



Common Council

335 South Broadway

De Pere, WI 54115

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

Regular Meeting

Agenda

Tuesday, January 5, 2016

7:30 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Common Council** of the City of De Pere will be held on **January 5, 2016** at **7:30 PM** in the **De Pere City Hall Council Chambers**, 335 S. Broadway Street, De Pere, WI 54115.

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

Call to order.

1. Roll call.
2. Pledge of allegiance to the Flag.
3. Approval of the Minutes of the December 15, 2015 Common Council Meeting.
4. Public comment upon matters not on the agenda or other announcements.
5. Recommendation from the Plan Commission to approve the CSM Application for an Extraterritorial CSM for a one lot CSM in the Town of Lawrence. Surveyor: Leslie D. Van Horn.
6. Recommendation from the Board of Park Commissioners to accept \$1,200 donation from a De Pere Citizen.
7. Ordinance #16-01, Amending Precise Implementation Plan (WD-D0020-3) (Rezoning for a 48,000+ square foot place of assembly at 1551 Scheuring Road) (Formerly Ordinance #15-33) (second reading).
8. Ordinance #16-02, Amending §150-3(e) De Pere Municipal Code Regarding Parking Violation Penalties (Formerly Ordinance #15-35).
9. Resolution #16-01, Urging the State Legislature to Authorize Municipalities to Choose the Method of Publication of Legal Notices and Official Proceedings. (Request of Alderperson Crevier)
10. Resolution #16-02, Authorizing Submission of Dr Pepper Snapple Group - KaBOOM! 2015 Let's Play Construction Grant Program Grantee Letter of Agreement.
11. Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445 Requiring Property Owner Consent for Historic Preservation.
12. Resolution #16-04, Authorizing Support of House of Representatives Bill 3846, Historic Tax Credit Improvement Act of 2015.
13. Southern Bridge Project Update.
14. Voucher Approval.
15. Operator License Applications.
16. Future agenda items.

17. Adjournment.

Lawrence M. Delo
City Administrator

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

Agenda Sent To:

Alderspersons
Mayor
City Administrator
Department Heads
TV, Newspaper & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Les Van Horn
Jonathan & Deborah Kleuskens
BLUE OVAL LLC
GCS HOLDINGS OF DE PERE LLC
WALMART REAL ESTATE PROPERTY TAX DEPT #0555
BAYLAKE BANK
LCN CAPITAL PARTNERS LP
WOODRIDGE HOLDINGS TREATS INC
C-III ASSET MANAGEMENT
1600 LAWRENCE DRIVE PROPERTIES LLC
MIDWEST EXPANSION DE PERE LLC
NICOLET COMMERCIAL DE PERE LLC
MENARD INC CORPORATE ACCOUNTING
HAI LAWRENCE LLC
LAWRENCE DRIVE OWNERS ASSOCIATION INC
LAND GALLERY LLC
SCHEURING ROAD LLP
HCP-DERMATOLOGY ASSOC LLC
NICOLET TOWNHOMES LLC
LIFE CHURCH GREEN BAY INC

City of De Pere, Wisconsin



Request For Common Council Action

MEETING DATE: January 5, 2016

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Approval of the Minutes of the December 15, 2015 Common Council Meeting.

ATTACHMENTS:

- 12-15-2015 Common Council Minutes (DOC)



Common Council

335 South Broadway

De Pere, WI 54115

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

Regular Meeting

Draft Minutes

Tuesday, December 15, 2015

7:30 PM

De Pere City Hall Council Chambers

1. Call to order: The Common Council Meeting was called to order on December 15, 2015 at 7:30 PM De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

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

2. Pledge of allegiance to the Flag.
3. Approval of the Minutes of the December 1, 2015 Common Council Meeting.

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

4. A Public Hearing on a vacation of a portion of public thoroughfare (George Street right-of-way adjacent to ED-844).
 - A. Notice of Public Hearing.
City Clerk-Treasurer Shana Ledvina announced that the public hearing was published in the Green Bay Press Gazette on November, 19, November 26, and December 3, 2015.
 - B. Recommendation from the Plan Commission.
Kim Flom, Director of Economic Planning, stated that the Plan Commission recommended approval of this vacation.
 - C. Resolution #15-122, Regarding the Vacation of a Portion of Public Thoroughfare (George Street Right-of-Way Adjacent to ED-844).
Mayor Walsh declared the public hearing open; no one wished to speak and the Mayor declared the public hearing closed and entertained a motion.
Aldersperson Donovan moved, seconded by Aldersperson Boyd to approve the vacation. Aldersperson Crevier asked who owns the land being vacated. City Attorney Judy Schmidt-Lehman explained that the City of De Pere owns the vacated portion of land and that the intent is to sell this land to the developer.

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

5. A Public Hearing on a Conditional Use Permit to allow St. Norbert College Sports Center use and for the expansion project at 601 Third Street.

A. Notice of Public Hearing.

City Clerk-Treasurer Shana Ledvina announced that the public hearing was published in the Green Bay Press Gazette on December 7, 2015.

B. Recommendation from the Plan Commission.

Kim Flom, Director of Economic Planning, stated that the Plan Commission recommended approval of the conditional use permit. St. Norbert College addressed the parking concerns for the area with a parking analysis.

- C. Resolution #15-134, Authorizing and Approving a Conditional Use Permit (Parcels WD-28-32, WD-33 and WD-39-44).

Mayor Walsh declared the public hearing open; no one wished to speak and the Mayor declared the public hearing closed and entertained a motion.
Alderperson Crevier stated that he will abstain from voting on this item.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Bauer, Boyd, Donovan, Kneiszel, Lueck, Raasch, Rafferty
ABSTAIN:	Scott Crevier

6. A Public Hearing on the Rezoning of Parcel WD-D0020-3 for a 48,000+ SF Place of Assembly at 1551 Lawrence Drive.(Plan Commission recommended denial.)

A. Notice of Public Hearing.

City Clerk-Treasurer Shana Ledvina announced that the public hearing was published in the Green Bay Press Gazette on December 4 and December 7, 2015.

B. Recommendation from the Plan Commission.

Economic Development and Planning Director Kim Flom explained that the recommendation from the Plan Commission was to deny the request to rezone the parcel. She provided background information on the Plan Commission Meeting held on November 30 at which staff provided an analysis that did not recommend the rezoning of the property to include places of assembly. Since that meeting, City Staff has received many calls, letters, and emails of support from Life Church members. She proceeded to review the map and provided an analysis of the land use and the site being discussed. She explained the City's Comprehensive Plan and its purpose. She explained that this parcel is in one of the most restrictive zoning districts in the City and that the area is less than 2% of the total land area in the City of De Pere. The type of use being requested is common in other similarly zoned commercial areas, amounting to nearly 70% of the total land area in the City of De Pere, but not in this particular area. She defined this type of

church as a “megachurch” because megachurches typically offer much more than just weekend masses to their members. Both the intensity of their land use as a megachurch as well as their growing membership is prompting the church to look at locating to a more commercial area. She explained that the Council has to look at land use and if the Life Church relocation fits into the City’s Comprehensive Plan.

Mayor Walsh declared the Public Hearing open and the following individuals came forward to speak in favor of the rezoning for the Life Church relocation: George and Diane Koltz, Brian Hogwood, Tara Zach, Amy Mitchell, Jeff Hoisington, Kip Golden, Eric Verboncouer, Julie Carter, Dana Sitar, Dan and Lauren Gilanyi, Amy Spice, Angelica Suarez, Tammy Peterson, Bruce Levenhagen, Erik Hansen, Dave Deshazer, B.J. Garanja, Jeremy Thompson, Ryan Maher, Angela Conway Marshall, Alex Kockem, Nate Przybelski, Eric Harkoff, Patrine Coldwell, Ty Montgomery, James Jones, Randall Cobb, Scott Eastman, Nathalie Neree, Jeff Noeldner, Chaplain Konrad, Dana Holtzheimer, Pastors Shawn and Sunny Hennessy, Rochelle Doherty, Ken Smith, Michael and Taylor Caulfield, and Matthew Phillips. At 9:42 p.m., Mayor Walsh declared the public hearing closed and entertained a motion.

C. Ordinance #15-33, Amending Precise Implementation Plan (WD-D0020-3).

Aldersperson Crevier moved, seconded by Aldersperson Rafferty to approve the zoning request.

Mayor Walsh thanked everyone who called, emailed, or sent letters for their contact. He explained that no one with the City is against Life Church and that the issue before the Council is about zoning. In his 20 years of dealing with controversy this is the first time that the people in opposition have been so nice. He stated it is a testament to the pastors and the congregation and that he is impressed and appreciative for this.

Aldersperson Crevier asked why the change in zoning is being referred to as substantial; Economic Development and Planning Director Kim Flom explained that a land use change is a major change under zoning code. Discussion followed regarding the Comprehensive Plan, the Zoning Code, and acceptable uses for this location. Discussion followed about who in the business park was contacted about the potential change in zoning to this area and Kim Flom replied that notices were sent to any that were located within 300 feet from the district. Aldersperson Rafferty asked if anyone was against this rezoning and Mayor Walsh replied that he only received two negative comments from residents. Aldersperson Bauer asked about the restrictive covenants put in place on the building by the developer. Aldersperson Bauer moved, seconded by Aldersperson Donovan to open the meeting. Upon vote, motion carried unanimously. Jeff Noeldner, owner of the empty parcel contiguous with the Sportsman’s Warehouse building, came forward and shared the restrictive covenants with the Council. Discussion followed. Aldersperson Bauer moved, seconded by Aldersperson Kneiszel to close the meeting. Upon vote, motion carried unanimously.

Aldersperson Raasch asked about conflicting case law related to religious land use. City Attorney Judy Schmidt-Lehman explained that there is a split in federal circuits regarding religious land use; generally the law prohibits local units of government from treating religious uses on unequal terms with secular uses but different parts of the country use different tests to determine this. One test looks to see if a zoning ordinance permits any type of assembly then it has to allow for all types of assemblies. Another test, applicable in Wisconsin, is to look at zoning

criteria to determine if secular and religious land uses are treated equally. Here, since we have neither non-commercial secular assembly nor religious assembly uses allowed, the Council is able to deny the request to rezone, but it needs to be looked at the way the law is applied and not how we want it to apply. Discussion followed. Alderperson Lueck requested copies of the restrictive covenant provided by Jeff Noeldner be passed around for Council review. The Mayor requested a 5 minute recess at 10:24 p.m.

Upon review of the restrictive covenant, there was no further discussion and the motion to approve the rezoning was approved 5-3 with Alderpersons Boyd, Kneiszel and Raasch voting nay. A second reading of the ordinance is required.

RESULT:	SECOND READING REQUIRED [5 TO 3]
MOVER:	Scott Crevier, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Bauer, Crevier, Donovan, Lueck, Rafferty
NAYS:	James Boyd, Jim Kneiszel, Dean Raasch

7. Public comment upon matters not on the agenda or other announcements. None.
8. Recommendation from Finance/Personnel Committee to approve 2016 Recommendations for Seasonal Wage Scale

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

9. Recommendation from the Parks Director to authorize boiler replacement at the Community Center.

City Parks and Recreation Director Marty Kosobucki stated that the replacement will happen as soon as possible.

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

10. Ordinance #15-34, Amending §150-22 De Pere Municipal Code Regarding Overnight Parking.

Alderperson Bauer moved, seconded by Alderperson Rafferty to amend the ordinance to include the day before, the day of and the day after the holidays listed in the ordinance. Upon vote, motion carried 7-1 with Alderperson Lueck voting nay. Alderperson Kneiszel moved, seconded by Alderperson Bauer to make this ordinance effective as soon as possible. Upon vote, motion carried unanimously. Discussion followed. Upon vote on the ordinance as amended, motion carried 7-1 with Alderperson Lueck voting nay.

Alderperson Donovan moved, seconded by Alderperson Raasch to reconsider the vote on the ordinance. Alderperson Bauer moved, seconded by Alderperson Kneiszel to approve the ordinance. Upon vote, motion carried unanimously.

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

11. Ordinance #15-35, Amending §150-3(e) De Pere Municipal Code Regarding Parking Violation Penalties.

This item was inadvertently skipped and will be addressed at the January 5, 2016 Common Council Meeting.

12. Resolution #15-135, Establishing Penalties for Certain Parking Violations.

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

13. Resolution #15-136, Authorizing Agreement for Revaluation and Contract Assessor Services (January 1, 2016 - December 31, 2018).

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

14. Resolution #15-137, Revising Sewer Service Rates (December 2015).

RESULT: ADOPTED [7 TO 1]
MOVER: Scott Crevier, Alderperson
SECONDER: Kevin Bauer, Alderperson
AYES: Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty
NAYS: Dean Raasch

15. Resolution #15-138, Authorizing Issuance of a Promissory Note for Temporary Borrowing of \$147,000 for Public Purposes.

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

16. Resolution #15-139, Authorizing Agreement with Care-Plus Dental Plans, Inc.

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

17. Resolution #15-140, Regarding Reimbursement for Damage to Mail Receptacles Placed in the Public Way.

Alderperson Rafferty asked about Appleton's policy that states that the City is not responsible for damaged mailboxes that are not within the USPS regulations for placement.

Public Works Director Scott Thoresen explained that the City of De Pere does not reimburse for mailboxes that were not within the USPS regulations.

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

18. Resolution #15-141, Regarding Certain Fees.

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

19. Resolution #15-142, Authorizing Certain Fees for Health Department Services.

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

20. Resolution #15-143, Regarding De Pere Parks, Recreation and Forestry Recreation Programs, Swimming Pool and Community Center Fees 2016.

Alderperson Kneiszel asked if there are complaints from residents about the shelter fees being too expensive. Parks and Recreation Director Marty Kosobucki explained that the department compares fees to the surrounding communities and that the City of De Pere's fees are consistent with other Brown County communities.

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

21. Consider Community Service Grant Application.

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

22. Appointment of Election Officials for 2016-2017 Elections.

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

23. Voucher Approval.

Alderperson Crevier asked about a \$29,000 payment to Jones Sign. City Administrator Larry Delo explained the payment was a partial payment for the new City sign on Highway 41 and that the sign hasn't been installed yet because the ground is too wet.

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

24. Operator License Applications.

CITY OF DE PERE - December 15, 2015					
ITEM	NAME	ADDRESS	CITY	ST	ZIP
Previously Tabled Operator Licenses					
1	JANSEN, ERIC J.	525 DUTTON AVE.	GREEN BAY	WI	54304
2	WERNER, CAMERON B.	334 1/2 MAIN AVE.	DE PERE	WI	54115
New Operator License Applications for the 2014-2016 Licensing Period					
1	ADKINS, TARA R.	2529 LANDLER ST.	GREEN BAY	WI	54313
2	DEATHERAGE, JENNIFER A.	1975 SCHEURING RD., APT. #5	DE PERE	WI	54115
3	FIEST, CODY J.	917 SOUTHERN CROSS RD.	GREEN BAY	WI	54303
4	GRAVES, HANNAH, F.	2031 HIDDEN CREEK RD.	NEENAH	WI	54956
5	METOXEN, KATIE J.	1508 N. MENNEN CT.	GREEN BAY	WI	54304
6	SANDERS, ADAM P.	1668 TALUS CIR.	DE PERE	WI	54115
7	STERCKX, MICHELE A.	1304 SUNDOWN LN.	DE PERE	WI	54115
8	TAYLOR, SAMANTHA R.	2694 MEADOWCREST DR.	GREEN BAY	WI	54304
9	WARD, RACHAEL M.	452 S. ST. BERNARD DR., APT. #4	DE PERE	WI	54115
10	ZWICKY, AMY J.	320 S. ERIE ST.	DE PERE	WI	54115

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

Alderperson Bauer moved, seconded by Alderperson Boyd to approve Regular Operator License Applications #1-7 and 10 and to table 8 and 9. Upon vote, motion carried unanimously.

25. Future Agenda Items.

Alderperson Donovan requested an update on the southern bridge.

26. City Administrator Annual Performance Evaluation.

At 10:56 p.m., Alderperson Raasch moved, seconded by Alderperson Kneiszel to close the meeting. Upon roll call vote, motion carried unanimously.

At 11:42 p.m., Alderperson Donovan moved, seconded by Alderperson Bauer to open the meeting. Upon roll call vote, motion carried unanimously.

Alderperson Bauer moved, seconded by Alderperson Raasch to approve a 5% salary increase to the City Administrator position. Upon vote, motion carried unanimously.

27. Adjournment.

Alderperson Bauer moved, seconded by Alderperson Lueck to adjourn the meeting at 11:43 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: January 5, 2016

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Recommendation from the Plan Commission to approve the CSM Application for an Extraterritorial CSM for a one lot CSM in the Town of Lawrence. Surveyor: Leslie D. Van Horn.

This item was approved by the Plan Commission at its December 28, 2015 meeting.

ATTACHMENTS:

- ExtraCSM_1418 Grant St_App (PDF)
- PC_Staff Memo_ExtraCSM (PDF)

	CITY OF DE PERE APPLICATION FOR CSM REVIEW	Fee: \$ 330.00
		Receipt #:
		Date:

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

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Les Van Horn	Authorized Representative Les Van Horn	Title Land Surveyor	
Mailing Address 832 Kellogg St	City Green Bay	State WI	ZIP Code 54303
Email Address Lesvh@att.net	Phone Number (incl. area code) 920-437-1044	Fax Number (incl. area code)	

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

Name (Ind. Org. or Entity) Jonathan G & Deborah M Kleuskens	Contact Person Jon	Title Owner	
Mailing Address 1418 Grant Stree,	City De Pere	State WI	ZIP Code 54115
Email Address kleuskensj@gmail.com	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description 1418 Grant Street, Town of Lawrence	Parcel No. L-211-6
--	-----------------------

SECTION 4: CSM Information

Existing Zoning:	Extraterritorial Review
Present Use of Parcel:	Residential
Proposed Use of Lots:	Residential

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

SECTION 5: Certification and Permission

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

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

Name of Owner/Authorized Representative (please print) Les Van Horn	Title Land Surveyor	Phone Number 920-437-1044
Signature of Applicant 		Date Signed 11-30-15

TO BE COMPLETED BY CITY STAFF

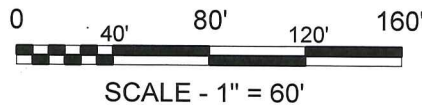
CSM Review authorized by the De Pere Municipal Code, Chapter 46.

PLANNING DEPT.
CITY OF LAWRENCE
RECEIVED
DEC 4 - 4 2015

CERTIFIED SURVEY MAP

PART OF LOT 1, 16 CERTIFIED SURVEY MAP 345, AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, Section 20, Township 23 North, Range 20 East, Town of Lawrence, Brown County, Wisconsin

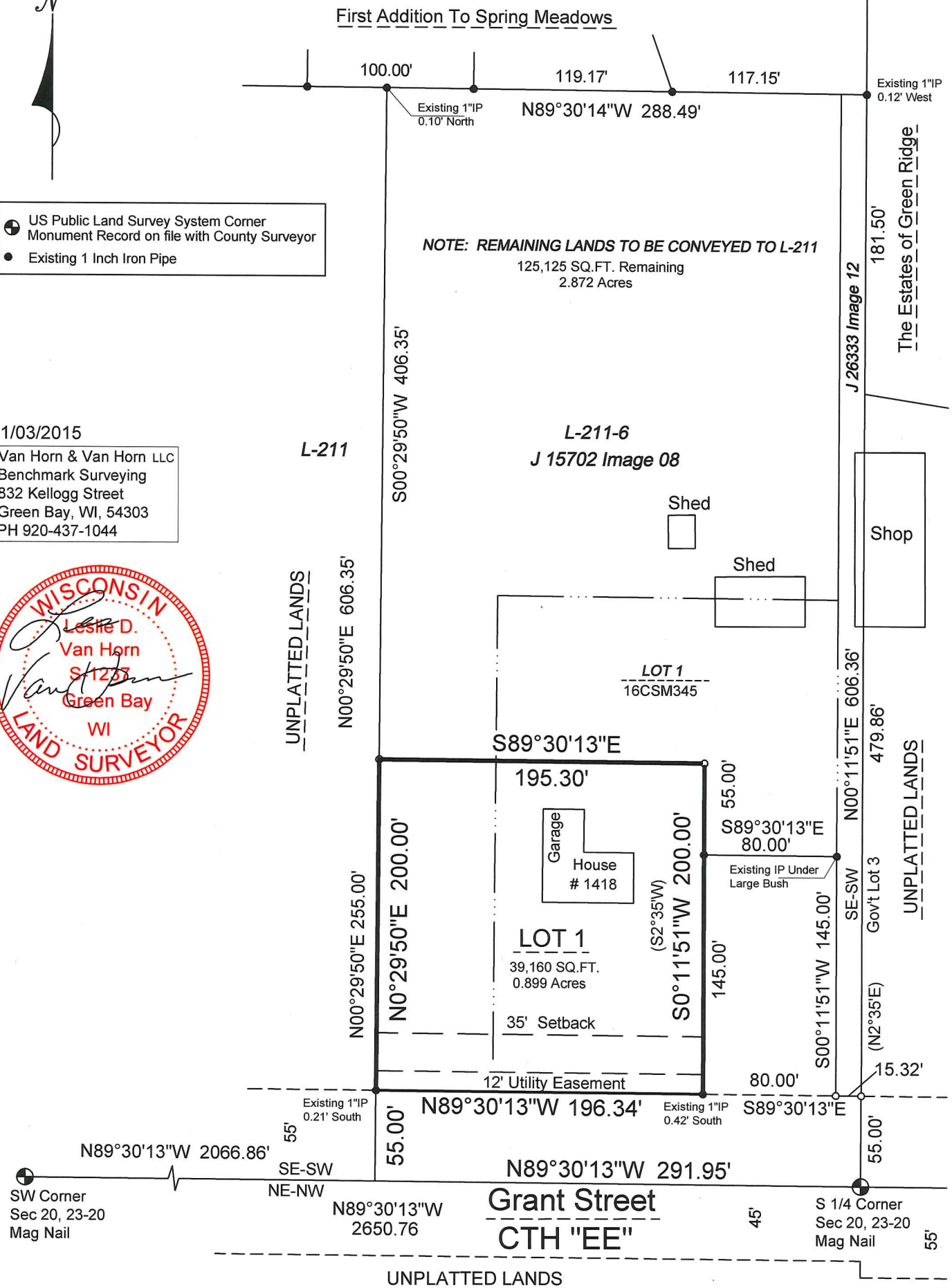
North is referenced to the Brown County Coordinate System. The South line of the Southwest 1/4, was observed to bear N89°30'13"W



- US Public Land Survey System Corner Monument Record on file with County Surveyor
- Existing 1 Inch Iron Pipe

11/03/2015

Van Horn & Van Horn LLC
Benchmark Surveying
832 Kellogg Street
Green Bay, WI, 54303
PH 920-437-1044



CITY OF DE PERE
RECEIVED

DEC - 4 2015

PLANNING DEPT.

Surveyors Certificate

I, Leslie D. Van Horn, professional land surveyor number S1237, do hereby certify that I surveyed, divided and mapped part of Lot 1, 16 Certified Survey Map 345 and part of the Southeast 1/4 of the Southwest 1/4, Section 20, Township 23 North, Range 20 East, Town of Lawrence, Brown County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of Section 20; thence N89°30'13"W 291.95 feet along the south line of the Southwest 1/4; thence N00°29'50"E 55.00 feet to the north line of Grant Street and the Point of Beginning; thence continuing N00°29'50"E 200.00 feet along the west line of the lands described in Jacket 15702 Image 08; thence S89°30'16"E 195.30 feet; thence S00°11'51"W 200.00 along the extension of the east line of volume 16 Certified Survey Map, page 345 and along the east line thereof to the southeast corner thereof at the north line of Grant Street; thence N89°30'16"W 196.34 along the north line of Grant Street to the Point of Beginning, containing 39,160 square feet or 0.899 acres. Subject to any easements and restrictions of record.

I do hereby further certify that I have made such survey under the direction of the owners as listed hereon and that this map is a correct representation of the exterior boundaries of the lands surveyed and the division thereof, and that this survey fully complies with Chapter 236.34 of the Wisconsin Statute, the Brown County Subdivision Ordinance, the Town of Lawrence and the City of De Pere, and is true and correct to the best of my knowledge and belief.

Owners Certificate

We, Jonathan G. Kleuskens and Deborah M. Kleuskens, as owners, hereby certify that we have caused the lands described on this Certified Survey Map to be surveyed, divided and mapped as represented hereon. We also certify that this Certified Survey Map is required to be submitted to the Town of Lawrence, City of De Pere and Brown County for approval or objection.

Dated this _____ day of _____, 2015

Jonathan G. Kleuskens

Deborah M. Kleuskens

STATE OF _____)

COUNTY OF _____) ss _____

Personally came before me this _____ day of _____ 2015, the above named owner to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public

Dated

My Commission Expires

Remaining lands to be attached to tax parcel number L-211: Part of Lot 1, 16 Certified Survey Map 345 and part of the Southeast 1/4 of the Southwest 1/4, Section 20, Township 23 North, Range 20 East, Town of Lawrence, Brown County, Wisconsin bounded and described as follows:

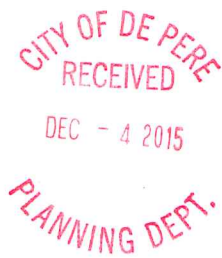
Commencing at the South 1/4 corner of Section 20; thence N89°30'13"W 291.95 feet along the south line of the Southwest 1/4; thence N00°29'50"E 255.00 feet along the west line of the lands described in Jacket 15702 Image 08 to the Point of Beginning; thence S89°30'13"E 195.30 feet; thence S00°11'51"W 55.00 along the extension of the east line of Volume 16 Certified Survey Map, Page 345 to an angle point on the east line thereof; thence S89°30'13"E 80.00 feet to an angle point on the south line thereof; thence S00°11'51"W 145.00 feet to the north line of Grant Street; thence S89°30'13"E 15.32 feet along the north line of Grant Street to the east line of the Southeast 1/4 of the Southwest 1/4 of Section 20; thence N00°11'51"E 606.36 feet along the east line of the Southeast 1/4 of the Southwest 1/4 to the southeast corner of the First Addition of Spring Meadows; thence N89°30'14"W 288.49 feet along the south line thereof to the northwest corner of the lands described in Jacket 15702 Image 08; thence S00°29'50"W 406.36 feet to the Point of Beginning, containing 2.872 acres. Subject to any easements and restrictions of record.

