



Redevelopment Authority

Regular Meeting

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

Agenda

Monday, October 22, 2018	6:00 PM	De Pere City Hall Council Chambers
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Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Redevelopment Authority** of the City of De Pere will be held on **October 22, 2018** at **6:00 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call
2. Approval of the minutes of the August 27, 2018 Redevelopment Authority meeting.
3. Review 330 Main Avenue (WD-371) Facade Grant Funding Request, submitted by Luna Coffee, LLC.*
4. Review Memo Summarizing Rescinded Facade Grants for 109, 113 and 115 N Broadway.

Adjournment

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 on the day of the meeting so that arrangement can be made.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Angela Patel
Sheila Patel
Andy Krans

City of De Pere, Wisconsin



Request For Redevelopment Authority Action

MEETING DATE: October 22, 2018

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the August 27, 2018 Redevelopment Authority meeting.

ATTACHMENTS:

- RDA_Aug2018_Minutes_Draft (PDF)



Redevelopment Authority

Regular Meeting

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

Draft Minutes

Monday, August 27, 2018

6:00 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 6:00 PM by Chairman Ted Penn

Attendee Name	Title	Status	Arrived
Jerry Henrigillis	Board Member	Excused	
Carol Karls	Board Member	Present	
Ted Penn	Chairman	Present	
Tina Quigley	Board Member	Excused	
Lisa Vanden Avond	Board Member	Present	
Joe Van Deurzen	Board Member	Present	
Julie Van Straten	Vice Chair	Present	

Also present: Development Services Director Kim Flom and members of the public.

- Approval of the minutes of the June 25, 2018 Redevelopment Authority meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Julie Van Straten, Vice Chair
SECONDER:	Joe Van Deurzen, Board Member
AYES:	Karls, Penn, Vanden Avond, Van Deurzen, Van Straten
EXCUSED:	Jerry Henrigillis, Tina Quigley

- Review 100-102 S Broadway Facade Grant Application (ED-783), submitted by J&J Enterprises of De Pere, LLP. *

Development Services Director Kim Flom reviewed the facade grant request for 100-102 S Broadway submitted by J & J Enterprises of De Pere. The applicant withdrew his application at the June 2018 RDA meeting but has resubmitted in order to be considered under the updated Facade Grant Guidelines. Kim reported that the applicant is now eligible for a maximum total of \$30,000. There is currently \$30,000 in the budget for TID #7, due to the fact that three facade grants previously approved for 109, 113, and 115 N Broadway were rescinded due to non-TID location of property. Discussion followed regarding this news and it was decided that the RDA would add an agenda item to the next meeting to further discuss and possibly take action. Joe Van Deurzen questioned some of the proposed expenses for the current facade grant under review, including the dumpster and some interior work to the building. Joe Van Deurzen moved, seconded by Carol Karls, to open the meeting for public comment. Upon vote, motion carried unanimously. The applicant, Jerry Turba, addressed the board. He explained that the dumpster was needed to remove the brick from the exterior. Other work relating to the removal of the brick needed to be done to the interior of the building since six inches of drywall was removed. Julie Van Straten moved, seconded by Joe Van Deurzen, to go back to regular order. Upon vote, motion carried unanimously. Carol Karls moved, seconded by Lisa Vanden Avond, to approve the facade grant request for the maximum amount of \$30,000. Upon vote, motion carried unanimously. Development Services Director Kim Flom stated that the RDA recommendation will be forwarded to the Common Council, subject to the final grant payment being calculated per program requirements based on receipt review.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Carol Karls, Board Member
SECONDER:	Lisa Vanden Avond
AYES:	Karls, Penn, Vanden Avond, Van Deurzen, Van Straten
EXCUSED:	Jerry Henrigillis, Tina Quigley

4. Request to recalculate 2018 facade grant project payments based on newly adopted Facade Grant Guidelines. *

Development Services Director Kim Flom reviewed several changes that have occurred to the Facade Grant program over the past nine months. These changes included several changes to the Guidelines, such as major changes on grant payment structure as well as how the maximum grant amount is calculated. Based on a re-review of facade grant projects submitted earlier this year and due to funding availability, staff requests that 2018 facade grant projects be reconsidered for updated payment amounts under the new facade grant guidelines. There are three projects that would be eligible, all of which are in TID #9. If approved, the total increase in facade grant payments would increase by approximately \$10,962. The three projects are for: 330 Main Avenue, 353 Main Avenue, and 363 Main Avenue. Kim reported that even with this increase in facade grant payouts, there will still be over \$11,700 remaining in the fund. Julie Van Straten asked if Kim is aware of any pending facade grant requests for the west side. Kim replied that there are none that she is aware of. Carol Karls asked if the three projects have all been completed and Kim replied that they are complete or very close to completion. She also noted that this additional money might help the property owners to move forward with additional projects. If approved by the RDA, this item will be forwarded to the Common Council for final approval. Joe Van Deurzen moved, seconded by Julie Van Straten, to approve the request. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Van Deurzen, Board Member
SECONDER:	Julie Van Straten, Vice Chair
AYES:	Karls, Penn, Vanden Avond, Van Deurzen, Van Straten
EXCUSED:	Jerry Henrigillis, Tina Quigley

