the monitoring reports via DNR Switchboard at <http://dnr.wi.gov/topic/Switchboard>. Directions on how to do this are attached.

4. Limits and Monitoring: The permittee must report all monitoring data to the Department as required in Section 3.1 of the permit as well as Appendix E. These monitoring requirements and all applicable limits are summarized in the table below.

Parameter	Daily Minimum Limit	Daily Maximum Limit	Monthly Average Limit	Six-Month Average Limit	Sample Frequency	Sample Type
Flow (Gallons Per Day)	-	-	-	-	Quarterly	Estimate
Total Suspended Solids	-	40 mg/L	40 mg/L	-	Quarterly	Grab
pH	6.0 s.u.	9.0 s.u.	-	-	Quarterly	Grab
Total Phosphorus	-	-	-	-	Quarterly	Grab
Oil and Grease	-	15 mg/L	15 mg/L	-	Annually	Grab
BOD ₅	-	-	-	-	Annually	Grab
Ammonia Nitrogen	-	-	-	-	Annually	Grab
Water Treatment Additives	-	-	-	-	Monthly	Record Usage in a Daily Log
Temperature	-	-	-	-	Quarterly	Grab

Discharges covered in Appendix E shall submit a report to the Department 36 months after date of coverage describing potential source reductions or best management practices (BMP) that could be installed to reduce phosphorus and TSS loadings. This may include modifications to the effluent flow, timing of discharge, alternative discharge locations, or changes in operation, among other things. Upon approval, the facility shall implement practices in the BMP plan.

The Notice of Final Determination for this general permit, containing department answers to public comments on the permit, is attached. Additional information regarding the Department's legal authority on this matter and your rights of appeal are shown below.

If you have any questions or concerns regarding this permit or this letter, please contact me at (920) 662-5174 or Laurel.L.Last@Wisconsin.gov.

Sincerely,



Laurel Last
Wastewater Specialist

Cc: DNR NER General Permit File – Fox River Fiber Co., LLC
Cc (email): Heidi Schmitt Marquez, Wastewater Field Supervisor – DNR-Green Bay

Enc: Instructions for Switchboard Registration
Instructions for Completing eDMRs
Notice of Final Determination



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from Board of Public Works to approve award of Contract 21-05 Sidewalk and Curb Repairs to Sommers Construction Company, Inc. in the amount of \$238,190

The Board of Public Works at the February 8, 2021 meeting approved awarding Contract 21-05 Sidewalk and Curb Repairs to Sommers Construction Company, Inc. in the amount of \$238,190 and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- 2021 0208 CI_BOPW_Award_21-05 (PDF)
- 2021 0128 Project 21-05 Bid Tab (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works

From: Eric P. Rakers, P.E., City Engineer

Date: February 8, 2021

RE: **Consideration and possible action on award of Contract 21-05 Sidewalk and Curb Repairs***

The Engineering Department received bids on Project 21-05 Sidewalk and Curb Repairs on January 28, 2021. This work is for maintenance of sidewalk and concrete curb and gutter repairs. The bids received are as follows:

Contractor	Amount
Sommers Construction Company, Inc.	\$238,190.00
Jim Fischer, Inc.	\$251,062.50
Fischer Ulman Construction, Inc.	\$259,350.00
Martell Construction, Inc.	\$259,990.00
Al Dix Concrete, Inc.	\$310,350.00

The budgeted amount from the capital improvement fund is \$271,500. Funding will be \$84,500 from the general obligation debt, \$150,000 from sidewalk assessments, \$10,000 from the water utility, and \$27,000 from the Parks Department.

Staff's recommendation is to accept the bid from Sommers Construction Company, Inc. in the amount of \$238,190.00.

Attachments:

2021 0128 Project 21-05 Bid Tab (PDF)



**PROJECT 21-05 SIDEWALK AND CURB REPAIRS
BID TAB**

1.8.b

ITEM	DESCRIPTION	UNIT	QTY	BIDDER NO. 1		BIDDER NO. 2		BIDDER NO. 3		BIDDER NO. 4		BIDDER NO. 5	
				Sommers Construction Company Inc		Jim Fischer Inc		Fischer Ulman Construction Inc		Martell Construction Inc		Al Dix Concrete Inc	
				UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID
STREET AND DRAINAGE CONSTRUCTION (Sidewalk Repair Area)													
SD-01	Provide 3/4" Crushed Aggregate Base Course	TON	200	\$ 24.00	\$ 4,800.00	\$ 30.00	\$ 6,000.00	\$ 25.00	\$ 5,000.00	\$ 30.00	\$ 6,000.00	\$ 40.00	\$ 8,000.00
SD-02	Remove and Replace 8" Concrete Sidewalk and Driveway	SY	20	\$ 92.00	\$ 1,840.00	\$ 100.00	\$ 2,000.00	\$ 90.00	\$ 1,800.00	\$ 88.00	\$ 1,760.00	\$ 110.00	\$ 2,200.00
SD-03	Remove and Replace 6" Concrete Sidewalk, Ramp and Driveway	SY	300	\$ 78.00	\$ 23,400.00	\$ 81.00	\$ 24,300.00	\$ 85.00	\$ 25,500.00	\$ 84.00	\$ 25,200.00	\$ 100.00	\$ 30,000.00
SD-04	Remove and Replace 4" Concrete Sidewalk	SY	1,300	\$ 73.00	\$ 94,900.00	\$ 72.00	\$ 93,600.00	\$ 75.00	\$ 97,500.00	\$ 80.00	\$ 104,000.00	\$ 90.00	\$ 117,000.00
SD-05	Drilled Tie Bars (Existing Sidewalk, Driveway, Curb and Gutter)	EA	1,300	\$ 7.00	\$ 9,100.00	\$ 6.00	\$ 7,800.00	\$ 8.25	\$ 10,725.00	\$ 5.00	\$ 6,500.00	\$ 10.00	\$ 13,000.00
SD-06	Provide #4 Reinforcement Bars for Curb and Sidewalk	LF	100	\$ 2.50	\$ 250.00	\$ 3.00	\$ 300.00	\$ 3.00	\$ 300.00	\$ 2.00	\$ 200.00	\$ 2.00	\$ 200.00
SD-07	Provide Detectable Warning Field (Natural Patina)	EA	10	\$ 350.00	\$ 3,500.00	\$ 350.00	\$ 3,500.00	\$ 350.00	\$ 3,500.00	\$ 300.00	\$ 3,000.00	\$ 350.00	\$ 3,500.00
STREET AND DRAINAGE CONSTRUCTION (Various Locations)													
SD-08	Provide 3/4" Crushed Aggregate Base Course	TON	300	\$ 24.00	\$ 7,200.00	\$ 30.00	\$ 9,000.00	\$ 25.00	\$ 7,500.00	\$ 30.00	\$ 9,000.00	\$ 40.00	\$ 12,000.00
SD-09	Remove and Replace 24" Concrete Curb and Gutter	LF	250	\$ 49.00	\$ 12,250.00	\$ 50.00	\$ 12,500.00	\$ 60.00	\$ 15,000.00	\$ 51.50	\$ 12,875.00	\$ 60.00	\$ 15,000.00
SD-10	Remove and Replace 8" Concrete Sidewalk and Driveway	SY	10	\$ 120.00	\$ 1,200.00	\$ 120.00	\$ 1,200.00	\$ 120.00	\$ 1,200.00	\$ 88.00	\$ 880.00	\$ 120.00	\$ 1,200.00
SD-11	Remove and Replace 6" Concrete Sidewalk, Ramp and Driveway	SY	50	\$ 80.00	\$ 4,000.00	\$ 90.00	\$ 4,500.00	\$ 90.00	\$ 4,500.00	\$ 84.00	\$ 4,200.00	\$ 115.00	\$ 5,750.00
SD-12	Remove and Replace 4" Concrete Sidewalk	SY	200	\$ 77.00	\$ 15,400.00	\$ 81.00	\$ 16,200.00	\$ 79.00	\$ 15,800.00	\$ 80.00	\$ 16,000.00	\$ 90.00	\$ 18,000.00
SD-13	Provide 6" Concrete Sidewalk and Ramp	SY	100	\$ 63.00	\$ 6,300.00	\$ 92.00	\$ 9,200.00	\$ 75.00	\$ 7,500.00	\$ 73.00	\$ 7,300.00	\$ 95.00	\$ 9,500.00
SD-14	Provide 4" Concrete Sidewalk	SY	750	\$ 59.00	\$ 44,250.00	\$ 57.15	\$ 42,862.50	\$ 65.00	\$ 48,750.00	\$ 69.00	\$ 51,750.00	\$ 81.00	\$ 60,750.00
SD-15	Drilled Tie Bars (Existing Sidewalk, Driveway, Curb and Gutter)	EA	100	\$ 7.00	\$ 700.00	\$ 6.00	\$ 600.00	\$ 8.25	\$ 825.00	\$ 5.00	\$ 500.00	\$ 10.00	\$ 1,000.00
SD-16	Provide #4 Reinforcement Bars for Curb and Sidewalk	LF	800	\$ 1.50	\$ 1,200.00	\$ 3.00	\$ 2,400.00	\$ 3.00	\$ 2,400.00	\$ 2.00	\$ 1,600.00	\$ 2.00	\$ 1,600.00
SD-17	Provide Detectable Warning Field (Natural Patina)	EA	9	\$ 300.00	\$ 2,700.00	\$ 350.00	\$ 3,150.00	\$ 350.00	\$ 3,150.00	\$ 300.00	\$ 2,700.00	\$ 350.00	\$ 3,150.00
SD-18	Adjust Manhole	EA	2	\$ 350.00	\$ 700.00	\$ 350.00	\$ 700.00	\$ 450.00	\$ 900.00	\$ 450.00	\$ 900.00	\$ 500.00	\$ 1,000.00
SD-19	Legion Park Pool Deck Repairs	SY	50	\$ 90.00	\$ 4,500.00	\$ 225.00	\$ 11,250.00	\$ 150.00	\$ 7,500.00	\$ 112.50	\$ 5,625.00	\$ 150.00	\$ 7,500.00
	TOTALS			\$ 238,190.00		\$ 251,062.50		\$ 259,350.00		\$ 259,990.00		\$ 310,350.00	



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from the Board of Public Works to approve award of Contract 21-06 Concrete Street Repairs to Vinton Construction Company in the amount of \$247,223

The Board of Public Works at the February 8, 2021 meeting approved awarding Contract 21-06 Concrete Street Repairs to Vinton Construction Company in the amount of \$247,223 and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- 2021 0208 CI_BOPW_Award_21-06 (PDF)
- 2021 0128 Project 21-06 Bid Tab (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works
From: Eric P. Rakers, P.E., City Engineer
Date: February 8, 2021

RE: **Consideration and possible action on award of Contract 21-06 Concrete Street Repairs***

The Engineering Department received bids on Project 21-06 Concrete Street Repairs on January 28, 2021. This project involves colored concrete sealing, concrete street rehabilitation (including S. Ninth Street) and concrete street repairs throughout the City. The bids received are as follows:

Contractor	Amount
Vinton Construction Co.	\$247,223
Sommers Construction Company, Inc.	\$247,956
CPR, Inc.	\$289,444
Martell Construction, Inc.	\$332,313
Norcon Corporation	\$383,208

The allocated amount from the capital improvement budget is \$265,000. Funding will be \$255,000 from the general obligation debt and \$10,000 from the water utility.

Staff's recommendation is to accept the bid from Vinton Construction Co. in the amount of \$247,223.

Attachments:

2021 0128 Project 21-06 Bid Tab (PDF)

PROJECT 21-06 CONCRETE STREET REPAIRS
BID TAB



				BIDDER NO. 1		BIDDER NO. 2		BIDDER NO. 3		BIDDER NO. 4		BIDDER NO. 5	
				Vinton Construction Company		Sommers Construction Company Inc		CPR Inc		Martell Construction Inc		Norcon Corporation	
ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID
STREET AND DRAINAGE (S. Ninth Street)													
SD-01	Remove and Replace Doweled 8" Concrete Pavement	SY	800	\$ 87.60	\$ 70,080.00	\$ 68.95	\$ 55,160.00	\$ 80.00	\$ 64,000.00	\$ 76.50	\$ 61,200.00	\$ 106.00	\$ 84,800.00
SD-02	Remove and Replace 24" Concrete Curb and Gutter Integral	LF	400	\$ 25.00	\$ 10,000.00	\$ 24.00	\$ 9,600.00	\$ 20.00	\$ 8,000.00	\$ 35.00	\$ 14,000.00	\$ 50.00	\$ 20,000.00
SD-03	Remove and Replace 24" Concrete Curb & Gutter	LF	350	\$ 45.00	\$ 15,750.00	\$ 36.00	\$ 12,600.00	\$ 45.00	\$ 15,750.00	\$ 55.00	\$ 19,250.00	\$ 50.00	\$ 17,500.00
SD-04	Partial Depth Concrete Pavement Joint Repair (2' Wide)	LF	1,300	\$ 50.00	\$ 65,000.00	\$ 49.74	\$ 64,662.00	\$ 70.00	\$ 91,000.00	\$ 55.00	\$ 71,500.00	\$ 49.71	\$ 64,623.00
SD-05	Drilled Tie Bars	EA	600	\$ 8.00	\$ 4,800.00	\$ 7.00	\$ 4,200.00	\$ 6.00	\$ 3,600.00	\$ 5.00	\$ 3,000.00	\$ 16.00	\$ 9,600.00
SD-06	Drilled Dowel Bars	EA	1,000	\$ 0.01	\$ 10.00	\$ 7.00	\$ 7,000.00	\$ 10.00	\$ 10,000.00	\$ 10.00	\$ 10,000.00	\$ 25.00	\$ 25,000.00
SD-07	Cross-Stitching Longitudinal Joints and Cracks (#6 Bars)	EA	40	\$ 20.00	\$ 800.00	\$ 30.00	\$ 1,200.00	\$ 25.00	\$ 1,000.00	\$ 75.00	\$ 3,000.00	\$ 80.00	\$ 3,200.00
SD-08	Provide Pavement Marking Epoxy Crosswalk Line 6" White	LF	240	\$ 18.50	\$ 4,440.00	\$ 18.50	\$ 4,440.00	\$ 18.50	\$ 4,440.00	\$ 18.50	\$ 4,440.00	\$ 25.00	\$ 6,000.00
SD-09	Provide Pavement Marking Epoxy Line 4" Yellow	LF	820	\$ 3.20	\$ 2,624.00	\$ 3.20	\$ 2,624.00	\$ 3.20	\$ 2,624.00	\$ 3.20	\$ 2,624.00	\$ 6.00	\$ 4,920.00
STREET AND DRAINAGE (VARIOUS LOCATIONS)													
SD-10	Provide 1 1/4" Crushed Aggregate Base Course	TON	20	\$ 10.00	\$ 200.00	\$ 25.00	\$ 500.00	\$ 30.00	\$ 600.00	\$ 35.00	\$ 700.00	\$ 29.00	\$ 580.00
SD-11	Remove and Replace Doweled 8" Concrete Pavement	SY	200	\$ 70.00	\$ 14,000.00	\$ 79.00	\$ 15,800.00	\$ 80.00	\$ 16,000.00	\$ 91.00	\$ 18,200.00	\$ 106.00	\$ 21,200.00
SD-12	Remove and Replace Doweled 8" Concrete Pavement (HES-3 DAY)	SY	10	\$ 90.00	\$ 900.00	\$ 83.00	\$ 830.00	\$ 85.00	\$ 850.00	\$ 100.00	\$ 1,000.00	\$ 110.00	\$ 1,100.00
SD-13	Remove and Replace 24" Concrete Curb & Gutter	LF	50	\$ 45.00	\$ 2,250.00	\$ 40.00	\$ 2,000.00	\$ 45.00	\$ 2,250.00	\$ 55.00	\$ 2,750.00	\$ 50.00	\$ 2,500.00
SD-14	Remove and Replace 24" Concrete Curb & Gutter Integral	LF	20	\$ 20.00	\$ 400.00	\$ 40.00	\$ 800.00	\$ 20.00	\$ 400.00	\$ 35.00	\$ 700.00	\$ 50.00	\$ 1,000.00
SD-15	Drilled Tie Bars	EA	30	\$ 8.00	\$ 240.00	\$ 9.00	\$ 270.00	\$ 6.00	\$ 180.00	\$ 5.00	\$ 150.00	\$ 16.00	\$ 480.00
SD-16	Drilled Dowel Bars	EA	60	\$ 12.00	\$ 720.00	\$ 12.00	\$ 720.00	\$ 10.00	\$ 600.00	\$ 12.00	\$ 720.00	\$ 25.00	\$ 1,500.00
SPECIAL CONSTRUCTION													
SC-01	Colored Concrete Sealing	SF	52,300	\$ 0.83	\$ 43,409.00	\$ 1.00	\$ 52,300.00	\$ 1.00	\$ 52,300.00	\$ 1.73	\$ 90,479.00	\$ 1.85	\$ 96,755.00
SC-02	Inlet Protection Type D	EA	30	\$ 80.00	\$ 2,400.00	\$ 100.00	\$ 3,000.00	\$ 50.00	\$ 1,500.00	\$ 150.00	\$ 4,500.00	\$ 120.00	\$ 3,600.00
SC-03	Adjust Manhole	EA	5	\$ 300.00	\$ 1,500.00	\$ 325.00	\$ 1,625.00	\$ 375.00	\$ 1,875.00	\$ 450.00	\$ 2,250.00	\$ 450.00	\$ 2,250.00
SC-04	Adjust Inlet	EA	5	\$ 300.00	\$ 1,500.00	\$ 325.00	\$ 1,625.00	\$ 395.00	\$ 1,975.00	\$ 450.00	\$ 2,250.00	\$ 350.00	\$ 1,750.00
SC-05	Traffic Control (S. Ninth Street)	LS	1	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 5,000.00	\$ 5,000.00	\$ 14,000.00	\$ 14,000.00	\$ 6,500.00	\$ 6,500.00
SC-06	Traffic Control (813 N. Broadway)	LS	1	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 350.00	\$ 350.00
SC-07	Traffic Control (Grant Street)	LS	1	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
SC-08	Traffic Control (Lawrence Drive)	LS	1	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00
SC-09	Traffic Control (Concrete Sealing)	LS	1	\$ 1,200.00	\$ 1,200.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,600.00	\$ 2,600.00	\$ 6,500.00	\$ 6,500.00
BASE BID TOTALS					\$ 247,223.00		\$ 247,956.00		\$ 289,444.00		\$ 332,313.00		\$ 383,208.00



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from the Board of Public Works to Approve Soliciting Design Services for Municipal Service Center Expansion

The Board of Public Works at the February 8, 2021 meeting approved solicitation of design services for Municipal Service Center Expansion and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

The MSC is in need of expansion for storage of the City's equipment and vehicles at its current location. The City had an evaluation of the MSC facility done in 2010 (See attached evaluation). The evaluation of the MSC operations showed the City's operations have out grown equipment & vehicle storage capacity at the MSC. Equipment and vehicles are tightly parked end to end, creating inefficiencies for equipment and vehicle movements as well as increased safety risks. The evaluation looked at different equipment and vehicle layouts utilizing the existing storage but it was obvious that there is not enough space for all the equipment and vehicles. This has resulted in increased storage of equipment and vehicles outside exposed to all the weather elements. In addition, the City has acquired numerous equipment and vehicles since the study was done in 2010 creating even more of a need for additional storage.

In reviewing the concept plans done in 2010, it appears moving forward with an expansion on this site we are not going to be able to meet the setback requirements with the current I-3 zoning. In order to expand on the existing MSC site it will be required the existing MSC site rezone to a PDD. The intent of rezoning to a PDD is to be able to expand on the existing site and be able to have the flexibility for setback infringements.

The approved 2021 budget has \$250,000 allocated for hiring a consultant for design services for the MSC expansion on the existing site. As part of the design process, the consultant would provide bidding documents and construction cost estimates. It would be the intent once the design is completed, funding for the actual construction would be included as part of the 2022 budget process for Council consideration.

Staff is recommending approval to solicit for design services for the MSC expansion on the existing site.

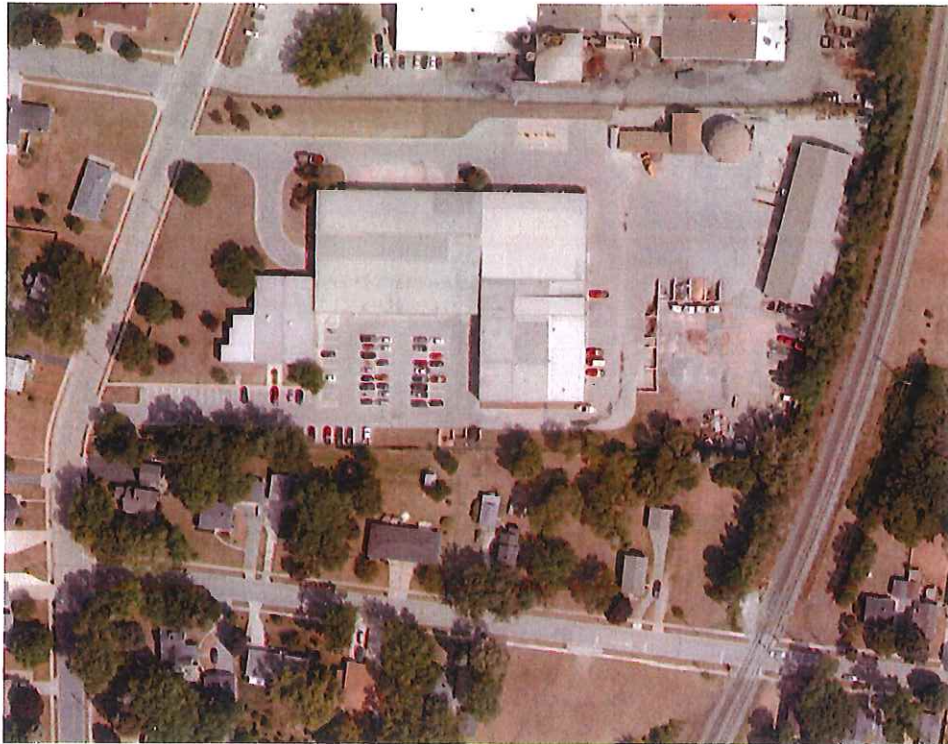
ATTACHMENTS:

- GRAEF - Evaluation of Facility Expansion Needs for MSC (PDF)



Evaluation of Facility Expansion Needs for Municipal Service Center City of De Pere

October 19, 2010



Prepared for:

City of De Pere
925 South 6th Street
De Pere, Wisconsin 54115-1199

Prepared by:

GRAEF
1150 Springhurst Drive, Suite 201
Green Bay, Wisconsin 54304-5950
Telephone: (920) 592-9440
FAX: (920) 592-9445

City of De Pere Municipal Service Center

GRAEF Project Number: 2010-2015.00

Prepared for: City of De Pere

Site Address: 625 South 6th Street
De Pere, Wisconsin 54115-1199

Prepared By: GRAEF
1150 Springhurst Drive, Suite 201
Green Bay, Wisconsin 54304-5950
(920) 592-9440

Jay Jensen
Architectural Designer

Pat Fehrenbach
Project Architect

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Project Description

At the current time, the City of De Pere operates and maintains a single Municipal Service Center (MSC) at 925 6th Street. The facility is situated on a 7.5 acre site. The MSC is comprised of 3 main operation areas, including engineering/administrative offices, heated garage, and a vehicle repair and maintenance shop. In addition, there are 3 smaller separate support buildings located at the northeast corner of the site. The city has also begun to purchase adjacent residential lots near their south east corner, with frontage on Lande Street, for future use.

Based on observed operational concerns and issues, the City of De Pere determined a need to evaluate its existing facility and identify potential expansion needs. The evaluation process involved an overall review and inspection of the facility, including the identification of existing deficiencies and the planning for future space requirements.

Evaluation Process

The evaluation process began with information and data collection. Background information was obtained through staff surveys and on-site interviews with department managers. A formal walk-thru of the facility was conducted. Existing site and building plans and photographs (Appendix A) were used to document the existing physical conditions at the facility. Information was obtained concerning staff and equipment assigned to the facility (Appendix B).

After the background information and site data was obtained, a summary of information was prepared. From the summary, critical information concerning the operation of the facility was then utilized for the development of expansion needs and options. A number of options were developed based on site constraints. The options were then reviewed and discussed with the department managers and a preferred expansion plan was identified.

As a final part of the evaluation process, an "opinion of cost" for each of the proposed improvements was developed.

Existing Facility Description

The MSC is bordered by industrial properties on the north, residential properties on the south and west, and a railroad corridor on the east. The west side of the facility is bounded by 6th Street. Access to and from the facility is from two separate entrances off of 6th Street. The main service center facility is located in the center of the site and is "U" shaped. (See Appendix D)

To facilitate vehicle movement within the site, the access drives are connected to a paved route the runs around the perimeter of the buildings. Public and employee parking are located along the south side of the facility and extend into a paved area located within the "U" shaped area of the buildings. The entrance road located along the north side of the building is the primary operations travel route for access to the garage or around to the east side of the facility for access to the vehicle repair, Water Department, and vehicle wash access doors. Along the east side of the site, there is a large paved area that facilitates vehicle movements to and from the unheated storage building, salt storage, and outside material storage areas.

The MSC houses the Engineering Department, Parks & Recreation Department, Streets & Maintenance Department and Water Department. The administrative area for the four departments and employee support are also located in the office building structure at the southwest corner of the facility. The heated garage is centrally located and is the main storage area for the vehicles used by

all of the departments. It is a warehouse type structure. The vehicle repair and maintenance shops are located at the east end of the facility in a maintenance garage building structure. There are additional unattached support buildings, including an unheated storage building, a salt storage dome building and older salt shed used for other material storage.

The approximate sizes for the individual facility support areas are as follows:

Engineering and Administration	8,900 sq.ft.
Heated Garage	40,540 sq.ft.
Vehicle Repair and Maintenance	17,540 sq.ft.
Total Facility	66,980 sq.ft.

Evaluation Summary

Parking Issues

The most prevalent issue raised during the interview process was that the heated vehicle parking space is inefficient and inadequate. All of the departments use the same heated vehicle storage space to park vehicles, store vehicle accessories and equipment. When all required vehicles & equipment are parked in the heated storage area, the space is filled with equipment including access lanes. The only way to move most vehicles is to first move those vehicles or equipment that may have them 'parked in' or blocked. On a regular basis, vehicles and equipment are rotated out to the unheated storage to get as much maneuvering space as possible in the tightly parked garage. Due to the congestion in the heated garage, safety for the workers in the facility during times of maximum vehicle movement is a regular concern.

Site Security Issues

The level of security at the MSC is relatively low. The two areas of concern include limited access monitoring during the operational hours of the facility and the potential for access during non-operational periods. Areas of the facility can be easily accessed during non-operational hours by the inadvertent activation of automatic overhead doors. Secondly, during the normal daily working hours at the MSC, access through the north gate is easily accomplished with limited security or access monitoring.

Office and Employee Support Issues

The existing administrative office area is deemed to be adequate under current staff levels. Additional office space may be required if future staffing levels were to increase. There was also a concern raised regarding a lack of adequate space for formal training of staff.

An issue was raised regarding the layout of the work areas in the Water Department and the use of the first aid office for general office space.

Facility Storage Issues

In general, all Departments indicated that storage of one type or another was inadequate. Additional storage needs were identified both in the garage facility and office areas. Suggestions were also made to make improvements for storage in areas that currently exist within the facility.