NOTE

The property owners, at the time of construction, shall implement the appropriate soil erosion control methods outlined in "Wisconsin Construction Site Best Management Practice Handbook" (available from the Wisconsin Department of Natural Resources) to prevent soil erosion. However, if at the time of construction the Village has adopted a soil erosion control ordinance, it shall govern over this requirement. This provision applies to grading, construction, or installation-related activities.

Restrictive Covenants

1. The land on all lot lines shall be graded by the subdivider and maintained by the property owners to provide for adequate drainage of surface water.



Town of Lawrence

Approved by the Town of Lawrence, Brown County, Wisconsin, by the Town Board
on the _____ day of _____, 2015

Town Clerk

City of De Pere

Extraterritorial Jurisdiction

Approved by the City of De Pere, Brown County, Wisconsin,
on the _____ day of _____, 2015

City Clerk

Brown County Treasurer

Paul D. Zeller, as duly elected Brown County Treasurer, I hereby certify that the records in my office show no unredeemed taxes and no unpaid taxes or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below, being tax parcel number L-211-6

Paul D. Zeller _____ Dated _____

Brown County Planning Commission

Approved by the Brown County Planning Commission this _____ day of _____, 2015

Peter Schleinz, Senior Planner

Register of Deeds

Item 4: Review the CSM Application for an Extraterritorial CSM for a one lot CSM in the Town of Lawrence. Surveyor: Leslie D. Van Horn*

Leslie D. Van Horn has completed a CSM for one lot on Grant Street/CTH EE for a 0.899 Acre lot. The CSM indicates that the remaining lands will be conveyed to L-211 (an adjoining parcel to the west).

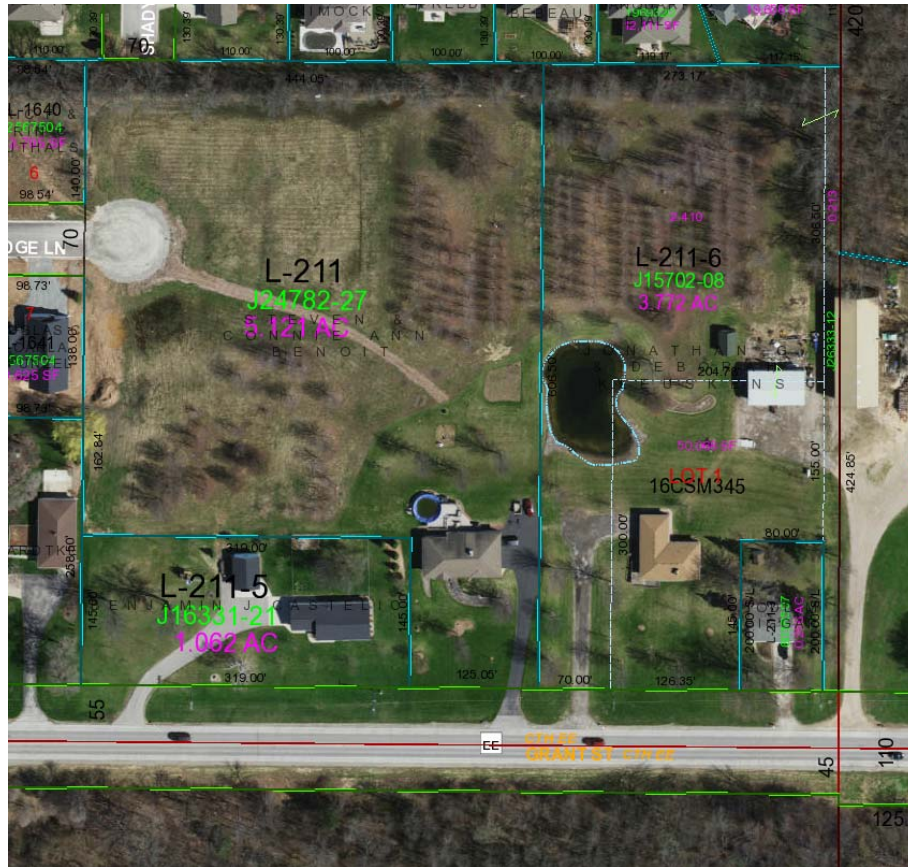


Figure 1: Site Location

Recommendation

Staff would recommend approval of the CSM, and that the CSM be forwarded to the Common Council for approval. The CSM needs the following corrections:

1. CSM must meet the requirements specified by Brown County Planning.
2. Certificate for City of De Pere should be Shana Ledvina, City Clerk.

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: January 5, 2016

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Recommendation from the Board of Park Commissioners to accept \$1,200 donation from a De Pere Citizen.

The De Pere Community Center was offered a \$1,200 donation from Clara Petasek, a member of our community, who regularly attends programs at the Community Center. She loves coming to the Community Center and wishes to give back to the community who has helped her. Her donation would be earmarked for programs, supplies or items to benefit the Community Center and program participants.

Thank you for your time and consideration.

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: January 5, 2016

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Ordinance #16-01, Amending Precise Implementation Plan (WD-D0020-3) (Rezoning for a 48,000+ square foot place of assembly at 1551 Scheuring Road) (Formerly Ordinance #15-33) (second reading).

The Plan Commission voted 4-1 at its November 30, 2015 meeting to accept staff's recommendation to deny the request.

ATTACHMENTS:

- Ord16-01 (DOCX)
- PC_Staff Memo_Life Church (PDF)
- Reference Material (DOCX)
- CHURCH MEMO_201511201049 (PDF)
- Rezone Application (PDF)
- A1.2 AREA PLAN (PDF)
- PC_PIP_Site Plans_Sportsmans (PDF)
- WALMART LETTER_201511201049(PDF)
- PPD_Walmart_Sportsman (PDF)

ORDINANCE #16-01
(Formerly Ordinance #15-33)

AMENDING PRECISE IMPLEMENTATION PLAN
(WD-D0020-3)

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

WHEREAS, the City Clerk-Treasurer, having published a Notice of Public Hearing regarding such proposed zoning change and, pursuant thereto, a public hearing having been held on the 15th day of December, 2015 at 7:35 p.m. and the Common Council having heard all interested parties or their agents and attorneys;

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

Section 1. That the Precise Implementation Plan for the property located at 1551 Lawrence Drive, legally described as:

Lot 1 of Volume 47, Certified Survey Maps page 292, being part of the SE¼ SW¼ and being part of SW¼ SW¼ of SEC 29 T23N R20E.

be and the same is hereby amended to allow for a substantial alteration to the original Planned Development District to allow for place of assembly/place of worship uses thereon, subject to the regulations set forth in and regulated by §14-59, De Pere Municipal Code.

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

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 5th day of
January, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes:_____

Nays:_____

- Item 8:** **Review of a Major Amendment to a Precise Implementation Plan for Life Church (1551 Lawrence Dr.) for a 48,000+ SF Place of Assembly, Parcel WD-D0020-3. Applicant: Life Church Green Bay Inc.***

Project Description:

The General Development Plan for the area that contains 1551 Lawrence Dr. was initially approved by the Plan Commission on February 25, 2002 with the approving Ordinance by City Council on April 2, 2002. See attached map for reference on the area of the Planned Development District. The area that is part of this approved Planned Development District, has had multiple Precise Implementation Plans (PIP) approved for the multitude of businesses and multiple family units available. Specifically for 1551, the Plan Commission approved the PIP in February 2004, to allow for Sportsman's Warehouse.

The original General Development Plan (2002) limited the permitted uses for the Planned Development Area. Since the original approval, a number of follow up reviews have occurred. A timeline of those reviews and the list of permitted uses are included in the attached reference memo.



Figure 1: Site Location

City's Comprehensive Plan:

The City's Comprehensive Plan designates this property for Commercial Development. Excerpts from the Comprehensive Plan explaining that designation are provided on the attached reference memo.

Request:

Life Church is requesting a Major Amendment to the PIP to amend the list of permitted uses to allow for a place of assembly/meeting house/place of worship/church. Life Church has indicated that no exterior modifications or changes to the site will be completed, other than changing the color of the outside trim and signage. All modifications are for the interior of the building to convert the retail space into a space that meets the Church's needs as shown on the attached general plans.

Life Church has submitted a number of materials to the City for review including:

- Item A – Memo From Pastor
- Item B – Letter from Walmart Realty
- Item C – Site Plan for Sportsman's Warehouse
- Item D* – Letters from Members of the congregation
- Item E* – Book, Authored by Mr. Hennessy
- Item F* – Magazine - The American MegaChurch
- Item G* – Listing of addresses (Community, Zip Code and State) for active homes in the Church
- Item H* – Articles about churches going into retail spaces
- Item I* – Fall session schedule and brochure on the life groups for the fall session
- Item J* – News articles about Life Church
- Item K* – Elevations and expansion for current building for Life Church

*these items are available at City Hall for viewing, but are not included in your packet

Site, Building & Parking:

The major amendment request for this project is for a recently constructed building that substantially meets De Pere's zoning and design requirements for a commercial building. Due to the change in use, however, a parking capacity review is relevant.

The City's general parking requirements for this type of use are: one (1) parking space for each six (6) seats for churches, chapels, temples, and synagogues; with the anticipated 800 seat capacity, 133 parking spaces are required for this type of use. The approved PIP for Sportsman's Warehouse included 239 parking spaces. Therefore, the proposed use would meet City parking requirements, and accommodate potential expansion.

Analysis:

When reviewing the request to amend the PIP, staff researched the currently adopted Comprehensive Plan, the De Pere Zoning Code and previous Plan Commission / Council actions within the Planned Development. Please see the attached reference memo for additional background information.

The Comprehensive Plan and the Zoning Code identify the area in question to be of a commercial nature. They also identify the need for highly visible commercial property along the Scheuring Rd. and US 41 interchange. The underlying HWY A Zoning District is one of the most restrictive in the City as related to the list of permitted uses. The Planned Development for the area expanded on the uses permitted in HWY A, but neither includes places of assembly, meeting houses, educational institutions, cultural institutions, places of worship or churches. Places of Assembly/Meeting Houses/Places of Worship/Churches are permitted in the following zoning districts: (R1, R2, R3, R4,

B1 and B2). Generally, the permitted uses in this planned development have been clustered to create a node of intense everyday activity, filled with businesses that benefit from highway visibility.

Previous approvals for the Planned Development have generally aligned with a focus on commercial projects. However, in October of 2013, the Council did approve a General Development plan to permit multi-family development in the form of townhomes west of the Sportsman's Warehouse building. The plan required the townhomes to be constructed behind commercial outlots fronting onto Scheuring Road.

Our review of the Comprehensive Plan, Zoning Code and Planned Development history concludes that there is a strong intent to focus on Highway oriented commercial uses in this area. While the approved townhomes are not a commercial land use, they are located in part of the development that had limited to no highway visibility, and was adjacent to an existing residential area.

Factors to Consider:

Previous Council actions related to land use in this area demonstrate a strong desire for highway-visible commercial uses. Neither the Highway A Commercial District or the Planned Development list of uses for this area permit place of assembly/meeting house/place of worship/church.

The Comprehensive Plan clearly indicates this area to be commercial focused. At the same time, the plan also, as a goal for the entire city, calls for mixed-use commercial nodes that create activity centers.

The attendance numbers provided by Life Church indicate that they fall within the 'Megachurch' land use category (see attached reference memo for definition). Therefore, it is important to consider appropriate land use impacts and relationships. At the same time, the City zoning code does permit place of assembly uses in the B1 and B2 business districts, which include properties in a more commercial setting.

Conclusion:

Our research of the Comprehensive Plan, Zoning Code and Planned Development reviews for this property indicate a clear intent to maintain highway-oriented, commercial uses in this district. Life Church is a successful place of worship with a growing congregation. While they have identified a desire to be located in a commercial area, we believe that there are other commercial areas in De Pere that would be more suitable (the B1 and B2 zoning districts), and already have the appropriate zoning designation. Because of this, staff does not recommend amending the list of uses for the Planned Development.

Recommendation:

Staff does not recommend including places of assembly/meeting houses/places of worship/churches in the list of approved land uses for the Planned Development located at 1551 Lawrence Dr.

1551 Lawrence Dr. / Life Church Request – Reference Material

City's Approved Comprehensive Plan:

The Plan identifies this area for Commercial, pages 56 and 57 discuss the city's need for high visible commercial property, page 101 discusses the Scheuring Rd./US 41 interchange.

Highway Commercial (page 56 Comp Plan)

Future highway commercial development has been designated along the Highway 41 corridor for the City of De Pere. Recent development in this corridor has included motels, restaurants, office buildings, and the like at several different sites. Most of these sites have excellent visibility, accessibility, and location. New interchange access may be available at a future Brown County Southern Bridge route, in addition to existing interchanges at Scheuring Road and Main Avenue. A potential new interchange at Southbridge Drive would produce a prime commercial site and should be reserved for a high-end business/office use similar to the Humana-Employers Health office building. Infill of highway commercial areas and services is also recommended for the vacant land along U.S. Business Highway 41 at the southwest corner of the Main Avenue interchange.

Economic Development Assessment and Recommendations (page 97 Comp Plan)

There are five primary economic activity locations in the City. They include the downtown, the De Pere West Business Park, De Pere East Industrial Park, and commercial areas at the Main Avenue/USH 41 Interchange and the interchange of Scheuring Road/USH 41. The City of De Pere's location has a major impact on its economic development activities. The City's West Business Park is strategically located adjacent to the Scheuring Road/USH 41 interchange. USH 41 is the primary north-south carrier of traffic between Green Bay, the Fox Cities, and beyond. The East De Pere Industrial Park's location provides access to STHs 32 and 57 and CTH PP. The downtown area has historically been the focal point for the City, and it provides a tangible identity for the City while the expanded and proposed development of the Scheuring Road and the Main Avenue interchanges with USH 41 will provide both benefits and potential problems for the City to deal with. The City provides the quality of life amenities that many existing residents want to preserve and new residents may wish to experience. These include a strong business base, quality natural resources, two highly rated school systems, and an overall pleasant "small town feel" with the advantages of its convenient access to the many amenities associated with a larger metropolitan area. These are all advantages for the City to promote when recruiting new businesses. Businesses want to locate in an area where their employees will be content to relocate and contribute to the overall fabric of the City. As the City continues to develop, it must ensure that future economic development projects succeed in maintaining this competitive advantage by properly fitting within the community in scale and design.

Economic Development Scheuring Road/US 41 Interchange (page 101 Comp Plan)

The fifth area of primary economic activity in the City will likely be at the Scheuring Road/US 41 Interchange near the De Pere West Business Park. This area also serves as a gateway to the community and should set a positive first impression for people entering the City. The area has recently seen the development of a commercial strip center, which includes a Wal-Mart Super Store. A new Sleep Inn Motel recently opened with 60 rooms. Another retail store is also

planned for the area immediately to the north of the Wal-Mart Super Store. Additional commercial outlot sites are available on Scheuring Road for this shopping center as well. The site's location adjacent to the interchange and the availability of public sewer and water, have made the site very attractive for commercial development. Similar to the circumstances at the Main Avenue/USH 41 Interchange, the City must work with the developers in the area to ensure that commercial activity at the interchange does not negatively impact its efforts in revitalizing the downtown. The City should also establish standards to avoid traffic congestion and utilize its existing commercial design standards to ensure good architectural design, landscaping, and building site layout.

1551 Lawrence is identified as Commercial Future Land Use (page 41 Comp Plan)

Current Uses in the PDD

All property in this area of the Planned Development District is in a retail/service use, consistent with the original approved uses for the project, except for the approved multi-family housing.

Zoning of Property

Current Zoning HWY A with a Planned Development District (uses allowed are listed above)

HWY A Zoning – List of Uses and Objective

Intent and purpose. The intent and purpose of the Highway 41 Business Corridor: District A, is to provide attractive, highway oriented business development adjacent to the highway interchange that is compatible with and will enhance the development of the Business Park while maintaining the integrity and visual image of the City of De Pere.

The purpose of the Highway 41 Business Corridor: District A, is to create a special district for highway oriented businesses while providing that such development is functional, architecturally appealing, and attractively landscaped.

(2) Permitted uses. The following uses shall be permitted in the Highway 41 Business Corridor: District A:

- (a) Hotels, including eating and drinking facilities located within the principal structure.
- (b) Motels, including eating and drinking facilities located within the principal structure.
- (c) Restaurants, including drinking facilities located within the principal structure.
- (3) Conditional uses.

The following conditional uses may be allowed in the Highway 41 Business Corridor: District A, subject to the provisions of [Section 14-30](#) and definitions contained in [Section 14-03](#):

- (a) Drive-in or convenience food restaurants
- (b) Motor vehicle service stations
- (c) Combination motor vehicle service station and grocery store
- (d) Shopping centers

- (e) Accessory buildings or uses customary and incidental to a permitted or approved conditional use
- (f) Public utility and service uses as follows:
 - 1) Electric substations
 - 2) Fire stations
 - 3) Gas regulator stations
 - 4) Waterworks, reservoirs, pumping stations, and filtration plants
 - 5) Telephone exchanges, telephone transmission equipment buildings, and microwave relay towers

Timeline of approvals for Planned Development District

- | | |
|----------------|--|
| February, 2002 | General Development Plan - Plan Commission (Rezoning from Highway 41 District A to PDD (with General Development Plan) – Parcels WD-D0011, WD-D0015, WD-D0020, WD-D0021 (approx. 67.07 acres) However, parcel WD-D0015 (1600-1620 Lawrence Dr.) was rezoned PDD in August of 1999. |
| April, 2002 | <p>Rezoning and General Development Plan Approved by Council.
The approval included:</p> <ul style="list-style-type: none"> • Site plan that had Walmart and Menards buildings, lot 3 (1551) was just another area identified for development. • Approved uses were : <ul style="list-style-type: none"> ○ Auto repair facilities ○ Auto supply stores ○ Banks and financial institutions with drive through ○ Car dealerships ○ Car washes ○ Convenience stores ○ Credit unions ○ Department stores ○ Department stores with grocery ○ Discount department stores ○ Fast food restaurants with drive through ○ Furniture stores ○ Garden centers ○ Gas stations ○ General retail stores ○ Grocery store or supermarkets ○ Health clinics ○ Health clubs ○ Hobby stores ○ Home improvement stores with lumber yards ○ Hotels and motels ○ Offices |

	○ Pharmacies with drive through ○ R.V. and camper dealerships ○ Service shops ○ Sit-down restaurants ○ Specialty retail stores ○ Theaters ○ Wholesale clubs ○ Other businesses typically found in shopping centers
May, 2002	PIP – Walmart 186,215 SF building. The PIP also included a “Phasing Plan” for the entire development
July, 2002	PIP – Menards 162,340 SF building and warehouse
August, 2002	PIP revision – Walmart and Menards Changes to building exteriors and landscaping plan, as well as signage review
January, 2003	3 lot CSM on Scheuring Rd
May, 2003	PIP – Retail building 12,600 SF building on the north side of Scheuring Rd, immediately west of the development entrance
August, 2003	PIP – Baylake Bank (1450 Scheuring Rd)
November, 2003	PIP – Walmart addition 3,500 SF liquor store addition
February 2004	Precise Implementation Plan (PIP) The PIP gave the approval for Sportsman’s Warehouse – 47,850 sq ft building with an approved 20,000 sq ft addition (not yet built). In the staff memo it details out the uses for each of the buildings that were part of this entire submittal. (Those uses were – specialty dry/good retailers, personal service providers and/or small offices)
February 2004	PIP – Multi-tenant buildings “De Pere Crossing” proposed a 20,000 SF mid-box building, a 24,000 SF multi-tenant building, and an 8,000 SF multi-tenant building
April, 2004	PIP – Dairy Queen (1500 Scheuring rd)
December, 2004	Sign Review for Sportsmans Warehouse/DePere Crossing

March, 2005	CSM – Lawrence and Scheuring
February, 2007	PIP – Dermatology Associates (1400 Scheuring Rd)
February, 2011	PIP – Grand Central Station
March, 2011	PIP – Menards The original submission from 2002 never occurred. Resubmission included changes to parking configuration, building elevations, and the garden center design
May, 2011	PIP Amendment – Menards Minor amendment to move the building 15 feet closer to Lawrence Dr.
June, 2011	PIP – Culvers
July, 2011	PIP Amendment – Grand Central Station Elevation modifications for second tenant (it was proposed Dunkin Donuts)
January, 2012	PIP – Amendment – 1601 Lawrence Dr. (retail strip) Request to allow for a tavern/bar in one of the tenant spaces
November, 2012	PIP Amendment as a general development Plan–Original PIP was approved for commercial use. Developer is requesting amendment to add a multi-family development to the property.
October, 2013	PIP – Nicolet Townhomes 60 unit multi-family building, plus 2 retail parcels
July, 2015	CSM 1360 Scheuring Rd

Megachurches as a land use

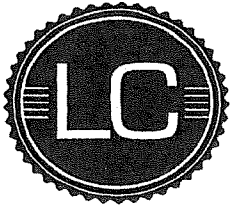
A megachurch is an American term for a church having 2,000 or more people in average weekend attendance. At 800 seats proposed, it would take four fully occupied services to exceed 2,000 attendees. Life Church has demonstrated significant growth since they began in the Green Bay area.

The most notable trait of megachurches is the number of nonreligious amenities that they offer. Mega-churches often offer additional non-traditional, non-worship amenities to their list of church services that include but are not limited to coffee shops, activity areas, gymnasiums, etc. Mega churches also generally program activities throughout the week. Life Church has supplied a schedule showing their weekly activities and it includes:

- According to memo (11/8/15) from Life Church

- List of events from website - <http://lifechurchgreenbay.com/news-events/>
- From website – group activities <http://lifechurchgreenbay.com/wp-content/uploads/2015/09/Catalog-Web.pdf>

Given the additional amenities and seating capacity, mega churches are not unlike other large-scale similar land uses like auditoriums, museums and activity centers. Because of this, it is important to consider the land use impacts that include traffic, parking, noise, etc. That said, even with the additional weekly programming, the core of most mega church activities revolves around their weekend services.



LIFE CHURCH

November 8, 2015

City of De Pere
Planning Commission
335 S. Broadway
De Pere WI 54115

Honorable Mayor Michael J. Walsh & Members of the Planning Commission;

On October 29, 2015, Life Church, currently located at 1250 Mid Valley Drive De Pere WI 54115, completed the purchase of the building formerly known as The Sportsman's Warehouse, located at 1551 Lawrence Drive De Pere WI 54115. We purchased this building with the intentions of converting it into a new meeting place for our congregation. The journey of Life Church over the past 3 years has been memorable to say the least. In December 2012 my wife Sonny & I moved from San Diego CA to assume leadership of a shrinking congregation. What has happened in the past 35 months has been inexplicable. The growth of the congregation has been both steady and rapid. From December 2012 – June 2014 we saw an increase in attendance of 155%, causing us to outgrow our former church building located at 1880 Southbridge De Pere WI 54115. Due to the rapid growth we purchased our current building (Formerly known as the SC Grand) located at 1250 Mid Valley Drive De Pere WI 54115. We spent approximately \$500,000 renovating the property and held our first service on July 20, 2014. The move to the new building catapulted our growth even further. In the past 14 months we have seen our congregation grow another 235%, and this past year Life Church in De Pere was listed as the 12th fastest growing church in America. The beauty of that growth is that it is about individual people. It's about people whose lives have been dramatically changed. It's about marriages that have been restored, families that have been reunited, addictions that have been removed, hopes and dreams that have been resurrected. People are hearing about what is happening here in De Pere and they are coming to our city to experience it firsthand. And it's not just on Sundays. Almost every night of the week we see hundreds of people using our facility for life giving, life changing meetings and groups. In fact, every week at Life Church we see thousands of people using our facility in some way, shape or form. Many of these people wouldn't typically have a reason to be in De Pere, but because they are here at our facility, they are eating in De Pere restaurants and cafes, drinking coffee at De Pere coffee shops, getting gas at De Pere gas stations and shopping in De Pere grocery stores before they make their trip back home. Obviously, at Life Church we are ecstatic that all of these people are filling our building every week. The only problem is, they are **filling** our building every week. We have run out of space in our current facility.

1250 Mid Valley Dr. De Pere, WI 54115 | (920) 632-4343

www.lifechurchgreenbay.com

It's why we bought the larger facility at 1551 Lawrence Drive. We need more room to be able to see more lives changed. It's with that need in mind that we are requesting the Planning Commission for the City of De Pere to amend the Planned Development District zoning currently attached to the building to include the use of the property for a place of assembly/meeting house/place of worship/church.

We understand that it can seem unusual to think of a church being inside of a retail area, but it is becoming the trend around the country. Many growing churches are relocating to areas just like the area we have purchased in, for the same reasons we are. There is great visibility, easy access to and from the freeway for the droves of people who are travelling great distances for our services and meetings, and it allows us to steward our resources wisely by not building multi-million mega-structures outside of our community, that would only draw thousands of people away from retail areas on a weekly basis. We understand that for decades, churches have been located in residential areas, but just the sheer volume of traffic Life Church generates wouldn't allow us to be located in such a setting. We also understand that churches aren't typically allowed within industrial settings, so the options for meeting space for a church our size quickly becomes limited. From a number of standpoints having our location inside an area typically reserved for retail makes sense. For example, the number of people we will be drawing to the area will greatly boost the profitability of places like Bop's Bistro, Culvers, Arby's and the BP or Shell gas stations located within the vicinity of the church. The economic impact on places like Walmart and Menards would also be significant. It's a fact that isn't being underestimated by Walmart at the local or corporate level. When we spoke with De Pere store manager Frank Van Vonderen he expressed their excitement about having us as a neighbor and stated his anticipation that their weekend business would increase greatly due to the influx of people who will now be able to just run into the store while they're already parked next door at our church. The Walmart Corporate Office in Bentonville Arkansas is so convinced that Life Church will be a good neighbor that they have already provided us with written clearance to be able to convert the building into a worship center. In like manner, Menards Corporate has verbally expressed it's support of having us as a neighbor and are eagerly anticipating the influx of the more than \$1,000,000 we will be spending in their store within the next 6 months as we proceed with the conversion of the space.

The only piece of the puzzle that remains Mr. Mayor and committee members is for Life Church to receive clearance from the City of De Pere to proceed with the build out of our new building. It with that in mind that, again, we formally request the Planning Commission for the City of De Pere to amend the Planned Development District zoning currently attached to the building to include the use of the property for a place of assembly/meeting house/place of worship/church.