Adjournment

Before adjourning the meeting, the RDA discussed the future agenda item relating to the rescinded facade grants for 109, 113, and 115 N Broadway. Development Services Director Kim Flom asked for clarification from the RDA members as to what the agenda item for the next meeting should focus on. Carol Karls stated that she would like the agenda item to be an action item as opposed to just a discussion item. Joe Van Deurzen moved, seconded by Julie Van Straten, to request an action item be added to the next RDA meeting, with a recommendation to the Council to request any other available funds be awarded to the property owner of 109, 113, and 115 N Broadway. Upon vote, motion carried unanimously. Joe Van Deurzen moved seconded by Carol Karls, to open the meeting for public comment. Upon vote, motion carried unanimously. Andy Krans, the property owner of the three rescinded facade grants, addressed the board. He stated that his company looks at the facade grant as a cushion, to help offset the costs of finding the "right" tenant for a specific space. While he does not rely strictly on the facade grants, he does value the extra funds. Julie Van Straten motioned, seconded by Carol Karls, to close the meeting. Upon vote, motion carried unanimously. Carol Karls moved, seconded by Joe Van Deurzen, to adjourn the meeting at 6:43 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker

City of De Pere, Wisconsin



Request For Redevelopment Authority Action

MEETING DATE: October 22, 2018

DEPARTMENT: Planning

FROM: Kimberly Flom

SUBJECT: Review 330 Main Avenue (WD-371) Facade Grant Funding Request,
submitted by Luna Coffee, LLC.*

ATTACHMENTS:

- 330 Main Ave FG 10-2018 RDA Report (PDF)

City of De Pere MEMORANDUM



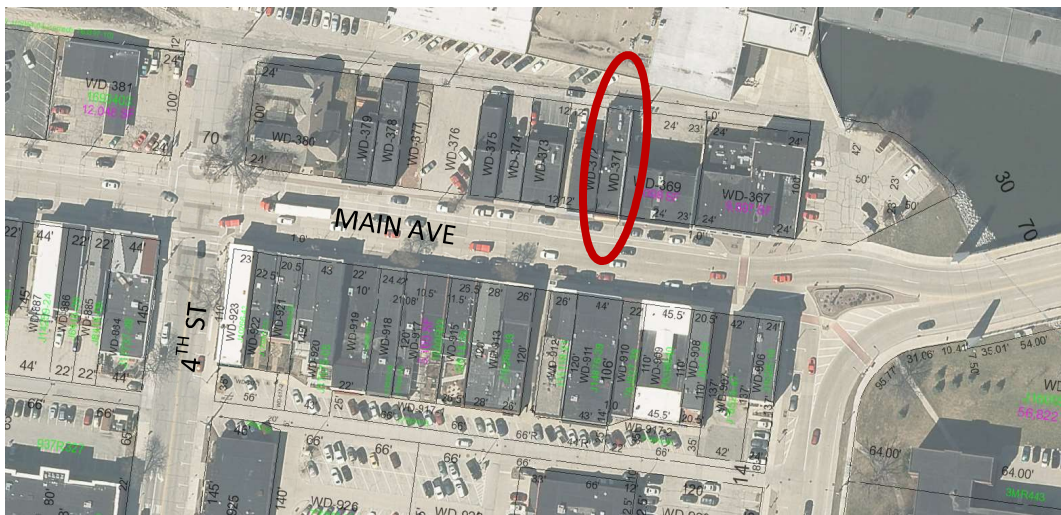
To: Redevelopment Authority
 From: Kimberly Flom, Development Services Director
 Date: October 22, 2018

RE: **Façade Grant Application – 330 Main Avenue (Parcel WD-371)**

Background

The RDA and Common Council approved a façade grant application for Luna Café at 330 Main Avenue earlier this year. In August, the RDA and Common Council also approved a recalculation of that grant using the newly updated guidelines.

The applicant completed the project and has submitted final receipts and invoices (attached for review). The painting, completed by Fitzgerald Painting, exceeded the estimated amount by \$1,330. The applicant has requested that the façade grant amount be updated to reflect the actual project costs.



Budget Implications

If approved, this request will have the following impact on the overall Façade Grant budget for 2018.

West Side Downtown – TID #9 \$30,000
 2018 Allocated Funding: \$18,271.31

Proposed funding increase of \$665.00. \$11,063.69 remaining in TID #9 for 2018.