Mechanical and Lighting Issues

The existing air handling system in the heated garage needs to be evaluated to determine if it is inadequately sized to support the large number of vehicles utilizing the space. Poor air quality and circulation is a continuous issue, with dust and dirt settling on the parked vehicles on a daily basis.

The HVAC system was not providing needed air conditioning to reduce humidity levels in the front offices, but was being serviced at the time of walk-thru. Historically, the HVAC has not been a concern.

- Concerns were raised regarding the level of lighting in the vehicle maintenance repair shop stock room.
- An issue was raised regarding the size of the sink in the Water Department for meter cleaning and maintenance.

Miscellaneous Issues

- Vehicle wash bay ceiling is low and does not allow cleaning of truck boxes.
- An operation's issue was raised with respect to the internal layout for vehicles in the maintenance and repair shop. A drive thru bay is recommended and would improve the efficiency of vehicle movement.

Expansion Plan & Costs

As a part of the evaluation, the facility property limits, existing building heights, roof pitches, water drainage and vehicle circulation were considered the driving factors for any potential expansion.

During the evaluation of the MSC operations, it is clearly evident that City operations have out grown the heated vehicle storage capacity area. Vehicles are tightly parked end to end, creating inefficiencies for vehicle movements and increased safety risks. Valuable staff time is spent each day moving vehicles around the facility. In addition, regular oversight is provided to insure the safety of the employees and vehicles. We also looked at different vehicle layouts but it became obvious that there is not enough space for all the vehicles to fit.

Based on the current number of vehicles and amount of equipment, the facility is undersized by approximately 20,000 square feet. The overall facility size is directly related to the vehicle size, required turning radii, and how the vehicle circulation is incorporated into the building layout.

As a part of the analysis we reviewed areas around the facility and possible locations where building additions could be added without reconstructing the roof slopes of large areas of the

existing facility or negatively impact the daily operations and associated costs involved. The Northwest Corner of the facility is a preferred location for its proximity to the existing heated parking garage but the existing roof slopes and building heights create challenges for any addition.

Appendix "E" is an illustration of the alternate layout analysis. An addition directly to the north wall of the existing Heated Garage does not meet the criteria to provide the needed square footage without restricting the vehicle traffic flow around or in and out of the existing facility. Visibility around the building corners is not ideal and increases the potential for accidents. Changing the existing roof structure at the intersection of the new and existing structures would be required for the need interior clearance and for snow and water runoff. This adds costs to reinforce the existing roof and replacing large portions of the existing roof to redirect water to internal roof drains. Another possible location for expansion is in the Southeast corner of the facility and requires expanding onto the residential properties for access onto Lande Street. This is a standalone building with that separates the Streets department a considerable distance from the existing facility.

Due to the anticipated cost of the ultimate expansion, a two phased construction plan may be desirable by the City.

Phase 1 Expansion

Phase 1 is proposed to include the construction of a separate 10,080 square foot building (224 ft. x 45 ft.) to be located north of the existing heated parking adjacent to the north fence line. This structure would allow the relocation of the refuse vehicles, sewer jet truck, front loaders, and provide a paint storage area. Unfortunately, this building expansion alone will not provide sufficient space needed to eliminate the parking deficiencies in the existing main heated garage. See Appendix F (Phase 1 Expansion).

Three other smaller projects would be included in Phase 1.

Project 1.1 Salt Dome

This project would improve the salt dome facility. The intent of the project is to provide an enclosure extension to the existing salt dome by providing a shelter over the door opening to better protect the salt when doors are open and allowing the salt to be piled higher.

Project 1.2 Pavement Expansion

This project would involve extending the paving area around the southeast corner of the facility for needed clearance at the wash bay entrance. The wash bay can be entirely used for its' original purpose to clean vehicles in both bays by moving the paints to the proposed building expansion.

Project 1.3 Site Fence/Gate

This project would involve fencing in the acquired residential lot at the southeast corner of the property and install an additional gate on Lande Street. This project will also provide an additional 8400 sq. ft. of outside storage space for landscaping materials. The additional entrance will also reduce the amount of mud and dirt that is typically tracked around the entire perimeter of the facility by providing an alternative entrance for those vehicles.

Phase 1 Expansion Costs

Building expansion	\$726,000	
Salt shed extension	\$ 13,500	
Pavement Expansion	\$ 5,500	
Security fencing	\$ 22,000	
Sub-Total Construction Cost	\$767,000	
Contingency 10% of Total Construction		\$ 76,700
A&E Fees 6% of Total Construction		\$ 46,000
Phase 1 Total Cost		\$889,700

Phase 2 Expansion

Phase 2 is proposed to include a 10,300 square foot building addition (100 ft. x 103 ft.) to the west side of the existing heated parking garage. This expansion will provide additional vehicle & equipment space, re-work the traffic / parking layout to a single direction flow of traffic for efficient vehicle movements, and address employee safety issues relating to vehicle movements within the garage. See Appendix F (Phase 2 Expansion).

The proposed additions for this facility will serve to meet the current needs of the City but the existing site does not have the space available for future additions. The City has begun purchasing additional properties along Lande Street that maybe utilized for future building additions or better site circulation.

Phase 2 Expansion Costs

Building expansion	\$701,500
Contingency 10% of Total Construction	\$ 70,150
A&E Fees 6% of Total Construction	\$ 42,100
Phase 2 Total Cost	\$813,750

Additional Areas to be AddressedLight Levels in Repair Shop Stock Room

Add 20 new fluorescent fixtures	\$ 5,000
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Water Department Sink

New larger sink for meter washing	\$ 1,500
-----------------------------------	----------

Wash Bay and Repair Shop

Two other areas of concern that were discussed during the evaluation process were the lack of proper clearance for washing tipped truck boxes in the existing wash bay and the lack of a drive thru bay in the maintenance and repair shop. Solving these issues within the existing building would require major structural and building layout changes, therefore it is our opinion that the best solution would be to move these areas into a new structure that could meet their requirements. The existing site does not have room for this new building, however it is our understanding that the city is looking to purchase additional, adjacent, residential lots to the south along Lande Street.

Acquiring one or two more lots would likely allow for this new vehicle repair/wash bay building – similar to the location shown in Appendix E. This would also allow for future expansion of departments, within the existing building, once vehicle repair and the wash bay had relocated to the new building. As these two areas were not deemed as high a priority as the heated vehicle storage issues above and land is not yet available for this new building, preliminary layouts and cost estimates have not yet been generated.

Appendix A

Photos of Existing Facility



Administrative Offices/Employee Support



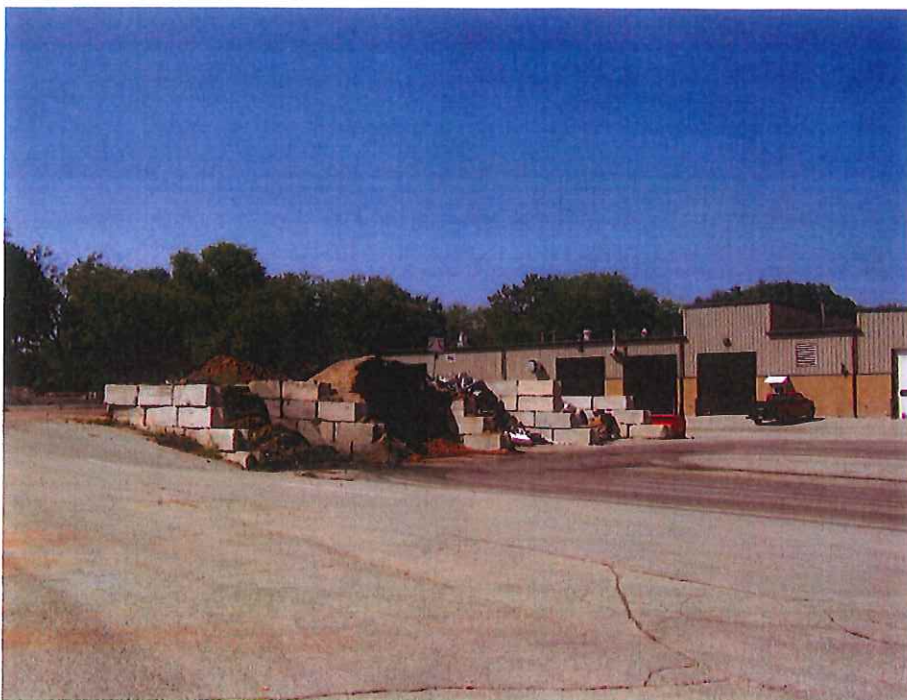
South side of facility/Employee Parking - Heated Garage (left) – Shops and Wash Bay (Right)



Northwest Entrance – Heated Parking



Westside – Heated Parking



West side – Vehicle Repair & Shops



Materials Storage Area – (Expand on to adjacent lot at Southeast corner)



Northwest Entrance (Location of Phase I structure)



Fuel Island - Looking West



Unheated Storage Building (Seasonal street decorations, equipment and covered materials)



Example of vehicles parked end to end. (Some vehicles parked 3 deep)



Example of vehicles parked end to end. (Photo taken when many vehicles out in the field)



Existing Vehicle Aisle (Vehicles projecting into Vehicle Aisle – Safety Cones)

Appendix B

Equipment Data Base:

EQUIPMENT DATA BASE - ENGINEERING ACCT#

EQUIP #	YEAR	EQUIPMENT DESCRIPTION	DEPT
30	2001	HONDA ATV FOUR WHEELER	ENGINEERING
31	1996	CHEVROLET 1/2 TON PICK UP	ENGINEERING
32	2006	CHEVROLET 1/2 TON PICK UP	ENGINEERING
33	1990	FORD VAN	ENGINEERING
34	2004	CHEVROLET 2500 VAN	ENGINEERING
35	2007	CHEVROLET IMPALA CAR	ENGINEERING
36	2008	CHEVROLET 1/2 TON PICK UP	ENGINEERING
37	2006	CHEVROLET 1/2 TON PICK UP 4 X 4	ENGINEERING
38	2009	CHEVROLET COLORADA PICK UP TRUCK	ENGINEERING
39	2008	CHEVROLET IMPALA CAR	ENGINEERING

EQUIPMENT DATA BASE - PARK ACCT# 40 UPDATED 2/11/10

EQUIP #	YEAR	EQUIPMENT DESCRIPTION	DEPT	GAL	TYPE	ACCT#	EQUIPMENT REPLACEMENT YEAR	REPLACEMENT FREQUENCY
3001	2000	HOLDER	PARK	15	DIE	40		10
3002	2001	CHEVROLET PICK-UP (FORESTER)	PARK	34	UNL	40		10
3003	2008	TORO 3 WHEELER SAND PRO	PARK	2	UNL	40		10
3004	2000	CHEVROLET 1 TON DUMP TRK	PARK	40	UNL	40		10
3005	2006	HOLDER	PARK	10	DIE	40		10
3008	2007	CHEV 1 TON DUMP UNLEADED	PARK	20	UNL	40		10
3009	2004	CHEV MAILIBU	PARK	15	UNL	40		10
3011	2008	TOYOTA PRIUS	PARK	15	UNL	40		10
3012	1996	INTERNATIONAL HIGH RANGER	PARK	50	DIE	40		10
3013	1998	CHEVROLET PICK-UP TRUCK	PARK	15	UNL	40		10
3014	1993	FORD F-700 DIESEL	PARK		DIE			
3015	2003	FORD F-250	PARK	30	UNL	40		10
3016	2006	CHEVROLET 1 TON DUMP TRK	PARK	20	UNL	40		10
3017	2009	VANTAGE ELECTRIC PICK UP	PARK	35	UNL/ELEC	40		10
3018	2004	INTERNATIONAL DUMP TRK	PARK	50	DIE	40		10
3019	2007	JOHN DEERE TRACTOR	PARK	20	DIE	40		15
3020	1994	FORD 3/4 TON PICK-UP TRK	PARK	20	UNL	40		10
3301	1997	RAY-CO STUMPER	PARK	20	DIE	40		20
3302	1996	KAWASAKI MULE	PARK	5	UNL	40		20
3303	2006	KUBOTA RIDING MOWER	PARK	10	DIE	40		10
3304	2007	TORO RIDING MOWER 4000D	PARK	10	DIE	40		10
3305	2005	TORO RIDING MOWER 580D	PARK	25	DIE	40		10
3306	2009	TORO RIDING MOWER 4000D	PARK	20	DIE	40		10
3307	2002	TORO RIDING MOWER GROUNDMASTER 72'	PARK	10	DIE	40		10
3308	2007	CHEVROLET 1 TON DUMP TRK	PARK	25	UNL	40		10
3309	2003	FORD F-350 DUMP	PARK	40	UNL	40		10
3310		GOOSEN VAC	PARK					
3311		LINE LAZER 3900	PARK		UNL			
3400		MISC 5 GAL UNL FUEL KEY	PARK	5	UNL	40		
		TRI AXLE TRAILER						

EQUIPMENT DATA BASE - STREETS ACCT# 1 *MECH ACCT # 35
 UPDATED 8/1/08 OTHER ACCT # 77

GAL LIMIT TYPE ACCT#

EQUIP #	YEAR	EQUIPMENT DESCRIPTION	DEPT			
10	2009	CHEVROLET 3500 1-TON	MECH	35	UNL	35
55	2009	FORD ESCAPE 4 X 4	STREET-DIR PW	20	UNL	77
58	2009	CHEVROLET 3500 1-TON DUMP TRUCK - DIESEL	STREET		DIE	
59	2009	CHEVROLET 3500 1-TON DUMP TRUCK - DIESEL	STREET		DIE	
61	2010	FORD F-150 PICK UP	STREET	20	UNL	35
62	2009	CHEVROLET 3500 1-TON DUMP TRUCK 4 X 4 - DIESEL	STREET	40	DIE	1
63	2009	CHEVROLET 3500 1-TON DUMP TRUCK	STREET	25	DIE	1
64	2007	FORD F-450 VERSALIFT AERIAL	MECHANIC	20	DIE	35
65	2008	CHEVROLET 4X4 PICK-UP	STREET	20	UNL	77
66	2004	FORD F-450 AERIAL TRUCK (SIGN SHOP)	STREET	40	UNL	1
67	2004	CHEVROLET 1/2 TON PICK-UP TRUCK WITH LIFT GATE	MECHANIC	27	UNL	1
68	2002	FORD F-350 1-TON DUMP TRUCK	STREET	40	UNL	1
69	2000	INTERNATIONAL 5 YD DUMP TRUCK	STREET	40	DIE	1
70	2007	PETERBILT 5YD DUMP TRUCK	STREET	50	DIE	1
71	2002	STERLING CAMEL SEWER SETTING TRUCK	STREET	50	DIE	1
72	2006	INTERNATIONAL 12 YD DUMP TRUCK - TANDEM	STREET	50	DIE	1
73	2009	PETERBILT 12 YD DUMP TRUCK - TANDEM	STREET	50	DIE	1
74	2004	INTERNATIONAL 5 YD DUMP TRUCK	STREET	50	DIE	1
76	2009	PETERBILT 12 YD DUMP TRUCK - TANDEM	STREET	50	DIE	1
77	2004	INTERNATIONAL 5 YD DUMP TRUCK	STREET	50	DIE	1
78	2005	PETERBILT 5 YD DUMP TRUCK	STREET	50	DIE	1
79	2005	PETERBILT 5 YD DUMP TRUCK	STREET	50	DIE	1
80	2004	PETERBILT PB-320 GARBAGE TRUCK 27.5 CU YD	STREET	50	DIE	1
84	2008	PETERBILT 320 GARBAGE & RECYCLING TRUCK, 32 CU YD BRIDGEPORT	STREET	50	DIE	1
85	2008	PETERBILT 320 GARBAGE & RECYCLING TRUCK, 32 CU YD BRIDGEPORT	STREET	50	DIE	1
86	2004	STERLING 12 YD DUMP TRUCK - TANDEM	STREET	50	DIE	1
87	2008	PETERBILT 320 GARBAGE & RECYCLING TRUCK, 32 CU YD BRIDGEPORT	STREET	50	DIE	1
88	2009	PETERBILT 320 GARBAGE & RECYCLING TRUCK, 32 CU YD BRIDGEPORT	STREET	50	DIE	1
89	2008	PETERBILT 320 GARBAGE & RECYCLING TRUCK, 32 CU YD BRIDGEPORT	STREET	50	DIE	1
91	2004	ODB LEAF LOADER AUTOMATED FOR TRK #86	STREET	25	DIE	1
92	2006	ODB LEAF LOADER AUTOMATED FOR TRK #72	STREET	25	DIE	1
99	2009	GMC - ELGIN CROSSWIND SWEEPER	STREET		DIE	
100	2004	BOBCAT A300	STREET	20	DIE	1
101	2006	HOLDER 9700	STREET	20	DIE	1
102	2004	ELGIN PELICAN SWEEPER	STREET	35	DIE	1
103	2007	VOLVO L-90F FRONT END LOADER	STREET	50	DIE	1
104	1997	JOHN DEERE 624G FRONT END LOADER	STREET	50	DIE	1
106	2009	JOHN DEERE 644J FRONT END LOADER	STREET	50	DIE	1
107	2001	CH&E 6" TRASH PUMP	STREET	50	DIE	1
108	2009	JOHN DEERE 672-D MOTOR GRADER	STREET	50	DIE	1
109	2008	AIRMAN AIR COMPRESSOR	STREET	30	DIE	1
110	2001	TOYOTA FORK LIFT REBUILT 2010	STREET		UNL	
111	2002	MORBARK MODEL 13 TORNADO BRUSH CHIPPER	STREET	20	DIE	1
113	1994	ODB LCT 600, LEAF LOADER	STREET	30	DIE	1
115	2009	MORBARK MODEL 15 TORNADO BRUSH CHIPPER	STREET	40	DIE	1
116	2005	GRACO 5900 LINE STRIPER	STREET	5	UNL	1
117	1989	AUGER	STREET	10	UNL	1
118	2001	PMD-500 DT VAC-TRON CATCH BASIN CLEANER	STREET	10	DIE	1
120	2009	SNOWGO SNOW BLOWER MD-3D	STREET	20	DIE	1
121	2005	MORBARK MODEL 13 TORNADO BRUSH CHIPPER	STREET	10	UNL	1
123	1994	WACKER RD880 ROLLER COMPACTOR	STREET	30	DIE	1
125	2001	ODB LCT 600 LEAF LOADER	STREET			1
131		LINE LAZER 5900	STREET		UNL	
134		BARRICADE TRAILER	STREET	30	DIE	1
136	1998	ODB LCT 600 LEAF LOADER	STREET			
100A	2004	TRAILER FOR BOBCAT	STREET			
123A	1994	TRAILER FOR ROLLER	STREET			
131A		SIGN TRAILER	STREET			1

EQUIPMENT DATABASE - WATER ACCT# 30
 UPDATED 2/11/10

GAL TYPE ACCT #

EQUIP #	YEAR	EQUIPMENT DESCRIPTION	DEPT	EQUIPMENT REPLACEMENT YEAR			
21	2004	INTERNATIONAL 4200, 5 YD DUMP TRUCK	WATER	50	DIE	30	2014
22	2010	FORD F-150	WATER	20	ULN	30	2010
23	2000	CHEVROLET WALK-IN VAN	WATER	25	ULN	30	2012
24	2003	FORD F350 DUMP 1-TON TRUCK	WATER	40	ULN	30	2013
25	1977	AIRCO WELDER	WATER	10	DIE	30	
26	2008	CHEVROLET C-1500 PICK-UP TRUCK	WATER	20	ULN	20	2018
27	2007	CHEVROLET C-1500 PICK-UP TRUCK	WATER	20	ULN	20	2017
28	2005	FORD F150 PICK-UP TRUCK	WATER	30	ULN	30	2015
29	2009	CHEVROLET 2500 HD 4 X 4	WATER	35	ULN	35	2019
6105	2002	JOHN DEERE 410 G BACKHOE	WATER	30	DIE	30	2017

Appendix C

Information Collection

Background information was collected for the analysis of the Municipal Service Center in a 5 part process.

1. Questionnaires were distributed to Department Managers and Staff.
2. Department managers were formally interviewed to help understand the current roles of each department and their employees, to identify the critical tasks that are performed on a regular basis, to help identify critical issues that are prevalent, and to solicit any suggestions that would have the potential to improve the operation of the facility.
3. A walk-thru with department managers to better understand each department functions and needs.
4. Produce a layout from plans and measurements of existing facility including vehicle movement and storage, equipment, and traffic routes.
5. Observe operations to see how the facility is functioning.

On Site Interviews

May 26, 2010

8:30 - 9:15 am Tom Blohowiak (AI) - Supervisor

Maintenance Vehicle Repair Shop: 2 full time employees

1. Prefer 3 mechanics year round.
2. Need more storage
3. Dust problems – air into offices and heated parking
4. Lighting in stock room
5. Ideal layout would have a drive thru bay ideal for repairs

9:15 - 10: am Steve Bloemer (AI)

Streets:

1. Most space required with garage, sign office, sign shop, wood shop, wash bay
2. Dust problems in heated parking
3. Vehicle parking is congested.
4. Paint for seasonal and street uses one of the wash bays, not ideal for either operation.
5. Wash bay ceiling is too low for box cleaning.
6. Consider more storage over sign office and wood shop with high ceiling area.

10:00 - 10:45 am Dan Carpenter

Water Service: 6 full time, 6 seasonal employees

1. Spread out work areas
2. Using first aid office for office space.
3. Bigger sink to clean water meters

10:45 - 11:30 am Don Melichar

Parks & Recreation: 6 full time, 11 seasonal employees

Forestry duties include: mowing, maintenance, ball field maintenance, tree pruning & activities.

1. Security needs to be addressed.
2. Garage parking is tight. Dump truck turning radius takes more space from Parks & Recreation heated vehicle storage area.
3. Basement area is not utilized effectively.
4. Need larger training area.
5. Need more office storage.
6. Need more storage in garage area.

11:30 - 12:15 pm Karen Heyrman

Engineering: 7 full-time, 2 seasonal employees

1. Vehicles are sufficient, 2 cars, 2 vans, 4 pickup trucks.
2. Need more heated locked equipment storage.

HVAC in office is not working properly – currently being addressed by mechanical contractor.

1150 Springhurst Drive,
Suite 201
Green Bay, WI 54304-5950
920 / 592 9440
920 / 592 9445 fax

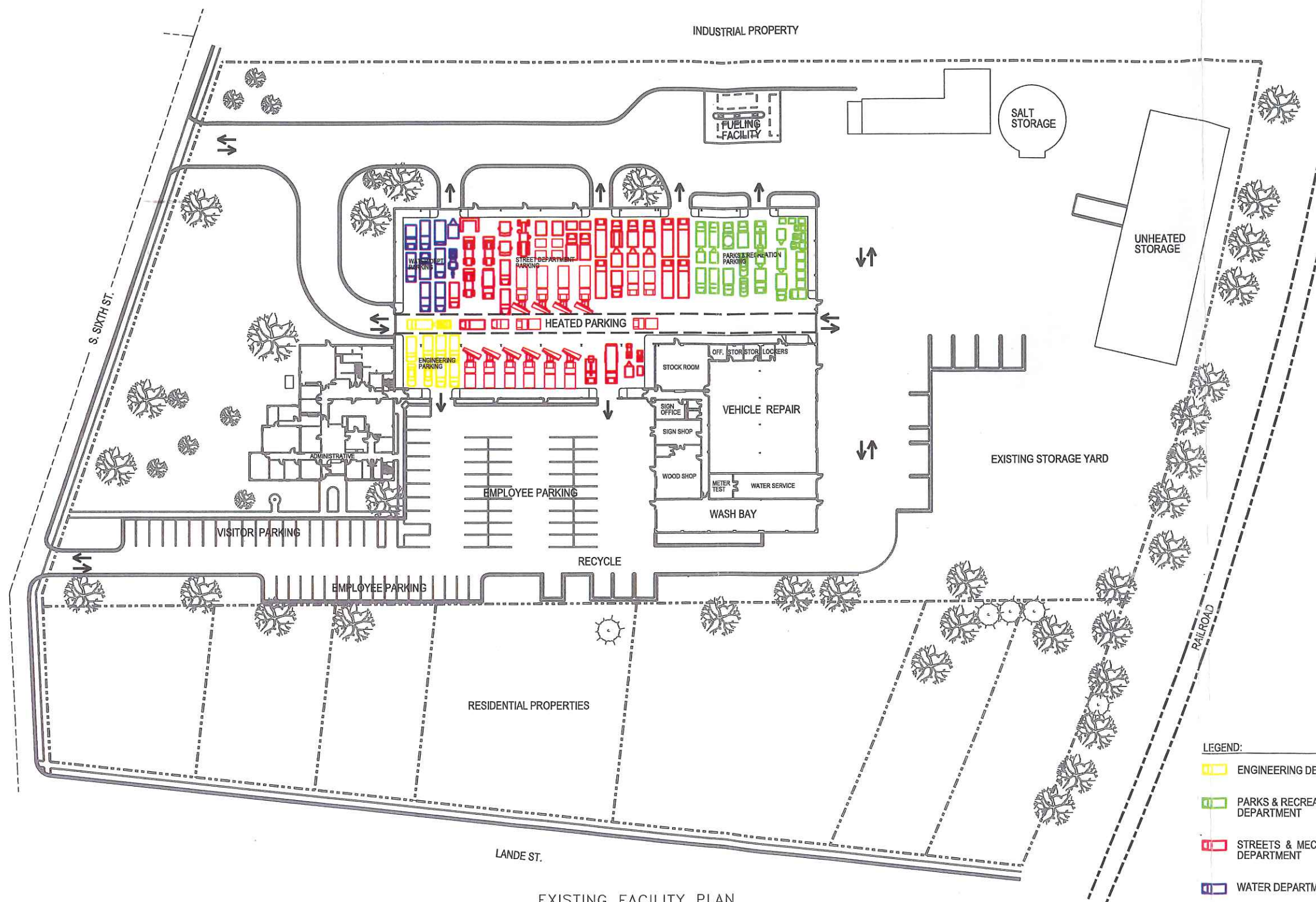
www.graef-usa.com

CONSULTANTS:

PROJECT TITLE:

CITY OF DE PERE
MUNICIPAL SERVICE CENTER
EXPANSION ANALYSIS

ISSUE:



- LEGEND:
- ENGINEERING DEPARTMENT
 - PARKS & RECREATION DEPARTMENT
 - STREETS & MECHANICAL DEPARTMENT
 - WATER DEPARTMENT

PROJECT INFORMATION:
PROJECT NUMBER: 2010-2015.00
DATE: 2010.07.02
DRAWN BY: JDJ
CHECKED BY: PJF
APPROVED BY:
SCALE: 1"=30'-0"

SHEET TITLE:
EXISTING SITE PLAN
APPENDIX D

SHEET NUMBER:

EXISTING FACILITY PLAN
APPENDIX "D"
1"=30'-0"