Respectfully;

Shawn Hennessy
Lead Pastor

1250 Mid Valley Dr. De Pere, WI 541 15 | (920) 632-4343
www.lifechurchgreenbay.com



CITY OF DE PERE
APPLICATION FOR
REZONING

Fee: \$ 275.00

Receipt #: 107450

Date: 10-21-15

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

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Life Church Green Bay Inc.	Authorized Representative Shawn Hennessy	Title Board President	
Mailing Address 1250 Mid Valley Drive	City De Pere	State WI	ZIP Code 54115
Email Address shawn@lifechurchgreenbay.com	Phone Number (incl. area code) 920-632-4343	Fax Number (incl. area code)	

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

Name (Ind. Org. or Entity) Life Church Green Bay Inc.	Contact Person Shawn Hennessy	Title Board President	
Mailing Address 1250 Mid Valley Drive	City De Pere	State WI	ZIP Code 54115
Email Address shawn@lifechurchgreenbay.com	Phone Number (incl. area code) 920-883-9055	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description 1551 Lawrence Drive De Pere WI 54115 (Sportsmen's Warehouse)	Parcel Number(s): WD-D0020-3
---	-------------------------------------

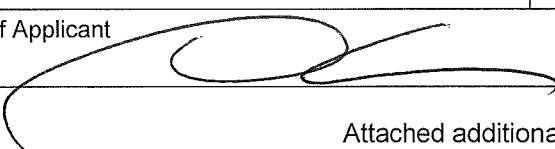
SECTION 4: Proposed Rezoning Use

Existing Zoning:	Planned Development District		
Proposed Zoning:	Amend PDD to allow places of assembly		
Adjacent Zoning: North PDD	Adjacent Zoning: South PDD	Adjacent Zoning: West PDD	Adjacent Zoning: East PDD
Present Use of Parcel	Vacant Commercial		
Proposed Use of Parcel	Place of Assembly		

SECTION 5: Certification and Permission

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

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

Name of Owner/Authorized Representative (please print) Shawn Hennessy	Title Board President	Phone Number 920-883-9055
Signature of Applicant 		Date Signed 10/20/2015

Attached additional sheets if necessary.



LIFE CHURCH

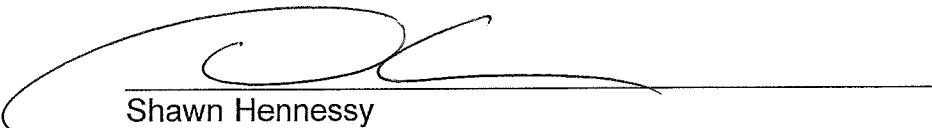
October 21, 2015

City of De Pere
Planning Commission
335 S. Broadway
De Pere WI 54115
920-339-4050
Attention: Dave Hongisto

To Whom It May Concern;

Life Church Green Bay Inc. - located at 1250 Mid Valley Drive De Pere WI 54115 - has an accepted offer to purchase the building located at 1551 Lawrence Drive De Pere WI 54115 - formerly known as the Sportsmen's Warehouse in the amount of \$1,750,000 (one million seven hundred fifty thousand dollars). We have submitted our non-refundable earnest money in the amount of \$100,000 (one hundred thousand dollars) and are scheduled to close on or before October 29, 2015. This letter serves as an official request to have the Planning Commission for the City of De Pere amend the Planned Development District zoning currently attached to the building to include the use of the property for a place of assembly/meeting house/place of worship/church.

Respectfully;


Shawn Hennessy
President



NOLAN CARTER
ARCHITECTURAL DESIGN

1233 BARNARD STREET
GREEN BAY, WI
920-606-0144

LIFE CHURCH

1551 LAWRENCE DRIVE DE
PERE, WI 54115

PROJECT
REMODEL

LIFE CHURCH

DRAWN BY:
I. WILSON

DATE:
11-4-2015

REVISIONS

11-4-2015 ORIG	

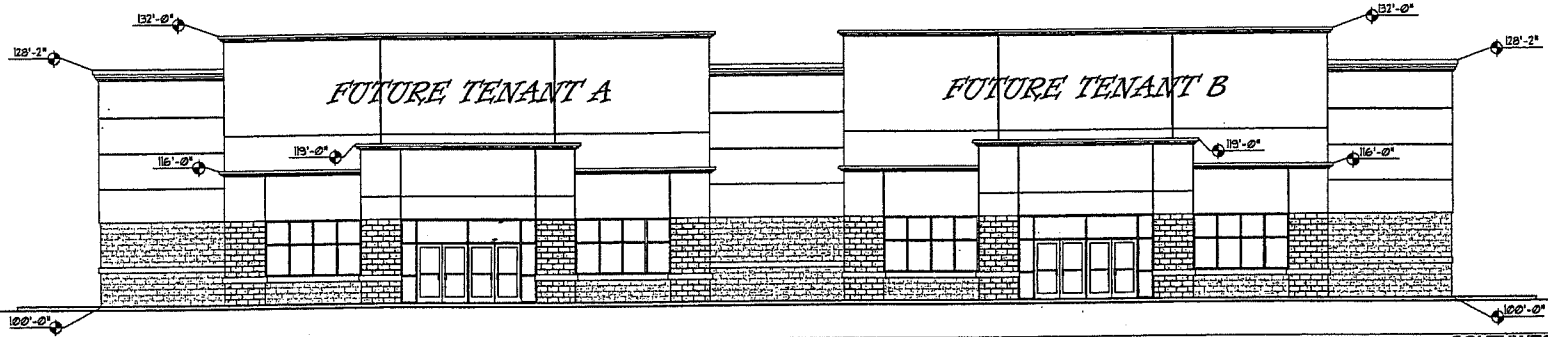
CONTENTS
AREA PLAN

"COPYRIGHT NOTICE"
All specifications, plans, designs and documents created under this agreement are copyright protected and may not be sold, traded, transferred altered to or by any other party other than the owner, without the express written consent of the architect.

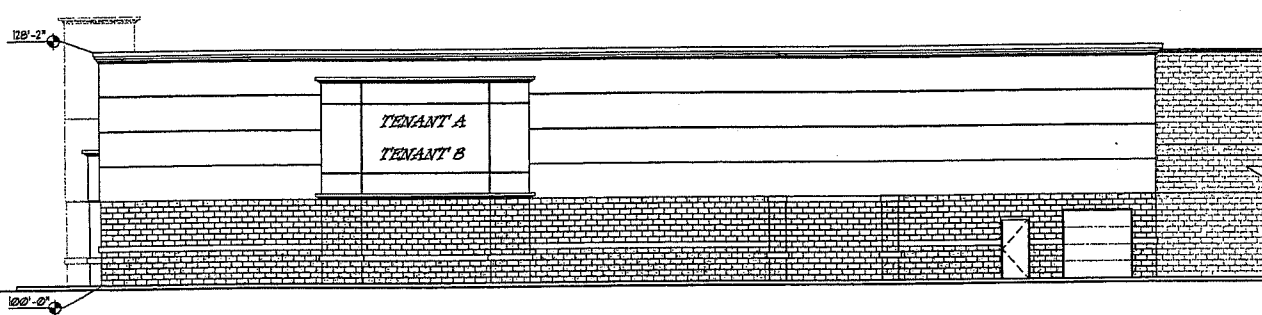
SHEET NUMBER
A1.2

7th

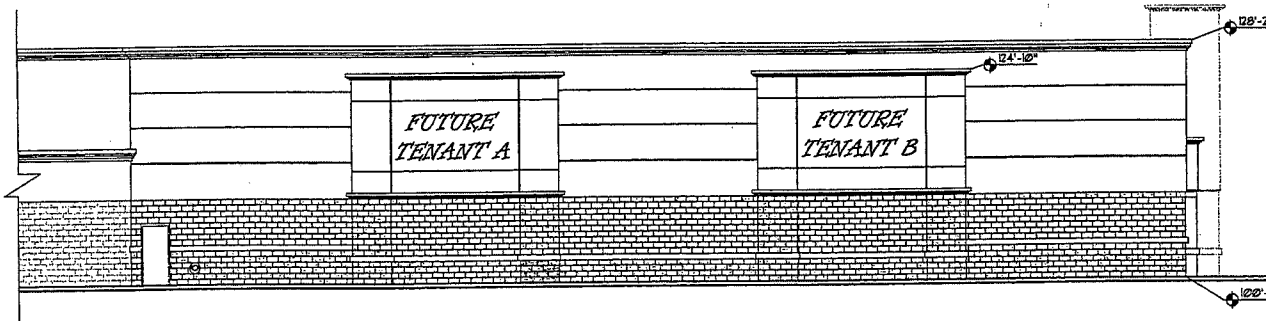
[illegible]



SOUTHWEST ELEVATION 3
1/8" = 1'-0" A23



SOUTHEAST ELEVATION 2
1/8" = 1'-0" A23



NORTHWEST ELEVATION 1
1/8" = 1'-0" A23

Revisions:

Project:

DePere Crossing Retail
HWY 41 AT SCHEURING ROAD
DEPERE, WISCONSIN

PERSPECTIVE
DESIGN, INC.
8722 Walcott Road, Bldg. 55
Watertown, WI 53093
Tel: (414) 302-1780 Fax: (414) 302-1781

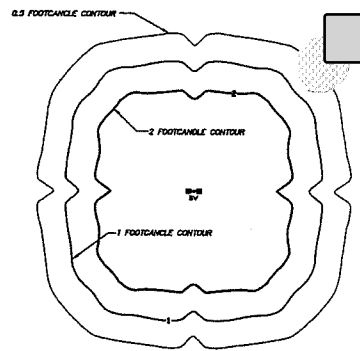
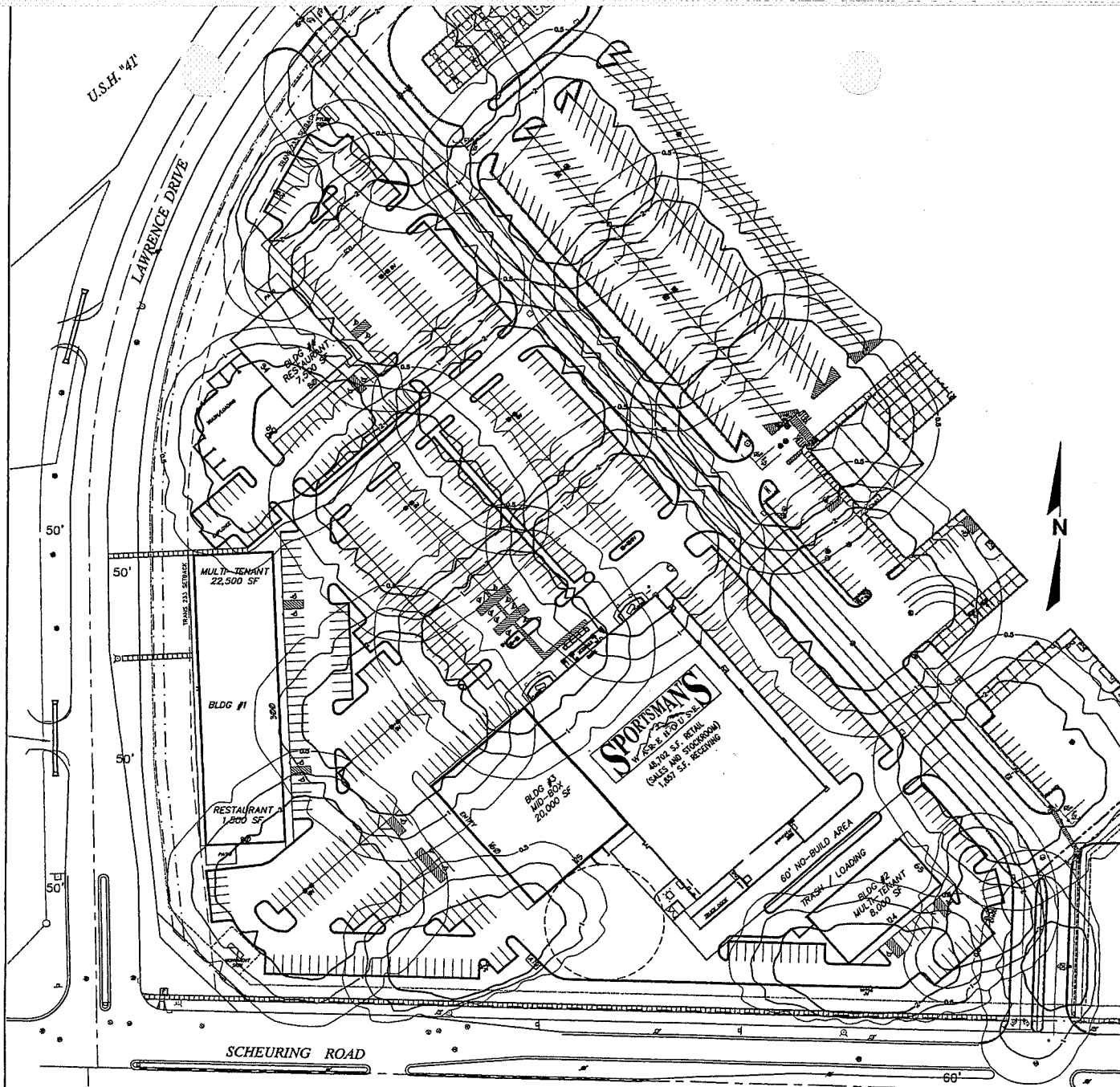


Drawing Title:
PROPOSED
ELEVATIONS
(2) 10,000 SF

Date: 02.12.04
Scale: 1/8"=1'-0"
Drawn: JRP
Job: 04-009
Sheet:

A23

ANY PERSPECTIVE DESIGN, INC. 2004. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED, COPIED, OR AMENDED IN ANY MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF PERSPECTIVE DESIGN, INC. THE CLIENT AGREES TO REPERMIT AND TO RECT WORKERS FROM ANY CONTRACTOR, ARCHITECT, OR OTHER PARTY FROM MAKING ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE ARCHITECT, OR FROM ANY RELIEF OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF THE ARCHITECT.



DETAIL OF FOOTCANDLE CONTOURS

LEGEND

- EXISTING SANITARY MANHOLE
- EXISTING STORM MANHOLE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- EXISTING INLETS
- PROPOSED INLET
- PROPOSED INLET
- PROPOSED HANDICAPPED PARKING
- EXISTING LIGHTING
- PROPOSED LIGHTING (SEE LIGHTING PLAN)

**PRELIMINARY
NOT FOR
CONSTRUCTION**

EXISTING BUILDINGS WILL ALSO HAVE SMALL PACE LIGHTING TO ILLUMINATE DOORWAYS, TRUCK DUMPSTERS AND TRUCK LOADING AREAS.

DIGGERS' HOTLINE
Toll Free 800-838-6667
Midwestern Area (414) 259-1181
Nebraska (402) 342-2299
www.diggershotline.com

THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

CONTRACTOR SHALL PROVIDE EROSION CONTROL FACILITIES IN ACCORDANCE WITH THE CITY OF DE PERE EROSION CONTROL ORDINANCE AND THE WISCONSIN CONSTRUCTION SITE BEST MANAGEMENT PRACTICE HANDBOOK.

NATIONAL SURVEY & ENGINEERING ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF NATIONAL SURVEY & ENGINEERING.

REVISIONS	
DATE	BY

PROJECT MANAGER TRACY A. FARRAND, P.E.
SPORTSMAN'S WAREHOUSE / DE PERE CROSSING
DE PERE, WISCONSIN
LIGHTING PLAN

National Survey & Engineering
Tracy A. Farrand, P.E.
222-721-5200
222-721-5200
222-721-5200
222-721-5200

NSP PROJECT NO. 2032220
DATE: 02-18-04 SCALE: 1"=40'

SHEET NO. C4.0



DePere Crossing Retail
HWY 41 AT SCHEURING ROAD
DEPERE WISCONSIN

**PERSPECTIVE
DESIGN, INC.**
39727 Wadsworth Plank Road, Bldg. S-5
Wauwatosa, WI 53226



Drawing Title

PRELIM.
SITE
PLAN

Date: 02-12-2011

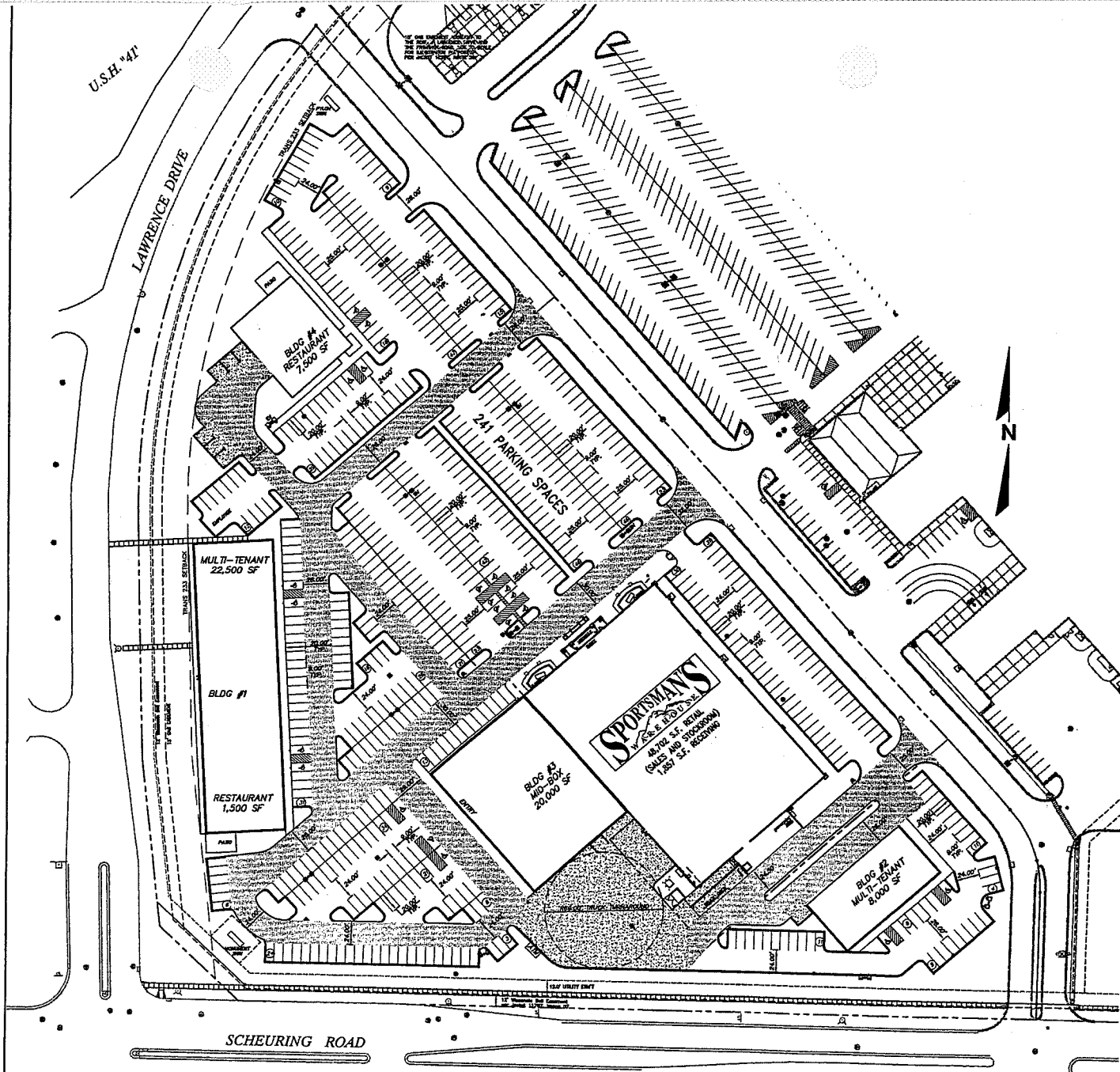
Scale:

Drawn by

Job: 04-01

Sheet

Attachment: PC_PIP_Site Plans_Sportsmans (4246 : Ordinance #16-01, Amending Precise



LEGEND

- | | | | |
|---|---|---|---------------------------------------|
| — | PROPOSED BUILDINGS | • | EXISTING SANITARY MANHOLE |
| — | PROPOSED 18" CURB AND GUTTER | • | EXISTING STORM MANHOLE |
| — | PROPOSED PARKING SPACES | • | EXISTING WATER VALVE |
| — | PROPOSED HEAVY DUTY ASPHALT PAVEMENT | • | EXISTING FIRE HYDRANT |
| — | PROPOSED HEAVY DUTY CONCRETE PAVEMENT | • | PROPOSED FIRE HYDRANT |
| — | PROPOSED STANDARD DUTY ASPHALT PAVEMENT | • | PROPOSED WATER VALVE |
| • | | • | EXISTING INLETS |
| • | | • | PROPOSED INLETS |
| • | | • | PROPOSED INLET |
| • | | • | PROPOSED HANDICAPPED PARKING |
| • | | • | EXISTING LIGHTING |
| • | | • | PROPOSED LIGHTING (SEE LIGHTING PLAN) |

NOTE:
ALL DIMENSIONS ARE FACE TO FACE OF CURB UNLESS OTHERWISE NOTED.

**PRELIMINARY
NOT FOR
CONSTRUCTION**

DIGGERS & HOTLINE
Tel: 920.808.8488
diggersandhotline.com
Hearing Impaired TDD (800) 542-2380
www.diggersandhotline.com

PROJECT MANAGER: TRACY A. FARRAR, P.E.
SPORTSMANS WAREHOUSE / DE PERE CROSSING
DE PERE, WISCONSIN

SITE PLAN

National Survey & Engineering
1000 N. Main Street
De Pere, WI 54226
Phone: 920.808.8488
Fax: 920.808.8489
www.nsewi.com

THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

CONTRACTOR SHALL PROVIDE EROSION CONTROL FACILITIES IN ACCORDANCE WITH THE CITY OF DE PERE EROSION CONTROL ORDINANCE AND THE WISCONSIN CONSTRUCTION SITE BEST MANAGEMENT PRACTICE HANDBOOK.

NATIONAL SURVEY & ENGINEERING ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF NATIONAL SURVEY & ENGINEERING.

REVISIONS		
DATE	BY	

PROJECT NO: 2020020
DATE: 03-18-24 SCALE: 1"=40'
SHEET NO: C1.0

Attachment: PC_PIP_Site Plans_Sportsmans (4246 : Ordinance #16-01, Amending Precise

[illegible]

DATE	AVL	COPPER NAME	BIOLOGICAL NAME	SIZE	DEPT	TEMPERATURE
APR	30	HARDEN JAMES	JAMES H. HARDEN	10"	CR	100° F. W. F. H. H. H.
MAY	24	W. J. HARDEN JAMES	JAMES H. HARDEN	10"	CR	100° F. W. F. H. H. H.
JUN	4	SPRINGFIELD	JAMES H. HARDEN	10-20"	CR	100° F. W. F. H. H. H.

[illegible]

SPIN	APC	COTTON WARE	BOTANICAL WARE	RAB	ROOF	WARMING
APR 17	ABRICORR FORNIELLA	FORNIELLA FORNIELLA	FORNIELLA FORNIELLA	1"	PCF	1" F/M FELCH DED
APR 276	ABRICORR FORNIELLA	FORNIELLA FORNIELLA	FORNIELLA FORNIELLA	1"	PCF	1" F/M FELCH DED
CAR 140	CARPENTER BEARY	BEARY CARPENTER BEARY	BEARY CARPENTER BEARY	1"	PCF	1" F/M FELCH DED
DEB 22	DEARBY BORN HORTZELLE	BORN HORTZELLE DEARBY	BORN HORTZELLE DEARBY	1"	PCF	1" F/M FELCH DED
GR 35	GOLD PLATE SPINNA	SPINNA GOLD PLATE SPINNA	SPINNA GOLD PLATE SPINNA	1"	PCF	1" F/M FELCH DED
GR 361	GRILL LUG TRANSFER	LUG TRANSFER GRILL LUG	LUG TRANSFER GRILL LUG	1"	PCF	1" F/M FELCH DED

PT#	AGE	COTTON NAME	BOUNCE NAME	SEX	ROOT	REPLANT
ED	5	BLACK HILLS SPRUCE	PIZZA OLAMA DIBANDA	T	-	BLACK 4 (MAYNELL) 3" TYP. PALM MED
CJ	8	CANDY APPLE	JENNIFER VIOLETTA CANDY 8"	B-W	BB	BLACK 4 (MAYNELL) 3" TYP. PALM MED
BF	3	SCORCH PINE	PAAS SYLVANIA	T	BB	BLACK 4 (MAYNELL) 3" TYP. PALM MED

BYT	ATT	CORNER NAME	STURMICAL NAME	SIZE	RECY	REMARKS
46	50	BLUM OAK GRAB	MELCHIORCHER BUTTERFLIES	1 GAL	FOV	2" SPACIAL
47	48	LITTLE BLUE FISH	SCHLAGERCHER SCHNITTEN	1 GAL	FOV	2" SPACIAL
48	50	HEART PETAL BUTTERFLY	PHILIPPS VILKCHEN	1 GAL	FOV	2" SPACIAL
49	50	POPCORNE GRAB	HEICHLACHER SPINNE FISCH	1 GAL	FOV	2" SPACIAL
49	50	TALE, POPCORN NEED BUSH	CALPHADON'S JACKFLOON TALM, POPCORN	1 GAL	FOV	2" SPACIAL

SP#	APL	COMMON NAME	SCIENTIFIC NAME	SIZE	SEEDS	REMARKS
BCB	8	BLACK OAKBERRY	ARONA MELANOCARPA	2"	FOR	3" IN PELCH BED
BCJ	8	RED CANADA ELAC	SYRINALYACARINATA TRE CANADIA	3"	FOR	3" IN PELCH BED
BCI	8	SPINDLER COY-LEAF	CORYLORUS CORNUSICA	3"	FOR	3" IN PELCH BED
NO	8	WHEAT-BED CORNED	CORNE MELANOCARPA	3"	FOR	3" IN PELCH BED

BYR	ENV	COPPER NAME	BOTANICAL NAME	SIZE	ROOT	REMARKS
FD	SA	DWELLY WELLA DR CHO	HEMEROCALIS	43"	PCR	3" SPACIN
PD	SA	LAMBS CORNERS	CONOCOPUS VERMICILLATA LAMBRO	43"	PCR	3" SPACIN
PD	SA	HYPERION DAILY	HEMEROCALIS HYPERION	43"	PCR	3" SPACIN

PRELIMINARY LANDSCAPE

SPORTSMAN'S WAREHOUSE
DE PERE, WISCONSIN

**PRELIMINARY
NOT FOR
CONSTRUCTION**

TRACY A. FARRAND, P.E.
SPORTSMAN'S WAREHOUSE
/ DE PERE CROSSING
DE PERE, WISCONSIN

LANDSCAPING PLAN

National Survey & Engineering

HSE PROJECT NO.: 3030280
DATE: 02-16-04 SCALE: 1"

SHEET NO.	C3.0
-----------	------

THIS DRAWING IS THE PROPERTY OF PERSPECTIVE DESIGN, INC. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF PERSPECTIVE DESIGN, INC. THE CLIENT AGREES TO INDEMNIFY AND HOLD PERSPECTIVE DESIGN, INC. HARMLESS FROM ANY AND ALL DAMAGES, LOSSES, AND COSTS, INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE, ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE ARCHITECT, OR FROM ANY REUSE OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF THE ARCHITECT.