Updated Luna Façade (source: Luna Facebook Page)

330 Main Ave Façade Grant - Façade Grant Project Estimate RECALCULATED

Vendor	Detail	Amount	Notes
Front Façade			
Jones Sign	Awning Removal	\$801.80	
Fitzgerald Painting	Repainting	\$2,500.00	
		Total	
		\$3,301.80	
		\$1 Investment	\$1,650.90
		\$1 Grant Match	\$1,650.90
			Grant Maximum
			\$10,000

330 Main Ave Façade Grant - Façade Grant Project Final Costs

Vendor	Detail	Amount	Notes
Front Façade			
Jones Sign	Awning Removal	\$801.80	
Fitzgerald Painting	Repainting	\$3,830.00	
		Total	
		\$4,631.80	
		\$1 Investment	\$2,315.90
		\$1 Grant Match	\$2,315.90
			Grant Maximum
			\$10,000

Recommendation

Recommend approval of the amended façade grant request for 330 Main Avenue, in an amount not to exceed \$2,315.90, and that the recommendation be forwarded to Council.

Jones Sign Co transaction receipt.
3/29/2018 9:28:25 AM Central -
Invoice: 231825

March 29, 2018 at 9:29 AM

Found in angeljpatel@gmail.com Inbox

Jones Sign Co

1711 Scheuring Rd
De Pere, WI 54115

3/29/2018 9:28:14 AM

Reference Number: [201877208](#)

Total: \$801.80

Transaction Type: Sale

Transaction Status: Pending Settlement

Card Type: American Express

Card Number: xxxxxxxxxxxx2007

Entry Method: Keyed

Approval Code: 268812

Approval Message: EXACT MATCH

AVS Result: Full Exact Match

CSC Result: Match

Customer Name: Luna Coffee

Invoice: 231825

FitzGerald Painting

1318 Cook St.
De Pere, WI 54311
Phone: (920) 544-2345
E-Mail: mike@fitzpainting.com
Web: www.fitzpainting.com

May 18, 2018

Luna Cafe
330 Main Ave.
De Pere, WI

Final Invoice

FitzGerald Painting:

- Covered the sidewalk under working area
- Sanded and cleaned the exterior front
- Removed rotted wood frame and wood base
- After removing rotted wood, we applied a Miracle Bond Easy Flow Epoxy to the gaps of the newly exposed bricks
- Caulked window trim
- Applied two coats on upper section. Using two colors
- Applied two to three coats on lower section. Using two colors

Total Cost: =\$3,830.00 (includes paint and material)

Total Due - \$2,500.00 (first payment)
 \$1,330.00

Invoice Provided by:

Mike FitzGerald
FitzGerald Painting
920-544-2345
mike@fitzpainting.com

Accepted by:

Luna Cafe/ 330 De Pere, WI 54115

Date

Attachment: 330 Main Ave FG 10-2018 RDA Report (7552 : Review 330 Main Avenue (WD-371) Facade Grant Funding Request, submitted by

City of De Pere, Wisconsin



Request For Redevelopment Authority Action

MEETING DATE: October 22, 2018

DEPARTMENT: Planning

FROM: Kimberly Flom

SUBJECT: Review Memo Summarizing Rescinded Facade Grants for 109, 113 and 115 N Broadway.

ATTACHMENTS:

- Facade Grant Rescintion Memo 9-2018 (PDF)

City of De Pere MEMORANDUM



To: Redevelopment Authority
 From: Kimberly Flom, Development Services Director
 Judy Schmidt-Lehman, City Attorney
 Date: September 17, 2018
 RE: **Rescinding Façade Grants for 109, 113 and 115 N Broadway**