A000

1150 Springhurst Drive,
Suite 201
Green Bay, WI 54304-5950
920 / 592 9440
920 / 592 9445 fax

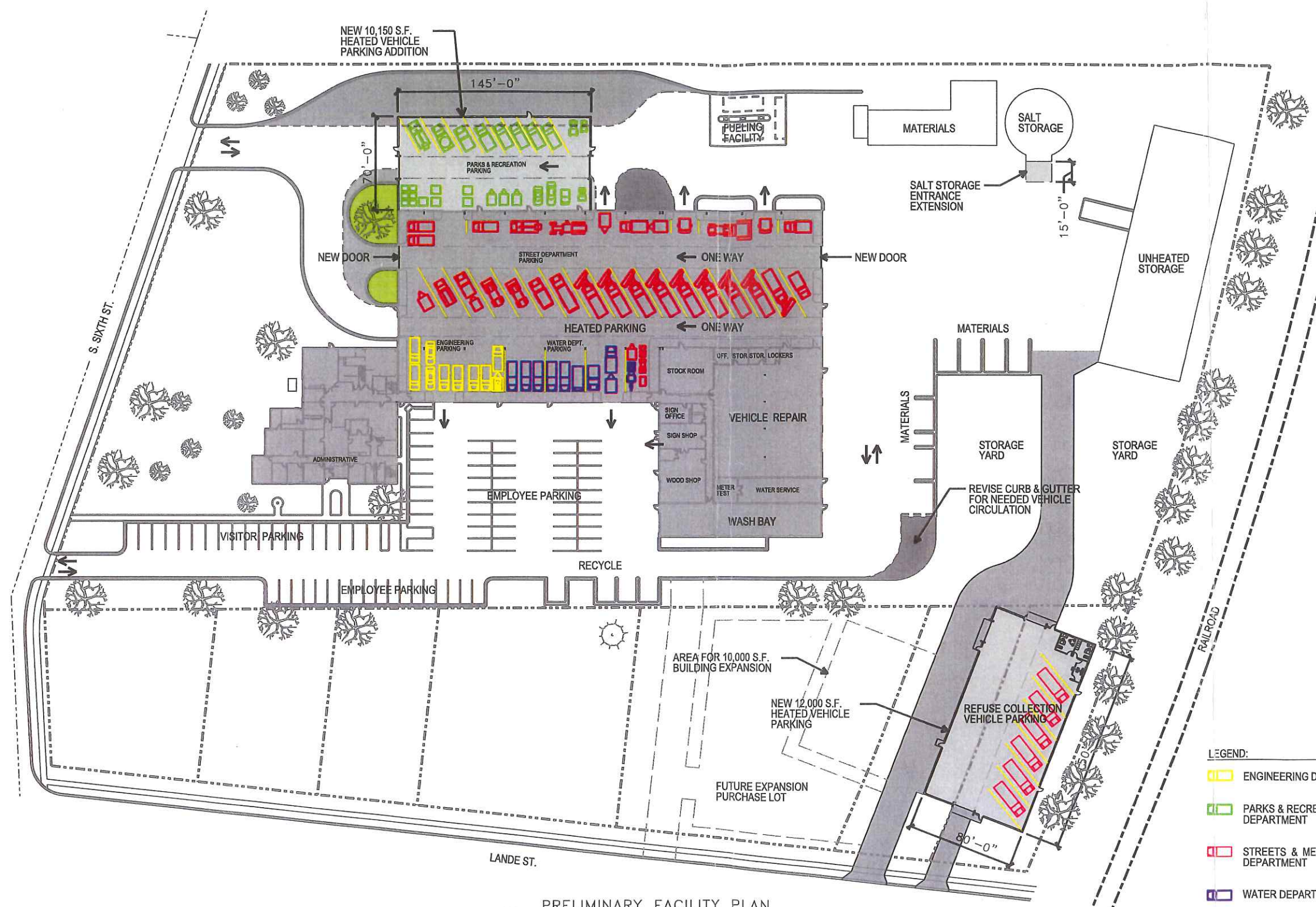
www.graef-usa.com

CONSULTANTS:

PROJECT TITLE:

CITY OF DE PERE
MUNICIPAL SERVICE CENTER
EXPANSION ANALYSIS

ISSUE:



LEGEND:

- ENGINEERING DEPARTMENT
- PARKS & RECREATION DEPARTMENT
- STREETS & MECHANICAL DEPARTMENT
- WATER DEPARTMENT

PROJECT INFORMATION:

PROJECT NUMBER: 2010-2015.00
DATE: 2010.06.30
DRAWN BY: JDJ
CHECKED BY: PJF
APPROVED BY:
SCALE:

SHEET TITLE:

SITE PLAN
APPENDIX E

SHEET NUMBER:

A100

PRELIMINARY FACILITY PLAN
APPENDIX "E"
1"=30'-0"

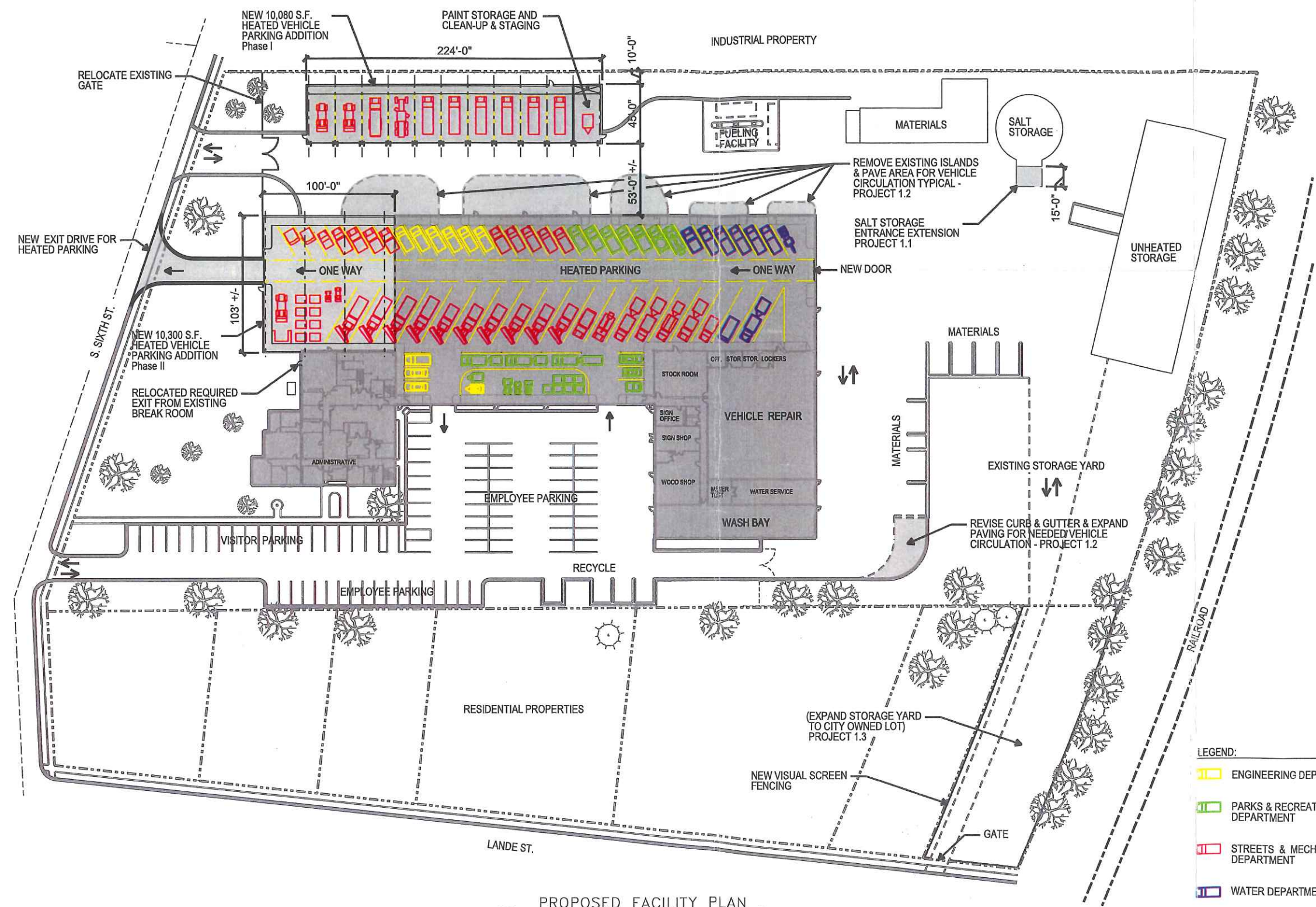
1150 Springhurst Drive,
Suite 201
Green Bay, WI 54304-5950
920 / 592 9440
920 / 592 9445 fax

www.graef-usa.com

CONSULTANTS:

PROJECT TITLE:
CITY OF DE PERE
MUNICIPAL SERVICE CENTER
EXPANSION ANALYSIS

ISSUE:



- LEGEND:
- ENGINEERING DEPARTMENT
 - PARKS & RECREATION DEPARTMENT
 - STREETS & MECHANICAL DEPARTMENT
 - WATER DEPARTMENT

PROJECT INFORMATION:
PROJECT NUMBER: 2010-2015.00
DATE: 2010.09.02
DRAWN BY: JDJ
CHECKED BY: PJF
APPROVED BY:
SCALE: 1" = 30'-0"

SHEET TITLE:
SITE PLAN
APPENDIX F

SHEET NUMBER:

PROPOSED FACILITY PLAN
APPENDIX "F"
1" = 30'-0"

A101



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from the Board of Public Works to deny Alderperson Hansen's Request for the City of De Pere to adopt a Responsible Bidder's Ordinance

The Board of Public Works at the February 8, 2021 meeting voted to approve Alderperson Hansen's Request for the City of De Pere to adopt a Responsible Bidder's Ordinance and moved it to Common Council. The motion was denied with Alderperson Hansen and Alderperson Ledvina voting in favor.

ATTACHMENTS:

- Consider Ald. Hansen's Request for Responsible Bidder's Ordinance 01-07-2021 (PDF)
- Brown County Responsible Bidder Ordinance (PDF)
- City Attorney Memo on Brown County Responsible Bidder Ordinance (PDF)
- UA 400 Pipe Trades Responsible Bidder Ordinance Talking Points (PDF)
- City of De Pere Bidder Prequalification Form (PDF)
- 2020 Bidder Survey (PDF)
- -Ald. Hansen Memo on Resp. Bidder Ordinance MEMO (PDF)
- -S.T. Memo \$2 Million Projects (PDF)
- -City Atty Email on Prevailing Wage (PDF)
- -Brown Co. Original Resp. Bidder Resolution (PDF)
- -Brown Co. Resp. Bidder Ordinance (PDF)
- -Email from Brown Co. Purchasing (PDF)
- -GB Resp. Bidder Ordinance (PDF)
- -GB Responsible Bidder Minutes (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Board of Public Works Members

From: Scott J. Thoresen, Director of Public Works

Date: January 7, 2021

RE: Consideration and possible action on Ald. Hansen's Request for Responsible Bidder's Ordinance*

Aldersperson Hansen has requested the BOPW consider a responsible bidder's ordinance similar to the ordinance Brown County passed (See attached Brown County Responsible Bidder Ordinance). In addition, I have attached a memo from the City Attorney regarding the responsible bidder ordinance Brown County adopted. The request for the City to adopt this ordinance is coming from the UA 400 Pipe Trades. See attached UA 400 Pipe Trades Responsible Bidder Ordinance "talking points" which was provided to the Mayor and Aldersperson Hansen. In addition, the City requires all bidders to submit statutorily required proof of responsibility under Wis. Stats. §66.0901(2) (See attached City of De Pere Bidder Prequalification Form).

The public works staff has evaluated the Brown County's responsible bidder's criteria as follows:

1. *The contractor must maintain a permanent place of business;*

The City currently requires this as part of the City's current bidder's proof of responsibility and contract requirements.

2. *The contractor must be authorized to do business in the State of Wisconsin;*

The City currently requires the contractor to be licensed to do business in the State of Wisconsin for all public works projects per contract requirements.

3. *The contractor, agent, partner, employee and/or officer of the contractor, must not be debarred, suspended, or declared ineligible from contracting with any unit of federal, state or local government;*

This is already required as part of the City's contract and specification requirements under competency of bidders. Bidders may be disqualified if they have a conviction of a violation of a State or Federal law or regulation relating to or reflecting on the competency of the bidder.

4. *The contractor must be in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions);*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

5. *The contractor must have adequate and appropriate:*

a) *general liability insurance;*

General liability insurance is already required as part of the City's contract requirements.

b) *automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and*

Automobile insurance is already required as part of the City's contract requirements.

c) *workers' compensation and unemployment insurance, except when the contractor does not have employees.*

Workers' compensation and unemployment insurance is already required as part of the City's contract requirements.

6. *The contractor must have complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years;*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

7. *Regarding a Public Works Contract estimated to be in excess of two million dollars, and if determined to be appropriate in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes is issued, then in order to be considered a responsible bidder, the contractor must participate in a Registered Apprenticeship Program;*

The City currently does not have this in the City's bidder's proof of responsibility for a contractor having a registered apprenticeship program. Typically, apprenticeship programs are found with union contractors. Most of the City's contractors that bid on the City's public works projects are non-union and do not have an "apprenticeship program". Staff reached out to the contractors that typically bid on the City's public works projects to determine if they have an apprentice ship program (See attached 2020 Bidder Survey). If these contractors are required to have a certified apprenticeship program it will add costs to our construction projects because the contractor will be required to have an additional employee on the crew as an apprentice which will increase the hourly rate of the crew.

8. *The contractor must have a written substance abuse prevention program meeting the requirements of Wisconsin Statutes Section 103.503;*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

9. *The employees who will perform work on the project for the contractor must be properly*

classified as employees or independent contractors under all applicable laws;

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

10. *If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment for the county to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide said documentation;*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

11. *The contractor's employees who will perform work on the project must be covered under a current workers' compensation policy and must be properly classified under such policy;*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

12. *The contractor must be in compliance with all laws regarding health insurance coverage for employees;*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement

13. *The contractor must possess all applicable professional and trade licenses required for performing the public works;*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

14. *The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete;*

The City currently requires this as part of the City's current bidder's proof of responsibility. The City requires the bidder to submit a letter from their bank or other financial institution advising line of credit set up for the organization. Bidder also needs to provide a financial statement regarding their finances which shows their assets and liabilities. In addition, the City requires bidder to list all other work they currently have under contract including their equipment and staffing resources for the previous three (3) years. The bidders are required to provide total contract costs for these projects which provide a history of the contractor's capabilities when it comes to the workload.

15. *The contractor must be bondable for the terms of the proposed public works contract;*

The City currently requires this as part of the City's current bidder's proof of responsibility. Bidder is required to provide name of their bonding company. In addition, the City requires

bonding for all public works projects per contract requirements and needs to submit these bonds in order for the contract to be executed.

16. *If required in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes regarding a contract of any amount is issued, then in order to be considered a responsible bidder, the contractor must have a record of satisfactorily completing a specific number of projects of similar size and complexity within the last specific number of years, with the required specific number of projects and years to be determined by the Purchasing Department prior to the Request for Bids or Request for Quotes being issued;*

The City currently requires this as part of the City's current bidder's proof of responsibility. The City requires the bidder to provide all the projects they completed within the past three (3) years which includes the type of project, contract amount, and completion date. In addition, the bidder needs to submit their organization's experience in the construction of similar work for the project. This requirement goes beyond projects required to bid. It includes any project bid or subject to an RFP, meaning this requirement would apply to all those services the public works or other City departments send out (cleaning contracts, crack sealing, engineering design services, etc.).

17. *The contractor must have a history of satisfactorily completing projects. Criteria which will be considered in determining whether the contractor is a responsible bidder regarding satisfactorily completing projects may include, but are not limited to, whether the contractor has an acceptable past history of: a) completing contracts in accordance with drawings and specifications; b) diligently performing work and completing contracts in accordance with established time schedules, including any granted extensions of time; and c) fulfilling guarantee requirements of the contract documents; and*

The City currently requires this as part of the City's current bidder's proof of responsibility. The City requires the bidder to provide all the projects they completed within the past three (3) years which includes the type of project, contract amount, and completion date. In addition, the bidder needs to submit their organization's experience in the construction of similar work for the project. The City also requires to the bidder to respond to questions if they have ever defaulted or failed to complete projects that have been awarded to them.

18. *The contractor must have, and diligently maintain, a written safety program.*

This is not currently part of the City's bidder's proof of responsibility process. Please note the City may not be in a position to determine compliance with this requirement.

After reviewing the eighteen (18) requirements above: eight (8) currently are part of the City's bidder proof of responsibility process and/or contract requirements; ten (10) requirements are not currently part of the bidder's proof of responsibility process. Those that are not in the City's current process, the City may not be in a position to determine compliance with each specific requirement.

In researching the bidder's ordinance requirements requested, it appears the push for a responsible bidder ordinance is being done to offset the perceived negative impacts when the State repealed prevailing wages for workers on public works projects. The intent of eliminating the prevailing wage laws was to help municipalities save money on project costs. Staff feels introducing the requirements of the

responsible bidder's ordinance especially pertaining to apprenticeship program will increase the City project costs on public works contracts. In addition, it appears many communities that have adopted the bidder's ordinance requirement did not have any prior bidder prequalification requirements.

One of the UA 400 responsible bidder ordinance talking points refers to "While low cost is the first priority, value is also essential. You get what you pay for." In response to this, the City has an established prequalification process and employs full time staff to inspect and enforce City construction specifications and standards. Furthermore, if work is not completed pursuant to our plans and specifications we have measures in our contract requirements to take corrective actions and/or deductively bill for the repairs. Such measures incorporated into our contract general conditions as outline in our standard specifications are covered in the following subtitles:

- Removal of unauthorized and unacceptable materials and workmanship
- Owner may correct unacceptable work
- Responsibility for damage claims
- Contractor's Responsibility for work
- Suspension of Work
- Default on Contract
- Guarantee of Materials and Workmanship

In summary, the introduction of the bidder's ordinance requirements will increase City project costs and will require more staff time to review and oversee these requirements. The City currently has a bidder's proof of responsibility process that works. Staffs recommends not creating the responsible bidder's ordinance being requested and continue to use the current bidder's proof of responsibility and contract requirement processes.

CHAPTER 3
(Revised 06-25-2018)
COUNTY ADMINISTRATION

3.01 PUBLIC WORKS PROJECTS. (1) Public Work, How Done. All public work undertaken by Brown County or any agency thereof, including any contract for the construction, repair, remodeling, or improvement of any public work, building, or furnishing of supplies or materials of any kind where the estimated cost of such work will exceed \$25,000, shall be let by contract to the lowest responsible bidder after review and approval by the appropriate oversight committee and the full County Board. Any public work, the estimated cost of which does not exceed \$25,000, once the funds have been provided by the County Board by either the budgetary or transfer process, shall be let by contract after review and approval of the responsible county department. If the estimated cost of any public work is between \$5,000 and \$25,000, the County shall give a Class 1 notice under Ch. 985, Stats., before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901(2), Stats. A contract, the estimated cost of which exceeds \$25,000 shall be let and entered into under s. 66.0901, excepting that the County Board may by a three-fourths vote of all the members entitled to a seat, provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. This subsection does not apply to highway contracts which the County Highway Officials or employees are authorized by law to let or make. (Sec. 59.52(29), Wis. Stats.)

(1)(a) Procedures for Change Orders to Public Works Contracts. Whenever it becomes necessary that a change order to a public works project contract be authorized on public work projects undertaken by Brown County or any agency thereof, the following procedures shall be utilized.

As provided in Sec. 59.52(29), Stats., and Sec. 66.0901, Stats., all public works contracts entered into by Brown County must be awarded to the lowest responsible bidder. In order to monitor any contract amendments causing changes in the contract price relating to change orders for work to be performed by the contractor selected, the Director of Facilities shall report all change orders to the relevant standing committee of the County Board of Supervisors. Those change orders which would change the cost of the public works project contract in excess of \$10,000.00 or 25% of the contract price of the public works project, whichever is less, must receive prior approval of such appropriate standing committee.

The County Executive shall have the authority to authorize change orders in emergency situations without prior approval of such appropriate standing committee but upon conferral with the County Board Chair and Chairman of the appropriate standing committee. In those situations where the public works project is governed by other specific statutory authority, the procedures set forth herein do not apply.

(b) Bid Modifications. When the County bids a public work, pursuant to Sec. 59.52(29), Stats., and the low bidder wishes to increase its bid after the bids have been opened, the Administration Committee shall be informed of this request and shall consider the matter before a decision is made on awarding that portion of the bid.

(2) Public Emergencies. The provisions of subsection (1) above are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the County Board, in which the public health or welfare of the county is endangered. If an emergency occurs at such time as the County Board is not in session, then the County Executive shall have the authority to authorize

emergency repairs until such time as the County Board convenes in regular or special session (Sec. 59.52(29), Wis. Stats.).

(3) Prevailing Wage Rate. (a) The County Clerk shall obtain from the Wisconsin Department of Workforce Development the prevailing wage rate, hours of labor, and hourly basic pay rates for each trade or occupation required in any public work project by Brown County.

(b) All contractors or sub-contractors on any Brown County public works project shall pay the prevailing wage rates, including overtime, as determined by the State Department Workforce Development, to all of their employees engaged on any such project.

(c) The Director of Facilities shall notify the County Clerk whenever a public work project begins or ends and the name of the contractors involved. Each contractor engaged upon a public work project shall file with the County Clerk, within 10 days after the close of each week, a weekly or payroll period report of all employees engaged in such project. Such report shall be made in a form specified by the County Clerk.

(4) Penalty. Any person violating any provisions of this section may be required to forfeit not less than \$10 nor more than \$200. The failure to pay the required wage to an employee for any one week or part thereof, or the failure to file the report in any one week, shall be deemed a separate offense.

(5) Responsible Bidder Criteria

(a) Purpose. Pursuant to Wisconsin Statutes Sections 66.0901 and 59.52(29), all public works contracts, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000, shall be let by contract to the lowest responsible bidder. What constitutes a "responsible bidder" is a determination that requires the exercise of discretion by the county and its departments, officials and/or employees under reasonably consistent responsible bidder criteria, and this Ordinance is intended to provide that criteria.

(b) Definitions. In this section, the following definitions shall apply.

1. "Contractor" means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.
2. "Registered Apprenticeship Program" means an apprenticeship program that is currently registered with either a State or Federal governmental entity and that has a graduated apprentices to journeyperson job classification system process as well as a bonafide training program.
3. "Public Works Contract" includes any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000.

(c) Responsible Bidder Criteria. In order to be considered a responsible bidder by Brown County for purposes of being awarded a public works contract, the following criteria must be met:

1. The contractor must maintain a permanent place of business;
2. The contractor must be authorized to do business in the State of Wisconsin;
3. The contractor, agent, partner, employee and/or officer of the contractor, must not be debarred, suspended, or declared ineligible from contracting with any unit of federal, state or local government;
4. The contractor must be in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions);
5. The contractor must have adequate and appropriate:
 - a) general liability insurance;
 - b) automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and
 - c) workers' compensation and unemployment insurance, except when the contractor does not have employees.
6. The contractor must have complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years;
7. Regarding a Public Works Contract estimated to be in excess of two million dollars, and if determined to be appropriate in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes is issued, then in order to be considered a responsible bidder, the contractor must participate in a Registered Apprenticeship Program;
8. The contractor must have a written substance abuse prevention program meeting the requirements of Wisconsin Statutes Section 103.503;
9. The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws;
10. If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment for the county to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide said documentation;
11. The contractor's employees who will perform work on the project must be covered under a current workers' compensation policy and must be properly classified under such policy;
12. The contractor must be in compliance with all laws regarding health

insurance coverage for employees;

13. The contractor must possess all applicable professional and trade licenses required for performing the public works;

14. The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete;

15. The contractor must be bondable for the terms of the proposed public works contract;

16. If required in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes regarding a contract of any amount is issued, then in order to be considered a responsible bidder, the contractor must have a record of satisfactorily completing a specific number of projects of similar size and complexity within the last specific number of years, with the required specific number of projects and years to be determined by the Purchasing Department prior to the Request for Bids or Request for Quotes being issued;

17. The contractor must have a history of satisfactorily completing projects. Criteria which will be considered in determining whether the contractor is a responsible bidder regarding satisfactorily completing projects may include, but are not limited to, whether the contractor has an acceptable past history of: a) completing contracts in accordance with drawings and specifications; b) diligently performing work and completing contracts in accordance with established time schedules, including any granted extensions of time; and c) fulfilling guarantee requirements of the contract documents; and

18. The contractor must have, and diligently maintain, a written safety program.

(d) No Restriction on Discretion. If information is discovered or comes into the possession of the county or a county department, official and/or employee responsible for awarding the public works contract, and if such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract and is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.

3.02 CORPORATION COUNSEL. There is hereby established the position of Corporation Counsel, in and for Brown County.

3.03 EMERGENCY MEDICAL SERVICES COUNCIL. (1) Emergency Medical Services Council. The Brown County Emergency Medical Services Council is hereby established pursuant to all applicable state laws and administrative codes and is hereafter referred to as the EMS Council.

CITY OF DE PERE MEMO



To: Michael J. Walsh, MAyor
Larry Delo, City Administrator

From: Judy Schmidt-Lehman, City Attorney

Date: January 15, 2020

RE: **Brown County Public Works Ordinance – Responsible Bidder Criteria**

State laws require local units of government to award public works contracts to “...the lowest responsible bidder.” In addition to being allowed to require proof of financial responsibility from bidders, municipalities are permitted to include in any public works contract “reasonable and lawful conditions” as to:

- Hours of labor, wages, residence
- Character and classification of workers to be employed

Municipalities may also classify contractors as to financial responsibility, competency and ability to get work done and create a classified list of contractors to select from.

Brown County Ordinance Section 3.01(5) sets forth 18 different criteria Brown County is to use in determining if a bidder is a “responsible bidder”. Three criteria relate to financial ability to perform (#s 5, 14 and 15), two (#s 3 and 17) relate to classification of workers to be employed, two (#s 3 and 17) relate to ability to perform/competence, and two criteria appear specific to Brown County and an apprenticeship program. The remaining 9 criteria relate to compliance with other laws, such as EEOC regulations, having a written substance abuse program, Davis-Bacon compliance, having all required trade and professional licenses, and the like.

City ordinance currently requires bidders to pre-qualify financial ability in order to be eligible to bid on city project. The city has not developed criteria different than state law to determine a bidder’s competence/responsibility to perform the work. In my experience, the Board of Public Works has determined one bidder to be an “incompetent bidder” based upon unacceptable work on a city project.

The Council could determine it is in the public interest for the city to enact an ordinance with specific criteria to use in determining if a bidder is a “responsible” under state law, particularly if those criteria relate to hours of labor, wages, and ability to perform the work. In my opinion, however, in addition to questionable statutory authority, it will be difficult to meaningfully use compliance with other laws to determine competence or responsibility; the City certainly would not be in a position to determine non-compliance with any of these other laws absent action by that enforcing agency.

Please let me know if you would like any additional information.

Responsible Bidder Ordinance Talking Points

- Wisconsin law mandates public contracts be let to “lowest **responsible** bidder,” but what constitutes a “responsible” bidder is not well defined in the statutes
- Municipalities have discretion to determine who is a “responsible” bidder
- Statutes allow municipalities to require a sworn statement as to the bidder’s “responsibility” prior to submitting a bid
- Ordinance will ensure that uniform criteria is used to determine who is a “responsible” bidder
- Gives the municipality greater protection from suit by the “non-responsible” low bidder who is not awarded a contract because criteria is known and applied to all bidders
- Criteria creates a level playing field for all bidders
- Apprenticeship requirement is for the protection and welfare of the public because
 - aging trades population means action is needed to train next generation
 - public should invest in companies that invest in our workforce through training programs
 - properly trained employees building our public facilities protect public safety and help ensure quality end product
- While low cost is the first priority, value is also essential. You get what you pay for.
- Most of the criteria in the model ordinance merely requires a bidder to confirm that they are, and have been recently, in compliance with employment and labor laws, OSHA safety standards, unemployment and worker’s compensation requirements, etc.
 - If a contractor doesn’t comply with the law, they should not be awarded a public contract
 - If a contractor cheats the system by failing to pay worker’s compensation or unemployment insurance, they should not be rewarded with taxpayer dollars of a public contract
- Prevailing wage law protected municipalities against bidders using cutthroat and even illegal wage policies to win public contracts
 - Starting on 1/1/17, no municipal prevailing wage law
 - Race to the bottom for wages is inevitable
 - Responsible bidder criteria helps fill this gap somewhat, although risk cannot be avoided entirely

CITY OF DE PERE - BOARD OF PUBLIC WORKS

PREQUALIFICATION OF CONTRACTOR

This statement, submitted by the undersigned to the Board of Public Works of the City of De Pere, is made in accordance with Wis.Stats.§66.0901. It is understood that the contents of this statement shall be confidential and shall not be disclosed except upon the written order of the undersigned; or for necessary use by the Board of Public Works in qualifying the undersigned; or in cases of action against, or by the undersigned or the City of De Pere.