Project:
DePere Crossing Retail
HWY 41 AT SCHEURING ROAD
DEPERE, WISCONSIN

PERSPECTIVE
DESIGN, INC.
8722 Watkinson Road, Suite 50
Wauwatosa, WI 53095

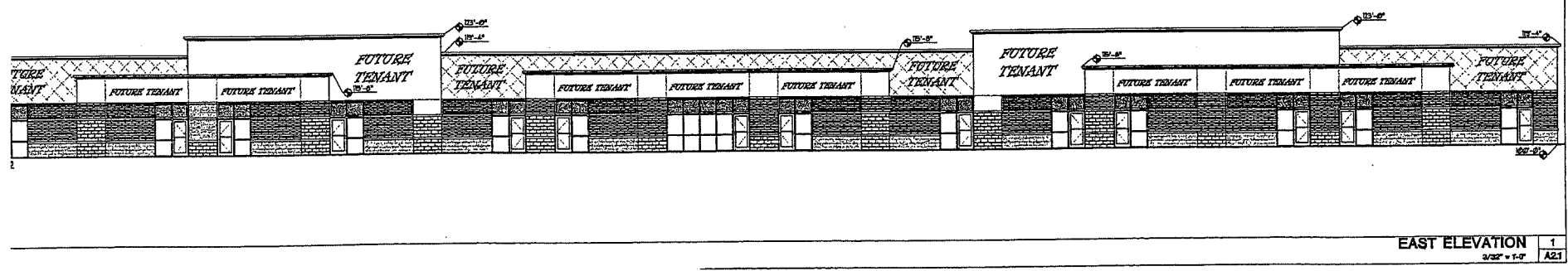
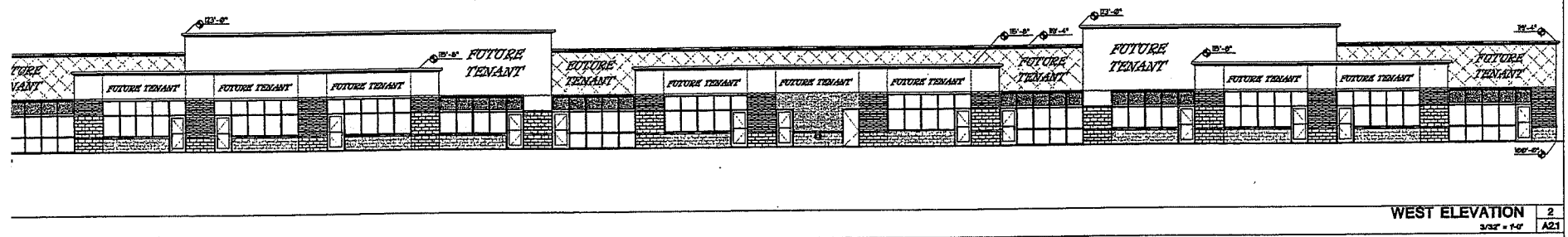
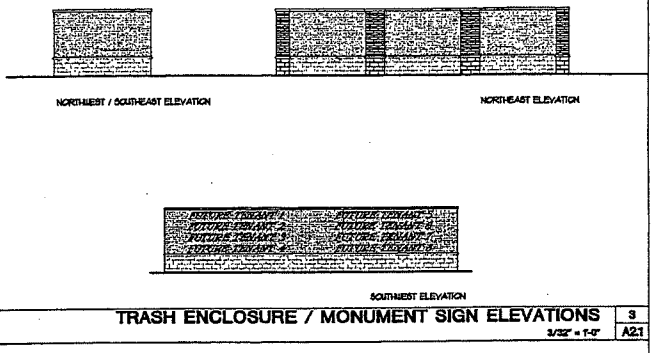
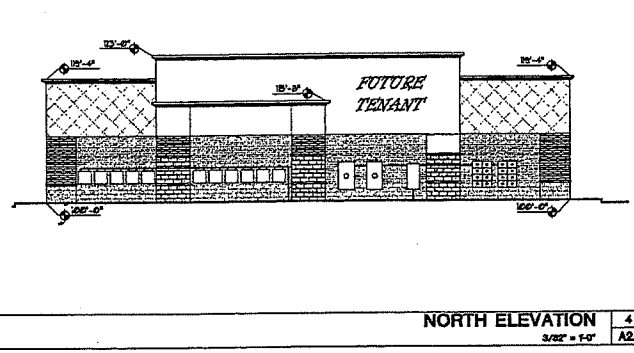
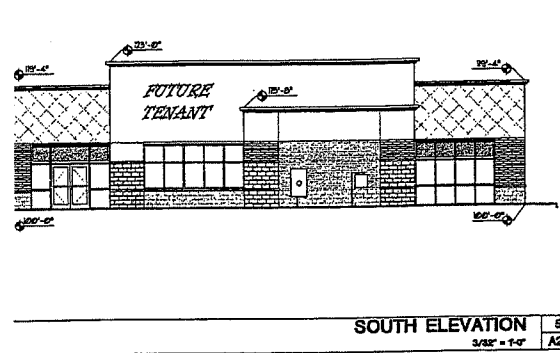


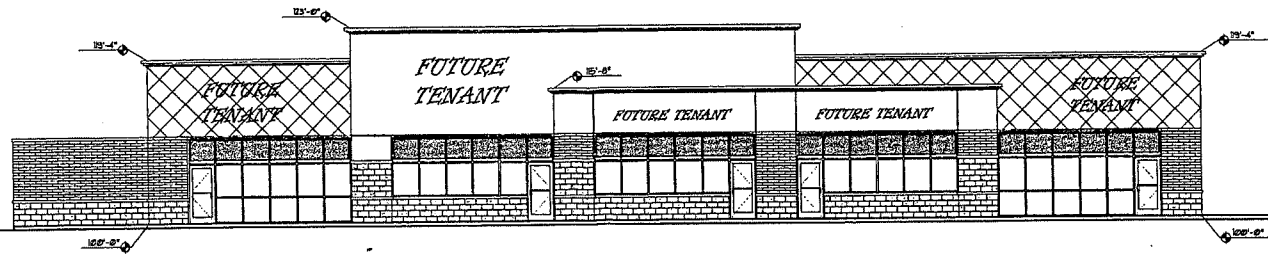
Drawing Title:
Proposed Elevations
24,000 S.F.

Date: 02/12
Scale: 1/8" = 1'-0"
Drawn: 04
Job:
Sheet:

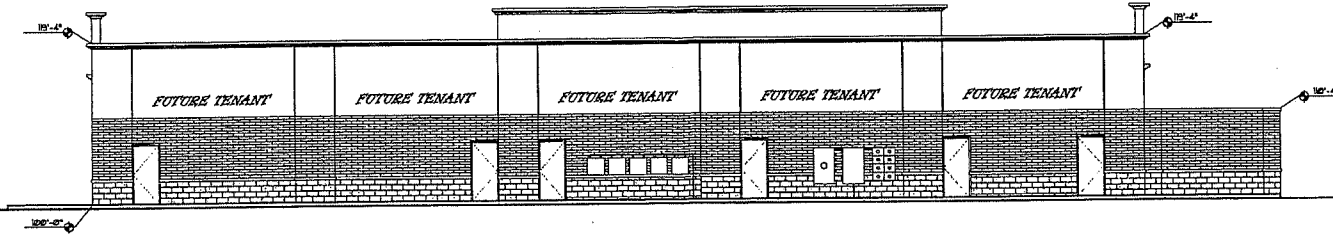
A2.1

Attachment: PC_PIP_Site Plans_Sportsmans (4246 : Ordinance #16-01, Amending Precise

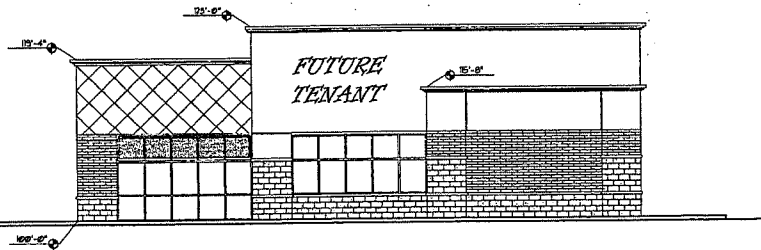




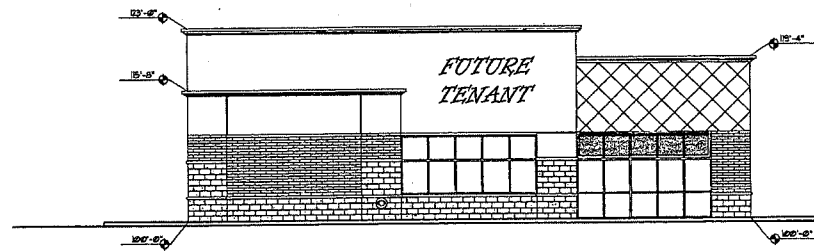
SOUTHEAST ELEVATION 3
1/8" = 1'-0" A22



NORTHWEST ELEVATION 2
1/8" = 1'-0" A22



NORTHEAST ELEVATION 4
1/8" = 1'-0" A22



SOUTHWEST ELEVATION 1
1/8" = 1'-0" A22

COPYRIGHT PERSPECTIVE DESIGN, INC. 2004. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED, CHANGED, COPIED OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF PERSPECTIVE DESIGN, INC. THE USER AGREES TO DEFEND AND HOLD THE ARCHITECT HARMLESS FROM ANY AND ALL DAMAGES, INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE, ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE ARCHITECT, OR FROM ANY REUSE OF THE DRAWING OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF THE ARCHITECT.

Project:		DePere Crossing Retail	
		HWY 41 AT SCHEURING ROAD	
PERSPECTIVE DESIGN, INC.		9722 Madison Trail, Rock, Ill. 61076	
Drawing Title:	PROPOSED ELEVATION	8,000 S.F.	
Date:	02/		
Scale:	1/8"		
Drawn:			
Job:	0		
Sheet:			
A2.		Attachment: PC_PIP_Site Plans_Sportsmans (4246 : Ordinance #16-01, Amending Precise	



Realty Management
2001 SE 10th Street
Bentonville, AR 72716-0550

November 9, 2015

Shawn Hennessy
Lead Pastor
Life Church Green Bay
1250 Mid Valley Drive
De Pere WI 54115

Re: Usage Approval

Dear Shawn:

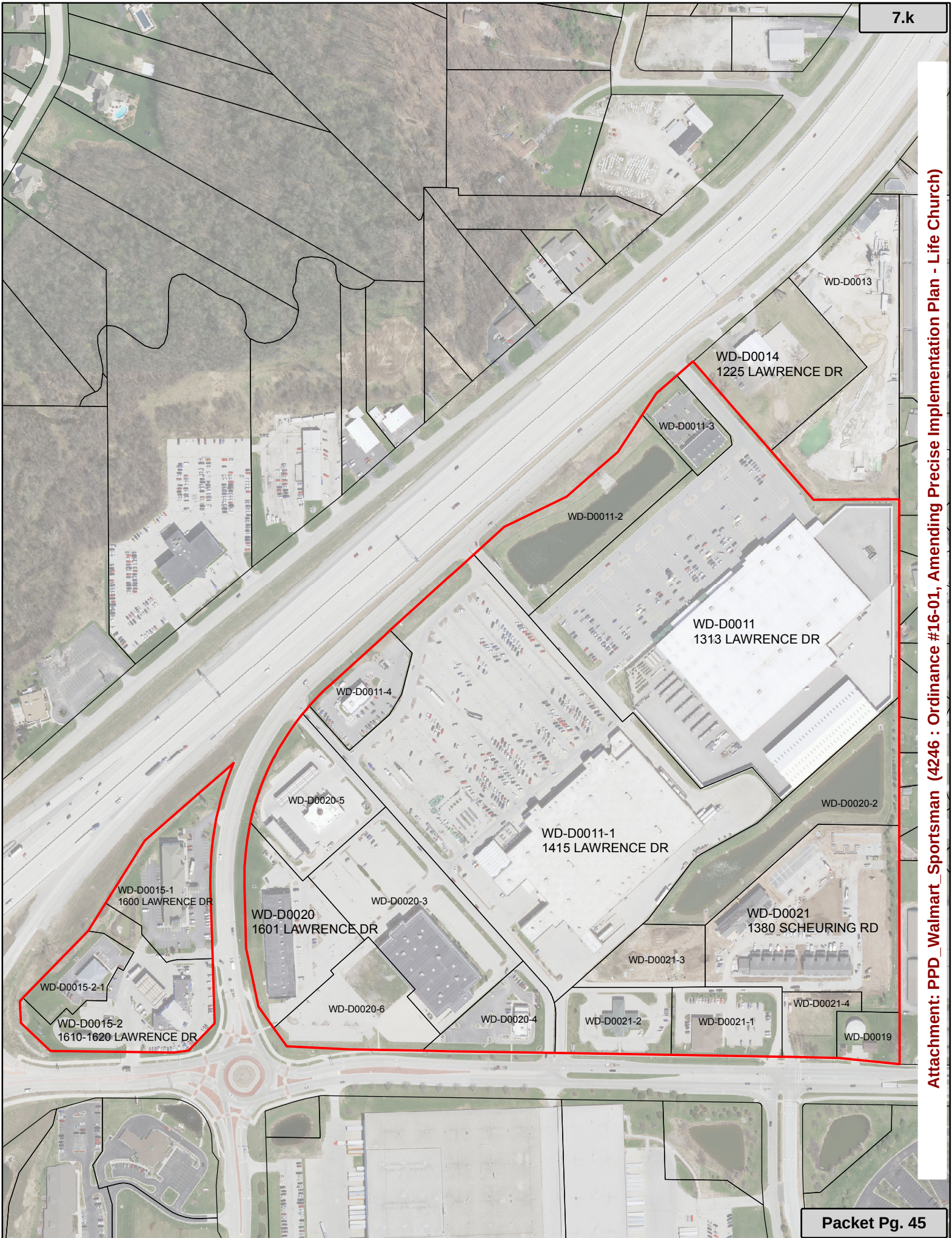
Wal-Mart Real Estate Business Trust ("Walmart") approves of the proposed Life Church Green Bay to be located at the address of 1551 Lawrence Drive De Pere WI 54115.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Myosha Poldore".

Realty Manager
Myosha Poldore



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

MEETING DATE: January 5, 2016

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Ordinance #16-02, Amending §150-3(e) De Pere Municipal Code Regarding Parking Violation Penalties (Formerly Ordinance #15-35).

This item was inadvertently skipped at the December 15, 2015 Common Council meeting.

ATTACHMENTS:

- Ord16-02 (DOCX)
- Sec. 150-3 Penalties - Current Ordinance (DOCX)

ORDINANCE #16-02
(Formerly Ordinance #15-35)

AMENDING §150-3(e) DE PERE MUNICIPAL CODE
REGARDING PARKING VIOLATION PENALTIES

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

SECTION 1: §150-3(e), *Parking*, is hereby repealed and recreated as follows:

(e) *Parking*.

- (1) *Penalty*. The penalty for violation of the parking regulations as set forth in this chapter or as provided by Wis. Stats. §§346.50-346.55 (as may be amended from time to time), or any authorized temporary regulation, shall be as follows:
 - (A) as provided by Wis. Stats. §346.56 (as may be amended from time to time) for violations of Wis. Stats. §§346.50-346.55.
 - (B) as determined by resolution of the common council for violations of the following:
 1. *Overnight parking* (§150-22(2) of this subchapter)
 2. *Handicap parking* (Wis. Stats. §346.505)
 3. *Posted/Regulated parking* (§150-22(7) of this subchapter)
- (2) *Increased penalty*. The resolution of the common council authorized under paragraph (e)(1)(B) regarding penalties for violations shall include increased penalties to account for administrative costs incurred for any the citation that is not paid or contested on or before the tenth day after the incident resulting in the citation.
- (3) *Notice*. If the citation is not contested as provided in this section and no payment is received by the city police department, the department shall send two notices by first class mail to the registered owner of the vehicle informing such owner of the date of issuance of the citation, the license number of the vehicle involved, the place the citation may be paid, the method by which the citation may be contested, the date by which the person must pay or contest the citation to avoid further action by the city, and the specific action which the city is authorized to take upon failure to pay or contest the citation. The two notices shall be sent within 28 days of each other.

- (4) *Contesting citation.* If a person wishes to contest a parking citation, such request shall be made to the police department within 28 days of the violation. Such person shall be given an initial appearance date and the court shall thereafter schedule the matter for trial. Upon conviction, the court may impose court costs and other appropriate assessments in addition to the amount of the forfeiture.
- (5) *Traffic violation or vehicle registration program for non-payment.* The city police department and court are authorized to enforce the collection of traffic forfeitures or nonappearance therefor in accordance with Wis. Stats. §345.28, and the traffic violation or registration program established by Wis. Stats. §85.13. If citations are processed under Wis. Stats. §345.28, any fees required by the state for use of such program shall be added to the original or increased citation amount and collected from the violator in the same manner as the penalties provided in the chapter.

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

SECTION 3: This ordinance shall be effective January 10, 2016.

Adopted by the Common Council of the City of De Pere, this 5th day of January, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Board/Committee Approval: n/a

Publication Date: _____

Effective Date: 1/10/16

Sec. 150-3. - Penalties for violation of chapter.

- (a) Forfeiture and costs. The penalty for violation of any provision of this chapter shall be a forfeiture as provided in this section, together with the cost of prosecution imposed as provided in Wis. Stats. §§ 345.20—345.53.
- (b) Uniform offenses. Forfeitures for violation of any provision of Wis. Stats. chs. 341—348, adopted by reference in section 150-1 shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses.
- (c) Special local regulations. The forfeiture for violations of this chapter, other than adopted provisions of the state code or parking offenses, shall be not less than \$10.00 nor more than \$400.00 for the first offense, and not less than \$25.00 nor more than \$400.00 for the second offense.
- (d) Miscellaneous. The forfeiture for a violation of Wis. Stats. §§ 941.01(1) or 947.045 shall be not less than \$50.00 nor more than \$500.00.
- (e) Parking. The penalty for violation of the parking regulations as set forth in this chapter or as provided at Wis. Stats. §§ 346.50—346.55, or any authorized temporary regulation, shall be as follows:
 - (1) Overnight/overtime. Violations of subsections 150-22(2) and (3) of this chapter shall be \$10.00 per violation.
 - (2) Overnight parking. All violations of subsection 150-22(2) shall be \$15.00 per violation.
 - (3) Handicap. Violations of Wis. Stats. § 346.505 or any ordinance in this chapter in conformity therewith shall be \$50.00 per violation.
 - (4) Restricted/prohibited. All other violations of this chapter or the above-referenced statutory section or temporary regulations not specified in subsections (a) or (e)(5) of this section shall be \$10.00 per violation.
 - (5) Notice. If the citation is not contested as provided in this section and no payment is received by the city police department, the department shall send two notices by first class mail to the registered owner of the vehicle informing such owner of the date of issuance of the citation, the license number of the vehicle involved, the place the citation may be paid, the method by which the citation may be contested, the date by which the person must pay or contest the citation to avoid further action by the city, and the specific action which the city is authorized to take upon failure to pay or contest the citation. The two notices shall be sent within 28 days of each other.
 - (6) Increased penalty. If the citation is not paid or contested on or before the tenth day after the incident, administrative costs shall be added to the citation, and the total cost of the citation shall be as follows:
 - a. Overnight/overtime, per violation\$20.00
 - b. Handicap violations, per violation60.00
 - c. Restricted/prohibited, per violation20.00
 - (7) If a person wishes to contest a parking citation, such request shall be made to the police department within 28 days of the violation. Such person shall be given an initial appearance date and the court shall thereafter schedule the matter for trial. Upon conviction, the court may impose court costs and other appropriate assessments in addition to the amount of the forfeiture.
 - (8) The city police department and court are authorized to enforce the collection of traffic forfeitures or nonappearance therefor in accordance with Wis. Stats. § 345.28, and the traffic violation or registration program established by Wis. Stats. § 85.13. If citations are processed under Wis. Stats. § 345.28, any fees required by the state for use of such program shall be added to the original or increased citation amount and collected from the violator in the same manner as the penalties provided in the chapter.

- (9) In addition to all fees authorized in this section, a \$15.00 fee will be added to any total due if a check in payment of such required fine is not honored due to insufficiency of funds or otherwise.
- (10) The city clerk-treasurer shall sell, at a price of \$2.00 each, to merchants who operate businesses within the area identified as the central business district in schedule H on file in the police chief's office, tokens which may be redeemed as payment in full for citations for overtime or metered parking violations as proscribed at section 150-22(8) and (9), provided that such violations occur in such central business district and that the token is tendered as payment within 21 days of the date appearing on the citation.
- (f) Speed. The provisions of Wis. Stats. § 346.60 shall apply to adjudications of violations of this chapter.
- (g) Schedule. The city municipal court is directed to follow the bond and penalty schedule set forth in the Wisconsin Uniform State Traffic Deposit Schedule as updated from time to time, which schedule is incorporated by reference in this subsection and made a part of this section.

(Code 1974, § 43.03; Ord. No. 02-07, §§ 1, 3-19-2002; Ord. No. 04-12, §§ 1, 2, 5-4-2004; Ord. No. 04-33, § 2, 12-21-2004)

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

MEETING DATE: January 5, 2016

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Resolution #16-01, Urging the State Legislature to Authorize
Municipalities to Choose the Method of Publication of Legal Notices
and Official Proceedings. (Request of Alderperson Crevier)

Alderperson Crevier requested the attached be on a Council agenda as a future agenda item in July 2015.

ATTACHMENTS:

- Reso16-01 (DOCX)

RESOLUTION #16-01

URGING THE STATE LEGISLATURE TO AUTHORIZE MUNICIPALITIES
TO CHOOSE THE METHOD OF PUBLICATION OF LEGAL
NOTICES AND OFFICIAL PROCEEDINGS

WHEREAS, state law requires the City to select a qualifying newspaper to publish its Council proceedings and to select a qualifying newspaper as its official newspaper for the publication of legal notices [Wis. Stats. §985.06(1)]; and

WHEREAS, the purpose of such publication requirements is to notify the public of the actions of the council, including passage of resolutions and ordinances; and

WHEREAS, in 2014 the De Pere Journal, the local newspaper and official newspaper of the City for many years, ceased publication, requiring the City to name the regional Green Bay Press Gazette its official newspaper; and

WHEREAS, increasingly, electronic communication and sources of information have become an indispensable presence in our society, including websites, social media, streaming news sources, all with mobile applications making them accessible from mobile devices twenty-four hours , seven days a week; and

WHEREAS, data from a 2013 Pew Foundation research study regarding the sources from which people get their news, revealed that 50% of people obtained their news from the internet, with 28% getting their news from the newspaper, while in 2004, those numbers were 18% and 50% respectively; and

WHEREAS, the Common Council seeks to provide the public with as much information as possible about the actions of the De Pere city government, and the methods by which this is accomplished are more and more electronically focused; and

WHEREAS, the state legislature, seemingly recognizing that electronic sources of information have become important sources for the public, enacted 2015 Wisconsin Act 79, (effective November 13, 2015), which allows villages and towns that opt to post a legal notice in lieu

of publication to instead of posting the notice in three public places, post the notice in one public place and publish the notice on the municipality's web site; and

WHEREAS, the Common Council believes that, similarly, cities are in the best position to determine the most effective means of informing its citizens about city government and that it too should be able to choose which methods will most effectively do so, particularly given the decreasing availability of print media meeting the requirements of Wis. Stats. §985.03.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council urges the state legislature to allow municipalities the option to, in lieu of publication, determine the means and methods of publication of council proceeding and legal notices by amending the requirements of Chapter 985, Wisconsin Statutes to permit publication of official proceedings and legal notices on a municipality's official website.

BE IT FURTHER RESOLVED THAT:

The Clerk-Treasurer is authorized and directed to provide a copy of this Resolution to the Governor Scott Walker, Senators David Hansen, Frank Lasee, and Robert Cowles, and Assembly Representatives John Macco, David Steffen, and Andre Jacque.

BE IT FURTHER RESOLVED THAT:

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 5th day of January, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: January 5, 2016

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Resolution #16-02, Authorizing Submission of Dr Pepper Snapple Group - KaBOOM! 2015 Let's Play Construction Grant Program Grantee Letter of Agreement.

ATTACHMENTS:

- Reso16-02 (DOCX)
- GRANT (PDF)
- KaBoom Grant Agreement Memo to Council 2x 12-28-15 (DOCX)

RESOLUTION #16-02

AUTHORIZING SUBMISSION OF DR PEPPER SNAPPLE GROUP – KABOOM! 2015 LET’S
PLAY CONSTRUCTION GRANT PROGRAM GRANTEE LETTER OF AGREEMENT

WHEREAS, the Dr Pepper Snapple Group has partnered with KaBOOM! to provide community-built playground grant opportunities to qualified U.S. based organizations to be used toward the purchase of playground equipment; and

WHEREAS, the City’s Parks, Recreation & Forestry Department submitted an initial application to determine if it is qualified for grant opportunities and if qualified would use any funds awarded towards construction of a new playground at Optimist Park; and

WHEREAS, the City has learned it is qualified to apply for grant funds and the next step in the grant process is to sign the Letter of Agreement as is attached hereto.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Director of Parks, Recreation & Forestry is authorized to sign the Letter of Agreement for funding the above described activities and accept any grant funding awarded.