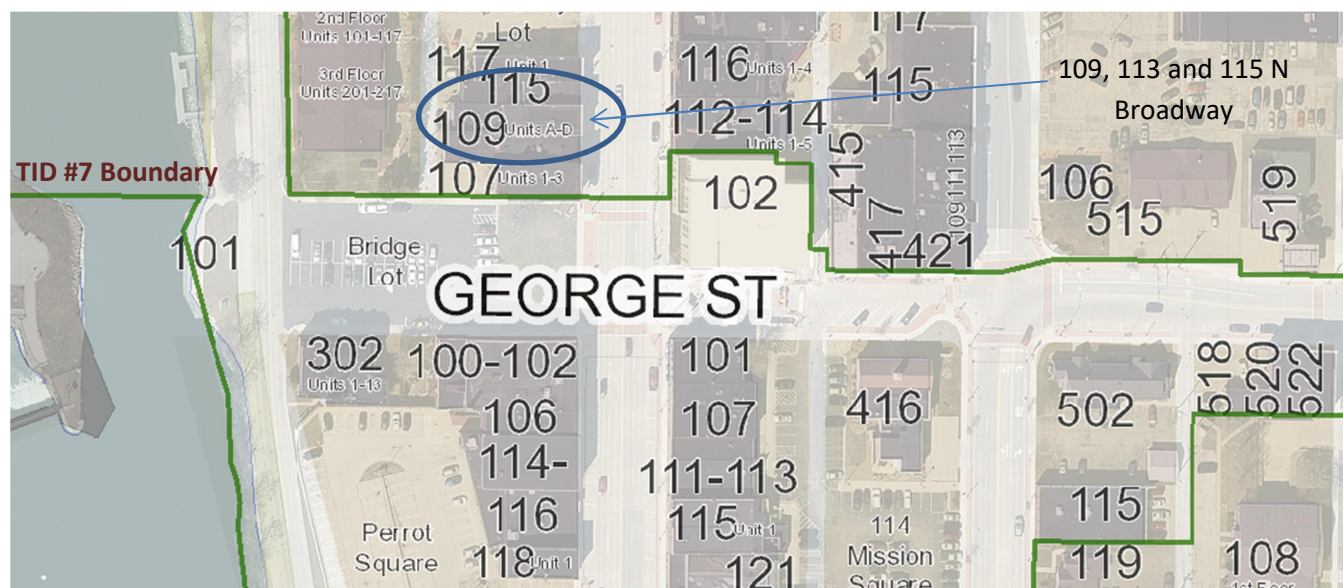
At their August meeting, the Redevelopment Authority (RDA) inquired about the rescinded façade grants for 109, 113, and 115 N Broadway. The memo provides some additional background on these items.

Summary

In March of 2018, the City received 6 façade grant applications to process and send to the RDA for review at their March 26 meeting. 5 of the grant applications came from Andy Krans of Saks Holdings, LLC for buildings located at 353 Main Ave, 363 Main Ave, 109 N Broadway, 113 N Broadway and 115 N Broadway. 353 and 363 Main had previously been reviewed by the RDA, while 109, 113 and 115 N Broadway were new applications. Saks Holdings began some renovation work on the North Broadway buildings prior to application submittal.

The grant applications for the N Broadway properties were reviewed and recommended for approval by the RDA at the March meeting and approved via resolution at Council at their meeting on April 17, 2018.

In June of 2018, another downtown property owner emailed with an inquiry about whether their property was located in the TID District. In researching this request on June 26, I found that the property in question was not in the TID, but also realized that the 109, 113 and 115 N Broadway properties were also not in the TID.



I immediately conferred with the City Administrator and City Attorney regarding the error and next steps. While the grant had been approved, no payments had been made. After reviewing the details, the City Administrator and City Attorney determined that this was an unintentional mistake. Andy Krans was out of the country at the time, but we sent an email issuing an apology, informing him of the error, and noting that the City had to rescind the award. The Common Council passed a resolution rescinding the Façade Grant Awards for 109, 113 and 115 N Broadway at their meeting on August 7, 2018.

In order to prevent this from occurring in the future, staff will be including the TID boundaries as part of the site map prepared for all future façade grant applications.

Follow Up Information

I thought TID funds could sometimes be used for projects outside of the TID Boundary – why can't we do that here?

State law requires that TID funds be used for projects related directly to establishing and improving the Tax Incremental District. Improvements outside the TID can be eligible, but only to the extent that the improvement serves property in the TID (ex. Water or sewage lines, treatment plants, water towers). In this case, the façade grant improvements primarily benefit specific buildings.

Can the Council still award the grant, but use a different funding source?

The Façade Grant Program is funded by TID dollars per the budget approved by the Common Council. The Council cannot simply provide TID façade grant funding to properties outside of TID Districts without opening up the grant program to other façade renovation projects for properties within the City. If the Council wishes to establish a façade grant program for properties outside TIDs, the Council would need to draft objective criteria for review and approval of the grants, and open the program up to all who fall into those criteria.

Are there any legal implications as related to this item?

The property owner has the ability to file a claim against the City; however, in order to prevail on a claim, the property owner would need to prove they are legally entitled to the funds. Since the properties are not in a TID, the property owner is not, and never was eligible, to receive façade improvement funds for those properties. Therefore, approval of the grants was in error and void.

Could we amend the boundary to include this property?

Technically, the boundary for TID #7 could be amended. However, that is not recommended for the following reasons.

- 1) There is not enough time for a boundary amendment to be effective January 1, 2018. The property improvements will be complete by the end of the year. The property would likely not generate any additional increment in the TID.
- 2) TID #7 was established as a blight/rehabilitation TID, which requires 50% of property to be found as 'blight.' It is highly unlikely that the properties at 109, 113 and 115 N. Broadway could be determined as blighted.