The undersigned, being duly sworn, does depose and say that they are an authorized representative of

_____ and on

behalf of same submits the statement to obtain approval for bidding on construction projects in

20_____ for the following:

_____ concrete paving

_____ storm sewer

_____ asphalt paving

_____ sanitary sewer

_____ curb and gutter

_____ watermains

_____ sidewalks

_____ grading

Complete all of the following items; if not applicable, print N/A.

1. Name of Bidder _____

2. Bidder's address _____

3. Any questions regarding information provided on this form should be directed to

_____ at (_____) _____
Area code Telephone number

_____ Fax number _____ Mobile number

4. Type of organization (check one): Corporation _____

Partnership _____ Individual _____ Joint Venture _____

Other _____. If other, attach a brief statement describing the organization.

5. When organized? _____

6. If a corporation, when and where incorporated _____
_____.

7. Attach a statement listing the corporate officers, partners or other principal members of your organization and detailing the background and experience of the principal members of your personnel, including the officers.

8. How many years has your organization been engaged in the contracting business under the present firm name? _____.

9. General character of work performed by your firm _____
_____.

10. Attach a list of contracts on hand, for both public and private construction, including for each contract: the class of work; the contract amount; the percent completed; the estimated completion date; and the name and address of the owner or contracting officer.

11. Has your organization ever defaulted on a contract or failed to complete any work awarded to it? _____. If so, attach a statement explaining where and why.

12. Has any officer or partner of your organization been an officer or partner of some other organization within the past 10 years that failed to complete a construction contract during that period? _____. If so, attach a statement indicating the name of individual, other organization and reason therefore.

13. Has any officer or partner of your organization within the past 10 years failed to complete a construction contract handled in his or her own name? _____. If so, attach a statement indicating the name of individual, name of owner and reason therefore.

14. Attach a list of the major projects your organization has completed within the past 3 years, including for each project; the class of work; the contract amount; the completion date; and the name and address of the owner or contracting officer.

15. Attach a list of the major equipment which is available to your organization for the proposed work.

16. Attach a statement of your organization's experience in the construction of work similar in nature and importance to this project.

17. Credit available _____

Attach a letter from your bank(s) or other financial institution(s) advising line of credit set up for your organization.

18. Name of Bonding Company and name, address and telephone number of agent:

19. Financial Statement.

Condition at close of business on _____, 20_____.

A. Cash _____

B. Accounts receivable _____

C. Real estate equity _____

D. Materials in stock _____

E. Equipment, book value _____

F. Furniture and fixtures
book value _____

G. Other assets _____

TOTAL ASSETS _____

Liabilities

H. Accounts, notes and
interest payable _____

I. Other liabilities _____

TOTAL LIABILITIES _____

NET WORTH _____

20. Additional information may be submitted if desired.

Dated at _____ this _____ day of _____, 20____.

Name of organization _____

By: _____

Title: _____

State of _____)
County of _____)ss.

_____ being duly sworn says that they are
_____ of _____
(Name of Organization)

and that the answers to the foregoing questions and all statements contained herein and in the attachments are true and correct.

Signed _____

Subscribed and sworn to before me

this day of _____, 20____.

Notary Public

My commission expires _____.

2020 Bidder Survey

Consider Ald. Hansen's Request for Responsible Bidder's Ordinance

Monday, January 11, 2021

Company Name	Contact Name	Union Contractor?	Apprenticeship Program?
Address Line 1	Telephone		
Address Line 2	Fax		
Email (if provided)	Mobile		
Advance Construction, Inc.	Glenn Joski	No	No
2141 Woodale Avenue	920-434-3978		
Green Bay, WI 54313	920-434-6228		
Carl Bowers & Sons Construction Company, Inc.	Bill Bowers	No	Yes
N1844 Maloney Rd.	920-766-2629		
Kaukauna, WI 54130	920-766-5929		
	920-419-4950		
David Tenor Corporation	David Tenor	No	No
2759 Dewey Decker Drive	920-360-9246		
Green Bay, WI 54313	920-857-3248		
david.tenor.dtc@gmail.com	920-360-9246		
De Groot, Inc.	Mark De Groot	No	No
4201 Champion Rd	920-866-2348		
Green Bay, WI 54311	920-866-2361		
mark@degrootinc.com	920-621-3791		
Dorner, Inc.	Todd Dorner	No	No
E506 Luxemburg Rd, PO Box 129	920-845-2442		
Luxemburg, WI 54217	920-845-2458		
todd.dorner@dornerinc.com			
Feaker & Sons Company, Inc.	Randy Feaker	No	No
P.O. Box 5817	920-336-3344		
De Pere, WI 54115	920-336-1452		
feaker@att.net			
Jossart Brothers, Inc.	Jesse Jossart	No	No
1682 Swan Road	920-339-8500		
De Pere, WI 54115	920-339-5200		
jessej@jossartbrothers.com	920-371-0839		
Kruczek Construction, Inc.	Wally Kruczek	No	No
3636 Kewaunee Rd.	920-863-6841		
Green Bay, WI 54311	920-863-2771		
wallyk@kruczekinc.com	920-655-3801		
PTS Contractors, Inc.	Jeannie Petasek	No	No
4075 Eaton Road	920-468-5217		
Green Bay, WI 54311	920-468-4087		
jpetasek@PTSContractors.net	920-371-4730		

2020 Bidder Survey

Consider Ald. Hansen's Request for Responsible Bidder's Ordinance
Monday, January 11, 2021

Company Name	Contact Name	Union Contractor?	Apprenticeship Program?
Address Line 1	Telephone		
Address Line 2	Fax		
Email (if provided)	Mobile		
Superior Sewer and Water, Inc.	Chad Dorner	Yes	Yes, through the Union upon request.
1801 Deer Trail	920-866-1449		
Luxemburg, WI 54217			
chad.dorner@gmail.com	920-621-3504		
Triple P. Inc. DBA Peters Concrete Company	James Peters Jr.	No	Yes, pursuant to WisDOT Bidding Practices
1516 Atkinson Dr.	920-494-3700		
Green Bay, WI 54303	920-494-5475		
duke@petersconcrete.com			
Van Straten Construction Company, Inc.	Kevin Van Straten	Yes	Yes, through the Union upon request.
2117 South Oneida Street	920-497-1664		
Green Bay, WI 54304	920-497-5041		
	920-660-9887		
Vinton Construction Company	Julie M. Reimer	Yes	Yes, through the Union upon request.
1322 33rd Street, PO Box 137	920-682-0375		
Two Rivers, WI 54241	920-682-2838		
jreimer@vintonwis.com			
Woleske Construction Company, Inc.	Joseph E. Woleske	No	No
1827 East Washington Ave., Unit 167	920-660-1115		
Madison, WI 53704	920-497-9880		
jwoleske@gmail.com			
Wood Sewer & Excavating, Inc.	Greg L Wood	No	No
E9238 County Road X	920-982-7721		
New London, WI 54961	920-982-7809		
	920-850-4191		
SUMMARY		3/15 YES 20%	5/15 YES 33%



Ald. Jonathon Hansen – District 2

(920) 425-4265 jhansen@deperewi.gov

Memo Re: Proposed Responsible Bidder Ordinance

Date Drafted: February 2, 2021

For: Board of Public Works Meeting – February 8, 2021

State law requires municipalities to award public works contracts to the “lowest responsible bidder”, but gives counties and municipalities discretion to determine what constitutes a “responsible bidder”. As part of their contractor vetting process, local governments may establish a set of requirements that contractors must meet in order to be considered a “responsible bidder”. Only contractors that meet the criteria set forth by the local government is eligible to be considered for a public works project.

I am requesting that the Board of Public Works consider adopting the exact same criteria for defining a “responsible bidder” that Brown County Government and the City of Green Bay currently have in place for public works contractors (Brown County does exempt county highway projects from their ordinance, although per Brown County Purchasing Department, approximately 60% of their projects are still covered under the responsible bidder ordinance). Brown County and Green Bay’s responsible bidder ordinances feature the same 18 requirements to determine contractor eligibility. The City of Green Bay passed their ordinance in July 2020 on a unanimous vote (12-0), and Brown County passed their ordinance in June 2018, also on a unanimous vote (26-0).

The City of De Pere currently has a “prequalification” process for public works contractors. This process already covers 8 of the 18 criteria that are found in the Brown County/Green Bay responsible bidder ordinance. Most of the other 10 requirements involve the contractors affirming that they comply with various federal and state laws, and adhere to basic employee protections as it relates to safety and benefits.

Here are the 10 criteria that are not currently covered by the City of De Pere’s “prequalification” process, but which would be covered if this ordinance was adopted:

#4) The contractor must be in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).

The Equal Opportunity Employer provisions prohibit, as a matter of federal law, discrimination based on “race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), or genetic information”. The City should not be doing business with contractors that fail to follow these laws. Prospective contractors could be required to affirm on their bid application that they comply with these laws as a condition for receiving a City project.

6) The contractor must have complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years.

This provision requires contractors to have complied with federal prevailing wage laws, as set forth in Davis-Bacon Act, over the past five years. In terms of local and state projects, as of September 2017, Wisconsin statute precludes the imposition of prevailing wage requirements on local and state projects, so by September 2022, this provision will no longer apply as it relates to local and state projects (and until then, it would require that contractors complied with prevailing wage laws before the repeal of prevailing wage in September 2017, but because of the five year window, that would still only cover 2016 – Sept. 2017). Contractors could be required to simply affirm on their bid application that they have followed prevailing wage laws over the past 5 years.

7. Regarding a Public Works Contract estimated to be in excess of two million dollars, and if determined to be appropriate in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes is issued, then in order to be considered a responsible bidder, the contractor must participate in a Registered Apprenticeship Program.

The vast majority of the City’s public works projects are under \$2 million (see Scott’s memo for exceptions), so most City projects would not be subject to this requirement (the City also occasionally gets bids over \$2 million for projects that end up being less than \$2 million, but these contractors are not selected anyway due to their high bids). Moreover, both Green Bay and Brown County provide an opt-out clause that allows the Purchasing Department (in the case of Brown County) or the Public Works Director (in the case of Green Bay) to waive this requirement if they deem it not appropriate for a given project. De Pere’s Public Works Director would be extended the same discretion.

In terms of why requiring an apprenticeship program serves the public good: An apprenticeship program is a long-term investment that helps ensure a highly trained and skilled workforce for years to come. Many of the apprentices will continue to work on public works projects in this area in subsequent years, including future City of De Pere projects. Moreover, while apprentices may not yet be as efficient as regular employees, they still perform useful work on the project itself, so the contractor is still getting a productivity return on their payroll expense.

8. The contractor must have a written substance abuse prevention program meeting the requirements of Wisconsin Statutes Section 103.503.

This provision simply requires contractors to comply with existing Wisconsin statute that requires employers to have a written substance abuse prevention program. The onus would be on the contractor to furnish proof of their written program as part of their bid application.

9. The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws.

This provision simply requires that a contractor comply with state and federal laws that prohibit employers from improperly designating their employees as “independent contractors” in order to unlawfully deny them proper benefits, etc. Contractors could be required to affirm their adherence to this provision as part of their bid application.

10. If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment for the county to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide said documentation.

If a contractor has been subject to an order or judgment concerning potentially improper past employment practices, it is in the City's interest to know this information, and to require copies of the order/judgement in order to make an informed decision about whether to accept a bid from that contractor.

11) The contractor's employees who will perform work on the project must be covered under a current workers' compensation policy and must be properly classified under such policy.

Contractors are legally required to provide a workers' compensation policy, so this provision simply ensures they are offering this basic right to their employees.

12) The contractor must be in compliance with all laws regarding health insurance coverage for employees.

This is another provision that simply requires contractors to comply with state and federal laws in terms of providing an employee benefit that they are legally obligated to offer.

13. The contractor must possess all applicable professional and trade licenses required for performing the public works.

It is in the City's interest to verify that contractors have all applicable professional and trade licenses in order to prevent poor quality work from being done by contractors that are not properly licensed.

18) The contractor must have, and diligently maintain, a written safety program.

It is in the City's interest to ensure that contractors have a written plan to adhere to basic safety guidelines. The onus would be on the contractor to provide this plan as part of their bid application.

In short, with the exception of the apprenticeship program, the additional 10 requirements that are not currently part of the City's pre-qualification process would strengthen the vetting process that is used by the City to evaluate public works contractors. It would ensure that the City only does business with contractors that comply with various federal and state laws as it relates to employment practices, and ensure that contractors meet basic licensing requirements.

There have been a couple of examples in recent years of the City running into issues with contractors. Please see Judy's email regarding a case from 2011. In 2016, the City had issues with a subcontractor performing major street reconstruction work around American Blvd, which resulted in the pavement deteriorating sooner than it should have. The City is still trying to repair the damage and recoup the costs. The responsible bidder ordinance does not apply to subcontractors, however, so that may not have prevented this situation, although an argument can be made that a general contractor still bears some degree of responsibility for substandard work performed by the subcontractors that they have brought on board to work under them.

Staff has also expressed concern with the time it would take to undergo this more thorough vetting process, as well as how to determine whether a contractor complies with the criteria. However, unless a contractor is not interested in doing public works projects for Brown County Government or the City of Green Bay, they should already be familiar with these requirements. Brown County Senior Purchasing Buyer, Mr. Dale DeNamur, has stated that *“most contractors are familiar with this document [the responsible bidder ordinance]. The required info is needed 5 days prior to bid due date. It has so far been minimal regarding staff time.”*

Moreover, many of the requirements could simply involve the contractor affirming their compliance with the requirement as part of their bid application process, which is what is done in Brown County. Brown County also requires that the bid application be notarized. Moreover, if it later turns out that a contractor falsified an affirmative answer in regards to these requirements on their application, it would provide the City with stronger recourse by which to seek legal remedy. For the written safety and substance abuse prevention programs, the onus would be on the contractor, not City staff, to furnish proof of these programs, so it should not consume a disproportionate amount of staff time.

Ultimately, while a more rigorous vetting process may take some extra time on the front end, it can save headaches and taxpayer money on the backend if it helps prevent an unreliable contractor from obtaining a project that they subsequently provide poor quality work on.

Finally, adopting this ordinance would provide a consistent approach for this area in terms of vetting contractors. If Brown County and the two biggest cities in Brown County (Green Bay and De Pere) all follow the same vetting requirements, that would simplify the bidding process for contractors. Although this ordinance would add additional requirements on the contractors as part of their application process, it would be offset for the contractor by the ease of them now being able to submit the same bid applications for whenever they apply for Brown County, De Pere, and Green Bay public works projects.

Thank you for your time and consideration.

###

Larry Delo

[Actions](#)

To: Jonathon Hansen

Cc: Judy Schmidt-Lehman

Thursday, January 28, 2021 4:28 PM

Jonathon:

Scott just sent the following updates to Scott's comments:

We also recently had a new subdivision that exceeded \$2,000,000.

I went through really quick and opened the bid tabs for the larger projects for the past three (3) years and we have had 2-3 projects each exceeding \$2,000,000.

Larry Delo, ICMA - CM
City Administrator
City of De Pere
920-339-4044
Ldelo@deperewi.gov

Larry Delo

[Actions](#)

In response to the message from Jonathon Hansen, Thu 1/28

To: Jonathon Hansen

Cc: Judy Schmidt-Lehman

Thursday, January 28, 2021 4:17 PM

Hello Jonathon:

I received the following response from Scott regarding recent projects that exceeded \$2 million. Please let me know if you need any additional information.

Our larger utility relay / reconstruction projects push \$2,000,000 or more to complete. We have these types of projects every year.

In the past ten years we have had some large industrial street projects that have exceeded this as well when we reconstructed the concrete streets.

The Lawrence Drive Roundabout probably was just over \$2,000,000 for final construction costs.

The pool project exceeded \$2,000,000.

Larry Delo, ICMA - CM
City Administrator
City of De Pere
920-339-4044
ldelo@deperewi.gov

Prevailing Wage

Judy Schmidt-Lehman

[Actions](#)

To: Jonathon Hansen

Cc: James Boyd; Larry Delo; Scott Thoresen

Thursday, January 28, 2021 9:02 AM

Hello Jonathon. Below is the statutory provision the state legislature adopted under 2015 Wisconsin Act 55 (budget bill) . This language pre-empts local prevailing wage requirements and declares void any such local laws then existing.

Wis. Stats. § 66.0903 Prevailing wage.

(1m) STATEWIDE CONCERN; UNIFORMITY.

(b) The legislature finds that the enactment of ordinances or other enactments by local governmental units requiring laborers, workers, mechanics, and truck drivers employed on projects of public works or on publicly funded private construction projects to be paid the prevailing wage rate and to be paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of the prevailing hours of labor would be logically inconsistent with, would defeat the purpose of, and would go against the repeals of s. [66.0904](#), 2009 stats., and s. [66.0903 \(2\)](#) to [\(12\)](#), 2013 stats.

Therefore, this section shall be construed as an enactment of statewide concern for the purposes of facilitating broader participation with respect to bidding on projects of public works, ensuring that wages accurately reflect market conditions, providing local governments with the flexibility to reduce costs on capital projects, and reducing spending at all levels of government in this state.

(c) A local governmental unit may not enact and administer an ordinance or other enactment requiring laborers, workers, mechanics, and truck drivers employed on projects of public works or on publicly funded private construction projects to be paid the prevailing wage rate and to be paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of the prevailing hours of labor or any similar ordinance or enactment. Any such ordinance or other enactment that is in effect on July 1, 2011, is void.

History: [1971 c. 154, 307](#); [1973 c. 181](#); [1977 c. 29](#); [1985 a. 159](#); [1989 a. 56, 228](#); [1991 a. 316](#); [1993 a. 112, 399](#); [1995 a. 27](#) ss. [3318, 3319, 9130 \(4\)](#); [1995 a. 215](#); [1997 a. 3, 35](#); [1999 a. 70](#); [1999 a. 150](#) s. [335](#); Stats. 1999 s. 66.0903; [1999 a. 186](#) ss. [51](#) to [60](#); [2009 a. 28, 276](#); [2011 a. 32, 259](#); [2015 a. 55](#); [2017 a. 59](#).

Let me know if you need any additional information.

Judy

Judith Schmidt-Lehman
De Pere City Attorney
335 S. Broadway Street
De Pere, WI 54115
(920) 339-4042
jschmidt-lehman@deperewi.gov

June 20, 2018

ALTERNATE VERSION**AN ORDINANCE TO CREATE SUBSECTION 3.01(5) (RESPONSIBLE BIDDER CRITERIA) OF CHAPTER 3 OF THE BROWN COUNTY CODE OF ORDINANCES**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Subsection 3.01(5) of Chapter 3 of the Brown County Code of Ordinances is hereby created as follows:

(5) Responsible Bidder Criteria

(a) Purpose. Pursuant to Wisconsin Statutes Sections 66.0901 and 59.52(29), all public works contracts, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000, shall be let by contract to the lowest responsible bidder. What constitutes a "responsible bidder" is a determination that requires the exercise of discretion by the county and its departments, officials and/or employees under reasonably consistent responsible bidder criteria, and this Ordinance is intended to provide that criteria.

(b) Definitions. In this section, the following definitions shall apply.

1. "Contractor" means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.
2. "Class—A Registered Apprenticeship Program" means an apprenticeship program that is currently registered with approved by either a State or Federal governmental entity the U.S. Department of Labor or a state apprenticeship agency and that has a graduated apprentices to journey person job classification system process status as well as a bonafide training program. for three (3) years. In addition, a new apprenticeship program that has been registered with the federal or state government within the last three (3) years will be considered a Class A Apprenticeship Program, provided that such new program graduates to journey person status within the indenture period and has a bonafide training program.
3. "Public Works Contract" includes any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000.

(c) Responsible Bidder Criteria. In order to be considered a responsible bidder by Brown County for purposes of being awarded a public works contract, the following criteria must be met:

1. The contractor must maintain a permanent place of business;
2. The contractor must be authorized to do business in the State of Wisconsin;
3. The contractor, agent, partner, employee and/or officer of the

contractor, must not be debarred, suspended, ~~proposed for debarment or~~ declared ineligible from contracting with any unit of federal, state or local government;

4. The contractor must be in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions);

5. The contractor must have adequate and appropriate:

- a) general liability insurance;
- b) automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and
- c) workers' compensation and unemployment insurance, except when the contractor does not have employees.

6. The contractor must have complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years;

7. ~~Regarding a Public Works Contract estimated to be in excess of two million dollars, or if~~ Regarding a Public Works Contract estimated to be in excess of two million dollars, and if ~~If required determined to be appropriate~~ in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes ~~regarding a contract of any amount is issued, then in order to be considered a responsible bidder, the contractor must participate in a Class A Registered Apprenticeship Program;~~

8. The contractor must have a written substance abuse prevention program meeting the requirements of Wisconsin Statutes Section 103.503;

9. The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws;

10. If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment for the county to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide said documentation;

11. The contractor's employees who will perform work on the project must be covered under a current workers' compensation policy and must be properly classified under such policy;

12. The contractor must be in compliance with all laws regarding health insurance coverage for employees;

13. The contractor must possess all applicable professional and trade licenses required for performing the public works;

14. The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently

under contract to complete;

15. The contractor must be bondable for the terms of the proposed public works contract;

16. If required in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes regarding a contract of any amount is issued, then in order to be considered a responsible bidder, The the contractor must have a record of satisfactorily completing at least two (2) a specific number of projects of similar size and complexity within the last five (5) specific number of years, with the required specific number of projects and years to be determined by the Purchasing Department prior to the Request for Bids or Request for Quotes being issued;

17. The contractor must have a history of satisfactorily completing projects. Criteria which will be considered in determining whether the contractor is a responsible bidder regarding satisfactorily completing projects may include, but are not limited to, whether the contractor has an acceptable past history of: a) completing contracts in accordance with drawings and specifications; b) diligently performing work and completing contracts in accordance with established time schedules, including any granted extensions of time; and c) fulfilling guarantee requirements of the contract documents; and

18. The contractor must have, and diligently maintain, a written safety program.

(d) No Restriction on Discretion. If information ~~is~~ is discovered or comes into the possession of the county or a county department, official and/or employee responsible for awarding the public works contract, and if such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract and is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.

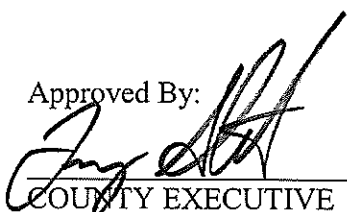
Section 2 - This Ordinance Amendment shall become effective upon passage and publication pursuant to law.

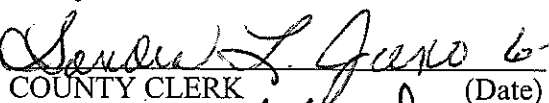
Fiscal Impact: This ordinance does not require an appropriation from the General Fund.

Respectfully submitted,

EXECUTIVE COMMITTEE

Approved By:


COUNTY EXECUTIVE 6/25/18
(Date)


COUNTY CLERK 6-22-18
(Date)


COUNTY BOARD CHAIRMAN 06/20/18
3

COUNTY BOARD CHAIR _____ (Date)

Authored by: Corporation Counsel

Approved by: Corporation Counsel

BOARD OF SUPERVISORS ROLL CALL # _____

voice vote taken

Motion made by Supervisor Lord

Seconded by Supervisor Sieber

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
SIEBER	1				
DE WANE	2				
NICHOLSON	3				
HOYER	4				
GRUSZYNSKI	5				
LEFEBVRE	6				
ERICKSON	7				
BORCHARDT	8				
EVANS	9				
VANDER LEEST	10				
BUCKLEY	11				
LANDWEHR	12				
DANTINNE, JR	13				

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
BRUSKY	14				
BALLARD	15				
KASTER	16				
VAN DYCK	17				
LINSSEN	18				
KNEISZEL	19				
DESLAURIERS	20				
TRAN	21				
MOYNIHAN, JR.	22				
SUENNEN	23				
SCHADEWALD	24				
LUND	25				
BECKER	26				

Total Votes Cast 26

Motion: Adopted ☒ Defeated _____ Tabled _____

HUMAN RESOURCES DEPARTMENT

Brown County

305 E. WALNUT STREET
P.O. BOX 23600
GREEN BAY, WI 54305-3600



KATHRYN ROELLICH

PHONE (920) 448-4071 FAX (920) 448-6277 WEB: www.co.brown.wi.us

HUMAN RESOURCES DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 06-06-2018
REQUEST TO: Executive Committee, and County Board
MEETING DATE: 06-11-2018; and 06-20-2018, respectively
REQUEST FROM: Dave Hemery, Corp Counsel
REQUEST TYPE: ☐ New resolution ☐ Revision to resolution
☐ New ordinance ☒ Revision to ordinance

TITLE: *ALTERNATE VERSION*
 AN ORDINANCE TO CREATE SUBSECTION 3.01(5) (RESPONSIBLE BIDDER CRITERIA) OF
 CHAPTER 3 OF THE BROWN COUNTY CODE OF ORDINANCES

ISSUE/BACKGROUND INFORMATION:

The County Board was presented with a Responsible Bidder Ordinance at its last meeting, and referred it back to Exec Comm. On Monday, 06-11-2018, the Exec Comm will have the version that was referred back before it, and this is an ALTERNATE VERSION that addresses concerns raised by the County Board to also go before the Exec Comm for consideration on 06-11-2018.

ACTION REQUESTED:

Review, approve and forward to County Board.

FISCAL IMPACT:

NOTE: *Fiscal Impact: This ordinance does not require an appropriation from the General Fund.*

1. Is there a fiscal impact? ☐ Yes ☒ No
 - a. If yes, what is the amount of the impact? \$_____
 - b. If part of a bigger project, what is the total amount of the project? \$_____
 - c. Is it currently budgeted? ☐ Yes ☒ No
 1. If yes, in which account? _____
 2. If no, how will the impact be funded? _____

☒ **COPY OF RESOLUTION OR ORDINANCE IS ATTACHED**

CHAPTER 3
(Revised 09-26-2019)
COUNTY ADMINISTRATION

3.01 PUBLIC WORKS PROJECTS. (1) Public Work, How Done. All public work undertaken by Brown County or any agency thereof, including any contract for the construction, repair, remodeling, or improvement of any public work, building, or furnishing of supplies or materials of any kind where the estimated cost of such work will exceed \$25,000, shall be let by contract to the lowest responsible bidder after review and approval by the appropriate oversight committee and the full County Board. Any public work, the estimated cost of which does not exceed \$25,000, once the funds have been provided by the County Board by either the budgetary or transfer process, shall be let by contract after review and approval of the responsible county department. If the estimated cost of any public work is between \$5,000 and \$25,000, the County shall give a Class 1 notice under Ch. 985, Stats., before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901(2), Stats. A contract, the estimated cost of which exceeds \$25,000 shall be let and entered into under s. 66.0901, excepting that the County Board may by a three-fourths vote of all the members entitled to a seat, provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. This subsection does not apply to highway contracts which the County Highway Officials or employees are authorized by law to let or make. (Sec. 59.52(29), Wis. Stats.)