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 January, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina Clerk-Treasurer

Ayes: _____

Nays: _____

Attachment: Reso16-02 (4258 : Resolution #16-02, Grant from KABOOM for Optimist Playground)

Dr Pepper Snapple Group – KaBOOM! 2015 Let's Play Construction Grant Program Grantee Letter of Agreement

«**Organization_name**» ("Grantee") is hereby awarded a grant of **\$9,000** by KaBOOM!, and a discount of \$6,000 from a preferred vendor, to apply toward the creation of a playground under the terms and conditions stated in this Letter of Agreement (LOA). Failing to comply with any of the requirements stated in this LOA or providing false information may result in forfeiture of this grant.

Scope of Project

1. The final Build Day on which the playground is constructed and fully completed must be on or before **November 14, 2016**
2. The playground must be built using the KaBOOM! community-build model, defined in summary here as the method of using community volunteers to plan for, design, fundraise for, and build a community playground.
3. \$9,000 will be applied toward the purchase of playground equipment from any one of the following Preferred Vendors: BCI Burke, Landscape Structures, Inc, Miracle Recreation Equipment Company, or Playworld Systems. **Grantee must work directly with a local representative of the selected Preferred Vendor.**
4. The total playground equipment expenditure for this project from the single manufacturer toward whom this grant is applied must be no less than \$24,000 and no more than \$40,000 inclusive of grant monies.

Disbursement and Verification of Grant Funds

5. Grantee must alert KaBOOM! when they are prepared to purchase their equipment so that KaBOOM! can contact the vendor's national headquarters to apply the \$6,000 equipment discount.
6. Grant funds will be disbursed directly to the equipment manufacturer selected by the Grantee, once the Grantee has submitted the following documentation to KaBOOM!:
 - a) An invoice verifying the amount of the equipment order, showing that the grantee has paid their balance.
 - b) Verification that the equipment has been delivered to the Grantee
 - c) Submit proof of funds raised for the project (verified through a bank statement or copy of check to vendor)
 - d) A final invoice showing the equipment order, the Grantee's payment, and a remaining balance of \$9,000.
 - e) Final survey is completed.
7. In the event that KaBOOM! submits payment of grant funds to equipment manufacturer, for purchase of playground equipment on behalf of Grantee based on information provided by Grantee and Grantee does not complete a playground build, Grantee will reimburse KaBOOM! for the amount of the payment.
8. During any time of the grant program the grant can be withdrawn due to incomplete benchmarks during the planning process.

Ongoing Participation of the Grantee During the Grant Period

9. Grantee agrees to meet the timelines established for the submission and/or completion of the following key project benchmarks. In the case of submissions of reports or documents, they should be sent to the

attention of the KaBOOM! Grants Manager. Failure to submit any such report by the appointed deadline may result in forfeiture of the grant.

- a) Grantee must sign this LOA and return a signed, copy to KaBOOM! by **December 5, 2015**.
- b) Grantee must submit a 3 month, 6 month and 9 month status report. The guidelines and format to be provided to the grantee by KaBOOM!
- c) At least 4 weeks prior to the Build Date, grantee must place equipment order directly with the local representative of the equipment manufacturer and submit proof of playground equipment order in the form of an **itemized equipment invoice (Purchase order)** from the representative.
- d) At least 4 weeks prior to the Build Date:
 - i. Grantee must submit their **Build Day Plan of Action** report, outlining the roles and responsibilities of all community volunteers, along with time breakdowns illustrating how volunteers will be engaged in the build day process from the kick-off to the ribbon-cutting.
 - ii. Grantee must submit a **programming plan** detailing how different segments of the community will use the playground at different times.
 - iii. Grantee must submit an ongoing **maintenance plan** detailing how the playground will be maintained, who will conduct the maintenance, and how the maintenance plan will be budgeted.
- e) No later than 2 weeks after the Build Date:
 - i. Grantee must submit the equipment invoice showing the equipment order, their payment, and a remaining balance of \$9,000.
 - ii. Grantee must submit Grantee Completion Report. A portion of the report consists of a post-build survey, which will be provided by KaBOOM!. In addition, the grantee must include a project summary, photographs, and media stories that document the project's progress and execution. **Payment will not be sent to the equipment vendor until all Post Build documents are received.**

The grantee must:

10. Agree to purchase playground equipment from a KaBOOM! Preferred Vendor.
11. Participate in regularly scheduled planning calls.
12. Complete steps of planning by established timelines (this will be provided to selected grantees).
13. Submit proof of funds raised for the project (grant funds will only be released at this time).
14. Post new pictures and information on the Map of Play after the playground is completed.

Partner Recognition

15. Grantee must send out the preapproved press release template to a minimum of one local media outlet. Reference to the Dr Pepper Snapple Group – KaBOOM! grant program and their sponsorship in other forms such as newsletters, web stores, or other promotional materials is subject to review and approval.
16. All grantees will automatically be signed up to receive information by email from Let's Play. If requested, grantee agrees to collaborate with a representative from the Dr Pepper Snapple Group to plan and host a grant award presentation, prior to, on, or just following their Build Day.

Certification Requirements

17. Grantee agrees to purchase only surfacing that meets ADA Guidelines (Americans with Disabilities Act), is IPEMA (International Play Equipment Manufacturers Association) certified and meets and/or exceeds the standards set forth by ASTM (American Society for Testing Materials) and CPSC (Consumer Product Safety Commission).
18. Grantee warrants that the organization/municipality currently has, and will maintain for the life of the playground, Commercial and General Liability insurance providing coverage against liability for bodily injury, death and property damage which may rise out of or be based upon the use of the playground; and Worker's Compensation insurance policies, in amounts not less than one million dollars

(\$1,000,000.00). Grantee must also include KaBOOM! and Dr Pepper Snapple as additional insured and needs to submit documentation by December 5, 2015.

19. Grantee will look solely to Vendor for performance of, and for payment and/or satisfaction of any obligation or claim arising out of, or in connection with, this Agreement and hereby covenants that it will not assert any claims against KaBOOM!, Inc. or any of its affiliates, nor look to KaBOOM! or any such affiliates for satisfaction of any such obligation.
20. Grantee must ensure that an installer representing the selected manufacturer will be on site on Build Day to oversee the installation of the playground and to review the playground structure to ensure that it is safe and built to all appropriate standards and guidelines. Grantee acknowledges that neither KaBOOM!, Dr Pepper Snapple Group nor their respective officers, directors, employees, or agents are in any way responsible or liable for action, inaction or negligence of the playground installer. In the event that the Build Day is delayed or not completed on the scheduled day, Grantee acknowledges that it will be the responsibility of Grantee to secure an installer representing the selected equipment manufacturer to review the completed playground.

Indemnification

21. By accepting the Grant, the Grantee acknowledges that neither KaBOOM! nor DPS nor their respective subsidiaries and affiliates, and their officers, directors, employees or agents shall be liable for any acts, omissions, injuries, errors or damages, whether direct, indirect, incidental or consequential, associated with the use of the Grant funds or the Grant sponsored project. The Grantee irrevocably and unconditionally agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless KaBOOM!, DPS and its subsidiaries, and their respective officers, directors, employees and agents, from and against any and all claims, liabilities, losses, damages (including incidental, consequential, special and punitive damages) and expenses (including reasonable attorneys' fees) directly, indirectly, wholly, or partially arising from or in connection with any act or omission of the Grantee, its employees, or agents, in applying for or accepting the Grant, in expending or applying funds furnished pursuant to the Grant or in carrying out the Grant sponsored project, except to the extent that such claims, liabilities, losses, damages or expenses arise from or in connection with any willful misconduct of KaBOOM!, DPS, their respective subsidiaries and affiliates, and their respective officers, directors, employees or agents.

General

22. KaBOOM! has the sole right, at its discretion, to waive or postpone any deadline or requirement stipulated in this Letter of Agreement.
23. Grantee agrees to have their contact information shared with representatives from the Dr Pepper Snapple Group for award purposes.

I have read and attest that my organization is willing to comply with the Dr Pepper Snapple Group - KaBOOM! Let's Play Construction Grant requirements outlined in the Letter of Agreement.

Please return a signed copy of this Letter of Agreement to: ATTN: Naudy Martinez, KaBOOM!, 4301 Connecticut Avenue, Suite ML-1, Washington, DC 20008 -or- electronically to nmartinez@kaboom.org

_____ Authorized Signature for Challenge Grantee	_____ Date	_____ Printed Name
_____ Name of Challenge Grantee Organization		_____ Job Title
_____ Phone Number	_____ Fax Number	_____ E-Mail Address
_____ Mailing Address	_____ City	_____ State Zip

Federal ID #	Non-profit Status (e.g. 501(c)(3))	
KaBOOM! CFO	Date	George T. Megas
KaBOOM! 4301 Connecticut Ave., NW Suite ML-1 Washington, DC 20008 202.659.0215 fax: 202.659.0210		

SAMPLE

CITY OF DE PERE

MEMO

To: Michael J. Walsh, Mayor
Members of the Common Council
From: Judith Schmidt-Lehman, City Attorney
RE: Dr. Pepper Snapple Group – KaBOOM Grantee Letter of Agreement
Date: December 28, 2015

The purpose of this memo is to alert you to unusual insurance and indemnification conditions in the KaBoom Grantee Letter of Agreement (LOA). Under the LOA, the city must:

- Maintain a policy of general liability insurance in an amount not less than \$1 million covering damage/injury occurring out of use of the playground **and** name both KaBOOM and the Dr. Pepper Snapple Group as additional insureds on that insurance policy “for the life of the playground”; and
- Indemnify indefinitely KaBOOM, the Dr. Pepper Snapple Group **and** “...their respective subsidiaries and affiliates, and their officers, directors, employees or agents...” for any act associated with the grant funds and/or carrying out the playground project, and including attorney fees and punitive damages.

These requirements raise several insurance coverage and cost concerns. First, these obligations will cover an extended period of time. EMC Insurance, the City’s general liability (GL) carrier, has indicated it will cost the City approximately \$100/year currently to list these entities as additional insureds on the GL policy. It is unknown whether costs will increase in the future or whether this continuing obligation will impact future insurance opportunities.

Second, under state law, statutory damage caps can be waived by contract. Therefore, agreeing to indemnify the entities listed above could subject the city/its insurer to extensive damages not otherwise recoverable against a governmental entity. The city’s future insurer may choose to not cover the exposure or impose additional charges for that coverage.

Finally, the indemnification requirement covers not only KaBoom and the Dr. Pepper Snapple Group, but their “...their respective subsidiaries and affiliates, and their officers, directors, employees or agents...” We do not know who or how many different entities this may cover. If, for example, one of the subsidiaries happens to be on the list of playground manufacturers we are required to use, the defense and indemnification costs could be significant.

In the meantime, if you have questions or concerns regarding this matter, please feel free to call me at 339-4042 or Marty Kosobucki at 339-8358.

C: Lawrence Delo, City Administrator
Marty Kosobucki, Director of Parks, Recreation & Forestry

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: January 5, 2016

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445
Requiring Property Owner Consent for Historic Preservation.

The Historic Preservation Commission motioned to forward this resolution at its December 21, 2015 meeting.

ATTACHMENTS:

- Reso16-03 (DOCX)
- AB_568 (PDF)
- SB_445 (PDF)

RESOLUTION #16-03

OPPOSING ASSEMBLY BILL 568 AND SENATE BILL 445 REQUIRING
PROPERTY OWNER CONSENT FOR HISTORIC PRESERVATION

WHEREAS, the Historic Preservation ordinance (Chapter 38, De Pere Municipal Code) is a tool utilized by the City to designate historic landmarks, establish historic districts, and regulate the historic landmarks or properties within a historic district for historic preservation purposes; and

WHEREAS, Assembly Bill 568 (AB 5682) and Senate Bill 445 (SB 445) would require the City to obtain property owner consent before any property can be designated a historic landmark; and

WHEREAS, AB 568 and SB 445 also would require property owner consent prior to the City requiring or prohibiting any action related to the historic or aesthetic value of the property; and

WHEREAS, requiring the City to obtain property owner consent makes the historic preservation ordinance optional and thus disables the only tool the City has in determining and protecting the quality of its historic district.

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

The Common Council of the City of De Pere, upon recommendation by the City's Historic Preservation Commission, hereby voices its considerable opposition to AB 568 and SB 445 as it relates to historic preservation.

BE IT FURTHER RESOLVED THAT:

The Clerk-Treasurer is authorized and directed to provide a copy of this Resolution to the Governor Scott Walker, Senators David Hansen, Frank Lasee, and Robert Cowles, and Assembly Representatives John Macco, David Steffen, and Andre Jacque.

Resolution #16-03
Page 2 of 2

BE TI 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 5th day of January, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Attachment: Reso16-03 (4263 : Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445)



2015 ASSEMBLY BILL 568

December 4, 2015 - Introduced by Representatives R. BROOKS and ALLEN, cosponsored by Senators LASEE and STROEBEL. Referred to Committee on Housing and Real Estate.

1 **AN ACT** *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber* 706.22 (2) (a) 1.,
2 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 66.1019 (3) (a),
3 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; *to amend* 20.505 (7) (h), 59.69
4 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 66.0809 (9), 101.02 (7m), 349.13 (3m)
5 (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (1) (b), 704.17 (2) (b), 704.19
6 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1);
7 and *to create* 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c),
8 66.0418 (3), 175.403, 704.055, 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m.,
9 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes;
10 **relating to:** terminating a tenancy for criminal activity or drug-related
11 criminal activity; disposition of personal property left in rental property by a
12 trespasser; preexisting sprinkler ordinances that are stricter than the
13 multifamily dwelling code; towing vehicles illegally parked on private property;
14 terminating certain tenancies for breaches other than failure to pay rent;

ASSEMBLY BILL 568

- 1 limitations on the authority of political subdivisions to regulate rental units,
- 2 historic properties, and signs; prohibiting local governmental units from
- 3 imposing real property purchase or residential real property occupancy
- 4 requirements; creating a criminal penalty; and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a right-to-cure for certain tenants for certain breaches; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant's household; limits the authority of political subdivisions to regulate rental units, historic properties, and signs; prohibits a local governmental unit from making the purchase or transfer of real property or the occupancy of residential real property contingent on whether a purchaser or other transferee takes certain actions with respect to the property; eliminates a statutory exception for certain local ordinances having automatic sprinkler requirements that are stricter than the state multifamily dwelling code; and allows a towing company to collect charges if it makes a good faith effort to notify law enforcement.

Local government

Under current law, a city, village, town, or county (political subdivision) may regulate places, structures, or objects with special character, historic interest, aesthetic interest, or other significant value. A political subdivision may also designate historic landmarks and establish historic districts and may regulate the historic landmarks or the properties within a historic district for historic preservation purposes.

Under this bill, a political subdivision may not designate a property as a historic landmark without the consent of the owner. Also under this bill, a political subdivision may not require or prohibit any action by an owner of a property related to preservation of the historic or aesthetic value of the property without the consent of the owner.

This bill also limits the authority of political subdivisions in several respects, including:

1. Political subdivisions may not enact an ordinance that requires that a rental unit be inspected without a showing of good cause or be certified or registered
2. Political subdivisions may not charge a fee for an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code.
3. Political subdivisions may not impose an occupancy or transfer of tenancy fee on a rental unit.
4. Political subdivisions may not impose a requirement or restriction based on the informational content of a sign that is not imposed on all signs.

ASSEMBLY BILL 568

5. Political subdivisions may not enact an ordinance that requires a landlord to obtain a license, certification, or registration in order to own, manage, or operate a residential rental property unless the ordinance applies uniformly to all residential properties, including owner-occupied properties.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of, or person who will take title to, real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of, or take title to, the property; at the time of completing the purchase of, or taking title to, the property; or within a certain time after completing the purchase of, or taking title to, the property.

2. Prohibits a local governmental unit from requiring a purchaser of, or transferee of title to, residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser or transferee may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a real property owner to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit's responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

ASSEMBLY BILL 568***Automatic sprinklers in multifamily dwellings***

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Currently, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

Towing vehicles from private property

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

Terminating tenancies

Under current law, a tenant's tenancy may be terminated by the landlord for, among other things, nonpayment of rent, committing waste, or breaching a covenant or condition of the tenant's rental agreement, or if the property owner receives notice from a law enforcement agency or the office of the district attorney that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, except for a tenant who is the victim of the criminal activity, a landlord may terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, by giving the tenant notice if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household does any of the following: 1) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; 2) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; 3) engages in criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or 4) engages in drug-related criminal activity on or near the premises. It is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity.

ASSEMBLY BILL 568

The notice that the landlord gives the tenant must require the tenant to vacate on or before a date at least five days after the giving of the notice and must state the basis for the notice and that the tenant may contest the termination of tenancy in an eviction action. If the tenant does contest the termination of tenancy, the landlord must prove the allegation in the notice by the greater preponderance of the credible evidence. The bill defines drug-related criminal activity as criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, which is defined in current law.

Under current law, a landlord may terminate the tenancy of a month-to-month tenant who commits waste, violates certain statutory tenant duties, or breaches a condition of the lease, other than by failing to pay rent (commits a qualifying breach) by providing the tenant with a notice that requires the tenant to vacate the premises within 14 days. Current law does not provide a landlord of a month-to-month tenant the option to terminate such a tenancy by providing a notice that requires the tenant to cure the qualifying breach or vacate the premises.

Under the bill, a month-to-month tenancy is terminated if 1) a tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. The procedure is identical to the procedure described below for a landlord of a year-to-year tenant.

Under current law, a landlord may terminate the tenancy of a year-to-year tenant or a tenant under a lease for a term of one year or less if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. Current law specifies that a tenant may comply with the landlord's notice by taking reasonable steps to remedy the qualifying breach or by making a bona fide reasonable offer to pay the landlord all damages associated with the qualifying breach. Current law also provides that if the tenant commits another qualifying breach within one year of receiving such a notice, the landlord may terminate the tenant's tenancy by providing the tenant with a notice to vacate the premises within 14 days if the landlord provides the notice before the tenant cures the qualifying breach. This bill eliminates the condition that the landlord provide the subsequent notice to vacate before the tenant remedies the qualifying breach.

Trespass

Under current law, a person who enters into the dwelling of another without the permission of a person who is lawfully on the premises may be guilty of criminal trespass to a dwelling, a Class A misdemeanor. Under the bill, a person may be guilty of criminal trespass to a dwelling if he or she enters or remains in a dwelling without the permission of a person who is lawfully on the premises, or of the owner of the property if no one is lawfully present there, regardless of whether the dwelling is currently occupied. The bill requires law enforcement agencies to establish policies that require officers to remove trespassers from dwellings.

ASSEMBLY BILL 568***Disposing of personal property left by trespasser***

Current law does not address what happens to the personal property of a trespasser that is left behind after the trespasser leaves or is removed from residential rental property. This bill provides that, after a trespasser leaves or is removed from residential rental property, a landlord must hold any personal property left by the trespasser for seven days, during which time the trespasser may request its return. After that time, the landlord may dispose of the personal property in any manner that the landlord determines is appropriate.

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

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

1 **SECTION 1.** 20.505 (7) (h) of the statutes is amended to read:

2 20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on
3 real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys
4 received under s. ~~ss.~~ 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and
5 shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

6 **SECTION 2.** 59.69 (4m) of the statutes is amended to read:

7 59.69 (4m) HISTORIC PRESERVATION. A county, as an exercise of its zoning and
8 police powers for the purpose of promoting the health, safety and general welfare of
9 the community and of the state, may regulate by ordinance any place, structure or
10 object with a special character, historic interest, aesthetic interest or other
11 significant value, for the purpose of preserving the place, structure or object and its
12 significant characteristics. The county may create a landmarks commission to
13 designate historic landmarks and establish historic districts. The county may
14 regulate all historic landmarks and all property within each historic district to
15 preserve the historic landmarks and property within the district and the character
16 of the district. A county may not designate a property as a historic landmark without

ASSEMBLY BILL 568

1 the consent of the owner. A county may not require or prohibit any action by an owner
2 of a property related to the preservation of special character, historic or aesthetic
3 interest, or any other significant value of the property without the consent of the
4 owner.

5 **SECTION 3.** 60.64 of the statutes is amended to read:

6 **60.64 Historic preservation.** The town board, in the exercise of its zoning
7 and police powers for the purpose of promoting the health, safety and general welfare
8 of the community and of the state, may regulate any place, structure or object with
9 a special character, historic interest, aesthetic interest or other significant value for
10 the purpose of preserving the place, structure or object and its significant
11 characteristics. The town board may create a landmarks commission to designate
12 historic landmarks and establish historic districts. The board may regulate all
13 historic landmarks and all property within each historic district to preserve the
14 historic landmarks and property within the district and the character of the district.
15 The town board may not designate a property as a historic landmark without the
16 consent of the owner. The town board may not require or prohibit any action by an
17 owner of a property related to the preservation of special character, historic or
18 aesthetic interest, or any other significant value of the property without the consent
19 of the owner.

20 **SECTION 4.** 62.23 (7) (em) of the statutes is amended to read:

21 62.23 (7) (em) *Historic preservation.* A city, as an exercise of its zoning and
22 police powers for the purpose of promoting the health, safety and general welfare of
23 the community and of the state, may regulate by ordinance, or if a city contains any
24 property that is listed on the national register of historic places in Wisconsin or the
25 state register of historic places shall, not later than 1995, enact an ordinance to

Attachment: AB_568 (4263 : Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445)

ASSEMBLY BILL 568**SECTION 4**

1 regulate, any place, structure or object with a special character, historic,
2 archaeological or aesthetic interest, or other significant value, for the purpose of
3 preserving the place, structure or object and its significant characteristics. A city
4 may create a landmarks commission to designate historic or archaeological
5 landmarks and establish historic districts. The city may regulate, or if the city
6 contains any property that is listed on the national register of historic places in
7 Wisconsin or the state register of historic places shall regulate, all historic or
8 archaeological landmarks and all property within each historic district to preserve
9 the historic or archaeological landmarks and property within the district and the
10 character of the district. A city may not designate a property as a historic landmark
11 without the consent of the owner. A city may not require or prohibit any action by
12 an owner of a property related to the preservation of special character, historic or
13 aesthetic interest, or any other significant value of the property without the consent
14 of the owner.

15 **SECTION 5.** 66.0104 (2) (e) of the statutes is created to read:

16 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
17 does any of the following:

18 1. Requires that a rental unit be inspected without a showing of good cause or
19 be certified or registered.

20 2. Charges a fee for conducting an inspection other than an inspection based
21 on a complaint from a tenant alleging a violation of the local housing code of the city,
22 village, town, or county or an inspection required for all properties and for which a
23 uniform fee is charged.

24 **SECTION 6.** 66.0104 (2) (f) of the statutes is created to read:

ASSEMBLY BILL 568

1 66.0104 (2) (f) No city, village, town, or county may impose an occupancy or
2 transfer of tenancy fee on a rental unit.

3 **SECTION 7.** 66.0104 (2) (g) of the statutes is created to read:

4 66.0104 (2) (g) 1. No city, village, town, or county may enact an ordinance that
5 requires a property owner to obtain a license, certification, or registration in order
6 to do any of the following:

7 a. Own a residential rental property.

8 b. Manage or operate a residential rental property.

9 2. Subdivision 1. does not apply to an ordinance that applies uniformly to all
10 residential properties, including owner-occupied properties.

11 **SECTION 8.** 66.0104 (3) (c) of the statutes is created to read:

12 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
13 of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub.
14 (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

15 **SECTION 9.** 66.0418 (title) of the statutes is amended to read:

16 **66.0418 (title) ~~Prohibition of~~ Miscellaneous limitations on local**
17 **regulation of certain foods, beverages.**

18 **SECTION 10.** 66.0418 (3) of the statutes is created to read:

19 66.0418 (3) No political subdivision may impose a restriction or requirement
20 on a sign based on the sign's informational content that it does not impose on all
21 signs.

22 **SECTION 11.** 66.0809 (9) of the statutes is amended to read:

23 66.0809 (9) A municipal utility is not required to offer a customer who is a
24 tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding
25 ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a

Attachment: AB_568 (4263 : Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445)

ASSEMBLY BILL 568**SECTION 11**

municipal utility to offer or not offer a deferred payment agreement does not require approval, and is not subject to disapproval, by the public service commission.

SECTION 12. 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and amended to read:

66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a county, city, village or town relating to the construction or inspection of multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s. 101.02 (7m).

SECTION 13. 66.1019 (3) (b) of the statutes is repealed.

SECTION 14. 101.02 (7m) of the statutes is amended to read:

101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter, ~~except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b).~~ Any contract between a city, village, or town and a property owner of a multifamily dwelling that requires the property owner to comply with an ordinance that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter is void and unenforceable.

SECTION 15. 101.975 (3) of the statutes is repealed.

SECTION 16. 175.403 of the statutes is created to read:

175.403 Trespassing; arrest and removal. (1) In this section:

(a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

ASSEMBLY BILL 568

1 (b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

2 (2) Each law enforcement agency shall have a written policy regarding the
3 investigation of complaints alleging a violation of s. 943.14. The policy shall require
4 a law enforcement officer who has probable cause to arrest a person for a violation
5 of s. 943.14 to remove the person from a dwelling.

6 **SECTION 17.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

7 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
8 or storage of an illegally parked vehicle under this subsection if unless the towing
9 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
10 respect to the vehicle.

11 **SECTION 18.** 349.13 (3m) (e) 1. of the statutes is amended to read:

12 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
13 under this subsection when no citation has been issued.

14 **SECTION 19.** 349.13 (3m) (e) 3. of the statutes is amended to read:

15 349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement
16 under par. (d) upon removal of a vehicle when no citation has been issued.

17 **SECTION 20.** 704.055 of the statutes is created to read:

18 **704.055 Disposition of personalty left by trespasser. (1) DEFINITION.** In
19 this section, "trespasser" means a person who is not a tenant and who enters or
20 remains in residential rental property without the consent of the landlord or another
21 person lawfully on the property.

22 (2) AT THE LANDLORD'S DISCRETION. (a) If a trespasser is removed or otherwise
23 removes from residential rental property and leaves personal property, the landlord
24 shall hold the personal property for 7 days from the date on which the landlord
25 discovers the personal property. After that time, the landlord may presume that the

ASSEMBLY BILL 568**SECTION 20**

1 trespasser has abandoned the personal property and may dispose of the personal
2 property in any manner that the landlord, in the landlord's sole discretion,
3 determines is appropriate but shall promptly return the personal property to the
4 trespasser if the landlord receives a request for its return before the landlord
5 disposes of it.