(1)(a) Procedures for Change Orders to Public Works Contracts. Whenever it becomes necessary that a change order to a public works project contract be authorized on public work projects undertaken by Brown County or any agency thereof, the following procedures shall be utilized.

As provided in Sec. 59.52(29), Stats., and Sec. 66.0901, Stats., all public works contracts entered into by Brown County must be awarded to the lowest responsible bidder. In order to monitor any contract amendments causing changes in the contract price relating to change orders for work to be performed by the contractor selected, the Director of Facilities shall report all change orders to the relevant standing committee of the County Board of Supervisors. Those change orders which would change the cost of the public works project contract in excess of \$10,000.00 or 25% of the contract price of the public works project, whichever is less, must receive prior approval of such appropriate standing committee.

The County Executive shall have the authority to authorize change orders in emergency situations without prior approval of such appropriate standing committee but upon conferral with the County Board Chair and Chairman of the appropriate standing committee. In those situations where the public works project is governed by other specific statutory authority, the procedures set forth herein do not apply.

(b) Bid Modifications. When the County bids a public work, pursuant to Sec. 59.52(29), Stats., and the low bidder wishes to increase its bid after the bids have been opened, the Administration Committee shall be informed of this request and shall consider the matter before a decision is made on awarding that portion of the bid.

(2) Public Emergencies. The provisions of subsection (1) above are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the County Board, in which the public health or welfare of the county is endangered. If an emergency occurs at such time as the County Board is not in session, then the County Executive shall have the authority to authorize

emergency repairs until such time as the County Board convenes in regular or special session (Sec. 59.52(29), Wis. Stats.).

(5) Responsible Bidder Criteria

(a) Purpose. Pursuant to Wisconsin Statutes Sections 66.0901 and 59.52(29), all public works contracts, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000, shall be let by contract to the lowest responsible bidder. What constitutes a "responsible bidder" is a determination that requires the exercise of discretion by the county and its departments, officials and/or employees under reasonably consistent responsible bidder criteria, and this Ordinance is intended to provide that criteria.

(b) Definitions. In this section, the following definitions shall apply.

1. "Contractor" means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.
2. "Registered Apprenticeship Program" means an apprenticeship program that is currently registered with either a State or Federal governmental entity and that has a graduated apprentices to journeyperson job classification system process as well as a bonafide training program.
3. "Public Works Contract" includes any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000.

(c) Responsible Bidder Criteria. In order to be considered a responsible bidder by Brown County for purposes of being awarded a public works contract, the following criteria must be met:

1. The contractor must maintain a permanent place of business;
2. The contractor must be authorized to do business in the State of Wisconsin;
3. The contractor, agent, partner, employee and/or officer of the contractor, must not be debarred, suspended, or declared ineligible from contracting with any unit of federal, state or local government;
4. The contractor must be in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions);
5. The contractor must have adequate and appropriate:
 - a) general liability insurance;
 - b) automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and

- c) workers' compensation and unemployment insurance, except when the contractor does not have employees.
6. The contractor must have complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years;
 7. Regarding a Public Works Contract estimated to be in excess of two million dollars, and if determined to be appropriate in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes is issued, then in order to be considered a responsible bidder, the contractor must participate in a Registered Apprenticeship Program;
 8. The contractor must have a written substance abuse prevention program meeting the requirements of Wisconsin Statutes Section 103.503;
 9. The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws;
 10. If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment for the county to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide said documentation;
 11. The contractor's employees who will perform work on the project must be covered under a current workers' compensation policy and must be properly classified under such policy;
 12. The contractor must be in compliance with all laws regarding health insurance coverage for employees;
 13. The contractor must possess all applicable professional and trade licenses required for performing the public works;
 14. The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete;
 15. The contractor must be bondable for the terms of the proposed public works contract;
 16. If required in the discretion of the Brown County Purchasing Department at the time a Request for Bids or Request for Quotes regarding a contract of any amount is issued, then in order to be considered a responsible bidder, the contractor must have a record of satisfactorily completing a specific number of projects of similar size and complexity within the last specific number of years, with the required specific number of projects and years to be determined by the Purchasing Department prior to the Request for Bids or

Request for Quotes being issued;

17. The contractor must have a history of satisfactorily completing projects. Criteria which will be considered in determining whether the contractor is a responsible bidder regarding satisfactorily completing projects may include, but are not limited to, whether the contractor has an acceptable past history of: a) completing contracts in accordance with drawings and specifications; b) diligently performing work and completing contracts in accordance with established time schedules, including any granted extensions of time; and c) fulfilling guarantee requirements of the contract documents; and

18. The contractor must have, and diligently maintain, a written safety program.

(d) No Restriction on Discretion. If information is discovered or comes into the possession of the county or a county department, official and/or employee responsible for awarding the public works contract, and if such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract and is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.

3.02 CORPORATION COUNSEL. There is hereby established the position of Corporation Counsel, in and for Brown County.

3.03 EMERGENCY MEDICAL SERVICES COUNCIL. (1) Emergency Medical Services Council. The Brown County Emergency Medical Services Council is hereby established pursuant to all applicable state laws and administrative codes and is hereafter referred to as the EMS Council.

(2) Statement of Purpose. (a) The primary purpose, power and duty of the EMS Council is as follows: The EMS Council is hereby established to coordinate-resources for emergency medical services.

(b) Subject to overall supervision by the County Board and County Executive the EMS Council shall have the following duties:

1. The EMS Council shall have responsibility for the evaluation and coordination of a comprehensive system for the delivery of EMS within Brown County.

2. The EMS Council shall advise the County Board of Supervisors of the needs for improved emergency medical services, of the status of existing programs designed to meet those needs and to recommend new programs and services as needed.

3. The EMS Council shall review pertinent data and projections to help in the county planning process, indicate the need for particular legislation and shall make available to the County Board of Supervisors through the Public Safety Committee and other committees when appropriate, the information and research relating to the effects of proposed legislation.

4. The EMS Council shall render appropriate technical assistance to ambulance service providers operating within Brown County, subject to their individual EMS Operational Plans.

[Reply](#) [Reply All](#) [Forward](#)

RE: GB & Brown Co. Responsible Bidder Ordinances

DeNamur, Dale C. [Dale.Denamur@browncountywi.gov]

To: Jonathon Hansen

Cc: Gerbers, Gregory A. [gregory.gerbers@browncountywi.gov]

Wednesday, February 3, 2021 9:26 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jonathon,

Please see my replies below in red font.

Sincerely,

Dale C. DeNamur, CPPB

Brown County Purchasing

Senior Buyer

Northern Building 5th Floor

305 E. Walnut Street

Green Bay, WI 54301

President

WI Association for Public Procurement (WAPP)

Office: (920) 448-4049

dale.denamur@browncountywi.gov

From: Jonathon Hansen <jhansen@deperewi.gov>

Sent: Tuesday, February 2, 2021 11:14 PM

To: DeNamur, Dale C. <Dale.Denamur@browncountywi.gov>

Subject: FW: GB & Brown Co. Responsible Bidder Ordinances

Hi Dale,

I am sorry we have not been able to connect via phone regarding the responsible bidder ordinance. My main questions are the following:

1) Given that Brown County highway projects are exempt from the ordinance, what percentage of your projects are subject to the responsible bidder ordinance? **For the public works project that our department handles I would say it applies to around 60% of the projects.**

2) Staff is concerned about the time it might take to verify that contractors meet the 18 requirements (8 of which are already part of De Pere's "pre-qualification" process). Just wondering if you have seen an uptick in staff time devoted to the contractor vetting process since this ordinance was adopted, or if most contractors are already familiar with the requirements and provide the necessary documentation upfront. **Most contractors are familiar with this document. The required info is needed 5 days prior to bid due date. It has so far been minimal regarding staff time.**

3) For the requirements that require contractors to comply with various federal and state laws, or to affirm that they do not have any order/claim against them regarding past employment practices, do you typically just require the contractor to affirm their compliance, under legal penalty, as part of their bid application? **Yes, and the document they submit must be notarized.**

If you would rather discuss over the phone, my cell phone is 920-425-4265.

Thanks!

Jonathon

GENERAL ORDINANCE NO. 19-20**AN ORDINANCE
CREATING SECTION 9.17,
GREEN BAY MUNICIPAL CODE,
RELATING TO RESPONSIBLE BIDDER CRITERIA**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.17, Green Bay Municipal Code, is hereby created to read:

Sec. 9.17. Responsible Bidder Criteria

- (1) *Purpose.* Pursuant to Wis. Stat. §§ 66.0901 and 62.15, all public works contracts, including any contract for the construction, execution, repair, remodeling, or improvement of any public work or building, or for the furnishing of supplies or material of any kind, where the estimated cost of such work will exceed \$25,000, shall be let by contract to the lowest responsible bidder. What constitutes a "responsible bidder" is a determination that requires the exercise of discretion by the City and its departments, officials, and/or employees under reasonably consistent responsible bidder criteria, as provided in this ordinance.
- (2) *Definitions.*
 - (a) *Contractor.* A person, corporation, partnership, or any other business entity that performs work on a public works contract as a general contractor, prime contractor, or subcontractor at any tier.
 - (b) *Class A Registered Apprenticeship Program.* An apprenticeship program that is currently registered with either a State or federal governmental entity and that has a graduated apprentices to journeyman job classification system process as well as a bona fide training program.
 - (c) *Public Works Contract.* Any contract for the construction, execution, repair, remodeling, or improvement of any public work or building, or for the furnishing of supplies or material of any kind, where the estimated cost of such work will exceed \$25,000.
- (3) *Responsible Bidder Criteria.* In order to be considered a responsible bidder by the City for purposes of being awarded a public works contract, all of the following criteria must be met:
 - (a) The contractor must maintain a permanent place of business.
 - (b) The contractor must be authorized to do business in the State of Wisconsin.

- (c) The contractor and any agent, partner, employee, and/or officer of the contractor must not be debarred, suspended, proposed for debarment, or declared ineligible from contracting with any unit of federal, state, or local government.
- (d) The contractor must be in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- (e) The contractor must have adequate and appropriate:
 - 1. General liability insurance;
 - 2. Automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and
 - 3. Workers' compensation and unemployment insurance, except when the contractor does not have employees.
- (f) For all projects undertaken within the past five (5) years in any jurisdiction in which state or federal prevailing wage laws apply, the contractor must have complied with all provisions of such laws. This provision is intended to include projects that are federally funded or otherwise subject to federal Davis-Bacon-related laws.
- (g) If determined to be appropriate in the discretion of the Director of the Department of Public Works at the time a Request for Bids or Request for Quotes is issued where the public works contract exceeds two million dollars, the contractor must participate in a Class A Registered Apprenticeship Program.
- (h) The contractor must have a written substance abuse prevention program that meets the requirements of Wis. Stat. § 103.503.
- (i) The contractor must have, and diligently maintain, a written safety program.
- (j) The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws.
- (k) If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order, or judgment for the City to consider as a factor in determining whether the contractor is a responsible

bidder. The contractor may be disqualified for failing to provide the required documentation.

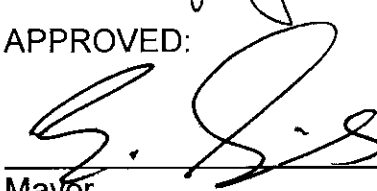
- (l) The contractor's employees who will perform work on the project must be covered under a current worker's compensation policy and must be properly classified under such policy.
 - (m) The contractor must be in compliance with all laws regarding health insurance coverage for employees.
 - (n) The contractor must possess all applicable professional and trade licenses required for performing the public works contract.
 - (o) The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete.
 - (p) The contractor must be bondable for the terms of the proposed public works contract.
- (4) *No restriction on discretion.* If information is discovered or comes into the possession of the City or a City department, official, and/or employee responsible for awarding the public works contract, and if such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract, and such information is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.

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

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this 21 day of July, 2020.

APPROVED:



Mayor

ATTEST:

Clerk

ljm

6/29/2020

Chris A. Teske

J. ORDINANCES - SECOND READING FOR ADOPTION.

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to suspend the rules and take Ordinances 1 through 3 with a roll call vote. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to adopt Ordinances 1 through 3. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach

1. Zoning Ordinance No. 09-20

An ordinance rezoning property located at 1341 Brosig Street from General Commercial (C1) District to Varied Density Residential (R3) District.

2. General Ordinance No. 19-20

An ordinance creating section 9.17, Green Bay Municipal Code, relating to responsible bidder criteria.

3. General Ordinance No. 21-20

An ordinance amending Section 29.208, Green Bay Municipal Code, relating to



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Recommendation from the License Committee regarding the Application for Class "A" Fermented Malt Beverage License and "Class A" Intoxicating Liquor License for Krist Oil Company (DBA Krist Food Mart #92), 1218 Grant St. Submitted by Krist Oil Company; Agent Mark Thiede Neenah, WI.

ATTACHMENTS:

- Krist Alcohol Beverage Retail Lic. App 2.17.21 (PDF)

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2020 ending: 06/30/2021
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of } DEPERE

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

Check one: ☐ Individual ☐ Limited Liability Company ☐ Partnership ☒ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number 456000034517003	
FEIN Number 38-1798214	
TYPE OF LICENSE REQUESTED	FEE
☒ Class A beer	\$ 100
☐ Class B beer	\$
☐ Class C wine	\$
☒ Class A liquor	\$ 250
☐ Class A liquor (cider only)	\$ N/A
☐ Class B liquor	\$
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
☒ Publication fee	\$ 30
TOTAL FEE	\$ 380

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Krist Oil Company

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 full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
ATANASOFF	STANLEY	EARL	
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
ATANASOFF	KRIST	DAVID	
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
ATANASOFF	CECELIA	ANN	
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
ATANASOFF	CECELIA	ANN	
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
THIEDE	MARK	A	
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name KRIST FOOD MART #92 Business Phone Number 906-265-6144
2. Address of Premises 1218 GRANT STREET DEPERE Post Office & Zip Code WI 54115
3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
1 STORE CONCRETE BLOCK BUILDING. CONVENIENCE STORE WITH DOORED COOLERS FOR CUSTOMER SELF SERVICE.
4. Legal description (omit if street address is given above): SEE ABOVE
5. (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?

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain

☐ Yes ☒ No
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? If yes, explain.

☐ Yes ☒ No
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain

☐ Yes ☒ No
9. (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? If yes, explain

☐ 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? If yes, explain.

☒ Yes ☐ No

KRIST OIL COMPANY HAS 38 OTHER LOCATIONS IN WI WITH PERMITS.
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]

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

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

☒ Yes ☐ No

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

Contact Person's Name (Last, First, M.I.)	Title/Member	Date
Atanasoff, Krist D.	Vice President	01/11/21
Signature	Phone Number	Email Address
	906-265-6144	krist@kristoil.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
1/22/2021			
Date license granted	Date license issued	License number issued	



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Ordinance #21-02 Amending § 10-5(a) De Pere Municipal Code Regarding Selection and Tenure of Certain City Officers.

Note: the Finance/Personnel Committee voted unanimously to approve this item at its meeting on February 9, 2021, and move the item forward to the Common Council for final approval.

The Human Resources Department has requested that the position of Building Inspector be removed from the list of City Officers. The Building Inspector position was previously included in the list of city officers because it was a department head position. Because of restructuring, the Building Inspector is no longer a department head position and therefore Human Resources believes this position should be at will, similar to other positions within the City.

ATTACHMENTS:

- Ord21-02 (PDF)
- Amending_Sec._10_5.____Selection_and_tenure_of_certain_city_officers. REDLINE (PDF)

ORDINANCE #21-02

AMENDING § 10-5(a) DE PERE MUNICIPAL CODE REGARDING SELECTION AND
TENURE OF CERTAIN CITY OFFICERS

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

SECTION 1. Section 10-5(a), is hereby amended by deleting “building inspector.”

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

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Review: 02/09/2021

Publication Date: _____

Sec. 10-5. - Selection and tenure of certain city officers.

- (a) *Officers created; enumeration.* The officers of the city: ~~building inspector~~; health officer/director; city attorney/assistant city administrator; finance director-treasurer; director of parks, recreation and forestry; director of public works; human resources director; director of economic development and planning; city engineer; city clerk; and information technology administrator are hereby created. All officers shall be appointed by the mayor, subject to confirmation by the common council.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Ordinance #21-03 Amending § 54-7(c) De Pere Municipal Code Regarding Residential Fences.

At its meeting on February 9, 2021, the Finance/Personnel voted unanimously to approve the proposed ordinance change and move this item forward to the Common Council for final approval.

ATTACHMENTS:

- Ord21-03 (PDF)
- Finance Committee-Fence Code Update Memo(PDF)
- Sec._54_7.____Fences_and_hedges REDLINE (PDF)

ORDINANCE #21-03

AMENDING § 54-7(c) DE PERE MUNICIPAL CODE REGARDING RESIDENTIAL FENCES

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

FOLLOWS:

SECTION 1. Section 54-7(c), is hereby amended by deleting section (4), renumbering the sections accordingly, and adding section (7) to read:

- (7) The following are prohibited:
- a. Barbed wire fences,
 - b. Permanent chicken wire,
 - c. Wire or plastic mesh-type fencing with a wire mesh diameter thinner than 11 gauge wire,
 - d. Hardware cloth,
 - e. Snow fencing,
 - f. Agricultural fencing, including but not limited to deer fencing, electrical fences, and single, double and triple strand fences.

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

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Review: 02/09/2021

Publication Date: _____

CITY OF DE PERE

Building Inspection

335 South Broadway, De Pere, WI 54115 | 920-339-4053 | www.deperewi.gov



City of De Pere Building Inspection Division

Memo

To: Finance/Personnel Committee
From: Dennis Jensen, Senior Building Inspector
Date: January 11, 2021
Subject: Municipal Code Revisions to Chapter 54 Building Code

The existing Chapter 54 Building Code shall be revised and parts repealed for Section 54-7 (c) Residential fences. The amendment in Section 54-7 (c) (4) shall be repealed and subsection (7) added to better define what types of fences shall be prohibited. The newly added subsection is needed to enhance the scope of fence materials that have been a challenge to approve or deny meeting the minimum code standards of life, health, safety and aesthetics.

Sec. 54-7 (c) *Residential fences.*

- (1) No fence exceeding three feet in height shall be allowed within the front yard or corner side yard building setback limits, except fences may be constructed to a height of four feet in corner side yards and front yards of lots provided the same is a see-through design (60 percent plus visibility).
- (2) The maximum height of fences on any other property line shall not be more than six feet.
- (3) A fence may be allowed to be constructed to eight feet in height abutting a nonresidential zoned property.
- ~~(4) Barbed wire fences, permanent chicken wire, hardware cloth, snow fencing, electrical fences, and single, double, and triple strand fences are prohibited.~~
- ~~(54)~~ Fences, walls, and hedges shall comply with the vision triangle requirements of subsection 54-7(d).
- ~~(65)~~ The most attractive side of a fence shall face the adjoining property, meaning that the structural supporting elements are located on the inside of the property.
- ~~(76)~~ Fences, walls and hedges installed or constructed in a drainage easement shall not impede normal water drainage. Fences, walls and hedges installed or constructed in a utility easement may be removed by the utility contractor at the owner's expense.
- (7) The following are prohibited:
 - a. Barbed wire fences,
 - b. Permanent chicken wire,
 - c. Wire or plastic mesh-type fencing with a wire mesh diameter thinner than 11 gauge wire,
 - d. Hardware cloth,
 - e. Snow fencing,
 - f. Agricultural fencing, including but not limited to deer fencing, electrical fences, and single, double and triple strand fences.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Resolution #21-19 Authorizing Agreement Between the City of De Pere and St. Norbert College, Inc. Regarding the Reconstruction and Discontinuance of a Portion of Reid Street.

The Board of Public Works at the February 8, 2021 meeting approved an agreement between the City of De Pere and St. Norbert College with regards to reconstruction and discontinuance of a portion of Reid Street and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

St. Norbert College (SNC) has requested taking over Reid Street from 3rd Street going eastward (See Reid Street Exhibit) so they have the ownership and control of this area of Reid Street to address parking and traffic concerns through campus. Our City Attorney has drafted an agreement regarding the reconstruction and discontinuance of this section of Reid Street. (See attached agreement with exhibits). This agreement requires the City to relay the existing water main and resurface the street as was originally planned in our capital improvements plan. In addition, the agreement has requirements for SNC if they choose to have the City include some of their street improvements with the City's Reid Street project. Also, the agreement covers vacating Reid Street right-of-way. Once this agreement is approved, it will be the intent to bring forward through plan commission the official street vacation.

Staff recommends approving the agreement.

ATTACHMENTS:

- Reso21-19 (PDF)
- Agreement Signed by SNC 1-27-21 (PDF)
- Exhibit_Reid Vacation_aerial Ex A (PDF)
- Exhibit C with Legal (PDF)
- Exhibit D-SNC Reid St Discontinuance (PDF)

RESOLUTION #21-19

AUTHORIZING AGREEMENT BETWEEN THE CITY OF DE PERE AND ST. NORBERT COLLEGE, INC.
REGARDING THE RECONSTRUCTION AND DISCONTINUANCE OF A PORTION OF REID STREET

WHEREAS, St. Norbert College ("College") is located on the west side of City, in an area generally bounded by Grant and Reid Streets to the north, the Fox River to east, Scheuring Road to the south and the Canadian Railway line to the west; and

WHEREAS, the City has jurisdiction and control over certain public right-of-way known as Reid Street, particularly that portion of Reid Street east of Third Street, located on the College campus ("Campus Reid Street Area"); and

WHEREAS, Reid Street east of Third Street is the only public right-of-way serving that part of the College campus; and

WHEREAS, College is interested in having ownership, authority and control over the Campus Reid Street Area to address parking and traffic concerns within this segment of the college campus; and

WHEREAS, City believes that there is limited public interest and benefit in maintaining the Campus Reid Street Area as public right-of-way and believes that the public interest may require discontinuance of the same, provided all existing utility easements are maintained and further providing that access for emergency personnel to that area remains; and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Resolution #21-19

Page 2 of 2

The Mayor and City Clerk are authorized and directed to enter into such Agreement Between the City of De Pere and St. Norbert College, Inc. Regarding the Reconstruction and Discontinuance of a Portion of Reid Street, as is attached hereto.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, and employees 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 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 02/8/2020

AGREEMENT BETWEEN THE CITY OF DE PERE AND
ST. NORBERT COLLEGE, INC. REGARDING THE
RECONSTRUCTION AND DISCONTINUANCE
OF A PORTION OF REID STREET

THIS AGREEMENT is entered into this 27 day of January, 2021 between the City of De Pere, a Wisconsin municipal corporation ("City") and St. Norbert College, Inc., a Wisconsin Institution of Higher Learning ("College").

WHEREAS, the College campus is located on the west side of City, in an area generally bounded by Grant and Reid Streets to the north, the Fox River to the east, Scheuring Road to the south and the Canadian Railway line to the west, as shown in the map attached and incorporated as Exhibit A; and

WHEREAS, the City has jurisdiction and control over certain public right-of-way known as Reid Street, and in particular that portion of Reid Street east of Third Street, located on the College campus ("Campus Reid Street Area") and shown on Exhibit A; and

WHEREAS, Reid Street east of Third Street is the only public right-of-way serving that part of the College campus; and

WHEREAS, College is the owner of all real property parcels abutting the Campus Reid Street Area, said properties comprising a major campus center, including academic buildings, student residence halls and access to the Fox River; and

WHEREAS, the City's Capital Improvement Project (CIP) plan lists the Campus Reid Street Area as in need of certain improvements, including street resurfacing, water main replacement, repair and replacement of affected incidental components, and restoration activities ("Infrastructure Improvements"), with said improvements projected to be undertaken in 2021, subject to City budget approvals therefore; and

WHEREAS, College is interested in having ownership, authority and control over the Campus Reid Street Area to address parking and traffic concerns within this segment of the College campus; and

WHEREAS, the City believes that there is limited public interest and benefit in maintaining the Campus Reid Street Area as public right-of-way and believes that the public interest may require discontinuance of the same, provided all existing utility easements are maintained and further providing that access for emergency personnel to that area remains; and

WHEREAS, the City and College wish to enter into this Agreement to memorialize their mutual understanding concerning the rights, duties and obligations of each party as to the proposed discontinuance of the Campus Reid Street Area and the City's Infrastructure Improvements to the same.

NOW THEREFORE, upon the mutual promises and obligations contained herein, together with such other consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

I. CITY TO MAKE PUBLIC INFRASTRUCTURE IMPROVEMENTS

- A. City agrees to perform Infrastructure Improvements to the College Reid Street Area as it would have had that part of Reid Street not been discontinued, and College agrees to allow City all access rights to perform the same, such improvements being:
1. Replace 12" cast iron water main the length of the project, including hydrant and service replacements. This work will include, at College's cost, the following pertaining to the College's existing 4" cast iron water main located mid-block in Reid Street, running easterly to the vacated First Street (now known as Kunkle Way):
 - a. abandonment of the 4" cast iron water main from its location in Reid Street;
 - b. existing laterals serving College building on Reid Street will be tied into the new 12" water main constructed by City;
 - c. College's private water main in Kunkle Way will be connected to City's water main in Reid Street at Kunkle Way.
 2. Repair and replace storm sewer infrastructure as necessary.
 3. Mill and resurface asphalt roadway by milling 2" of asphalt and replacing it with a new 2" asphalt coat. All utility trenches will be filled, compacted and restored with 4" asphalt.
 4. Replace concrete curb and gutter where damaged (which is defined as cracked and not providing adequate drainage), and replacement of sidewalk, concrete driveway aprons and storm sewer inlets where damaged or not up to specification. Curb sections removed for utility replacement will be replaced.
 5. Terrace restoration will be completed adjacent to replaced curb and gutter and where disturbed for utility construction. Restoration will be completed with 4" of topsoil, seed and mulch.
 6. Surface striping will be completed to match existing. If College desires an alternative striping scheme, it shall reimburse city for an additional costs incurred in the College preferred scheme.
 7. If College desires to have any additional work included in the above Infrastructure Improvements, such as construction of concrete bump-outs at crosswalks or other desired locations, installation of College insignia or decorative ornamentation, college shall include such features in its College Construction documents (see Paragraph II.E. below) and shall reimburse City all costs associated with the same.