6 (b) If the landlord disposes of the abandoned personal property by private or
7 public sale, the landlord may send the proceeds of the sale minus any costs of sale
8 and, if the landlord has first stored the personal property, minus any storage charges
9 to the department of administration for deposit in the appropriation under s. 20.505
10 (7) (h).

11 **(3) RIGHTS OF 3RD PERSONS.** The landlord's power to dispose as provided by this
12 section applies to any personal property left on the landlord's property by the
13 trespasser, whether owned by the trespasser or by others. The power to dispose
14 under this section applies notwithstanding any rights of others existing under any
15 claim of ownership or security interest. The trespasser, other owner, or any secured
16 party has the right to redeem the personal property at any time before the landlord
17 has disposed of it or entered into a contract for its disposition by payment of any
18 expenses that the landlord has incurred with respect to the disposition of the
19 personal property.

20 **SECTION 21.** 704.17 (1) (b) of the statutes is amended to read:

21 704.17 **(1)** (b) If a month-to-month tenant commits waste or a material
22 violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's
23 agreement, other than for payment of rent, the tenancy ~~can be~~ is terminated if the
24 landlord gives the tenant a notice that requires the tenant to either remedy the
25 default or vacate the premises no later than a date at least 5 days after the giving

ASSEMBLY BILL 568

1 of the notice, and the tenant fails to comply with the notice. A tenant is considered
2 to be complying with the notice if promptly upon receipt of the notice the tenant takes
3 reasonable steps to remedy the default and proceeds with reasonable diligence, or if
4 damages are adequate protection for the landlord and the tenant makes a bona fide
5 and reasonable offer to pay the landlord all damages for the tenant's breach. If,
6 within one year from receiving a notice under this paragraph, the tenant again
7 commits waste or breaches the same or any other covenant or condition of the
8 tenant's rental agreement, other than for payment of rent, the tenant's tenancy is
9 terminated if the landlord gives the tenant notice requiring the tenant to vacate on
10 or before a date at least 14 days after the giving of the notice.

11 **SECTION 22.** 704.17 (2) (b) of the statutes is amended to read:

12 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
13 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
14 breaches any covenant or condition of the tenant's lease, other than for payment of
15 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
16 requiring the tenant to remedy the default or vacate the premises on or before a date
17 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
18 notice. A tenant is deemed to be complying with the notice if promptly upon receipt
19 of such notice the tenant takes reasonable steps to remedy the default and proceeds
20 with reasonable diligence, or if damages are adequate protection for the landlord and
21 the tenant makes a bona fide and reasonable offer to pay the landlord all damages
22 for the tenant's breach. If within one year from the giving of any such notice, the
23 tenant again commits waste or breaches the same or any other covenant or condition
24 of the tenant's lease, other than for payment of rent, the tenant's tenancy is
25 terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives

ASSEMBLY BILL 568**SECTION 22**

1 the tenant notice to vacate on or before a date at least 14 days after the giving of the
2 notice.

3 **SECTION 23.** 704.17 (3m) of the statutes is created to read:

4 704.17 **(3m)** CRIMINAL ACTIVITY. (a) In this subsection, “drug-related criminal
5 activity” means criminal activity that involves the manufacture, possession, use, or
6 distribution of a controlled substance, as defined in s. 961.01 (4).

7 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided
8 in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a
9 tenant, without giving the tenant an opportunity to remedy the default, if the tenant,
10 a member of the tenant’s household, or a guest or other invitee of the tenant or of a
11 member of the tenant’s household engages in any criminal activity that threatens the
12 health or safety of, or right to peaceful enjoyment of the premises by, other tenants;
13 engages in any criminal activity that threatens the health or safety of, or right to
14 peaceful enjoyment of their residences by, persons residing in the immediate vicinity
15 of the premises; engages in any criminal activity that threatens the health or safety
16 of the landlord or an agent or employee of the landlord; or engages in any
17 drug-related criminal activity on or near the premises. The notice shall require the
18 tenant to vacate on or before a date at least 5 days after the giving of the notice. The
19 notice shall state the basis for its issuance and the right of the tenant to contest the
20 termination of the tenancy in an eviction action under ch. 799. If the tenant contests
21 the termination of tenancy, the tenancy may not be terminated without proof by the
22 landlord by the greater preponderance of the credible evidence of the allegation in
23 the notice.

24 2. To terminate a tenancy under this subsection, it is not necessary that the
25 individual committing the criminal activity or drug-related criminal activity has

ASSEMBLY BILL 568

1 been arrested for or convicted of the criminal activity or drug-related criminal
2 activity.

3 (c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s.
4 950.02 (4), of the criminal activity.

5 **SECTION 24.** 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and
6 amended to read:

7 704.17 (5) (a) Provisions in the lease or rental agreement for termination
8 contrary to this section sub. (1), (2), or (3) are invalid except in leases for more than
9 one year.

10 **SECTION 25.** 704.17 (5) (b) of the statutes is created to read:

11 704.17 (5) (b) Provisions in the lease or rental agreement for termination
12 contrary to sub. (3m) are invalid.

13 **SECTION 26.** 704.19 (2) (b) 2. of the statutes is amended to read:

14 704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents
15 termination of a tenancy before the end of a rental period because of an imminent
16 threat of serious physical harm, as provided in s. 704.16, or for criminal activity or
17 drug-related criminal activity, nonpayment of rent, or breach of any other condition
18 of the tenancy, as provided in s. 704.17.

19 **SECTION 27.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
20 is amended to read:

21 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
22 **occupancy requirements.**

23 **SECTION 28.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
24 55, is amended to read:

ASSEMBLY BILL 568**SECTION 28**

1 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
2 OF PROPERTY PROHIBITED.

3 **SECTION 29.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
4 Act 55, is amended to read:

5 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
6 may by ordinance, resolution, or any other means restrict do any of the following:

7 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
8 title to or refinance the property by requiring the owner or an agent of the owner to
9 take certain actions with respect to the property or pay a related fee, to show
10 compliance with taking certain actions with respect to the property, or to pay a fee
11 for failing to take certain actions with respect to the property, at any of the following
12 times:

13 **SECTION 30.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. a.

15 **SECTION 31.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1m. b.

17 **SECTION 32.** 706.22 (2) (a) 2m. of the statutes is created to read:

18 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
19 property by requiring the person or an agent of the person to take certain actions with
20 respect to the property or pay a related fee, to show compliance with taking certain
21 actions with respect to the property, or to pay a fee for failing to take certain actions
22 with respect to the property, at any of the following times:

23 a. Before the person may complete the purchase of or take title to the property.

24 b. At the time of completing the purchase of or taking title to the property.

ASSEMBLY BILL 568

1 c. Within a certain period of time after completing the purchase of or taking title
2 to the property.

3 **SECTION 33.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
4 55, is renumbered 706.22 (2) (a) 1m. c.

5 **SECTION 34.** 706.22 (2) (a) 3m. of the statutes is created to read:

6 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
7 residential real property to take occupancy of the property by requiring the
8 purchaser or transferee or an agent of the purchaser or transferee to take certain
9 actions with respect to the property or pay a related fee, to show compliance with
10 taking certain actions with respect to the property, or to pay a fee for failing to take
11 certain actions with respect to the property, at any of the following times:

12 a. Before the purchaser or transferee may take occupancy of the property.

13 b. At the time of taking occupancy of the property.

14 c. Within a certain period of time after taking occupancy of the property.

15 **SECTION 35.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
16 is renumbered 706.22 (2) (b) (intro.) and amended to read:

17 706.22 (2) (b) (intro.) Paragraph (a) does not prohibit do any of the following:

18 1. Prohibit a local governmental unit from requiring a real property owner or
19 the owner's agent to take certain actions with respect to the property not in
20 connection with the purchase, sale or, refinancing, or taking occupancy of, or the
21 transfer of title to, the property.

22 **SECTION 36.** 706.22 (2) (b) 2. of the statutes is created to read:

23 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
24 affect the responsibility, authority, or ability of a local governmental unit to enforce,

ASSEMBLY BILL 568**SECTION 36**

1 a federal or state requirement that does any of the things a local governmental unit
2 is prohibited from doing under par. (a).

3 **SECTION 37.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
4 renumbered 706.22 (3) (a) and amended to read:

5 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
6 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
7 ordinance, resolution, or policy does not apply and may not be enforced.

8 **SECTION 38.** 706.22 (3) (b) of the statutes is created to read:

9 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
10 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is
11 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
12 apply and may not be enforced.

13 **SECTION 39.** 800.035 (1) of the statutes is amended to read:

14 800.035 (1) A defendant may make an initial appearance in person or by
15 submitting a written response to the citation or complaint except when the judge has
16 required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section,
17 if a defendant is a limited liability company, the defendant appears in person if the
18 appearance is by a member, as defined in s. 183.0102 (15), by an agent or authorized
19 employee of the defendant, or by an agent of the member or an authorized employee
20 of the agent.

21 **SECTION 40.** 943.14 of the statutes is renumbered 943.14 (2) and amended to
22 read:

23 943.14 (2) Whoever intentionally enters or remains in the dwelling of another
24 without the consent of some person lawfully upon the premises or, if no person is
25 lawfully upon the premises, without the consent of the owner of the property that

ASSEMBLY BILL 568

1 includes the dwelling, under circumstances tending to create or provoke a breach of
2 the peace, is guilty of a Class A misdemeanor.

3 **SECTION 41.** 943.14 (1) of the statutes is created to read:

4 943.14 (1) In this section, “dwelling” has the meaning given in s. 30.1335 (1)
5 (h). For the purposes of this section, a dwelling meets that definition regardless of
6 whether the dwelling is currently occupied by a resident.

7 **SECTION 42. Initial applicability.**

8 (1) The treatment of sections 704.17 (3m) and 704.19 (2) (b) 2. of the statutes
9 first applies to criminal activities or drug-related criminal activities that are
10 committed on the effective date of this subsection.

11 (2) The creation of section 704.17 (5) (b) of the statutes first applies to leases
12 and rental agreements that are entered into or renewed on the effective date of this
13 subsection.

14 (END)

Attachment: AB_568 (4263 : Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445)



2015 SENATE BILL 445

December 10, 2015 - Introduced by Senators LASEE and STROEBEL, cosponsored by Representatives R. BROOKS and ALLEN. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT** *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber* 706.22 (2) (a) 1.,
2 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 66.1019 (3) (a),
3 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; *to amend* 20.505 (7) (h), 59.69
4 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 66.0809 (9), 101.02 (7m), 349.13 (3m)
5 (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (1) (b), 704.17 (2) (b), 704.19
6 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1);
7 and *to create* 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c),
8 66.0418 (3), 175.403, 704.055, 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m.,
9 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes;
10 **relating to:** terminating a tenancy for criminal activity or drug-related
11 criminal activity; disposition of personal property left in rental property by a
12 trespasser; preexisting sprinkler ordinances that are stricter than the
13 multifamily dwelling code; towing vehicles illegally parked on private property;
14 terminating certain tenancies for breaches other than failure to pay rent;

SENATE BILL 445

- 1 limitations on the authority of political subdivisions to regulate rental units,
- 2 historic properties, and signs; prohibiting local governmental units from
- 3 imposing real property purchase or residential real property occupancy
- 4 requirements; creating a criminal penalty; and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a right-to-cure for certain tenants for certain breaches; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant's household; limits the authority of political subdivisions to regulate rental units, historic properties, and signs; prohibits a local governmental unit from making the purchase or transfer of real property or the occupancy of residential real property contingent on whether a purchaser or other transferee takes certain actions with respect to the property; eliminates a statutory exception for certain local ordinances having automatic sprinkler requirements that are stricter than the state multifamily dwelling code; and allows a towing company to collect charges if it makes a good faith effort to notify law enforcement.

Local government

Under current law, a city, village, town, or county (political subdivision) may regulate places, structures, or objects with special character, historic interest, aesthetic interest, or other significant value. A political subdivision may also designate historic landmarks and establish historic districts and may regulate the historic landmarks or the properties within a historic district for historic preservation purposes.

Under this bill, a political subdivision may not designate a property as a historic landmark without the consent of the owner. Also under this bill, a political subdivision may not require or prohibit any action by an owner of a property related to preservation of the historic or aesthetic value of the property without the consent of the owner.

This bill also limits the authority of political subdivisions in several respects, including:

1. Political subdivisions may not enact an ordinance that requires that a rental unit be inspected without a showing of good cause or be certified or registered
2. Political subdivisions may not charge a fee for an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code.
3. Political subdivisions may not impose an occupancy or transfer of tenancy fee on a rental unit.
4. Political subdivisions may not impose a requirement or restriction based on the informational content of a sign that is not imposed on all signs.

SENATE BILL 445

5. Political subdivisions may not enact an ordinance that requires a landlord to obtain a license, certification, or registration in order to own, manage, or operate a residential rental property unless the ordinance applies uniformly to all residential properties, including owner-occupied properties.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of, or person who will take title to, real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of, or take title to, the property; at the time of completing the purchase of, or taking title to, the property; or within a certain time after completing the purchase of, or taking title to, the property.

2. Prohibits a local governmental unit from requiring a purchaser of, or transferee of title to, residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser or transferee may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a real property owner to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit's responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

SENATE BILL 445***Automatic sprinklers in multifamily dwellings***

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Currently, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

Towing vehicles from private property

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

Terminating tenancies

Under current law, a tenant's tenancy may be terminated by the landlord for, among other things, nonpayment of rent, committing waste, or breaching a covenant or condition of the tenant's rental agreement, or if the property owner receives notice from a law enforcement agency or the office of the district attorney that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, except for a tenant who is the victim of the criminal activity, a landlord may terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, by giving the tenant notice if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household does any of the following: 1) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; 2) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; 3) engages in criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or 4) engages in drug-related criminal activity on or near the premises. It is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity.

SENATE BILL 445

The notice that the landlord gives the tenant must require the tenant to vacate on or before a date at least five days after the giving of the notice and must state the basis for the notice and that the tenant may contest the termination of tenancy in an eviction action. If the tenant does contest the termination of tenancy, the landlord must prove the allegation in the notice by the greater preponderance of the credible evidence. The bill defines drug-related criminal activity as criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, which is defined in current law.

Under current law, a landlord may terminate the tenancy of a month-to-month tenant who commits waste, violates certain statutory tenant duties, or breaches a condition of the lease, other than by failing to pay rent (commits a qualifying breach) by providing the tenant with a notice that requires the tenant to vacate the premises within 14 days. Current law does not provide a landlord of a month-to-month tenant the option to terminate such a tenancy by providing a notice that requires the tenant to cure the qualifying breach or vacate the premises.

Under the bill, a month-to-month tenancy is terminated if 1) a tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. The procedure is identical to the procedure described below for a landlord of a year-to-year tenant.

Under current law, a landlord may terminate the tenancy of a year-to-year tenant or a tenant under a lease for a term of one year or less if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. Current law specifies that a tenant may comply with the landlord's notice by taking reasonable steps to remedy the qualifying breach or by making a bona fide reasonable offer to pay the landlord all damages associated with the qualifying breach. Current law also provides that if the tenant commits another qualifying breach within one year of receiving such a notice, the landlord may terminate the tenant's tenancy by providing the tenant with a notice to vacate the premises within 14 days if the landlord provides the notice before the tenant cures the qualifying breach. This bill eliminates the condition that the landlord provide the subsequent notice to vacate before the tenant remedies the qualifying breach.

Trespass

Under current law, a person who enters into the dwelling of another without the permission of a person who is lawfully on the premises may be guilty of criminal trespass to a dwelling, a Class A misdemeanor. Under the bill, a person may be guilty of criminal trespass to a dwelling if he or she enters or remains in a dwelling without the permission of a person who is lawfully on the premises, or of the owner of the property if no one is lawfully present there, regardless of whether the dwelling is currently occupied. The bill requires law enforcement agencies to establish policies that require officers to remove trespassers from dwellings.

SENATE BILL 445***Disposing of personal property left by trespasser***

Current law does not address what happens to the personal property of a trespasser that is left behind after the trespasser leaves or is removed from residential rental property. This bill provides that, after a trespasser leaves or is removed from residential rental property, a landlord must hold any personal property left by the trespasser for seven days, during which time the trespasser may request its return. After that time, the landlord may dispose of the personal property in any manner that the landlord determines is appropriate.

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

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

SECTION 1. 20.505 (7) (h) of the statutes is amended to read:

20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys received under s. ss. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

SECTION 2. 59.69 (4m) of the statutes is amended to read:

59.69 (4m) HISTORIC PRESERVATION. A county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. The county may create a landmarks commission to designate historic landmarks and establish historic districts. The county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district. A county may not designate a property as a historic landmark without

SENATE BILL 445

1 the consent of the owner. A county may not require or prohibit any action by an owner
2 of a property related to the preservation of special character, historic or aesthetic
3 interest, or any other significant value of the property without the consent of the
4 owner.

5 **SECTION 3.** 60.64 of the statutes is amended to read:

6 **60.64 Historic preservation.** The town board, in the exercise of its zoning
7 and police powers for the purpose of promoting the health, safety and general welfare
8 of the community and of the state, may regulate any place, structure or object with
9 a special character, historic interest, aesthetic interest or other significant value for
10 the purpose of preserving the place, structure or object and its significant
11 characteristics. The town board may create a landmarks commission to designate
12 historic landmarks and establish historic districts. The board may regulate all
13 historic landmarks and all property within each historic district to preserve the
14 historic landmarks and property within the district and the character of the district.
15 The town board may not designate a property as a historic landmark without the
16 consent of the owner. The town board may not require or prohibit any action by an
17 owner of a property related to the preservation of special character, historic or
18 aesthetic interest, or any other significant value of the property without the consent
19 of the owner.

20 **SECTION 4.** 62.23 (7) (em) of the statutes is amended to read:

21 62.23 (7) (em) *Historic preservation.* A city, as an exercise of its zoning and
22 police powers for the purpose of promoting the health, safety and general welfare of
23 the community and of the state, may regulate by ordinance, or if a city contains any
24 property that is listed on the national register of historic places in Wisconsin or the
25 state register of historic places shall, not later than 1995, enact an ordinance to

SENATE BILL 445**SECTION 4**

1 regulate, any place, structure or object with a special character, historic,
2 archaeological or aesthetic interest, or other significant value, for the purpose of
3 preserving the place, structure or object and its significant characteristics. A city
4 may create a landmarks commission to designate historic or archaeological
5 landmarks and establish historic districts. The city may regulate, or if the city
6 contains any property that is listed on the national register of historic places in
7 Wisconsin or the state register of historic places shall regulate, all historic or
8 archaeological landmarks and all property within each historic district to preserve
9 the historic or archaeological landmarks and property within the district and the
10 character of the district. A city may not designate a property as a historic landmark
11 without the consent of the owner. A city may not require or prohibit any action by
12 an owner of a property related to the preservation of special character, historic or
13 aesthetic interest, or any other significant value of the property without the consent
14 of the owner.

15 **SECTION 5.** 66.0104 (2) (e) of the statutes is created to read:

16 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
17 does any of the following:

18 1. Requires that a rental unit be inspected without a showing of good cause or
19 be certified or registered.

20 2. Charges a fee for conducting an inspection other than an inspection based
21 on a complaint from a tenant alleging a violation of the local housing code of the city,
22 village, town, or county or an inspection required for all properties and for which a
23 uniform fee is charged.

24 **SECTION 6.** 66.0104 (2) (f) of the statutes is created to read:

SENATE BILL 445**SECTION 6**

1 66.0104 (2) (f) No city, village, town, or county may impose an occupancy or
2 transfer of tenancy fee on a rental unit.

3 **SECTION 7.** 66.0104 (2) (g) of the statutes is created to read:

4 66.0104 (2) (g) 1. No city, village, town, or county may enact an ordinance that
5 requires a property owner to obtain a license, certification, or registration in order
6 to do any of the following:

7 a. Own a residential rental property.

8 b. Manage or operate a residential rental property.

9 2. Subdivision 1. does not apply to an ordinance that applies uniformly to all
10 residential properties, including owner-occupied properties.

11 **SECTION 8.** 66.0104 (3) (c) of the statutes is created to read:

12 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
13 of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub.
14 (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

15 **SECTION 9.** 66.0418 (title) of the statutes is amended to read:

16 **66.0418 (title) ~~Prohibition of~~ Miscellaneous limitations on local**
17 **~~regulation of certain foods, beverages.~~**

18 **SECTION 10.** 66.0418 (3) of the statutes is created to read:

19 66.0418 (3) No political subdivision may impose a restriction or requirement
20 on a sign based on the sign's informational content that it does not impose on all
21 signs.

22 **SECTION 11.** 66.0809 (9) of the statutes is amended to read:

23 66.0809 (9) A municipal utility is not required to offer a customer who is a
24 tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding
25 ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a

Attachment: SB_445 (4263 : Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445)

SENATE BILL 445**SECTION 11**

municipal utility to offer or not offer a deferred payment agreement does not require approval, and is not subject to disapproval, by the public service commission.

SECTION 12. 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and amended to read:

66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a county, city, village or town relating to the construction or inspection of multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s. 101.02 (7m).

SECTION 13. 66.1019 (3) (b) of the statutes is repealed.

SECTION 14. 101.02 (7m) of the statutes is amended to read:

101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter, ~~except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b).~~ Any contract between a city, village, or town and a property owner of a multifamily dwelling that requires the property owner to comply with an ordinance that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter is void and unenforceable.

SECTION 15. 101.975 (3) of the statutes is repealed.

SECTION 16. 175.403 of the statutes is created to read:

175.403 Trespassing; arrest and removal. (1) In this section:

(a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

SENATE BILL 445

1 (b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

2 (2) Each law enforcement agency shall have a written policy regarding the
3 investigation of complaints alleging a violation of s. 943.14. The policy shall require
4 a law enforcement officer who has probable cause to arrest a person for a violation
5 of s. 943.14 to remove the person from a dwelling.

6 **SECTION 17.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

7 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
8 or storage of an illegally parked vehicle under this subsection if unless the towing
9 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
10 respect to the vehicle.

11 **SECTION 18.** 349.13 (3m) (e) 1. of the statutes is amended to read:

12 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
13 under this subsection when no citation has been issued.

14 **SECTION 19.** 349.13 (3m) (e) 3. of the statutes is amended to read:

15 349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement
16 under par. (d) upon removal of a vehicle when no citation has been issued.

17 **SECTION 20.** 704.055 of the statutes is created to read:

18 **704.055 Disposition of personalty left by trespasser. (1) DEFINITION.** In
19 this section, "trespasser" means a person who is not a tenant and who enters or
20 remains in residential rental property without the consent of the landlord or another
21 person lawfully on the property.

22 (2) AT THE LANDLORD'S DISCRETION. (a) If a trespasser is removed or otherwise
23 removes from residential rental property and leaves personal property, the landlord
24 shall hold the personal property for 7 days from the date on which the landlord
25 discovers the personal property. After that time, the landlord may presume that the

SENATE BILL 445

1 trespasser has abandoned the personal property and may dispose of the personal
2 property in any manner that the landlord, in the landlord's sole discretion,
3 determines is appropriate but shall promptly return the personal property to the
4 trespasser if the landlord receives a request for its return before the landlord
5 disposes of it.

6 (b) If the landlord disposes of the abandoned personal property by private or
7 public sale, the landlord may send the proceeds of the sale minus any costs of sale
8 and, if the landlord has first stored the personal property, minus any storage charges
9 to the department of administration for deposit in the appropriation under s. 20.505
10 (7) (h).

11 **(3) RIGHTS OF 3RD PERSONS.** The landlord's power to dispose as provided by this
12 section applies to any personal property left on the landlord's property by the
13 trespasser, whether owned by the trespasser or by others. The power to dispose
14 under this section applies notwithstanding any rights of others existing under any
15 claim of ownership or security interest. The trespasser, other owner, or any secured
16 party has the right to redeem the personal property at any time before the landlord
17 has disposed of it or entered into a contract for its disposition by payment of any
18 expenses that the landlord has incurred with respect to the disposition of the
19 personal property.

20 **SECTION 21.** 704.17 (1) (b) of the statutes is amended to read:

21 704.17 **(1)** (b) If a month-to-month tenant commits waste or a material
22 violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's
23 agreement, other than for payment of rent, the tenancy ~~can be~~ is terminated if the
24 landlord gives the tenant a notice that requires the tenant to either remedy the
25 default or vacate the premises no later than a date at least 5 days after the giving

SENATE BILL 445

1 of the notice, and the tenant fails to comply with the notice. A tenant is considered
2 to be complying with the notice if promptly upon receipt of the notice the tenant takes
3 reasonable steps to remedy the default and proceeds with reasonable diligence, or if
4 damages are adequate protection for the landlord and the tenant makes a bona fide
5 and reasonable offer to pay the landlord all damages for the tenant's breach. If,
6 within one year from receiving a notice under this paragraph, the tenant again
7 commits waste or breaches the same or any other covenant or condition of the
8 tenant's rental agreement, other than for payment of rent, the tenant's tenancy is
9 terminated if the landlord gives the tenant notice requiring the tenant to vacate on
10 or before a date at least 14 days after the giving of the notice.

11 **SECTION 22.** 704.17 (2) (b) of the statutes is amended to read:

12 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
13 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
14 breaches any covenant or condition of the tenant's lease, other than for payment of
15 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
16 requiring the tenant to remedy the default or vacate the premises on or before a date
17 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
18 notice. A tenant is deemed to be complying with the notice if promptly upon receipt
19 of such notice the tenant takes reasonable steps to remedy the default and proceeds
20 with reasonable diligence, or if damages are adequate protection for the landlord and
21 the tenant makes a bona fide and reasonable offer to pay the landlord all damages
22 for the tenant's breach. If within one year from the giving of any such notice, the
23 tenant again commits waste or breaches the same or any other covenant or condition
24 of the tenant's lease, other than for payment of rent, the tenant's tenancy is
25 terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives

SENATE BILL 445

1 the tenant notice to vacate on or before a date at least 14 days after the giving of the
2 notice.

3 **SECTION 23.** 704.17 (3m) of the statutes is created to read:

4 704.17 **(3m)** CRIMINAL ACTIVITY. (a) In this subsection, “drug-related criminal
5 activity” means criminal activity that involves the manufacture, possession, use, or
6 distribution of a controlled substance, as defined in s. 961.01 (4).

7 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided
8 in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a
9 tenant, without giving the tenant an opportunity to remedy the default, if the tenant,
10 a member of the tenant’s household, or a guest or other invitee of the tenant or of a
11 member of the tenant’s household engages in any criminal activity that threatens the
12 health or safety of, or right to peaceful enjoyment of the premises by, other tenants;
13 engages in any criminal activity that threatens the health or safety of, or right to
14 peaceful enjoyment of their residences by, persons residing in the immediate vicinity
15 of the premises; engages in any criminal activity that threatens the health or safety
16 of the landlord or an agent or employee of the landlord; or engages in any
17 drug-related criminal activity on or near the premises. The notice shall require the
18 tenant to vacate on or before a date at least 5 days after the giving of the notice. The
19 notice shall state the basis for its issuance and the right of the tenant to contest the
20 termination of the tenancy in an eviction action under ch. 799. If the tenant contests
21 the termination of tenancy, the tenancy may not be terminated without proof by the
22 landlord by the greater preponderance of the credible evidence of the allegation in
23 the notice.

24 2. To terminate a tenancy under this subsection, it is not necessary that the
25 individual committing the criminal activity or drug-related criminal activity has

SENATE BILL 445

1 been arrested for or convicted of the criminal activity or drug-related criminal
2 activity.

3 (c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s.
4 950.02 (4), of the criminal activity.

5 **SECTION 24.** 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and
6 amended to read:

7 704.17 (5) (a) Provisions in the lease or rental agreement for termination
8 contrary to this section sub. (1), (2), or (3) are invalid except in leases for more than
9 one year.

10 **SECTION 25.** 704.17 (5) (b) of the statutes is created to read:

11 704.17 (5) (b) Provisions in the lease or rental agreement for termination
12 contrary to sub. (3m) are invalid.

13 **SECTION 26.** 704.19 (2) (b) 2. of the statutes is amended to read:

14 704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents
15 termination of a tenancy before the end of a rental period because of an imminent
16 threat of serious physical harm, as provided in s. 704.16, or for criminal activity or
17 drug-related criminal activity, nonpayment of rent, or breach of any other condition
18 of the tenancy, as provided in s. 704.17.

19 **SECTION 27.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
20 is amended to read:

21 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
22 **occupancy requirements.**

23 **SECTION 28.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
24 55, is amended to read:

SENATE BILL 445**SECTION 28**

1 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
2 OF PROPERTY PROHIBITED.

3 **SECTION 29.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
4 Act 55, is amended to read:

5 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
6 may by ordinance, resolution, or any other means restrict do any of the following:

7 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
8 title to or refinance the property by requiring the owner or an agent of the owner to
9 take certain actions with respect to the property or pay a related fee, to show
10 compliance with taking certain actions with respect to the property, or to pay a fee
11 for failing to take certain actions with respect to the property, at any of the following
12 times:

13 **SECTION 30.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. a.

15 **SECTION 31.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1m. b.

17 **SECTION 32.** 706.22 (2) (a) 2m. of the statutes is created to read:

18 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
19 property by requiring the person or an agent of the person to take certain actions with
20 respect to the property or pay a related fee, to show compliance with taking certain
21 actions with respect to the property, or to pay a fee for failing to take certain actions
22 with respect to the property, at any of the following times:

23 a. Before the person may complete the purchase of or take title to the property.

24 b. At the time of completing the purchase of or taking title to the property.

SENATE BILL 445

1 c. Within a certain period of time after completing the purchase of or taking title
2 to the property.

3 **SECTION 33.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
4 55, is renumbered 706.22 (2) (a) 1m. c.

5 **SECTION 34.** 706.22 (2) (a) 3m. of the statutes is created to read:

6 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
7 residential real property to take occupancy of the property by requiring the
8 purchaser or transferee or an agent of the purchaser or transferee to take certain
9 actions with respect to the property or pay a related fee, to show compliance with
10 taking certain actions with respect to the property, or to pay a fee for failing to take
11 certain actions with respect to the property, at any of the following times:

12 a. Before the purchaser or transferee may take occupancy of the property.

13 b. At the time of taking occupancy of the property.

14 c. Within a certain period of time after taking occupancy of the property.

15 **SECTION 35.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
16 is renumbered 706.22 (2) (b) (intro.) and amended to read:

17 706.22 (2) (b) (intro.) Paragraph (a) does not prohibit do any of the following:

18 1. Prohibit a local governmental unit from requiring a real property owner or
19 the owner's agent to take certain actions with respect to the property not in
20 connection with the purchase, sale or, refinancing, or taking occupancy of, or the
21 transfer of title to, the property.

22 **SECTION 36.** 706.22 (2) (b) 2. of the statutes is created to read:

23 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
24 affect the responsibility, authority, or ability of a local governmental unit to enforce,

SENATE BILL 445

1 a federal or state requirement that does any of the things a local governmental unit
2 is prohibited from doing under par. (a).

3 **SECTION 37.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
4 renumbered 706.22 (3) (a) and amended to read:

5 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
6 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
7 ordinance, resolution, or policy does not apply and may not be enforced.

8 **SECTION 38.** 706.22 (3) (b) of the statutes is created to read:

9 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
10 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is
11 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
12 apply and may not be enforced.

13 **SECTION 39.** 800.035 (1) of the statutes is amended to read:

14 800.035 (1) A defendant may make an initial appearance in person or by
15 submitting a written response to the citation or complaint except when the judge has
16 required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section,
17 if a defendant is a limited liability company, the defendant appears in person if the
18 appearance is by a member, as defined in s. 183.0102 (15), by an agent or authorized
19 employee of the defendant, or by an agent of the member or an authorized employee
20 of the agent.

21 **SECTION 40.** 943.14 of the statutes is renumbered 943.14 (2) and amended to
22 read:

23 943.14 (2) Whoever intentionally enters or remains in the dwelling of another
24 without the consent of some person lawfully upon the premises or, if no person is
25 lawfully upon the premises, without the consent of the owner of the property that

SENATE BILL 445

1 includes the dwelling, under circumstances tending to create or provoke a breach of
2 the peace, is guilty of a Class A misdemeanor.

3 **SECTION 41.** 943.14 (1) of the statutes is created to read:

4 943.14 (1) In this section, “dwelling” has the meaning given in s. 30.1335 (1)
5 (h). For the purposes of this section, a dwelling meets that definition regardless of
6 whether the dwelling is currently occupied by a resident.

7 **SECTION 42. Initial applicability.**

8 (1) The treatment of sections 704.17 (3m) and 704.19 (2) (b) 2. of the statutes
9 first applies to criminal activities or drug-related criminal activities that are
10 committed on the effective date of this subsection.

11 (2) The creation of section 704.17 (5) (b) of the statutes first applies to leases
12 and rental agreements that are entered into or renewed on the effective date of this
13 subsection.

14 (END)

Attachment: SB_445 (4263 : Resolution #16-03, Opposing Assembly Bill 568 and Senate Bill 445)

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: January 5, 2016

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Resolution #16-04, Authorizing Support of House of Representatives
Bill 3846, Historic Tax Credit Improvement Act of 2015.

The Historic Preservation Commission motioned to forward this resolution at its December 21, 2015 meeting.

ATTACHMENTS:

- Reso16-04 (DOCX)
- BILLS-114hr3846ih (PDF)

RESOLUTION #16-04

AUTHORIZING SUPPORT OF HOUSE OF REPRESENTATIVES BILL 3846
HISTORIC TAX CREDIT IMPROVEMENT ACT OF 2015

WHEREAS, House of Representatives Bill 3846 (H.R. 3846), known as the Historic Tax Credit Improvement Act of 2015, proposes long overdue changes to the Historic Rehabilitation Tax Credit (HTC); and

WHEREAS, by increasing the rehabilitation credit from 20% to 30%, H.R. 3846 will encourage building reuse and redevelopment in the City; and

WHEREAS, by allowing for the transfer of credits as a tax certificate for smaller projects, H.R. 3846 will bring greater flexibility to local historic property owners; and

WHEREAS, by updating program requirements to reflect current industry practices, more historic properties in the City will be eligible to use the credit; and

WHEREAS, the reforms proposed in H.R. 3846 would be the first major changes to the HTC since the Tax Reform Act of 1986.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council of the City of De Pere, upon recommendation from the City's Historic Preservation Commission, expresses its support of the Historic Tax Credit Improvement Act of 2015 (H.R. 3846).

BE IT FURTHER RESOLVED THAT:

The Clerk-Treasurer is hereby authorized and directed to provide a copy of this Resolution to U.S. Senators Tammy Baldwin and Ron Johnson, and to U.S. Congressperson Reid Ribble.

BE IT FURTHER RESOLVED THAT:

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

Resolution #16-04
Page 2 of 2

Adopted by the Common Council of the City of De Pere, Wisconsin this 5th day of
January, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Attachment: Reso16-04 (4264 : Resolution #16-04, Authorizing Support of H.R. 3846)

114TH CONGRESS
1ST SESSION

H. R. 3846

To amend the Internal Revenue Code of 1986 to improve the Historic Rehabilitation Tax Credit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2015

Mr. KELLY of Pennsylvania (for himself, Mr. BLUMENAUER, Mr. TIBERI, Mr. NEAL, Mr. BOUSTANY, Mr. LARSON of Connecticut, Mr. TURNER, Mr. KIND, Mr. RANGEL, and Mr. REED) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to improve the Historic Rehabilitation Tax Credit, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Historic Tax Credit
5 Improvement Act of 2015”.

6 **SEC. 2. INCREASE IN THE REHABILITATION CREDIT FOR**
7 **CERTAIN SMALL PROJECTS.**

8 (a) IN GENERAL.—Section 47 of the Internal Rev-
9 enue Code of 1986 (relating to rehabilitation credit) is

1 amended by adding at the end the following new sub-
2 section:

3 “(e) SPECIAL RULE REGARDING CERTAIN SMALLER
4 PROJECTS.—

5 “(1) IN GENERAL.—In the case of any qualified
6 rehabilitated building or portion thereof—

7 “(A) which is placed in service after the
8 date of the enactment of this subsection, and

9 “(B) which is a smaller project,
10 subsection (a)(2) shall be applied by substituting ‘30
11 percent’ for ‘20 percent’.

12 “(2) MAXIMUM CREDIT.—The credit deter-
13 mined under this subsection with respect to any
14 smaller project for all taxable years shall not exceed
15 \$750,000.

16 “(3) SMALLER PROJECT DEFINED.—

17 “(A) IN GENERAL.—For purposes of this
18 subsection, the term ‘smaller project’ means
19 any qualified rehabilitated building or portion
20 thereof if—

21 “(i) the qualified rehabilitation ex-
22 penditures taken into account for purposes
23 of this section (or would have been so
24 taken into account if this subsection had
25 been in effect for all prior periods) with re-

1 spect to the rehabilitation are not over
2 \$3,750,000, and

3 “(ii) no credit was allowed under this
4 section for either of the 2 prior taxable
5 years with respect to such building.

6 “(B) PROGRESS EXPENDITURES.—Credit
7 allowable by reason of subsection (d) shall not
8 be taken into account under subparagraph
9 (A)(ii).”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply to periods after the date of the
12 enactment of this Act, under rules similar to the rules of
13 section 48(m) of the Internal Revenue Code of 1986 (as
14 in effect on the day before the date of the enactment of
15 the Revenue Reconciliation Act of 1990).

16 **SEC. 3. ALLOWANCE FOR THE TRANSFER OF CREDITS FOR**
17 **CERTAIN SMALL PROJECTS.**

18 (a) IN GENERAL.—Section 47(e) of the Internal Rev-
19 enue Code of 1986, as amended by section 2, is amended
20 by adding at the end the following new subsection:

21 “(4) TRANSFER OF SMALLER PROJECT CRED-
22 IT.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B) and such regulations or other guid-
25 ance as the Secretary may provide, the taxpayer

1 may transfer all or a portion of the credit allow-
2 able to the taxpayer under subsection (a) for a
3 smaller project.

4 “(B) CERTIFICATION.—

5 “(i) IN GENERAL.—A transfer under
6 subparagraph (A) shall be accompanied by
7 a certificate which includes—

8 “(I) the certification for the cer-
9 tified historic structure referred to in
10 subsection (c)(3),

11 “(II) the taxpayer’s name, ad-
12 dress, tax identification number, date
13 of project completion, and the amount
14 of credit being transferred,

15 “(III) the transferee’s name, ad-
16 dress, tax identification number, and
17 the amount of credit being trans-
18 ferred, and

19 “(IV) such other information as
20 may be required by the Secretary.

21 “(ii) TRANSFERABILITY OF CERTIFI-
22 CATE.—A certificate issued under this sec-
23 tion to a taxpayer shall be transferable to
24 any other taxpayer, except that a certifi-

1 cate may not be transferred more than
2 once.

3 “(C) TAX TREATMENT RELATING TO CER-
4 TIFICATE.—

5 “(i) DISALLOWANCE OF DEDUC-
6 TION.—No deduction shall be allowed for
7 the amount of consideration paid or in-
8 curred by the transferee.

9 “(ii) ALLOWANCE OF CREDIT.—The
10 amount of credit transferred under sub-
11 paragraph (A)—

12 “(I) shall not be allowed to the
13 transferor for any taxable year, and

14 “(II) shall be allowable to the
15 transferee as a credit under this sec-
16 tion for the taxable year of the trans-
17 feree in which such credit is trans-
18 ferred.

19 “(D) RECAPTURE AND OTHER SPECIAL
20 RULES.—The taxpayer who claims a credit
21 under this section by reason of a transfer of an
22 amount of credit under subparagraph (A) with
23 respect to a smaller project shall be treated as
24 the taxpayer with respect to the smaller project
25 for purposes of section 50.

1 “(E) INFORMATION REPORTING.—The
2 transferor and the transferee shall each make
3 such reports regarding the transfer of an
4 amount of credit under paragraph (A) and con-
5 taining such information as the Secretary may
6 require. The reports required by this subsection
7 shall be filed at such time and in such manner
8 as may be required by the Secretary.

9 “(F) REGULATIONS.—The Secretary shall
10 prescribe regulations or other guidance to carry
11 out this paragraph.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to periods after the date of the
14 enactment of this Act.

15 **SEC. 4. INCREASING THE TYPE OF BUILDINGS ELIGIBLE**
16 **FOR REHABILITATION.**

17 (a) IN GENERAL.—Section 47(c)(1)(C)(i)(I) of the
18 Internal Revenue Code of 1986 is amended by inserting
19 “50 percent of” before “the adjusted basis”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply to taxable years beginning after
22 the date of the enactment of this Act.

1 **SEC. 5. REDUCTION OF BASIS ADJUSTMENT FOR REHABILI-**
 2 **TATION PROPERTY.**

3 (a) IN GENERAL.—Section 50(c) of the Internal Rev-
 4 enue Code of 1986 is amended by adding at the end the
 5 following:

6 “(6) SPECIAL RULE RELATING TO THE REHA-
 7 BILITATION CREDIT.—In the case of any rehabilita-
 8 tion credit—

9 “(A) only 50 percent of such credit shall
 10 be taken into account under paragraph (1), and

11 “(B) only 50 percent of any recapture
 12 amount attributable to such credit shall be
 13 taken into account under paragraph (2).”.

14 (b) COORDINATION WITH BASIS ADJUSTMENT.—
 15 Section 50 of such Code is amended by adding at the end
 16 the following:

17 “(e) COORDINATION WITH BASIS ADJUSTMENT.—In
 18 applying the provisions of former section 48(d)(5)(B) pur-
 19 suant to subsection (d)(5) to a lease of property eligible
 20 for the rehabilitation tax credit, the lessee of such property
 21 shall include ratably in gross income over the shortest re-
 22 covery period that could be applicable under section 168
 23 with respect to such property an amount equal to 50 per-
 24 cent of the amount of the credit allowable under section
 25 38 to the lessee with respect to such property.”.

1 **SEC. 6. SPECIAL RULES FOR DISPOSITIONS OF STATE HIS-**
 2 **TORIC TAX CREDITS.**

3 (a) IN GENERAL.—Part III of subchapter B of chap-
 4 ter 1 of the Internal Revenue Code of 1986 (relating to
 5 items specifically excluded from gross income) is amended
 6 by inserting after section 139E the following new section:

7 **“SEC. 139F. DISPOSITIONS OF STATE HISTORIC TAX CRED-**
 8 **ITS.**

9 “(a) EXCLUSION FROM INCOME; BASIS REDUC-
 10 TION.—

11 “(1) IN GENERAL.—In the case of a taxpayer
 12 who receives a State historic tax credit and transfers
 13 such credit by sale, allocation, or otherwise, or re-
 14 ceives a refund of all or a portion of such credit—

15 “(A) no portion of the net proceeds of such
 16 allocation, disposition, or refund of such credit
 17 shall constitute income to such taxpayer under
 18 section 61(a), and

19 “(B) the taxpayer’s basis in the property
 20 with respect to which the State historic tax
 21 credit is allowed shall be reduced as determined
 22 under paragraph (2).

23 “(2) DETERMINATION OF REDUCTION IN
 24 BASIS.—The reduction in basis under paragraph (1)
 25 shall be applied—

26 “(A) first, against the basis in the land,

1 “(B) second, against so much of the basis
2 of any building or interest therein as was not
3 treated as a qualified rehabilitation expenditure
4 by reason of clause (ii) or (iii) of section
5 47(c)(2)(B), and

6 “(C) third, against the remaining basis in
7 the property.

8 “(D) ADJUSTMENT IN BASIS OF INTEREST
9 IN PARTNERSHIP OR S CORPORATION.—The ad-
10 justed basis of—

11 “(i) a partner’s interest in a partner-
12 ship, or

13 “(ii) stock in an S corporation (as de-
14 fined in section 1361(a)(1)), shall be ap-
15 propriately adjusted to take into account
16 adjustments made under this subsection in
17 the basis of property held by the partner-
18 ship or S corporation (if any).

19 “(b) ELECTION TO INCLUDE IN INCOME.—

20 “(1) IN GENERAL.—In the case of a taxpayer
21 who elects to have this subsection apply—

22 “(A) the net proceeds of the allocation, dis-
23 position, or refund described in subsection (a)
24 received by such taxpayer shall constitute in-
25 come to such taxpayer under section 61(a), and

1 “(B) subsection (a)(1)(B) shall not apply.

2 “(2) MAKING OF ELECTION.—An election under
3 this subsection shall be made at such time and in
4 such manner as the Secretary may by regulation
5 prescribe. Such election shall apply for the taxable
6 year for which it is made and for all subsequent tax-
7 able years and may be revoked only with the consent
8 of the Secretary of the Treasury.

9 “(c) EFFECT ON QUALIFIED REHABILITATION EX-
10 PENDITURES AND REHABILITATION CREDITS.—For pur-
11 poses of determining the rehabilitation credit allowable to
12 a taxpayer under section 47, the transfer or allocation of
13 State historic tax credits with respect to any property by
14 a taxpayer shall not affect or reduce the amount of quali-
15 fied rehabilitation expenditures (as defined in section
16 47(c)(2)) incurred in connection with such property, nor
17 shall such transfer or disposition, nor any basis adjust-
18 ments under subsection (a), be treated as an early disposi-
19 tion of investment credit property for purposes of the re-
20 capture provisions of section 50, notwithstanding any re-
21 duction in basis pursuant to paragraph (a)(2)(C).

22 “(d) STATE HISTORIC TAX CREDITS DEFINED.—For
23 purposes of this section, the term ‘State historic tax credit’
24 means any credit against State or local tax liabilities
25 which—

1 “(1) is allowable under the laws of any State or
 2 political subdivision thereof to a taxpayer with re-
 3 spect to expenditures made for the rehabilitation of
 4 property identified by such laws, and

5 “(2) can be allocated, disposed, or refunded
 6 under such laws.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 for such part III is amended by inserting after the item
 9 relating to section 139E the following new item:

“Sec. 139F. Dispositions of State historic tax credits.”.

10 (c) EFFECTIVE DATE.—This section shall apply to
 11 transfers or dispositions made, or refunds received, after
 12 the date of the enactment of this Act.

13 **SEC. 7. MODIFICATIONS REGARDING CERTAIN TAX-EXEMPT**
 14 **USE PROPERTY.**

15 (a) IN GENERAL.—Section 47(c)(2)(B)(v)(I) of the
 16 Internal Revenue Code of 1986 (relating to tax-exempt
 17 use property) is amended by inserting “and subclauses (I),
 18 (II), and (III) of section 168(h)(1)(B)(ii) shall not apply”
 19 after “thereof”.

20 (b) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply to property placed in service after
 22 the date of the enactment of this Act.

1 **SEC. 8. ELIMINATING FUNCTIONALLY RELATED PROP-**
2 **ERTIES.**

3 (a) IN GENERAL.—Section 47 of the Internal Rev-
4 enue Code of 1986 (relating to rehabilitation credit), as
5 amended by sections 2 and 3, is amended by adding at
6 the end the following new subsection:

7 “(g) RELATED BUILDINGS.—Buildings that are func-
8 tionally related (as defined in Part 67.6(b)(4) of title 36,
9 Code of Federal Regulations) shall be treated as separate
10 certified historic structures for purposes of the credit al-
11 lowed under this section.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply to any application to the Na-
14 tional Park Service received after the date of the enact-
15 ment of this Act.

○

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: January 5, 2016
DEPARTMENT: Common Council
FROM: Scott Thoresen
SUBJECT: Southern Bridge Project Update.

Aldersperson Donovan requested an update of the Southern Bridge project.

Staff has been informed by Brown County's planner Cole Runge the following:

- The plans for the location of the new bridge and connecting street system have not been finalized, and the County is still considering locating the new river crossing at either Rockland Road-Red Maple/Southbridge Road or Scheuring Road-Heritage Road.
- The County continues to work on a traffic analysis to see if a new I-41 interchange at Southbridge Road will be acceptable to the Wisconsin Department of Transportation (WisDOT) and Federal Highway Administration (FHWA). A draft of the traffic analysis is currently being updated at WisDOT's request, and the analysis will be reviewed by WisDOT and a consulting firm retained by WisDOT when it is completed. The County expects these reviews to be finished by the fall of 2016.
- The County has also budgeted funds in 2016 to develop the preliminary interchange designs necessary to complete the Operations and Engineering element of the I-41 Interstate Access Justification Report (IAJR). These preliminary designs will be developed in conjunction with the traffic analysis update, so the County expects the designs to also be finished by the fall of 2016.
- The County currently expects that all of the project's environmental and operational studies will be finished by 2018, and the development of the first project segment is planned to begin in 2019.

If you have any questions please let me know.

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

MEETING DATE: January 5, 2016
DEPARTMENT: City Clerk-Treasurer
FROM: Shana Ledvina
SUBJECT: Voucher Approval.