- B. The City of De Pere Department of Public Works Standard Specifications (“Standard Specifications”) attached hereto and incorporated by reference as Exhibit B shall be the construction specifications to be used for such Infrastructure Improvements and for any College Construction as permitted under ¶ II.E. The Standard Specifications in place at the time the Infrastructure Improvements are publically bid shall apply.
- C. The parties acknowledge that the City is bound under Wis. Stats. §62.15 to publicly bid the contract for the Infrastructure Improvement work. As such, City shall award such work as required under state statute.
- D. If requested by College, City shall include in its public works bidding documents such additional road/utility construction, as College may determine necessary, to College owned infrastructure in the Campus Reid Street Area vicinity (“College Construction”), subject to the following:
1. The work to be performed on College owned infrastructure involves the same type and skill of work being bid under the City’s contract.
 2. College acknowledges that any such College Construction shall be designed in conformity with the City Standard Specifications in order for such work to be included under the public works contract. To that end, College shall engage such engineer as it determines qualified to draft plans and specifications for such work in compliance with the City’s Standard Specifications, which shall be provided to City for inclusion in the public bidding documents according to the schedule thereof established by the City Director of Public Works.
 3. City shall invoice College for its portion of said construction work as City is billed by its contractor. Such invoice shall also include engineering fees for City engineering staff site monitoring and inspection of College Construction. College shall remit payment on said invoice within 15 days of invoice date.
 4. City shall permit College to have its agent on site of the reconstruction project to monitor the Infrastructure Improvement and College Construction work, if any.
 5. College shall indicate, in writing, its acceptance of the work as the same proceeds and such acceptance shall not be unreasonably withheld. City and College agree that the dispute resolution processes under Section IV shall apply to disagreements over acceptance of City Infrastructure Improvements and College Construction work. In no event will a dispute over acceptance of said work delay the progress thereof, unless such dispute involves a threat to public safety, as determined by City in its reasonable discretion.
 6. If College withholds final acceptance of the Infrastructure Improvements work, the parties agree that College shall take all steps necessary to rededicate the Campus Reid

Street area to the City as public right-of-way. In doing so, the legal description and scale map utilized in the street discontinuance shall be used as the legal description and scale map for such rededication. Additionally, College shall return any alteration of the streetscape by College to its original condition.

II. DISCONTINUANCE OF REID STREET EAST OF THIRD STREET

- A. Contemporaneous with construction of the infrastructure improvements identified in Paragraph I., City shall, pursuant to the requirements of Wis. Stats §66.1003(4), take steps to initiate proceedings to vacate and discontinue that portion of Reid Street east of Third Street as is shown on the scale map attached and incorporated herein as Exhibit C.
- B. Such vacation and discontinuance shall be subject to retaining all existing utility easements and rights incidental thereto as provided under Wis. Stats. §66.1005(2) (a). Pursuant to the easements retained under Wis. Stats. §, College recognizes and agrees it shall not place any permanent objects or obstructions upon the vacated right of way which will hinder or prevent future utility maintenance, repair or replacement activities.
- C. Such vacation and discontinuance shall further be subject to an access easement for public safety and emergency personnel and equipment which shall be substantially similar in form as Exhibit D, attached and incorporated hereto.
- D. City shall take the following steps necessary to vacate and discontinue Reid Street east of Third Street:
 - 1. Preparing a legal description and scale map showing the area to be discontinued;
 - 2. Submitting the discontinuance request to the City Plan Commission for its review and recommendation to the Common Council;
 - 3. Filing a *lis pendens* with the Brown County Register of Deeds as required under Wis. Stats. §66.1003(8)(b);
 - 4. Introduction of the Discontinuance Resolution before the Common Council;
 - 5. Holding a public hearing on the proposed discontinuance and final vote of the Council on the Discontinuance Resolution.
- E. College hereby waives all rights under federal, state and local law to object to the vacation and discontinuance of the area of Reid Street shown on Exhibit C.
- F. Nothing in this Agreement shall require the Common Council to, after the public hearing thereon, approve such Discontinuance Resolution. In the event the Common Council does not approve the Discontinuance Resolution, this Agreement shall become null and void in all respects.

- G. Upon approval of such Discontinuance Resolution and after final completion of the infrastructure improvements under Paragraph II., as determined by the City Engineer, the City Clerk shall record said Resolution with the Brown County Register of Deeds Office, which action shall officially vacate and discontinue such right-of way.
- H. Title to the discontinued right-of-way shown on Exhibit C shall revert to College in accordance with Wis. Stats. §66.1005.
- I. Upon reversion of title to the discontinued right-of way to College, City shall remove all indicia of City jurisdiction over the College Reid Street Area, including removal of all City regulatory signage (i.e. parking signs, speed limit signs et.)
- J. Upon reversion of the College Reid Street Area to College, City and all other utilities shall remain responsible for all maintenance activities related to their utilities located on and within the reverted right of way.
- K. Upon reversion of title to the discontinued right-of-way to College, College shall, subject to all easements under Wis. Stats. §66.1005(2)(a) and the /or Access Easement referenced above (Exhibit D) assume all attributes, requirements and privileges of ownership of the reverted right-of-way, including but not limited to:
 - 1. Street regulations, striping and signage therefore;
 - 2. Street maintenance activities, including snow clearance, street sweeping, re-striping, asphalt patching, pothole filling and such other maintenance activities as are necessary for;
 - 3. Street lighting and maintenance thereof, whether owned by College or as required by any third-party owner (Wisconsin Public Service Corporation) thereof;
 - 4. Ownership liability for all claims of injury or damage occurring on or about the premises other than the same arising from the same;
 - 5. Any other usual and customary rights and responsibilities attendant to real property ownership.

III. ALLOCATION OF RISKS

To the fullest extent permitted by law, the College shall hold harmless the City, City's officers, directors, partners, and employees from and against any and all costs, losses, and damages (including, but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by the negligent acts or omissions of College or College's officers, directors, partners, employees, and College's Consultants in performance of services under this Agreement.

To the fullest extent permitted by law, the City shall hold harmless College, the College's officers, directors, partners, employees, and College's Consultants from and against any and all costs, losses, and damages (including, but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by the negligent acts or omissions of City and City's officers, directors, partners, employees, and City's Consultants with respect to this Agreement or the project.

Notwithstanding any other portions of this Agreement, nothing contained herein is intended to waive or estop the City or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin Statutes §§ 345.05 and 893.80. To the extent that indemnification is available and enforceable, the City or its insurer shall not be liable in indemnity, contribution or otherwise for an amount greater than the limits of liability of municipal claims established under Wisconsin Law.

IV. DISPUTE RESOLUTION PROCESSES

All claims, disputes and other matters in question between the parties of this Agreement, arising out of, or relating to this Agreement or breach thereof, which are not disposed by mutual agreement of the parties, shall be subject to mediation as a condition precedent to the institution of legal proceedings by either party.

The City and College shall attempt to resolve claims, disputes and other matters in question between them by mediation in accordance with the Rules of the American Arbitration Association currently in effect, unless the parties agree otherwise. A request for mediation shall be filed in writing with the other party to this Agreement and, if applicable, the American Arbitration Association. The request may be made concurrently with the filing of a civil action, but mediation shall proceed in advance of legal proceedings, which may be stayed pending mediation for a period of 60 days from the date of filing unless a longer period is agreed to by the parties or required by a court order.

The parties shall share the mediator's and any filing fees equally. The mediation shall be held in Brown County, Wisconsin unless another location is mutually agreed upon.

V. MISCELLANEOUS PROVISIONS

- A. NOTICES. All notices permitted or required by this Agreement shall be served via First Class Mail with proper postage affixed and addressed to the following:

If to College:
 St. Norbert College, Inc.
 c/o Autumn Anfang
 V. P. Business and Finance
 100 Grant Street
 De Pere, WI 54115

If to City:
 City of De Pere
 c/o City Clerk
 335 S. Broadway Street
 De Pere, WI 54115

With a copy to:
 c/o Patrick Wrenn
 Director of Facilities
 100 Grant Street
 De Pere, WI 54115

With a copy to:
 City Administrator
 335 S. Broadway Street
 De Pere, WI 54115

- B. This Agreement comprises the entire Agreement of the parties. No term or provision other than as is set forth herein has been negotiated between the parties.
- C. By signing this Agreement, each party signing the same affirmatively asserts and represents that he/she has the proper and lawful authority of the entity for which he/she is signing.
- D. This Agreement shall be governed by, construed under and enforced in accordance with the laws of the State of Wisconsin. All actions or proceedings relating directly or indirectly to this Agreement whether sounding in contract or in tort shall be litigated in the Circuit Court of Brown County, Wisconsin. All Parties to this Agreement hereby subject themselves to the jurisdiction of the Circuit Court of Brown County, Wisconsin.
- E. The rights and obligations of the Parties under this Agreement are personal as between them, and they may not be assigned, transferred or conveyed in any manner by any Party without the prior written consent of all of the other Parties. Waiver of a breach or a violation of any provision or term of this Agreement may not be construed to be a waiver of any subsequent breach.
- F. The provisions of this Agreement are severable, and if any provision is found to be invalid, unenforceable, or void by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect and shall not be affected, impaired or invalidated unless the effect of holding the provision invalid, unenforceable or void defeats the entire purpose of the Agreement.
- G. All Parties have contributed to the drafting of this Agreement. In the event of a

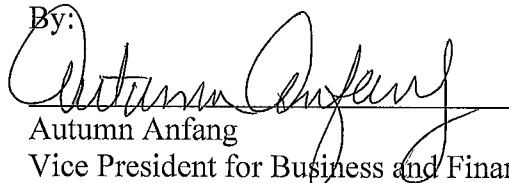
controversy, dispute or contest over the meaning, interpretation, validity or enforcement of this document, or any of its terms or conditions, there shall be no inferences, presumptions or conclusions drawn whatsoever against any Party by virtue of that Party having drafted the document or any portion thereof.

- H. This Agreement contains the entire agreement and understanding concerning the subject matter between the Parties and supersedes and replaces any and all prior negotiations, proposed agreements, and agreements written or oral. Each acknowledges that no other party, nor any agent of any party, has made any promise, representation, or warranty whatsoever, expressed or implied not contained herein, concerning the subject matter hereof, to induce the other party to execute this Agreement; and each party acknowledges that it has not executed this Agreement in reliance on any such promise, representation, or warranty not contained herein.
- I. This Agreement may be executed by the parties in counterparts.

Dated this 27 day of January, 2021.

ST. NORBERT COLLEGE, INC.

By:


Autumn Anfang
Vice President for Business and Finance

CITY OF DE PERE

By:

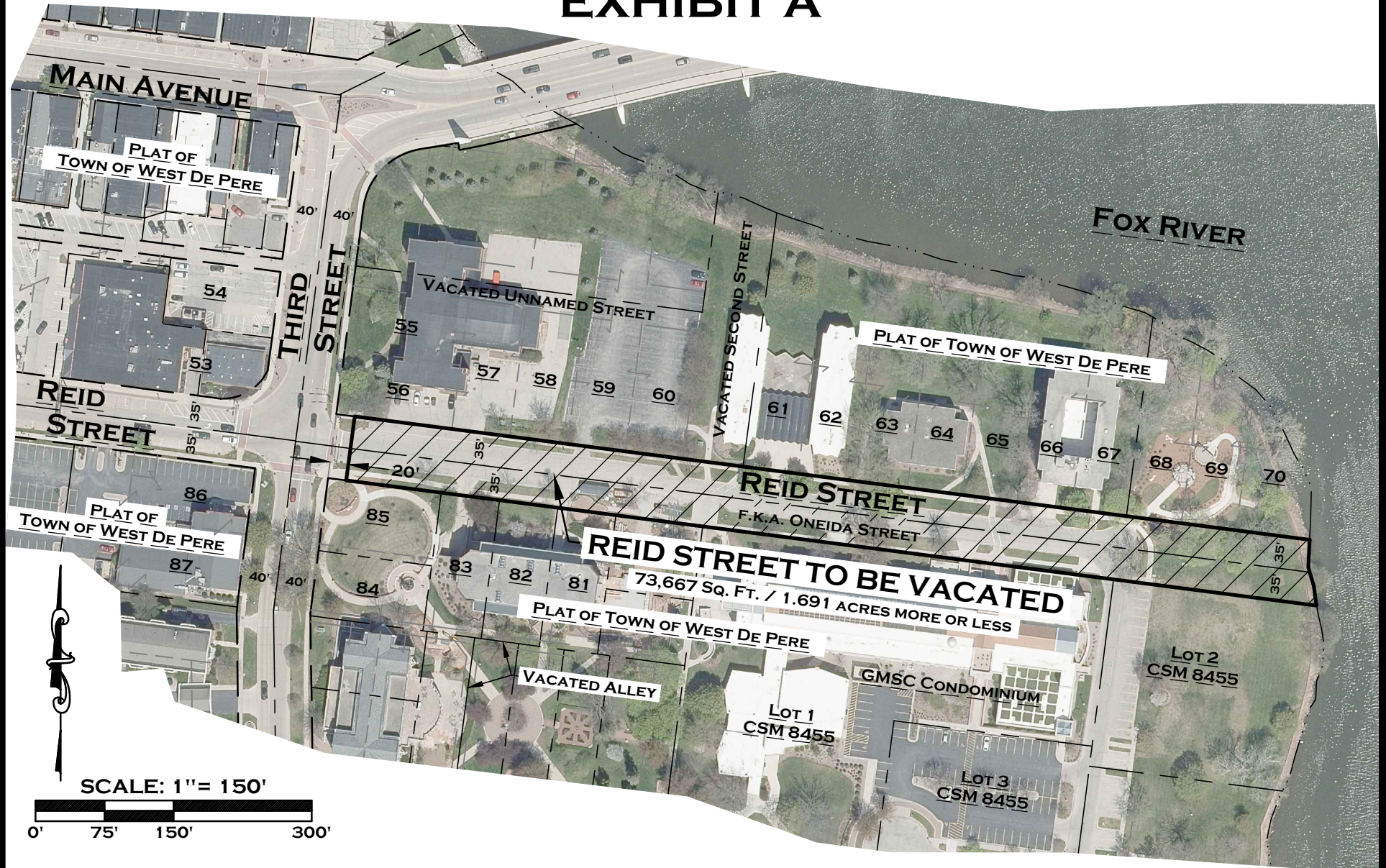
James G. Boyd
Mayor

Print Name:
Title:

Carey E. Danen
City Clerk

H:\azills\Agreements\2017\SNC Reid St Discontinue Agreement12-16-168-003-16.docx

EXHIBIT A



PREPARED BY:



ROBERT E. LEE & ASSOCIATES, INC.

ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
HOBART, WI 54155
PHONE: (920) 662-9641
INTERNET: WWW.RELEEINC.COM FAX: (920) 662-9141

R:\0400\0404\0404445\REID STREET VACATION\DWG\EXHIBIT_REID VACATION.DWG

PREPARED FOR:



CITY OF DE PERE

335 S. BROADWAY
DE PERE, WI 54155

PHONE (920) 339-4050
FAX (920) 330-9491

LEGEND



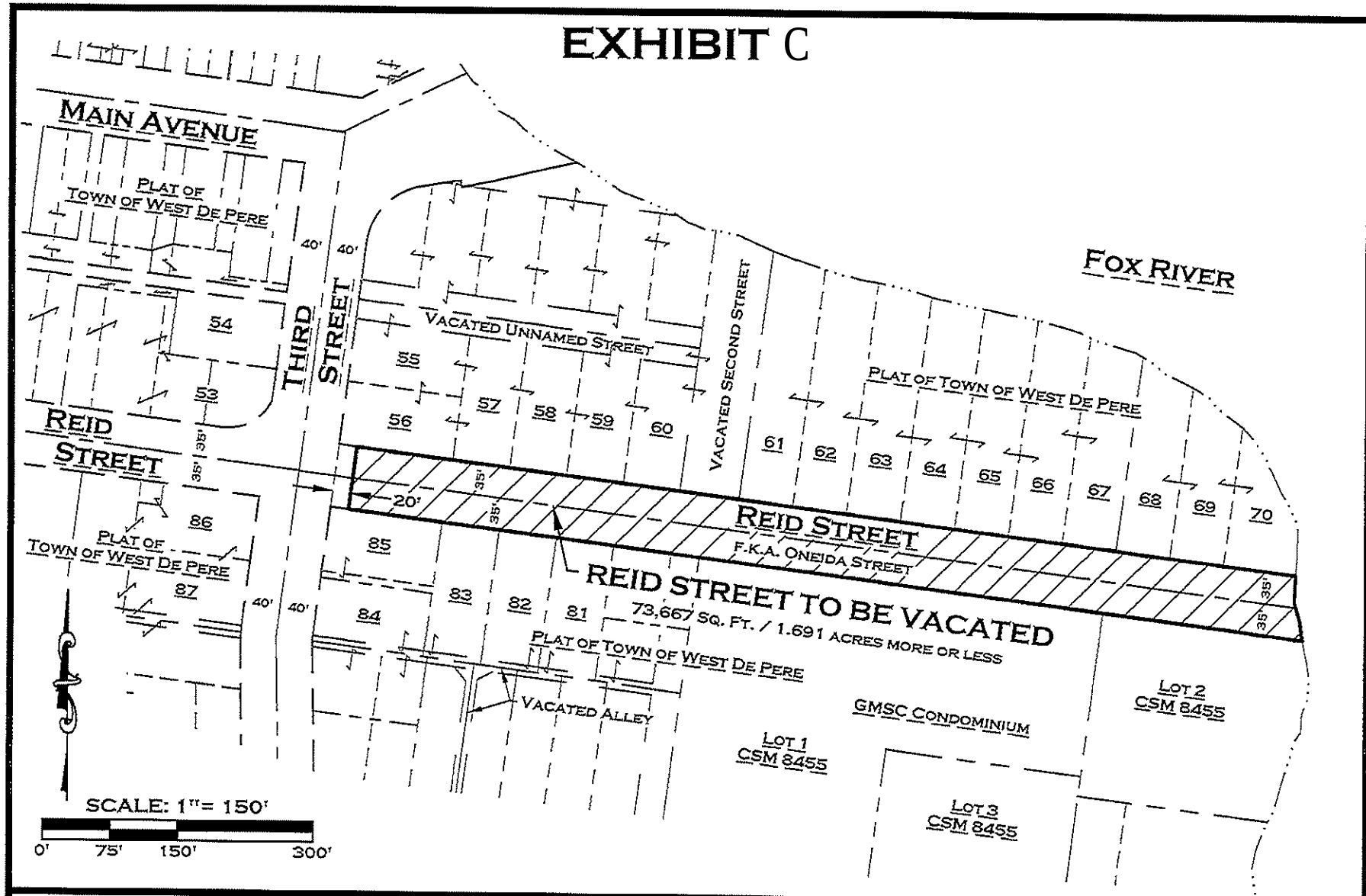
REID STREET - TO BE VACATED

DATE: 12/21/2020

REL JOB # 0404445

DRAWN: BLP
CHECKED: TEH

EXHIBIT C



PREPARED BY:

**ROBERT E. LEE & ASSOCIATES, INC.**

ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES

1250 CENTENNIAL CENTRE BOULEVARD

HOBART, WI 54155

INTERNET: WWW.RELEEINC.COM

PHONE: (920) 662-9641

FAX: (920) 662-9141

R:\0400\0404\0404445\Reid Street Vacation\DWG\EXHIBIT_Reid Vacation.DWG

PREPARED FOR:

DE PERE

**CITY OF DE PERE**335 S. BROADWAY
DE PERE, WI 54155PHONE (920) 339-4050
FAX (920) 330-9491

LEGEND



REID STREET - TO BE VACATED

DATE: 12/21/2020

REL JOB # 0404445

DRAWING BLP
CHECKED: TEH

All that part of Reid Street, f.k.a. Oneida Street, according to the recorded plat of Town of West De Pere, Volume 8, Plats, Page 7, Document Number 580, lying easterly of Third Street, all being located in part of Private Claim 29, West Side of the Fox River, City of De Pere, Brown County, Wisconsin.

EXCEPT the westerly 20.00 feet thereof.

As shown and dimensioned on the attached Exhibit A.

Said described land contains 73,667 sq. ft. / 1.691 acres more or less.

Document No.

ACCESS EASEMENT AGREEMENT

| Return to:

Parcel Number

THIS ACCESS EASEMENT AGREEMENT (Agreement) is entered into between St. Norbert College, Inc., a Wisconsin Institution of Higher Learning (Grantor) and the City of De Pere, a Wisconsin Municipal Corporation (Grantee).

RECITALS:

Grantor is the owner of certain real property in the City of De Pere, Brown County, Wisconsin, more particularly described as: *insert legal for vacated Reid St. east of 3rd Street* and shown on the attached Exhibit A (the Property).

Grantor wishes to convey to Grantee a permanent Public Access Easement (the Easement) over an on the area described above and shown on Exhibit A to public safety and emergency personnel and equipment access thereto.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Grant of Easement. Grantor as owner of the area described above and shown on Exhibit A hereby conveys and grants to Grantee a perpetual public safety and emergency personnel access easement over and upon such premises and appurtenances thereto as may from time to time be required, together with the right of ingress and egress thereto.

Exhibit D
Page 1 of 3

2. Consistent Uses Allowed. Grantor reserves all other property rights in the Access Easement that will not interfere with Grantee's Access Easement rights in this Agreement.

3. Covenants Run with Land. All terms and conditions in this Agreement shall run with the land and shall be binding upon and inure to the benefit of, and be enforceable by, Grantor and Grantee and their respective successors and assigns.

4. Non-Use. Non-use or limited use of the Access Easement granted in this Agreement shall not prevent the benefiting party from later use of the Easement to the fullest extent authorized in this Agreement.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

6. Entire Agreement. This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all Parties to this Agreement and duly recorded in the office of the Register of Deeds of Brown County, Wisconsin.

ST. NORBERT COLLEGE, INC.

(Signature)

(Print Name)

(Date)

(Signature)

(Print Name)

(Date)

State of Wisconsin)
) ss.
_____ County)

On the above date, this instrument was acknowledged before me by the above-named person(s).

(Signature, Notary Public, State of Wisconsin)

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

(Date Commission Expires)

CITY OF DE PERE

(Signature)

James G. Boyd, Mayor

(Date)

(Signature)

Carey E. Danen, City Clerk

(Date)

State of Wisconsin)
) ss.
_____ County)

On the above date, this instrument was acknowledged before me by the above-named person(s).

(Signature, Notary Public, State of Wisconsin)

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

(Date Commission Expires)

Exhibit D
Page 2 of 3

EXHIBIT A

(The Property)



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Human Resources

FROM: Shannon Metzler

SUBJECT: Resolution #21-20 Amending Resolution #20-117 (Adoption of Tax Levy for City Purposes to Support the 2021 City Budget) by Reapportionment of \$133,395 from General Fund - Unassigned Reserves for Additional Staffing Positions.

ATTACHMENTS:

- Reso21-20 (PDF)
- Funding Memo for PD Social Worker and IT additional positions Revision 2 (PDF)

RESOLUTION #21-20

AMENDING RESOLUTION #20-117 (Adoption of Tax Levy for City Purposes to Support the 2021 City Budget) BY REAPPORTIONMENT OF \$133,395 FROM GENERAL FUND – UNASSIGNED RESERVES FOR ADDITIONAL STAFFING POSITIONS

WHEREAS, after due deliberation and public discussion, the De Pere Common Council approved the 2021 City Budget and adopted a tax levy to support such Budget on November 17, 2020 (Resolution #20-117); and

WHEREAS, said Resolution apportioned the total tax levy of \$15,072,288 as follows:

General Fund (\$8,285,197); Debt Service (\$3,869,027);
Capital Projects (\$1,742,276); and Local Levy TID Districts (\$1,175,788); and

WHEREAS, the City has determined to amend the 2021 City Budget by increasing General Fund expenditures by \$133,395 from the General Fund-Unassigned Reserves to fund salary and benefits for the following new staff positions:

- (a) Social Worker – Police Department
- (b) Video Production Specialist – Information Technology Department.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council hereby amends the General Fund expenditures in the 2020 property tax levy to support the City's 2021 budget by increasing the \$8,285,197 General Fund allocation by \$133,395, for a total General Fund expenditure of \$8,418,592.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 02/09/2021

CITY OF DE PERE MEMO



To: Personnel & Finance Committee

From: Lawrence M. Delo, City Administrator

Date: February 10, 2021

RE: Request to Approve Budget Amendment for Additional Staffing Positions

The Personnel and Finance Committee approved a recommendation for the City Council to approve a budget amendment request for \$133,395 (salary and benefits) to fund two new staff positions (a Social Worker for the Police Department and a Video Production Specialist in the Information Technology Department). The amendment is allocated to the General Fund for \$112,551, the Sanitary Sewer Utility for \$4,632, the Water Utility for \$4,632, the Storm Water Utility for \$5,790 and the Cable Access Fund for \$5,790. As you may recall, both of these positions were identified and discussed during the 2021 proposed budget study session held in October, 2020.

Adding the positions and the necessary funding as part of the 2021 Budget that was adopted by the City Council in November, 2020 would have required the City to forego \$239,735 in expenditure restraint revenue from the State or required an expenditure reduction in the proposed 2021 Executive Budget that would be equivalent to the funding required for the two requested positions. The City Council indicated a preference to maintain the requested funding levels of the proposed 2021 Executive Budget and to instead consider a budget amendment to fund the two new positions after January 1, 2021 as part of the October, 2020 study session discussions.

The proposed budget amendment is recommending appropriating the necessary funding from the General Fund unassigned reserves. The City is scheduled to close tax increment district #5 in 2021 allowing the city to receive an estimated additional \$223,338 as its share of the 2020 TID #5 tax levy of \$731,204. As a result of the TID #5 closure, the city will also receive an increase in its allowable levy limit base of \$111,669 beginning in 2022. The Administration is recommending the before mentioned appropriation from unassigned reserves to fund the two new positions and then utilizing the additional revenue associated with the closure of TID #5 to refund unassigned reserves in 2021. The increase in allowable property tax levy associated with the closure of TID #5 for future years will be used to fund the two new positions going forward. Therefore, there should be minimal impact to the City's forecasted property tax mill rate associated with the addition of the proposed new positions in the Police Department and Information Technology Department.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Human Resources

FROM: Shannon Metzler

SUBJECT: Resolution #21-21 Authorizing Information Technology Department Staffing Amendment, Creating Video Production Specialist Position and Related Changes to City's Table of Organization and Compensation Plan.

ATTACHMENTS:

- Reso21-21 (PDF)
- IT Dept. Reorg 2021_v1sm (PDF)

RESOLUTION #21-21

AUTHORIZING INFORMATION TECHNOLOGY DEPARTMENT STAFFING AMENDMENT, CREATING VIDEO PRODUCTION SPECIALIST POSITION AND RELATED CHANGES TO CITY'S TABLE OF ORGANIZATION AND PAY GRADES WITHIN CITY'S COMPENSATION PLAN

WHEREAS, the Information Technology Department wishes to revise its staffing plan and current organizational structure, as well as create a new full time Video Production Specialist position in order to increase efficiencies in its operations and distribution of department workload; and

WHEREAS, the Finance/Personnel Committee has reviewed the recommendations of the Information Technology Director and the Human Resources Director to move the current Video Production/IT Support Specialist position into a full time IT Support Specialist (at current pay grade) and create a new full time Video Production Specialist position and recommends approval thereof.

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

The Common Council hereby approves the transition of the full time Video Production/IT Specialist into a full time IT Support Specialist within the Information Technology Department under the City's Table of Organization.

BE IT FURTHER RESOLVED THAT:

The IT Support Specialist position shall be assigned to Pay Grade H within City's Compensation Plan Grade Order List.

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

The Common Council hereby approves the creation of a full time Video Production Specialist within the Information Technology Department and insertion in the City's Table of Organization.

BE IT FURTHER RESOLVED THAT:

The Video Production Specialist shall be assigned to Pay Grade F within City's Compensation Plan Grade Order List.

Resolution #21-21

Page 2 of 2

BE IT FURTHER RESOLVED THAT:

All City officers, officials 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 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 02/09/2021

CITY OF DE PERE MEMO



To: Finance/Personnel Committee
 From: Steve Massey, IT Director
 Shannon Metzler, Human Resources Director
 Date: February 9, 2021
 RE: Information Technology (IT) Department Organizational Change
 Note: At the February 9, 2021 Finance/Personnel Committee the below recommendation was approved unanimously.