ATTACHMENTS:

- 1-5-16 VOUCHERS (PDF)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 1

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0302	AIRGAS USA LLC							
	I-9046058795	AIRGAS USA LLC	R	12/31/2015		2,363.50CR	077200	
	I-9932095590	AIRGAS USA LLC	R	12/31/2015		204.00CR	077200	
	I-9932095591	AIRGAS USA LLC	R	12/31/2015		317.30CR	077200	
	I-9932095592	AIRGAS USA LLC	R	12/31/2015		91.05CR	077200	2,975.85
0653	ANIMAL HOSPITAL OF DE PERE							
	I-201512235431	ANIMAL HOSPITAL OF DE PERE	R	12/31/2015		260.94CR	077201	260.94
0442	BADGER LABORATORIES & ENGINEERING							
	I-INV000063817	BADGER LABORATORIES & ENGINEER	R	12/31/2015		40.00CR	077202	40.00
0023	BATTERIES PLUS LLC							
	I-501-239701-01	BATTERIES PLUS LLC	R	12/31/2015		695.00CR	077203	
	I-501-477398	BATTERIES PLUS LLC	R	12/31/2015		16.95CR	077203	711.95
0132	BAY AREA HUMANE SOCIETY AND							
	I-124	BAY AREA HUMANE SOCIETY AND	R	12/31/2015		620.00CR	077204	
	I-131	BAY AREA HUMANE SOCIETY AND	R	12/31/2015		930.00CR	077204	1,550.00
0027	BAY TOWEL INC							
	I-2082807	BAY TOWEL INC	R	12/31/2015		62.02CR	077205	
	I-2087771	BAY TOWEL INC	R	12/31/2015		155.45CR	077205	
	I-2089820	BAY TOWEL INC	R	12/31/2015		132.26CR	077205	
	I-2089841	BAY TOWEL INC	R	12/31/2015		62.02CR	077205	
	I-2091262	BAY TOWEL INC	R	12/31/2015		45.16CR	077205	
	I-2091263	BAY TOWEL INC	R	12/31/2015		75.93CR	077205	
	I-2094762	BAY TOWEL INC	R	12/31/2015		45.16CR	077205	
	I-2094763	BAY TOWEL INC	R	12/31/2015		74.28CR	077205	
	I-2094764	BAY TOWEL INC	R	12/31/2015		39.28CR	077205	
	I-2096806	BAY TOWEL INC	R	12/31/2015		62.02CR	077205	753.58
7225	BECHER HOPPE ASSOC INC							
	I-19278	BECHER HOPPE ASSOC INC	R	12/31/2015		1,359.75CR	077206	1,359.75
6751	BRIDGEPORT MFG. INC.							
	I-34409-00	BRIDGEPORT MFG. INC.	R	12/31/2015		20.42CR	077207	20.42
0038	BROADWAY AUTOMOTIVE INC							
	I-331197P	BROADWAY AUTOMOTIVE INC	R	12/31/2015		750.15CR	077208	750.15
2944	BROWN COUNTY JAIL							
	I-201512235432	BROWN COUNTY JAIL	R	12/31/2015		560.00CR	077209	560.00

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 2

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0046	BROWN COUNTY PORT SOLID WASTE DEPT							
	I-15767	BROWN COUNTY PORT SOLID WASTE	R	12/31/2015		57.60CR	077210	
	I-29675	BROWN COUNTY PORT SOLID WASTE	R	12/31/2015		24,621.74CR	077210	24,679.34
0044	BROWN COUNTY REGISTER OF DEEDS							
	I-201512235433	BROWN COUNTY REGISTER OF DEEDS	R	12/31/2015		90.00CR	077211	90.00
2984	BROWN COUNTY TREASURER							
	I-46	BROWN COUNTY TREASURER	R	12/31/2015		15.00CR	077212	15.00
0737	BRUCE MUNICIPAL EQUIPMENT INC							
	I-5160239	BRUCE MUNICIPAL EQUIPMENT INC	R	12/31/2015		35.24CR	077213	
	I-5160349	BRUCE MUNICIPAL EQUIPMENT INC	R	12/31/2015		81.01CR	077213	116.25
0115	CARQUEST AUTO PARTS LLC							
	I-6339-216012	CARQUEST AUTO PARTS LLC	R	12/31/2015		23.76CR	077214	23.76
0536	CDW GOVERNMENT INC							
	I-BKN0478	CDW GOVERNMENT INC	R	12/31/2015		57.32CR	077215	
	I-BLC4350	CDW GOVERNMENT INC	R	12/31/2015		1,047.10CR	077215	
	I-BLX5002	CDW GOVERNMENT INC	R	12/31/2015		7.01CR	077215	
	I-BMB7277	CDW GOVERNMENT INC	R	12/31/2015		131.59CR	077215	
	I-BND5636	CDW GOVERNMENT INC	R	12/31/2015		789.19CR	077215	2,032.21
6575	CEDAR CORP							
	I-86794	CEDAR CORP	R	12/31/2015		12,500.00CR	077216	12,500.00
2708	CLEANING SOLUTION SERVICES INC							
	I-11166	CLEANING SOLUTION SERVICES INC	R	12/31/2015		376.68CR	077217	
	I-11177	CLEANING SOLUTION SERVICES INC	R	12/31/2015		35.85CR	077217	
	I-11210	CLEANING SOLUTION SERVICES INC	R	12/31/2015		1,375.00CR	077217	
	I-11211	CLEANING SOLUTION SERVICES INC	R	12/31/2015		1,732.00CR	077217	3,519.53
0217	COUNTRY VISIONS COOPERATIVE							
	I-201512235434	COUNTRY VISIONS COOPERATIVE	R	12/31/2015		5.96CR	077218	
	I-201512235435	COUNTRY VISIONS COOPERATIVE	R	12/31/2015		18.48CR	077218	24.44
5998	CROP PRODUCTION SERVICES							
	I-28796975	CROP PRODUCTION SERVICES	R	12/31/2015		180.00CR	077219	180.00
0713	DE GROOT INC							
	I-7475	DE GROOT INC	R	12/31/2015		3,620.54CR	077220	3,620.54

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 3

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

			CHECK TYPE	CHECK DATE	DISCOUNT	CHECK AMOUNT	CHECK NO#	CHECK AMOUNT
2624	DECKER SUPPLY CO							
	I-889742	DECKER SUPPLY CO	R	12/31/2015		191.42CR	077221	191.42
0075	DIGGERS HOTLINE INC							
	I-151 1 36401	DIGGERS HOTLINE INC	R	12/31/2015		263.19CR	077222	
	I-151 1 36402	DIGGERS HOTLINE INC	R	12/31/2015		3.48CR	077222	266.67
7249	DLZ							
	I-135095	DLZ	R	12/31/2015		386.03CR	077223	386.03
7068	DORN INDUSTRIAL SALES & SOLUTIONS INC.							
	I-26694	DORN INDUSTRIAL SALES & SOLUTI	R	12/31/2015		16.93CR	077224	16.93
0079	DORSCH CORP							
	I-26459	DORSCH CORP	R	12/31/2015		142.63CR	077225	
	I-36613	DORSCH CORP	R	12/31/2015		43.95CR	077225	
	I-41356	DORSCH CORP	R	12/31/2015		385.72CR	077225	572.30
0086	EMPLOYEE RESOURCE CENTER INC							
	I-ERC-1015-6803	EMPLOYEE RESOURCE CENTER INC	R	12/31/2015		350.00CR	077226	350.00
6859	EMS MEDICAL BILLING ASSOC LLC							
	I-201512235436	EMS MEDICAL BILLING ASSOC LLC	R	12/31/2015		5,551.96CR	077227	5,551.96
0331	FERGUSON WATERWORKS #1476 INC							
	I-187416	FERGUSON WATERWORKS #1476 INC	R	12/31/2015		1,435.24CR	077228	
	I-187437	FERGUSON WATERWORKS #1476 INC	R	12/31/2015		400.00CR	077228	1,835.24
1068	FOX VALLEY TRUCK & BODY INC							
	I-47506	FOX VALLEY TRUCK & BODY INC	R	12/31/2015		1,476.55CR	077229	1,476.55
0089	FRV INC							
	I-125309	FRV INC	R	12/31/2015		192.75CR	077230	192.75
0562	GALL'S INC							
	I-4439588	GALL'S INC	R	12/31/2015		153.59CR	077231	
	I-4487605	GALL'S INC	R	12/31/2015		52.50CR	077231	
	I-4493264	GALL'S INC	R	12/31/2015		75.14CR	077231	
	I-4494677	GALL'S INC	R	12/31/2015		37.15CR	077231	318.38
2544	GLOBAL RECOGNITION INC							
	I-152955	GLOBAL RECOGNITION INC	R	12/31/2015		78.50CR	077232	78.50

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 4

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0117	GRAYBAR ELECTRIC COMPANY INC							
	I-982183877	GRAYBAR ELECTRIC COMPANY INC	R	12/31/2015		133.77CR	077233	
	I-982211032	GRAYBAR ELECTRIC COMPANY INC	R	12/31/2015		191.28CR	077233	325.05
0124	GREEN BAY CITY TREASURER							
	I-103682	GREEN BAY CITY TREASURER	R	12/31/2015		586.85CR	077234	586.85
2044	GREEN BAY TITLE COMPANY INC							
	I-GB36321	GREEN BAY TITLE COMPANY INC	R	12/31/2015		1,060.00CR	077235	1,060.00
4902	HALRON LUBRICANTS INC							
	I-786107-00	HALRON LUBRICANTS INC	R	12/31/2015		424.13CR	077236	
	I-802442-00	HALRON LUBRICANTS INC	R	12/31/2015		1,128.29CR	077236	1,552.42
0446	HAWKINS INC							
	I-3809755 RI	HAWKINS INC	R	12/31/2015		4,516.13CR	077237	4,516.13
3521	HD SUPPLY WATERWORKS LTD							
	C-E213102	HD SUPPLY WATERWORKS LTD	R	12/31/2015		495.50	077238	
	C-UC43178	HD SUPPLY WATERWORKS LTD	R	12/31/2015		924.00	077238	
	I-E883784	HD SUPPLY WATERWORKS LTD	R	12/31/2015		1,718.65CR	077238	
	I-E887598	HD SUPPLY WATERWORKS LTD	R	12/31/2015		181.50CR	077238	480.65
7266	HOLTON BROTHERS INC							
	I-1413	HOLTON BROTHERS INC	R	12/31/2015		4,675.00CR	077239	4,675.00
5674	HOME TEAM SPORTS & APPAREL INC							
	I-25253	HOME TEAM SPORTS & APPAREL INC	R	12/31/2015		351.60CR	077240	
	I-25256	HOME TEAM SPORTS & APPAREL INC	R	12/31/2015		185.80CR	077240	
	I-25288	HOME TEAM SPORTS & APPAREL INC	R	12/31/2015		329.25CR	077240	
	I-25289	HOME TEAM SPORTS & APPAREL INC	R	12/31/2015		85.00CR	077240	951.65
6589	HSBS EWD							
	I-201512235437	HSBS EWD	R	12/31/2015		93.00CR	077241	93.00
5484	HYDROCORP INC							
	I-37411-IN	HYDROCORP INC	R	12/31/2015		2,876.00CR	077242	2,876.00
1399	INDOFF INC							
	I-2721181	INDOFF INC	R	12/31/2015		87.99CR	077243	
	I-2721182	INDOFF INC	R	12/31/2015		47.98CR	077243	
	I-2721208	INDOFF INC	R	12/31/2015		55.19CR	077243	
	I-2723993	INDOFF INC	R	12/31/2015		36.02CR	077243	
	I-2726983	INDOFF INC	R	12/31/2015		42.29CR	077243	
	I-2726984	INDOFF INC	R	12/31/2015		383.40CR	077243	
	I-2727519	INDOFF INC	R	12/31/2015		95.28CR	077243	
	I-2728236	INDOFF INC	R	12/31/2015		82.74CR	077243	
	I-2728260	INDOFF INC	R	12/31/2015		389.95CR	077243	
	I-2728447	INDOFF INC	R	12/31/2015		156.42CR	077243	
	I-2728448	INDOFF INC	R	12/31/2015		89.66CR	077243	
	I-2729165	INDOFF INC	R	12/31/2015		17.99CR	077243	
	I-2729166	INDOFF INC	R	12/31/2015		218.94CR	077243	

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 5

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
VOID	VOID CHECK		V	12/31/2015			077244	**VOID**
5778	INSITUFORM TECHNOLOGIES USA INC							
	I-15-03 (3)	INSITUFORM TECHNOLOGIES USA IN	R	12/31/2015		14,158.05CR	077245	14,158.05
1	JARVI, JEFF							
	I-201512235438	REFUND RENTAL	R	12/31/2015		53.50CR	077246	53.50
2602	JOSSART BROTHERS INC							
	I-9-96	JOSSART BROTHERS INC	R	12/31/2015		2,917.26CR	077247	2,917.26
1276	JX ENTERPRISES INC							
	C-D-253370030	JX ENTERPRISES INC	R	12/31/2015		46.28	077248	
	I-D-253210085	JX ENTERPRISES INC	R	12/31/2015		327.69CR	077248	
	I-D-253440017	JX ENTERPRISES INC	R	12/31/2015		75.51CR	077248	
	I-D-253500129	JX ENTERPRISES INC	R	12/31/2015		24.06CR	077248	
	I-D-253510019	JX ENTERPRISES INC	R	12/31/2015		3.10CR	077248	384.08
7317	KATANA FORENSICS LLC							
	I-2015000768	KATANA FORENSICS LLC	R	12/31/2015		500.00CR	077249	500.00
7318	KILLOREN COMMUNICATION INC							
	I-15-1457	KILLOREN COMMUNICATION INC	R	12/31/2015		3,200.00CR	077250	3,200.00
0153	LAFORCE INC							
	I-903686 RI	LAFORCE INC	R	12/31/2015		10.00CR	077251	10.00
6871	LAMAR COMPANIES							
	I-2507902	LAMAR COMPANIES	R	12/31/2015		650.00CR	077252	650.00
4617	LANGUAGE LINE SERVICES							
	I-3725075	LANGUAGE LINE SERVICES	R	12/31/2015		33.98CR	077253	33.98
7319	LIGHTING DESIGN SOLUTIONS LLC							
	I-10926	LIGHTING DESIGN SOLUTIONS LLC	R	12/31/2015		351.14CR	077254	351.14
1443	MARTIN SYSTEMS INC							
	I-126610	MARTIN SYSTEMS INC	R	12/31/2015		299.40CR	077255	
	I-126611	MARTIN SYSTEMS INC	R	12/31/2015		299.40CR	077255	
	I-126612	MARTIN SYSTEMS INC	R	12/31/2015		299.40CR	077255	898.20
0173	MENARDS INC							
	I-74234	MENARDS INC	R	12/31/2015		94.68CR	077256	
	I-74936	MENARDS INC	R	12/31/2015		64.87CR	077256	
	I-74948	MENARDS INC	R	12/31/2015		58.35CR	077256	
	I-75048	MENARDS INC	R	12/31/2015		124.86CR	077256	
	I-75146	MENARDS INC	R	12/31/2015		53.46CR	077256	
	I-75182	MENARDS INC	R	12/31/2015		31.98CR	077256	
	I-75443	MENARDS INC	R	12/31/2015		12.98CR	077256	
	I-75765	MENARDS INC	R	12/31/2015		119.96CR	077256	
	I-75821	MENARDS INC	R	12/31/2015		103.25CR	077256	
	I-75826	MENARDS INC	R	12/31/2015		40.20CR	077256	

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 6

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
	I-75840	MENARDS INC	R	12/31/2015		8.98CR	077256	
	I-75897	MENARDS INC	R	12/31/2015		109.35CR	077256	
	I-76166	MENARDS INC	R	12/31/2015		5.97CR	077256	828.89
6277	METZLER, SHANNON							
	I-201512235439	METZLER, SHANNON	R	12/31/2015		488.95CR	077257	488.95
0180	MONROE TRUCK EQUIPMENT INC							
	I-747061	MONROE TRUCK EQUIPMENT INC	R	12/31/2015		23.99CR	077258	23.99
0776	MOTOROLA							
	I-13091200	MOTOROLA	R	12/31/2015		5,552.75CR	077259	5,552.75
1475	MUNICIPAL CODE CORP							
	I-264018	MUNICIPAL CODE CORP	R	12/31/2015		1,299.87CR	077260	1,299.87
3191	NIELSON COMMUNICATIONS INC							
	I-AT10367	NIELSON COMMUNICATIONS INC	R	12/31/2015		49.90CR	077261	
	I-GB15-20133	NIELSON COMMUNICATIONS INC	R	12/31/2015		150.00CR	077261	199.90
2896	NOODLE SOUP OF WEINGART DESIGN CORP							
	I-135837	NOODLE SOUP OF WEINGART DESIGN	R	12/31/2015		84.00CR	077262	84.00
0531	NORTHEAST AUTO PARTS INC							
	C-307177	NORTHEAST AUTO PARTS INC	R	12/31/2015		179.98	077263	
	C-307403	NORTHEAST AUTO PARTS INC	R	12/31/2015		59.50	077263	
	I-307044	NORTHEAST AUTO PARTS INC	R	12/31/2015		53.82CR	077263	
	I-307057	NORTHEAST AUTO PARTS INC	R	12/31/2015		13.99CR	077263	
	I-307077	NORTHEAST AUTO PARTS INC	R	12/31/2015		248.87CR	077263	
	I-307085	NORTHEAST AUTO PARTS INC	R	12/31/2015		13.78CR	077263	
	I-307087	NORTHEAST AUTO PARTS INC	R	12/31/2015		137.98CR	077263	
	I-307164	NORTHEAST AUTO PARTS INC	R	12/31/2015		24.36CR	077263	
	I-307392	NORTHEAST AUTO PARTS INC	R	12/31/2015		172.24CR	077263	
	I-307413	NORTHEAST AUTO PARTS INC	R	12/31/2015		14.99CR	077263	
	I-307432	NORTHEAST AUTO PARTS INC	R	12/31/2015		724.52CR	077263	1,165.07
5433	NORTHEAST WI TECH COLLEGE							
	I-CS28439	NORTHEAST WI TECH COLLEGE	R	12/31/2015		200.00CR	077264	200.00
0966	OLD DOMINION BRUSH							
	I-82901-IN	OLD DOMINION BRUSH	R	12/31/2015		234.45CR	077265	234.45

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 7

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

			CHECK TYPE	CHECK DATE	DISCOUNT	CHECK AMOUNT	CHECK NO#	CHECK AMOUNT
VENDOR	NAME / I.D.	DESC						
4728	OSHKOSH FIRE & POLICE EQUIPMENT INC							
	I-163272	OSHKOSH FIRE & POLICE EQUIPMEN	R	12/31/2015		1,100.00CR	077266	1,100.00
0197	PACKER CITY INTERNATIONAL INC							
	I-X101034998:01	PACKER CITY INTERNATIONAL INC	R	12/31/2015		119.00CR	077267	
	I-X101035435:01	PACKER CITY INTERNATIONAL INC	R	12/31/2015		18.70CR	077267	137.70
0198	PACKERLAND GLASS PRODUCTS INC							
	I-57356	PACKERLAND GLASS PRODUCTS INC	R	12/31/2015		110.53CR	077268	110.53
4476	PAUL CONWAY SHIELDS CORP							
	I-374385-IN	PAUL CONWAY SHIELDS CORP	R	12/31/2015		2,630.00CR	077269	
	I-375495-IN	PAUL CONWAY SHIELDS CORP	R	12/31/2015		1,714.71CR	077269	
	I-375886-IN	PAUL CONWAY SHIELDS CORP	R	12/31/2015		366.50CR	077269	4,711.21
0525	PETROLEUM EQUIP SERVICE OF WI INC							
	I-121109	PETROLEUM EQUIP SERVICE OF WI	R	12/31/2015		724.55CR	077270	724.55
3202	PHYSIO-CONTROL INC							
	I-416057293	PHYSIO-CONTROL INC	R	12/31/2015		541.45CR	077271	
	I-416057306	PHYSIO-CONTROL INC	R	12/31/2015		587.62CR	077271	1,129.07
0208	POMP'S TIRE SERVICE INC							
	I-1010034462	POMP'S TIRE SERVICE INC	R	12/31/2015		1,581.40CR	077272	
	I-1010034557	POMP'S TIRE SERVICE INC	R	12/31/2015		1,090.00CR	077272	
	I-1010034735	POMP'S TIRE SERVICE INC	R	12/31/2015		474.00CR	077272	
	I-90028752	POMP'S TIRE SERVICE INC	R	12/31/2015		240.00CR	077272	3,385.40
1246	PREVEA WORKMED INC							
	I-98715	PREVEA WORKMED INC	R	12/31/2015		77.70CR	077273	
	I-99003	PREVEA WORKMED INC	R	12/31/2015		413.50CR	077273	
	I-99316	PREVEA WORKMED INC	R	12/31/2015		111.00CR	077273	602.20
0395	PRO ONE JANITORIAL INC							
	I-107843	PRO ONE JANITORIAL INC	R	12/31/2015		979.00CR	077274	979.00
6991	PROFESSIONAL SERVICE INDUSTRIES, INC.							
	I-405718	PROFESSIONAL SERVICE INDUSTRIE	R	12/31/2015		2,782.75CR	077275	2,782.75
5402	R & R INDUSTRIES INC							
	I-485349	R & R INDUSTRIES INC	R	12/31/2015		528.70CR	077276	528.70

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 8

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

			CHECK TYPE	CHECK DATE	DISCOUNT	CHECK AMOUNT	CHECK NO#	CHECK AMOUNT
VENDOR	NAME / I.D.	DESC						
6335	R A SMITH NATIONAL							
	I-122139	R A SMITH NATIONAL	R	12/31/2015		586.00CR	077277	586.00
7217	RAILWORKS TRACK SYSTEMS INC.							
	I-15-18 (1)	RAILWORKS TRACK SYSTEMS INC.	R	12/31/2015		8,478.75CR	077278	8,478.75
0227	REINDERS INC							
	I-1615425-00	REINDERS INC	R	12/31/2015		3,500.00CR	077279	3,500.00
5393	RICOH USA INC.							
	I-9014431306	RICOH USA INC.	R	12/31/2015		1,230.74CR	077280	1,230.74
2604	RIESTERER & SCHNELL INC							
	C-912273	RIESTERER & SCHNELL INC	R	12/31/2015		238.80	077281	
	I-910067	RIESTERER & SCHNELL INC	R	12/31/2015		1,337.74CR	077281	1,098.94
6875	RJ'S SIGNS AND DESIGNS LLC							
	I-1578	RJ'S SIGNS AND DESIGNS LLC	R	12/31/2015		87.50CR	077282	87.50
0158	ROBERT E LEE & ASSOCIATES INC							
	I-69939	ROBERT E LEE & ASSOCIATES INC	R	12/31/2015		500.00CR	077283	
	I-69940	ROBERT E LEE & ASSOCIATES INC	R	12/31/2015		400.00CR	077283	
	I-69941	ROBERT E LEE & ASSOCIATES INC	R	12/31/2015		809.57CR	077283	
	I-69953	ROBERT E LEE & ASSOCIATES INC	R	12/31/2015		2,821.24CR	077283	
	I-69954	ROBERT E LEE & ASSOCIATES INC	R	12/31/2015		203.74CR	077283	4,734.55
6380	ROCK OIL REFINING INC							
	I-248956	ROCK OIL REFINING INC	R	12/31/2015		95.00CR	077284	
	I-248957	ROCK OIL REFINING INC	R	12/31/2015		45.00CR	077284	140.00
0235	SAINT VINCENT HOSPITAL							
	I-42326	SAINT VINCENT HOSPITAL	R	12/31/2015		9.91CR	077285	9.91
3545	SHORT ELLIOTT HENDRICKSON INC							
	I-307328	SHORT ELLIOTT HENDRICKSON INC	R	12/31/2015		4,944.43CR	077286	4,944.43
0999	STAPLES ADVANTAGE							
	I-3286100612	STAPLES ADVANTAGE	R	12/31/2015		19.10CR	077287	19.10
1528	TEAM APPAREL & SPECIALTIES INC							
	I-84926	TEAM APPAREL & SPECIALTIES INC	R	12/31/2015		29.05CR	077288	
	I-85528	TEAM APPAREL & SPECIALTIES INC	R	12/31/2015		174.00CR	077288	203.05

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 9

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

			CHECK TYPE	CHECK DATE	DISCOUNT	CHECK AMOUNT	CHECK NO#	CHECK AMOUNT
4842	THOMSON REUTERS							
	I-833114292	THOMSON REUTERS	R	12/31/2015		426.57CR	077289	426.57
0267	TRAFFIC & PARKING CONTROL INC							
	I-I512244	TRAFFIC & PARKING CONTROL INC	R	12/31/2015		2,307.50CR	077290	2,307.50
0417	TWEET GAROT MECHANICAL INC							
	I-27664	TWEET GAROT MECHANICAL INC	R	12/31/2015		132.67CR	077291	132.67
0272	UNIFORM SHOPPE INC							
	I-249202	UNIFORM SHOPPE INC	R	12/31/2015		295.85CR	077292	
	I-249221	UNIFORM SHOPPE INC	R	12/31/2015		60.00CR	077292	
	I-249326	UNIFORM SHOPPE INC	R	12/31/2015		19.90CR	077292	
	I-249380	UNIFORM SHOPPE INC	R	12/31/2015		167.90CR	077292	
	I-249405	UNIFORM SHOPPE INC	R	12/31/2015		53.95CR	077292	
	I-249416	UNIFORM SHOPPE INC	R	12/31/2015		135.95CR	077292	
	I-249419	UNIFORM SHOPPE INC	R	12/31/2015		85.90CR	077292	
	I-249787	UNIFORM SHOPPE INC	R	12/31/2015		19.95CR	077292	839.40
1911	UNITED PARCEL SERVICE INC							
	I-70A6Y6475	UNITED PARCEL SERVICE INC	R	12/31/2015		11.83CR	077293	11.83
1229	UTILITY SALES AND SERVICE INC							
	I-131338-IN	UTILITY SALES AND SERVICE INC	R	12/31/2015		32.02CR	077294	32.02
7320	MIKE VANDENHEUVEL							
	I-700-25	MIKE VANDENHEUVEL	R	12/31/2015		120.00CR	077295	120.00
6418	WI DEPT OF NATURAL RESOURCES							
	I-370-0000000581	WI DEPT OF NATURAL RESOURCES	R	12/31/2015		75.00CR	077296	75.00
6469	WI DOCUMENT IMAGING							
	I-64102	WI DOCUMENT IMAGING	R	12/31/2015		129.82CR	077297	
	I-64131	WI DOCUMENT IMAGING	R	12/31/2015		28.37CR	077297	158.19
1181	WI PARK AND RECREATION ASSOC							
	I-201512235440	WI PARK AND RECREATION ASSOC	R	12/31/2015		125.00CR	077298	
	I-201512235441	WI PARK AND RECREATION ASSOC	R	12/31/2015		125.00CR	077298	
	I-201512235442	WI PARK AND RECREATION ASSOC	R	12/31/2015		125.00CR	077298	375.00
0300	ZARNOTH BRUSH WORKS INC							
	I-157875-IN	ZARNOTH BRUSH WORKS INC	R	12/31/2015		8,001.45CR	077299	8,001.45

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 10

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16
 VENDOR SET: 01
 BANK : AP ASSOCIATED

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

* * T O T A L S * *			NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:			99	0.00	173,918.68	173,918.68
HANDWRITTEN CHECKS:			0	0.00	0.00	0.00
PRE-WRITE CHECKS:			0	0.00	0.00	0.00
DRAFTS:			0	0.00	0.00	0.00
VOID CHECKS:			1	0.00	0.00	0.00
NON CHECKS:			0	0.00	0.00	0.00
CORRECTIONS:			0	0.00	0.00	0.00
REGISTER TOTALS:			100	0.00	173,918.68	173,918.68

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

12/23/2015 2:20 PM

A / P CHECK REGISTER

PAGE: 11

PACKET: 05006 JAN 2016 COUNCIL - 1 1-5-16

VENDOR SET: 01

BANK : AP ASSOCIATED

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

** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
100	12/2015	90,704.76CR
201	12/2015	114.53CR
207	12/2015	78.50CR
208	12/2015	2,406.11CR
209	12/2015	562.69CR
280	12/2015	30.00CR
405	12/2015	39,354.30CR
415	12/2015	4,944.43CR
460	12/2015	1,120.00CR
601	12/2015	22,512.58CR
650	12/2015	12,090.78CR
=====		
ALL		173,918.68CR

Attachment: 1-5-16 VOUCHERS (4252 : Voucher Approval.)

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

MEETING DATE: January 5, 2016
DEPARTMENT: City Clerk-Treasurer
FROM: Vicki Scray
SUBJECT: Operator License Applications.

ATTACHMENTS:

- 01-05-16 OPERATOR LICENSE LIST.PDF (PDF)

CITY OF DE PERE - January 5, 2016

ITEM	NAME	ADDRESS	CITY	ST	ZIP
Previously Tabled Operator Licenses					
1	JANSEN, ERIC J.	525 DUTTON AVE.	GREEN BAY	WI	54304
2	TAYLOR, SAMANTHA R.	2694 MEADOWCREST DR.	GREEN BAY	WI	54304
3	WARD, RACHAEL M.	452 S. ST. BERNARD DR., APT. #4	DE PERE	WI	54115
New Operator License Applications for the 2014-2016 Licensing Period					
1	BETHKE, TRACY L.	325 PARK ST.	PULASKI	WI	54162
2	CORNELL, SAMANTHA A.	1331 BELLEVUE ST.	GREEN BAY	WI	54302
3	SCHUMACHER, JEREMY R.	301 N. 6TH ST.	DE PERE	WI	54115
4	STIEDE, MELISSA A.	W959 MAIN LANEY DR.	PULASKI	WI	54162
5	VAN GHEEM, CIARA L.	N4057 LIBERTY LN., APT. 9	KAUKAUNA	WI	54130
6	WATSON, ARIAN N.	127 S. WISCONSIN ST.	DE PERE	WI	54115
7	WERNER, COLLEEN A.	1139 MORAIN WAY	GREEN BAY	WI	54303