The City of De Pere IT department has been run very lean for a very long time which consistently results in project delays. In some cases the delays have been several years as IT spends a significant amount of time reacting to business needs vs proactively providing internal customers with the necessary tools to continually work on process improvement. In looking at our current staffing, work responsibilities, and to better prepare the department for the future, we are proposing a revised staffing plan.

Changes:

- Transition Kevin Clark's position from Video Production/IT Support Specialist into a full time IT Support Specialist. Kevin would continue building his IT knowledge by leading larger projects and attending technical training that has already been purchased. This would allow Kevin to continue personal and professional growth while freeing up time for the IT Director to focus on high level projects and security initiatives. Based on a review of the new duties, the pay grade would not change at this time but will be reviewed again during future compensation studies as the position will require additional responsibilities and technical skills.
- Create a new full time (Hourly) Video Production Specialist position. This position would mirror the Video Production and Marketing Coordinator position Kevin Clark held in 2015 where he performed video production full time. This position would be responsible for daily operations of the cable access station and video production of public meetings and video content creation for all city departments. This position would be funded by the cable access fund. In 2015 this position was in salary grade F and that would still be the appropriate grade. Grade F, step 1 is currently \$18.80/hour (\$39,104 annually). The total cost to fund this position including benefits is \$70,720.

There are several reasons for the proposed changes; however the main reasons are as follows:

- Over the last 5 years the City's server infrastructure has increased from 4 servers to 20.
- Over the last 5 years the number of end user computing devices has increased from 100-200+. The increase in end user devices requires an increased focus on cyber security initiatives to ensure safety and reliability of the City's IT infrastructure.
- As digital platforms evolve the City has had to produce more online content for constituent dissemination. The addition of a full time Video Production Specialist would allow departments the opportunity to produce more content in a timely manner.

- Currently the IT Director is responsible for planning, implementation and maintenance of the IT infrastructure. Transitioning the current Video Production/IT Support Specialist into a full time IT Support Specialist would allow for complete cross training and coverage to provide better service to internal and external customers resulting in increased productivity.

If you have questions in advance of the meeting, please contact either Steve Massey or Shannon Metzler.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Police

FROM: Derek Beiderwieden

SUBJECT: Resolution #21-22 Creating Police Social Worker Position in Police Department and Related Changes to City's Table of Organization and Compensation Plan.

Please see attached memo and letter.

ATTACHMENTS:

- Job Classification - Police Social Worker 2021-02-02 (PDF)
- PSW Request for Council (DOCX)
- Reso21-22 PD Social Worker (DOCX)



February 2, 2021

MEMORANDUM

TO: Shannon Metzler, Human Resources Director

FR: Patrick Glynn, Senior Consultant

RE: Job Classification – Police Social Worker

The City requested we evaluate job documentation provided for the classification of Police Social Worker. This is a new classification expected to “... *serv[e] the community by providing assistance to law enforcement with crisis intervention, citizen mental health issues, homelessness, substance abuse, sensitive crime investigations, emergency mental detentions, critical incidents and traumatic events, as well as counseling and referral services to members of the community and department members.*” Additionally, this classification would be expected to serve as an internal and external resource on the matters described above.

The city is seeking a level of education and experience which befits the challenges that this position will face. Not only will it need to assist in serving the community in delicate situations, but it will also be required to assist the department in balancing the law enforcement and social services needs of the community. Additionally, coordination and cooperation with the County human services agency will be paramount to this position’s success.

After reviewing the documentation, and discussing this matter with the Human Resources Director and the Chief of Police, we recommend placing this classification at Grade L of the wage structure.

Please let me know if you any questions.

CITY OF DE PERE
POLICE DEPARTMENT

MEMORANDUM

To: Common Council Alderpersons
James Boyd, Mayor

From: Derek A. Beiderwieden, Chief of Police
Shannon Metzler, Human Resources Director

Date: February 10, 2021

Subject: Request for New Police Social Worker Position

The police department is requesting a new position of Police Social Worker be added to the compliment of personnel already working in the department.

The Police Social Worker (PSW) would be highly utilized as a supplement to and as a follow up to calls for service police officers respond to on a regular basis. Many of the calls officers respond to involve the need for social service and mental health resources, and although officers do a good job of offering services and attempt to provide mental health counseling, it is not their primary function, and follow up to those situations is sometimes minimal. Thus, the services offered or mental health issues that have been identified don't get the attention that is critically needed. The PSW's primary mission would be to follow up on such mental health related calls and where social services needs have been identified. Often times the same assistance offered by a person not in uniform will get better results, but offering services and assistance is different than following up with it and that is where the PSW would excel. Phone calls, text, and personal visits are employed to reach those in need. Further, the PSW would also be identified as a liaison between the community and the department by attending certain community meetings, collaborating on community issues and with partners, and assisting with officer wellness and officer training.

The City's compensation consultant, Patrick Glynn, with Carlson Dettmann LLC has reviewed the duties we've established for the position and is recommending that the position be reclassified to pay grade L. Please see attached recommendation. The position would be in a pay range of \$64,792 to \$74,027 plus employee benefits of about \$35,000. There will also be a need for a vehicle (which could be a retired police vehicle), office space and related office equipment at a cost of about \$2,000.

There are ever increasing numbers of mental health and socially dependent calls for service police must respond to, and the addition of a PSW in the department will be beneficial to the community as it helps reduce the repeated calls for service and assists the department in acting proactively to high need calls. Such a professional can assist the department navigate through the various, sometimes complicated, social service systems and get the help where it is needed quickly and in the best way possible.

Serving with P.R.I.D.E.

RESOLUTION #21-22

CREATING POLICE SOCIAL WORKER POSITION IN POLICE DEPARTMENT AND
RELATED CHANGES TO CITY'S TABLE OF ORGANIZATION AND COMPENSATION PLAN

WHEREAS, the Police Department wishes to add a Social Worker position to its department personnel to assist police officers with follow-up and provide supplemental support for calls which involve social service or mental health related issues, to serve as a liaison between the community and the department, as well as to assist with officer wellness and training within the department; and

WHEREAS, the Finance/Personnel Committee has reviewed the recommendations of the Chief of Police and Human Resources Director for the creation of a Social Worker position and recommends approval thereof.

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

The Common Council hereby approves the creation of a Social Worker position within the Police Department and insertion into City's Table of Organization.

BE IT FURTHER RESOLVED THAT:

The Social Worker position shall be assigned to Pay Grade L within City's Compensation Plan Grade Order List.

BE IT FURTHER RESOLVED THAT:

All City officers, officials 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 17th day of February, 2021.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 02/09/2021



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Finance Department

FROM: Joe Zegers

SUBJECT: A. Resolution #21-23 First Amendment Rescinding Excess Stadium Tax Allocation and Redirecting the Same (\$125,000 from Voyageur Park Amphitheater/Stage to Site Preparation Work for Cultural Foundation, Inc. Redevelopment Project)

The Finance-Personnel Committee voted unanimously at its February 9, 2021 meeting to recommend approval of this item.

ATTACHMENTS:

- Reso21-23 (PDF)
- Exhibit 1-Redirecting Amphitheater (PDF)
- Excess Stadium Tax Revenue Resolution 2017 (PDF)
- Excess Stadium Tax Preliminary Report (PDF)

RESOLUTION #21-23

FIRST AMENDMENT RESCINDING EXCESS STADIUM
TAX ALLOCATION AND REDIRECTING THE SAME
(\$125,000 from Voyager Park Amphitheater/Stage to Site Preparation
Work for Cultural Foundation, Inc. Redevelopment Project)

WHEREAS, the Common Council, pursuant to Resolution #17-27, allocated
\$1,300,348.46 in excess stadium tax revenue returned to the City; and

WHEREAS, in addition to depositing such funds into a segregated account, 2015
Wisconsin Act 114, required municipalities receiving that revenue to adopt a resolution
specifying the purpose(s) for which the revenue will be spent and the amount of the revenue(s)
to be spent for that purpose; and

WHEREAS, in addition to other projects meeting the above criteria, the Council found
that construction of an amphitheater/stage at Voyageur Park would benefit economic
development in the City and allocated an amount not to exceed \$125,000.00 from said excess
tax revenue for that purpose; and

WHEREAS, the Council believes it is prudent to redirect the \$125,000.00 allocated for
the amphitheater/stage to site preparation work required for the Cultural Foundation, Inc.
redevelopment project as that project is “shovel ready”; and

WHEREAS, the Council further finds that the Cultural Foundation, Inc. Center will make
the City a cultural destination and provide significant economic development and other
benefits to the City for many years into the future.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Resolution #21-23

Page 2 of 2

The Council hereby rescinds the \$125,000.00 allocation of excess stadium tax revenue for the construction of an amphitheater/stage at Voyageur Park under Resolution #17-27 and re-allocates the same to site preparation work for the Cultural Foundation, Inc. Redevelopment Project as shown on Exhibit 1-Resolution #21-23.

BE IT FURTHER RESOLVED THAT:

All revenue not used through the above expenditure and all interest earned on the revenue shall be applied to future City debt payments as determined by the City Administrator and Finance Director.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, employees, and agents 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 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Committee Approval: 02/09/2021

Exhibit 1- Resolution #21-23 – Redirecting Amphitheater/Stage Funding

Project Title	2015 Wis. Act Purpose	Expenditure Not to Exceed
Re-write of City Zoning Code	Property Tax Relief	\$ 45,000
Establish City vision/brand	Economic Development	\$ 100,000
De Pere public art initiative	Economic Development	\$ 100,000
De Pere streetscape project	Economic Development	\$ 150,000
Aquatic center design	Property Tax Relief/ Economic Development	\$ 200,000
Southwest Park playground equipment	Property Tax Relief/ Economic Development	\$ 80,000
Splashpad	Economic Development	\$ 300,000
Voyageur Park amphitheater/stage	Economic Development Stricken: __/__/2021	\$ 125,000
Site preparation work Cultural Foundation, Inc. Redevelopment Project	Economic Development Added: __/__/2021	\$ 125,000
Voyageur Park playground equipment	Property Tax Relief/ Economic Development	\$ 200,000

\$1,300,000

RESOLUTION #17-27
REGARDING EXPENDITURE OF EXCESS
STADIUM TAX REVENUE

WHEREAS, pursuant to 2015 Wisconsin Act 114 (the Act), the State of Wisconsin authorized the return of excess stadium tax revenue collected between April 1, 2015 and September 30, 2015 to Brown County and municipalities located within Brown County; and

WHEREAS, under the Act, municipalities receiving such revenue are required to:

1. Deposit the revenue into a segregated account to use only for the purpose of providing property tax relief, tax levy supported debt relief, or economic development; and
2. Adopt a resolution specifying the purpose(s) for which the revenue will be spent and the amount of the revenue(s) to be spent for that purpose; and

WHEREAS, the State forwarded to the City its share of the revenue in the amount of \$1,287,473.72, which has earned \$12,874.74 in interest since its receipt, for a total current revenue amount of \$1,300,348.46; and

WHEREAS, on February 28, 2017, the Council, meeting in special session, evaluated various project proposals (more particularly described in Exhibit A, attached and incorporated by reference) for use of said revenues and determined to fund such projects as more fully set forth below.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Council hereby approves the following projects in the amounts and for the purposes set forth below:

Project Title	2015 Wis. Act Purpose	Expenditure Not to Exceed
Re-write of City Zoning Code	Property Tax Relief	\$ 45,000
Establish City vision/brand	Economic Development	\$ 100,000
De Pere public art initiative	Economic Development	100,000
De Pere streetscape project	Economic Development	\$ 150,000
Aquatic center design	Property Tax Relief/ Economic Development	\$ 200,000
Southwest Park playground equipment	Property Tax Relief/ Economic Development	\$ 80,000
Splashpad	Economic Development	\$ 300,000
Voyageur Park amphitheater/stage	Economic Development	\$ 125,000
Voyageur Park playground equipment	Property Tax Relief/ Economic Development	\$ 200,000
		\$1,300,000

BE IT FURTHER RESOLVED THAT:

All revenue not used through the above expenditure and all interest earned on the revenue shall be applied to future City debt payments as determined by the City Administrator and Finance Director.

BE IT FURTHER RESOLVED THAT:

Insofar as the Public Art and Streetscape Projects involve collaboration between City staff and Downtown De Pere, Inc. (d/b/a Definitely De Pere), the process for disbursement of such funds for said projects shall be as determined by the Finance/Personnel Committee.

BE IT FURTHER RESOLVED THAT:

The disbursement of funds processes for the remaining projects listed above shall be as set forth in the City's Purchasing Policy.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, employees, and agents 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 5th day of April, 2017.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey Danen, Deputy Clerk

Ayes: _____

Nays: _____

EXCESS STADIUM TAX PROCEEDS SUMMARY - PRELIMINARY DECEMBER 31, 2020

2/4/2021 11:31

				EXPENDITURES					
PROJECT NAME	AMOUNT APPROVED	TRANSFERRED	2015 WIS. ACT PURPOSE	2017	2018	2019	2020	TOTAL SPEND	REMAINING
Re-write of City Zoning Code	\$ 45,000.00	\$ -	Property Tax Relief	\$ -	\$ -	\$ 15,923.25	\$ 8,174.49	\$ 24,097.74	\$ 20,902.26
Establish City Vision/Brand - COMPLETED	\$ 100,000.00	\$ -	Economic Development	\$ 30,000.00	\$ 70,000.00	\$ -		\$ 100,000.00	\$ -
De Pere Public Art Initiative	\$ 100,000.00	\$ -	Economic Development	\$ -	\$ 22,470.89	\$ 7,823.18	\$ 33,150.31	\$ 63,444.38	\$ 36,555.62
De Pere Streetscape Project	\$ 150,000.00	\$ -	Economic Development	\$ -	\$ -	\$ 26,157.30	\$ 39,233.56	\$ 65,390.86	\$ 84,609.14
Aquatic Center Design - COMPLETED	\$ 200,000.00	\$ -	Property Tax Relief/Economic Development	\$ 28,710.00	\$ 19,140.00	\$ 152,150.00	\$ -	\$ 200,000.00	\$ -
Southwest Park Playground Equipment - COMPLETED	\$ 80,000.00	\$ -	Property Tax Relief/Economic Development	\$ -	\$ 80,000.00	\$ -	\$ -	\$ 80,000.00	\$ -
Splashpad - FUNDS TRANSFERRED TO MULVA	\$ 300,000.00	\$ (300,000.00)	Economic Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Voyageur Park Amphitheater/Stage- FUNDS TRANSFERRED TO MULVA	\$ 125,000.00	\$ (125,000.00)	Property Tax Relief/Economic Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mulva Infrastructure - transferred from Splash Pad and Voyager Park Amphi Stage	\$ -	\$ 425,000.00	Property Tax Relief/Economic Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 425,000.00
Voyageur Park Playground Equipment - COMPLETED	\$ 200,000.00	\$ -	Property Tax Relief/Economic Development	\$ 176,992.87	\$ 21,843.54	\$ -	\$ -	\$ 198,836.41	\$ 1,163.59
TOTAL STADIUM TAX	\$ 1,300,000.00	-		235,702.87	213,454.43	202,053.73	80,558.36	731,769.39	568,230.61
Additional Stadium Tax Proceeds									
2018	\$22,024.66								\$22,024.66
2019	\$8,047.01								\$8,047.01
2020	\$1,748.75								\$1,748.75
ADDITIONAL STADIUM TAX PROCEEDS	\$31,820.42	-		-	-	-	-	-	31,820.42
TOTAL	1,331,820.42	-		235,702.87	213,454.43	202,053.73	80,558.36	731,769.39	600,051.03



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Finance Department

FROM: Joe Zegers

SUBJECT: **B. Resolution #21-24 Second Amendment Rescinding Excess Stadium Tax Allocation and Redirecting the Same (\$300,000 from Splash Pad Funding to Site Preparation Work for Cultural Foundation, Inc. Redevelopment Project)**

The Finance-Personnel Committee voted unanimously at its February 9, 2021 meeting to recommend approval of this item.

ATTACHMENTS:

- Reso21-24 (PDF)
- Exhibit 1-Redirecting Splash Pad Funding (PDF)

RESOLUTION # 21-24

SECOND AMENDMENT RESCINDING EXCESS STADIUM
TAX ALLOCATION AND REDIRECTING THE SAME
(\$300,000 from Splash Pad Funding to Site Preparation
Work for Cultural Foundation, Inc. Redevelopment Project)

WHEREAS, the Common Council, pursuant to Resolution #17-27, allocated \$1,300,348.46 in excess stadium tax revenue returned to the City; and

WHEREAS, in addition to depositing such funds into a segregated account, 2015 Wisconsin Act 114 required municipalities receiving that revenue to adopt a resolution specifying the purpose(s) for which the revenue will be spent and the amount of the revenue(s) to be spent for that purpose; and

WHEREAS, in addition to other projects meeting the above criteria, the Council found that construction of a splash pad would benefit economic development in the City and allocated an amount not to exceed \$300,000.00 from said excess tax revenue for that purpose; and

WHEREAS, the Council believes it is prudent to redirect the \$300,000.00 allocated for splash pad funds to site preparation work required for the Cultural Foundation, Inc. redevelopment project as that project is “shovel ready”; and

WHEREAS, the Council further finds that the Cultural Foundation, Inc. Center will make the City a cultural destination and provide significant economic development and other benefits to the City for many years into the future.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Council hereby rescinds the \$300,000.00 allocation of excess stadium tax revenue for the construction of a splash pad in the City under Resolution #17-27 and redirects the same to site preparation work for the Cultural Foundation, Inc. Redevelopment Project as shown on Exhibit 1- Resolution #21-24.

BE IT FURTHER RESOLVED THAT:

All revenue not used through the above expenditure and all interest earned on the revenue shall be applied to future City debt payments as determined by the City Administrator and Finance Director.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, employees, and agents 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 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Committee Approval: 02/09/2021

Exhibit 1- Resolution #21-24 – Redirecting Splash Pad Funding

Project Title	2015 Wis. Act Purpose	Expenditure Not to Exceed
Re-write of City Zoning Code	Property Tax Relief	\$ 45,000
Establish City vision/brand	Economic Development	\$ 100,000
De Pere public art initiative	Economic Development	\$ 100,000
De Pere streetscape project	Economic Development	\$ 150,000
Aquatic center design	Property Tax Relief/ Economic Development	\$ 200,000
Southwest Park playground equipment	Property Tax Relief/ Economic Development	\$ 80,000
Splashpad	Economic Development Stricken: __/__/2021	\$ 300,000
Voyageur Park amphitheater/stage	Economic Development Stricken: __/__/2021	\$ 125,000
Site preparation work	Economic Development	
Cultural Foundation, Inc.	Added: __/__/2021	\$ 125,000
Redevelopment Project	Added: __/__/2021	\$ 300,000
Voyageur Park playground equipment	Property Tax Relief/ Economic Development	\$ 200,000

\$1,300,000

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

MEETING DATE: February 17, 2021

DEPARTMENT: Economic Development

FROM: Daniel Lindstrom

SUBJECT: Resolution #21-25 Terminating Tax Increment District No. 5 in the City of De Pere.

On February 9, 2021, the Finance and Personnel Committee, by a vote of 5-0, unanimously recommended approval of the termination of Tax Increment No. 5 in the City of De Pere. The Committee motioned to (1) Prepare and submit the termination resolution to the Common Council for approval and submittal to the State and (2) Complete the final audit of TID No. 5 within 12 months of the termination resolution.

ATTACHMENTS:

- Reso21-25 (PDF)
- MEMO TID No. 5 Term TID No. 6 Extension TID No. 6 Term - Revision 1 (2) (PDF)

RESOLUTION #21-25

TERMINATING TAX INCREMENTAL FINANCING DISTRICT NO. 5 IN THE CITY OF DEPERE

WHEREAS, the City of De Pere created TID No. 5 on August 27, 1996 as an Blight Elimination TID; and

WHEREAS, all TID No. 5 projects were completed in the prescribed allowed time; and

WHEREAS, sufficient increment was collected as of the 2020 tax roll, payable, to cover TID No. 5 project costs; and

WHEREAS, as of January 1, 2021, all aggregate project costs for TID No. 5 are paid off; and

WHEREAS, this matter has been reviewed by the Finance/Personnel Committee, which recommends approval of terminating TID No. 5.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council of the City of De Pere does hereby dissolve and terminate City of De Pere Tax Incremental Financing District No. 5.

BE IT FURTHER RESOLVED THAT:

The City Clerk is authorized and directed to undertake and comply with all tax increment financing termination and reporting requirements under state law, including but not limited to:

1. notifying the Wisconsin Department of Revenue (DOR) within sixty (60) days of this resolution or prior to the deadline of April 15, 2021, whichever comes first, that the TID has been terminated; and
2. submitting all other necessary forms and documents required by the DOR.

BE IT FURTHER RESOLVED THAT:

The City Treasurer is authorized and directed to distribute any excess increment collected after providing for ongoing expenses of the TID, to the affected taxing

Resolution #21-25

Page 2 of 2

districts with proportionate shares to be determined by the final audit by the City's auditors CliftonLarsonAllen (CLA).

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 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 02/09/2021

CITY OF DE PERE MEMO



To: Honorable Mayor James Boyd
Finance and Personnel Committee

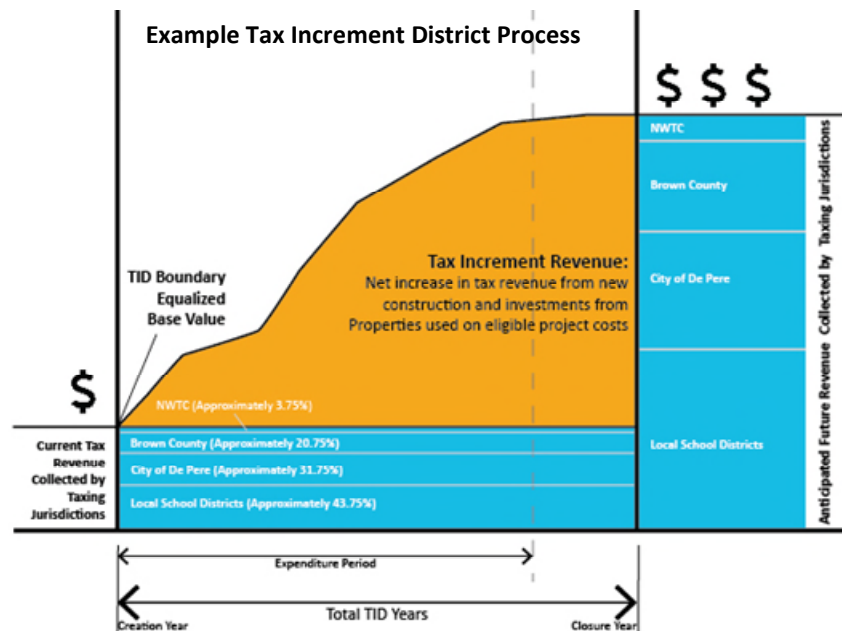
From: Daniel Lindstrom, Development Services Director

Date: February 9, 2021

RE: **Consideration and Possible Action on the Termination of TID No. 5. in the City of De Pere***
Consideration and Possible Action on the extension of TID No. 6 for One Year for the Creation
of Affordable Housing Programs and a Housing Stock Improvement Program.*
Consideration and Possible Action on the Termination of TID No. 6. in the City of De Pere*

The City has the authority to create, extend, and terminate Tax Increment Districts (TID) to promote economic development. This memo serves to provide the background to the closure of TID No.5 and the affordable housing extension and termination of TID No. 6.

The City must terminate a TID at the end of the maximum life, or when the tax increments collected exceed the approved project costs. At termination, the entire value of the property in the TID returns to the tax rolls for the overlying taxing jurisdictions (City, County, School District, and Technical College).



In the example to the right, the blue column on the right represents the increased property value subject to taxes when the tax increment district closes. While the TID exists, tax revenue for each overlying jurisdiction is limited to the base value of the TID property. After terminating the TID, all the overlying taxing jurisdictions share the tax base; tax rates can be lowered to generate the same amount of revenue for the jurisdiction. Without the development encouraged by the TID, the base value would be the only value available for the jurisdictions to tax. Partnering to facilitate development helps all the overlying taxing jurisdictions increase their tax base.

If the TID property value does not increase as expected, the municipality may not receive enough tax increment to pay its expenditures. In this case, when the TID terminates, the municipality is responsible for the unpaid debts. Additionally, at termination, if the tax increment revenue exceeds the project costs, the municipality must return the surplus revenue to the overlying taxing jurisdictions in proportion to overlying taxing jurisdictions' respective tax levy without TIF.

Part 1: TID No.5 Termination

The City created TID No. 5 as a blight elimination TID on the west side of the downtown on August 27, 1996. The TID has a maximum life of August 27, 2023. The TID has paid off all outstanding related project costs and can terminate. The TID expenditure period has expired and the TID has paid off all outstanding debts. The current TID boundary is overlapped by TID No. 9 that will continue to serve the downtown until 2039.

Staff anticipates presenting the termination resolution to the Common Council on February 16, 2021. If the City adopts the termination resolution by April 15 it will classify the effective termination year as 2021.

Tax Incremental District (TID) Termination Timeframes						
Municipal Termination Resolution Adoption Date	Termination Year	TID Removed from Tax/Assessment Roll	Last Year Tax Increment Received	Last Year Administrative Certification Fee Due	Last TID Equalized Value Established	Last Annual Report Due to DOR
April 16, 2019 – April 15, 2020	2020	2020	2020 (for 2019 taxes)	April 15, 2019	August 15, 2019	July 1, 2020 (for 2019)
April 16, 2020 – April 15, 2021	2021	2021	2021 (for 2020 taxes)	April 15, 2020	August 15, 2020	July 1, 2021 (for 2020)
April 16, 2021 – April 15, 2022	2022	2022	2022 (for 2021 taxes)	April 15, 2021	August 15, 2021	July 1, 2022 (for 2021)
April 16, 2022 – April 15, 2023	2023	2023	2023 (for 2022 taxes)	April 15, 2022	August 15, 2022	July 1, 2023 (for 2022)
April 16, 2023 – April 15, 2024	2024	2024	2024 (for 2023 taxes)	April 15, 2023	August 15, 2023	July 1, 2024 (for 2023)
April 16, 2024 – April 15, 2025	2025	2025	2025 (for 2024 taxes)	April 15, 2024	August 15, 2024	July 1, 2025 (for 2024)
April 16, 2025 – April 15, 2026	2026	2026	2026 (for 2025 taxes)	April 15, 2025	August 15, 2025	July 1, 2026 (for 2025)
(R. 11-20) Wisconsin Department of Revenue						

Any remaining fund balance shall be distributed to the overlapping jurisdictions in a percentage equal to the current mill rates. The City anticipates the final amount will be determined after the required final audit.

TID No. 5 Staff Recommendations: (1) Prepare and submit the termination resolution to the Common Council for approval and submittal to the State and (2) Complete the final audit of TID No. 5 within 12 months of the termination resolution.

Part 2: TID No. 6 One-Year Affordable Housing Extension and Termination

The City created TID No. 6 as an industrial TID on the west side on March 3, 1998. The TID has a maximum life of March 3, 2021. The TID has paid off all outstanding related project costs and can terminate.

TID No. 6 Affordable Housing Extension

A municipality may extend a TID's life to pay on existing debt and/or to use the last year of increment for affordable housing provided the City passes a resolution that (1) extends the TID's life for a specified number of months (usually up to 12) and (2) specifies how the municipality intends to improve housing stock. The City can then terminate the TID at any time following the extension resolution. The affordable housing extension was added to TIF law in 2009. A municipal resolution is required to be adopted prior to TIF district closure along with documentation that all project costs have been or will be paid off.

The Department of Revenue (DOR) is required to authorize the allocation of tax increment for one additional year upon receiving a copy of the municipal resolution. A city must use at least 75% of the tax increment to benefit affordable housing within the municipality and up to 25% on housing stock renewal programs. Affordable housing is defined as housing costing no more than 30% of a household's gross monthly income. The planned TIF extension will allow the City of De Pere to receive tax increment for one additional year to 2022. The City intends to establish a \$1,950,000 housing fund and will present the Finance and Personnel Committee, the Plan Commission, the RDA, and the Common Council with the draft programs over the coming months. A summary of our preliminary program designs are below:

The City of De Pere will target at least 75% of the funds for affordable housing throughout the community. Staff proposed the following programs but would like to discuss these programs with Finance and Personnel Committee regarding structure and percent allocations.

1. **Affordable Housing Units within a Development Program: "Add Up De Pere"**

A program to offer additional incentives to include affordable units as defined by WHEDA and CDBG rent limits, in multi-family residential or mixed-use developments. This program could mirror the WHEDA Section 42 program, but at a local level with fewer reporting requirements. (staff initially recommend s allocating approximately 40% of the total funds)

2. **Second Story/Upper Story Activation/Renovation Program: "Look Up De Pere"**

A program to renovate and update second/upper story units within and around the downtown for affordable units. Program and rent limits would be similar to the program elements stated in the affordable housing development program above. (staff initially recommend s allocating approximately 10% of the total funds)

3. **Housing Stock Improvement Program: "Brighten Up De Pere"**

A zero-interest revolving loan program for homeowners to make upgrades to home systems including electrical, plumbing, mechanical, or other systems or functionally outdated features, to bring them into compliance with current standards and codes, or to modernize them to current quality, efficiency, and performance levels. Replacement or maintenance of home components that are expected to be replaced periodically such as roofing, water heaters, and fixtures will not be funded. All allowable systems (listed above) impacted by improvements shall be brought into full code compliance prior to receiving an occupancy permit. Loan funds may also be used for window replacement and insulation improvements, measures that will increase the heating and cooling efficiency and overall performance of the home.

Loans will consist of 0% interest over the life of the loan, and act as a deferred second mortgage with no principal or payments due until after five (5) years following the award of the loan, or at the sale (or refinancing) of the home, whichever comes sooner. The expectation is that the borrower will preserve sufficient equity to allow for the repayment of the De Pere Housing Stock Improvement loan at the end of the loan term. At the end of the loan term, the amount of the loan must be repaid in full. The maximum amount of any loan award will be \$10,000 or 50% of the total improvement costs.

The Housing Stock Improvement Program funding is broken into two parts:

- a. 25% Affordable Housing: Limited to those making 80% or less than the area median income based on household size reported by the US Department of Housing and Urban Development (HUD). The household's housing costs may not exceed 30% of household income and the total loan-to-value for all mortgages shall be less than 90%.
- b. 25% City Wide: There is no applicant age, income, or other restrictions on applying for this program. Homes eligible for improvements under this program include owner-occupied homes in the City of De Pere whose most recent assessed value is at or below 120% of the median assessed value of single-family residential property in the city. Furthermore, eligible homes include those in the City of De Pere being purchased whose sale price is valued at or below 120% of the median assessed value of residential property in De Pere. This determination will be based on the most recent figure, at the time of the loan application, from the City of De Pere assessment data. For example, on January 1, 2021, the median assessed value of residential property was \$213,600. Eligible homes would be those assessed at or below \$256,600 (120% of \$213,600). The household's housing costs may not exceed 30% of household income and the total loan-to-value for all mortgages shall be less than 90%.

Staff anticipates a committee would administer the program and would have the authority and may, at its discretion, exceed any of the guidelines it has established and disregard any of the restrictions it has imposed in any case where the committee determines that the program purpose will be best served by doing so. The intent is to assist in the renovations of larger, estate homes that might be in disrepair but exceed the 120% median home value.

The Common Council must adopt a program manual(s) prior to the implementation of the program. The Common Council may amend the programs at any time provided future amendments comply with the state statutes.

Staff Recommendations (1) Prepare and submit the affordable housing extensions resolution to the Common Council for approval and submittal to the state prior to March 3, 2021. The resolution shall include any recommendations and changes from the Finance and Personnel Committee and (2) prepare final program documents for review by the Finance and Personnel Committee, RDA, Plan Commission, and other committees prior to final Common Council approval.

Part 3: TID No. 6 Termination:

The City created TID No. 6 as an industrial TID on the west side on March 3, 1998. The TID has a maximum life of March 3, 2021. The City anticipates the final amount will be determined after the required final audit.

Terminating the TID after April 15 would allocate 2022 as the final year of taxes collected. The City intends to utilize the 2021 tax revenue generated from the 2020 increment to pay off the remaining debt and utilize the 2022 revenue generated from the 2021 increment to fund the housing improvement programs.

After the TID closure, the City would see an increase of approximately \$650,000 in property tax revenue into the general fund.

Staff Recommendations: (1) Prepare and submit the termination resolution to the Common Council after the State accepts the Affordable Housing Extension and 2) Complete the final audit of TID No. 6 within 12 months of the termination resolution.*

*The termination resolution could lag a few meetings behind the other TID action items to ensure the City is following the proper procedures.

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

MEETING DATE: February 17, 2021

DEPARTMENT: Economic Development

FROM: Daniel Lindstrom

SUBJECT: Resolution #21-26 Extending the Life of Tax Incremental District No. 6 for the Purposes of Funding Affordable Housing and Improving Housing Stock in the City of De Pere.

On February 9, 2021, the Finance and Personnel Committee, by a vote of 5-0, unanimously recommended approval of the request to extend the life of Tax Increment District No. 6 in the for the purposes of funding affordable housing programs and improving the housing stock improvement program in the City of De Pere. The committee motioned to (1) Prepare and submit the affordable housing extensions resolution to the Common Council for approval and submittal to the state prior to March 3, 2021 and (2) prepare final program documents for review by the Finance and Personnel Committee, RDA, Plan Commission, and other committees prior to final Common Council approval.

See combined memo in TID No. 5 Termination action item.

ATTACHMENTS:

- Reso21-26 (PDF)

RESOLUTION #21-26

EXTENDING THE LIFE OF TAX INCREMENTAL DISTRICT NO. 6 FOR THE PURPOSE OF
FUNDING AFFORDABLE HOUSING AND IMPROVING HOUSING STOCK IN THE CITY OF DE PERE

WHEREAS, the City created TID No. 6 on March 3, 1998; and

WHEREAS, as of January 1, 2021, TID No. 6 has all aggregate project costs paid off and could be considered a candidate for termination of the TID; and

WHEREAS, Wis. Stats. §66.1105(6)(g) authorizes a city to extend the life of a Tax Incremental District (TID) and use the incremental revenue to fund affordable housing and to improve the city's housing stock; and

WHEREAS, the City believe it is in the public interest to offer programs to incentivize the Constructing new and renovating existing housing units in the City to improve housing affordability of and make improvements to existing housing stock in the City; and

WHEREAS, the City of De Pere Comprehensive Plan includes efforts to increase housing affordability in the community; and

WHEREAS, the City adopted the 2010 Downtown Master Plan, to, in part, bolster efforts to increase affordability in and near the City's downtown areas and reactivating use of second stories in many of the downtown structures; and

WHEREAS, as required under Wis. Stats. § 66.1105(6)(g)3, the City of De Pere will target at least 75% of the funds received by extending TID No. 6 for affordable housing throughout the community by implementing neighborhood and affordable housing initiative that include:

- (1) An affordable housing development program to include affordable units, as defined by WHEDA and CDBG limits, in residential or mixed-use developments;
- (2) A second story/upper story activation program to renovate and update units within and around the downtown for affordable units; and
- (3) A housing stock improvement program for those that qualify under the affordable housing program.

Resolution #21-26

Page 2 of 2

WHEREAS, the remaining funds (25%) will generally be used to improve the City's housing stock by offering grants or deferred, 0% interest loans of no more than 50% of total improvement costs up to \$10,000 to De Pere residents whose home value is less than 120% of the median home value or those looking to purchase a home in De Pere. Loan funds may be used for making home systems, efficiency, and space upgrades.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council, finding that protection and improvement of the City's neighborhoods and housing stock is critical to maintaining a healthy and sustainable community, hereby extends the life of TID No. 6 for up to (12) months from the adoption date of this Resolution, while reserving the right to close the TID earlier; and

BE IT FURTHER RESOLVED THAT:

The City will use funds from the extension of TID No. 6 to improve and benefit affordable housing in the community.

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 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 02/09/2021



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: Common Council

FROM: Daniel Lindstrom

SUBJECT: Resolution #21-27 Establishing Pandemic Response - Downtown Business Recruitment Grant Program - "Jump Start De Pere".

On February 9, 2021, the Finance and Personnel Committee, by a vote of 5-0, unanimously recommended approval of the draft Downtown Business Recruitment Grant program. The Committee recommended to prepare and submit the final program materials and resolution to the Common Council for approval and implementation by March 1, 2021, subject to revising the draft program materials to include (1) the assignment of the Plan Commission as the formal review committee and (2) including a points based funding allocation as presented by Development Services Department Staff.

Following the Finance and Personnel Committee, City Staff and the Mayor to discuss the application logistics and potential responsiveness to prospective business owners and determined the process could be simplified and expedited with an ad hoc committee that meets as necessary. Staff agreed that it would be in the best interest to the City to create a new committee/team comprised of staff and elected officials to review, critique, and approve applications. As such, we would recommend an amended program and motion.

Staff Recommendation: Motion to amend the Resolution by replacing the Plan Commission as the body with application review and approval responsibility over the program and replacing it with a 5 member ad hoc committee appointed by the Mayor consisting of the Mayor, one City Alderperson, City Administrator, Development Services Director, and the Executive Director of Definitely De Pere.

ATTACHMENTS:

- Reso21-27 (PDF)
- Downtown Business Recruitment Grant Memo and Program - 02092021 (PDF)

RESOLUTION #21-27
ESTABLISHING PANDEMIC RESPONSE – DOWNTOWN BUSINESS
RECRUITMENT GRANT PROGRAM – “JUMP-START DE PERE”

WHEREAS, on March 12, 2020, Governor Evers declared a Health Emergency exists in the State of Wisconsin and on March 17, 2020, the Common Council adopted Resolution #20-24 Declaring a State of Emergency in the City of De Pere in response to the COVID-19 pandemic; and

WHEREAS, the emergency powers granted to the Common Council under Wis. Stats. §323.14 include the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection and welfare of persons and property within the City in the emergency; and

WHEREAS, in order to protect the health and well-being of the residents, business owners, property owners, visitors and frequenters in the City of De Pere, the City must avail itself of all resources needed to respond to this ongoing emergency; and

WHEREAS, De Pere’s downtown businesses, which are vital to a live and vibrant commercial business district, have been instrumental in creating the city’s community character and its unique mix of locally-grown commercial, office, entertainment and hospitality businesses; and

WHEREAS, in order to support economic vitality and community revitalization in the Downtown Main Street District, the City wishes to provide an incentive to businesses and property owners to utilize and revitalize downtown buildings to add to the City’s vibrant

Resolution #21-27

Page 2 of 3

downtown experience and to market the community as a destination of choice for investment and promote the assets and attributes of the City; and

WHEREAS, funding in the amount of \$100,000 for business recruitment grants will enable the City to provide conditioned grant payments to eligible businesses, pursuant to a points-based funding allocation, of \$5,000 for a new business/start-up or \$10,000 for a second location/expansion or targeted businesses not currently in City, to assist with business start-up expenses; and

WHEREAS, as part of the disbursement agreement, businesses will receive the first half grant payment after occupancy and verification that a business is open and the second half after verification that the business is still in operation after six months; and

WHEREAS, this request has been reviewed by the Finance/Personnel Committee, which recommends approval thereof; and

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council hereby authorizes the establishment of the Pandemic Response – Downtown Business Recruitment Grant Program (PR-DBRGP) – “Jump-Start De Pere” to assist new Downtown Main Street District business in the form of a conditioned grant in the maximum amount of \$5,000 or \$10,000 per eligible business, and delegates the review and grant approval responsibilities of such program to the City Plan Commission.

BE IT FURTHER RESOLVED THAT:

As authorized by Resolution #19-85, the funds for the PR-DBRGP – “Jump-Start De Pere” program shall be drawn from the designated Revolving Loan Fund established upon the closure of the Community Block Grant Funded Revolving Loan Fund Program.

Resolution #21-27

Page 3 of 3

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 17th day of February, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Committee Approval: 02/09/2021

CITY OF DE PERE MEMO



To: Mayor James Boyd
Larry Delo, City Administrator

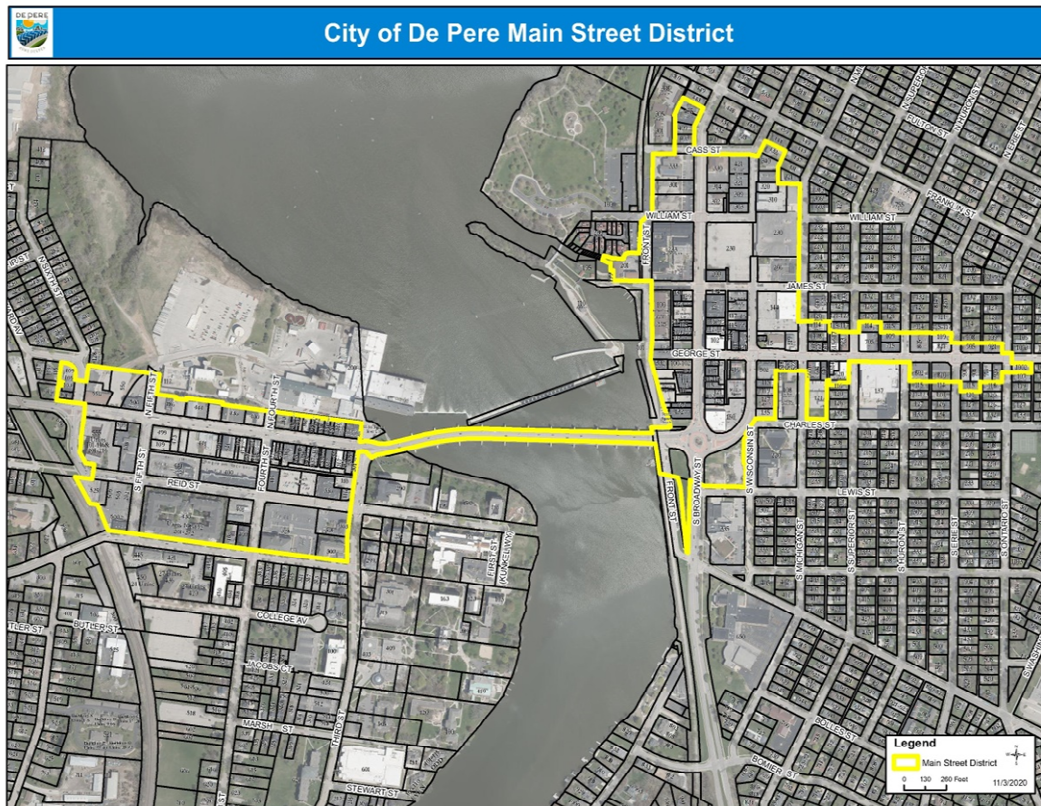
From: Daniel Lindstrom, Development Services Director

Date: February 9, 2021

RE: De Pere – “Jump Start De Pere” Downtown Business Recruitment

Throughout this pandemic, the City of De Pere awarded over \$600,000 in available grants, loans, and marketing funding in the herculean effort to retain as many businesses within the City of De Pere as possible. The City also understands that while this time, effort, and resources to retain existing business helped saved many businesses, we were not able to save them all. We have lost some well-known businesses that now left a hole in the fabric of our business community. We also expect that we could lose a few more before the pandemic is over. Therefore, staff prepared and presents the attached “Jump-Start De Pere” Downtown Business Recruitment program targeted at recruiting new business into the Main Street District to fill gaps or holes left by the pandemic. The program encourages business and property owners to revitalize downtown buildings and to add to our vibrant downtown experience through the inclusion of additional downtown retail, commercial, and entertainment-based businesses. More specifically, the program provides funding for projects that demonstrate the importance of marketing the community as a destination of choice for investment and promoting the attributes and assets of Downtown De Pere.

Main Street District





“Jump-Start De Pere” - Downtown Business Recruitment Grant Program

Program Overview:

The “Jump-Start De Pere” Downtown Business Recruitment Grant program is intended to promote economic vitality and community revitalization by providing an incentive to business and property owners and attract business into the Downtown Main Street District. The program encourages business and property owners to utilize and revitalize downtown buildings and to add to our vibrant downtown experience through the inclusion of additional downtown retail, commercial, and entertainment-based businesses. More specifically, the program provides funding for projects that demonstrate the importance of marketing the community as a destination of choice for investment and promoting the attributes and assets of Downtown De Pere. Grants are awarded to those projects which, in the judgment of the City, comply with the provisions of these program guidelines and meet all requirements of the application.

Funding Source:

Former City of De Pere CDBG-RLF (CDBG-Close)

Program Funding Amount: \$100,000 (2021)

Availability:

The City of De Pere allocates for the Business Recruitment grants awards amounts are below:

•	Level 1: New Business/Start-Up	\$5,000
•	Level 2a: Second Location/Expansion into the City	\$10,000
	Level 2b: Targeted businesses not currently in the City	\$10,000

Applications will be accepted throughout the year on an availability basis. Applicants will be notified within 60 days from the date of a complete submission with an approval or denial. Requests submitted after funding is no longer available will be documented in case the Common Council elects to expand funding.

Eligible Businesses:

New businesses to the community locating in Main Street District are eligible for the Business Recruitment Grant.

Applicants must be opening a retail use, commercial, or entertainment business. The applicant shall show proof of lease or building ownership.

- The application must be for a planned physical storefront or location within the Downtown De Pere Business Improvement District.
- The applicant must establish a locally owned business.
- Business Type: Retail, restaurants and taverns, and entertainment venue businesses.

NIACS Industry Codes:

- o Retail - 445, 446, 448, 451, 452, & 453
- o Entertainment Venues, 711
- o Restaurants 722
- o Others if approved by the _____ Committee and demonstrate it will add to the Downtown as a destination of choice for investment and promoting the attributes and assets of Downtown De Pere
- o Targeted businesses may include, but not limited to
 - Micro Brewery
 - Ethnic Restaurants
 - Other _____

Businesses must be in good standing with the Department of Financial Institutions and shall have no outstanding lawsuits.

Ineligible Businesses: General or professional offices, personal and professionals services, property management/landlord for either commercial and/or residential customers, any speculative venture, investment venture, research, and development, or home-based occupations.

Eligible Uses: Grant funds may be used for expenses necessary to open the business operation and shall not be used for personal or other expenses

The building owner/applicants are encouraged to apply to the Façade Improvement Program for building exterior improvements if they are within a Tax Increment District.

Grant Application Period: On-going

Application Process: The following the application process.

1. Prospective applicant contacts staff and receives application
2. Applicants shall review the entire program, application, and other materials.
3. Applicants shall submit the application directly to the Development Services Department. Only a City-provided application will be accepted and must be completed in readable ink or typewritten. Please see the checklist or required materials with the application.
4. The applicant may be required to attend one (1) or more _____ Committee meetings to review the project.
5. _____ Committee takes action on the grant. If awarded, the applicant must enter into a contract with the City that states the terms and amount of the grant as well as a commitment to carry out the project.

Note: Submission of an application does not guarantee funding and all applications will be reviewed by the review _____ committee. The _____ Committee has the right to accept or reject any application based on a review of the value, need, and benefit of the project to the Main Street District. Only one grant will be awarded per applicant.

Permits, as required by local and/or other laws, are the responsibility of the applicant. The Business Recruitment Grant is in no way tied to approvals required by the Planning Commission, Zoning Board of Appeals, or City Council.

Amendments: The _____ committee has the authority and may, at its discretion, exceed any of the guidelines it has established and disregard any of the restrictions it has imposed in any case where the _____ determines that the program purpose will be best served by doing so. Any such action or change to the guidelines must be approved by a vote of the _____ committee.

Project Reimbursement: Grant payout is divided into two payouts.

1st Payout: Receipt of the first half of the grant after occupancy and verification that the business is open.

2nd Payout: Receipt of the second half of the grant after verification that the business is still in operation after six months.

ATTACHMENTS REQUIRED:

All attachments must be included for your application to be complete and ready for review

1. Statement of Business:

- a. History: start date, type of operation, business/owner structure, markets and products
- b. Include a current business plan or guide
- c. Target customers and clients
- d. Projected job creation/retention
- e. Articles of incorporation
- f. Hours of operation
- g. Lease commitment or proof of mortgage or ownership

2. Project Description/Narratives:

- a. Please give a brief narrative as to how your business fits in with Downtown De Pere
- b. Please describe the project's short and long term impact on Downtown De Pere
- c. Attach all information related to what the grant may support including; inventories, spec or cut sheets, drawings, plans, plant lists, etc., Include locations of work to be performed and be as specific as possible.
- d. Please add any other information you feel is significant to your project and may differentiate your application for greater consideration over another

3. Financial Information

- a. Letters of financial commitment
- b. Equity of investment - three years of tax information*information will be kept confidential
- c. Financial projections
- d. Monthly cash flow
- e. Proof of paid taxes

NWTC Link for business start-up resources:

<https://www.nwtc.edu/business-industry/small-business-initiative/business-resources>

SEALED APPLICATIONS SHALL BE MAILED TO:

City of De Pere Development Services Department
 Attn: Daniel Lindstrom
 335 S Broadway
 De Pere, WI 54115

QUESTIONS

Questions may be directed to:
 Daniel Lindstrom, Development Services Director
 Phone: 920-329-2370
 E-mail: dlindstrom@deperewi.gov



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Appointments to boards and commissions by Mayor Boyd.

ATTACHMENTS:

- Appointment Memo_Feb 17 2021 (PDF)

Memo

City of De Pere

To: City Council Members
From: James Boyd, Mayor
Subject: Appointments and Reappointments
Date: February 17, 2021

I am submitting the following names for appointment at the February 17, 2021 meeting of the Common Council. I am asking you to please contact me in advance of the meeting if you should have a problem with any of the individuals being submitted for your approval.

Commission

Appointment/Reappointment

Historic Preservation Commission

Sue Gerrits/Appointment

Board of Park Commissioners

Jim Kneiszel/Appointment

Housing Authority

Alex Krukowski/Appointment



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Voucher approval.

ATTACHMENTS:

- 2-17-2021 VOUCHERS (PDF)

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DIRECT PAYABLES CHECK REGISTER

PAGE: 1

PACKET: 06482 FEB 2021 ADVANCES 2-10-21

VENDOR SET: 01 CITY OF DEPERE, WI ***** CHECK LISTING *****

BANK: AP ASSOCIATED

VENDOR	I.D.	NAME	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
8336		ELIZABETH L ANGELI						
	I-202102101459	ELIZABETH L ANGELI	R	2/10/2021		150.80	094776	150.80
5405		AT&T MOBILITY						
	I-287290889185X11521	AT&T MOBILITY	R	2/10/2021		1,449.06	094777	1,449.06
0011		AT&T WISCONSIN						
	I-202102101460	AT&T WISCONSIN	R	2/10/2021		1,278.58	094778	1,278.58
1315		BELLIN HEALTH						
	I-MB5826	BELLIN HEALTH	R	2/10/2021		113.38	094779	113.38
7821		BROWN COUNTY PARK DEPT						
	I-0021-0002	BROWN COUNTY PARK DEPT	R	2/10/2021		60.00	094780	60.00
1		BUBOLTZ, SADIE						
	I-202102101461	WATER REFUND	R	2/10/2021		53.20	094781	53.20
7997		COMPLETE OFFICE						
	I-AR20076	COMPLETE OFFICE	R	2/10/2021		38.77	094782	38.77
0276		DE PERE HARDWARE						
	I-216537	DE PERE HARDWARE	R	2/10/2021		47.97	094783	
	I-216541	DE PERE HARDWARE	R	2/10/2021		15.40	094783	
	I-216568	DE PERE HARDWARE	R	2/10/2021		13.57	094783	76.94
4771		EWALD CHEVROLET BUICK						
	I-202102101462	EWALD CHEVROLET BUICK	R	2/10/2021		50,337.00	094784	50,337.00
5763		HUMANA INC						
	I-202102101463	HUMANA INC	R	2/10/2021		1.00	094785	1.00
7272		OUTAGAMIE COUNTY CLERK OF COURT						
	I-202102101464	OUTAGAMIE COUNTY CLERK OF COUR	R	2/10/2021		250.00	094786	250.00
5476		PERSONNEL EVALUATION INC						
	I-37730	PERSONNEL EVALUATION INC	R	2/10/2021		72.00	094787	
	I-38413	PERSONNEL EVALUATION INC	R	2/10/2021		60.00	094787	132.00
4864		SAM'S CLUB						
	I-202102101465	SAM'S CLUB	R	2/10/2021		144.00	094788	144.00
7309		TRILLIUM CNG						
	I-21144685	TRILLIUM CNG	R	2/10/2021		2,806.80	094789	2,806.80

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DIRECT PAYABLES CHECK REGISTER

PAGE: 2

PACKET: 06482 FEB 2021 ADVANCES 2-10-21

VENDOR SET: 01 CITY OF DEPERE, WI **** CHECK LISTING ****

BANK: AP ASSOCIATED

VENDOR	I.D.	NAME	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0268		TRUCK EQUIPMENT INC						
	I-893435-00	TRUCK EQUIPMENT INC	R	2/10/2021		2,095.28	094790	2,095.28
8335		U P CISM TRAINING						
	I-202102101466	U P CISM TRAINING	R	2/10/2021		150.00	094791	150.00
1		VOELKER, DUSTIN						
	I-202102101467	REFUND WATER	R	2/10/2021		77.83	094792	77.83
7710		WI HUMANE SOCIETY						
	I-1854	WI HUMANE SOCIETY	R	2/10/2021		442.50	094793	
	I-1881	WI HUMANE SOCIETY	R	2/10/2021		619.50	094793	
	I-1908	WI HUMANE SOCIETY	R	2/10/2021		531.00	094793	1,593.00
0298		WI PUBLIC SERVICE						
	I-202102101468	WI PUBLIC SERVICE	R	2/10/2021		4,974.90	094794	4,974.90

* * B A N K T O T A L S * *

	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	19	0.00	65,782.54	65,782.54
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
BANK TOTALS:	19	0.00	65,782.54	65,782.54

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DIRECT PAYABLES CHECK REGISTER

PAGE: 3

PACKET: 06482 FEB 2021 ADVANCES 2-10-21

VENDOR SET: 01 CITY OF DEPERE, WI **** CHECK LISTING ****

BANK: ALL

** REGISTER GRAND TOTALS *

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	19	0.00	65,782.54	65,782.54
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	19	0.00	65,782.54	65,782.54

** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
100	2/2021	22,881.35CR
201	2/2021	7,760.83CR
405	2/2021	135.60CR
415	2/2021	2,095.28CR
601	2/2021	7,738.99CR
650	2/2021	25,170.49CR
=====		
ALL		65,782.54CR

TOTAL ERRORS: 0

TOTAL WARNINGS: 0



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: February 17, 2021

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Future agenda items.
