Common Council

Regular Meeting

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

Agenda

Tuesday, October 18, 2022 | **7:30 PM** | **Council Chambers and Virtual**

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 **October 18, 2022** at **7:30 PM** in the **COUNCIL CHAMBERS, 2ND FLOOR CITY HALL, 335 S. BROADWAY STREET. DE PERE.**

The public may attend the meeting either in person in the Council Chambers or electronically/telephonically. Electronic or telephonic access to the meeting is provided below:

Computer/smart phone accessing https://www.gotomeet.me/DePere

OR

You can also dial in using your phone.
United States (Toll Free): 1 866 899 4679
United States: +1 (312) 757-3117
Access Code: 154-883-285

This meeting may also be rebroadcast on TV throughout the week and available on demand at http://deperecitywi.iqm2.com/.

I. Call to Order

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Approval of the minutes of the October 4, 2022 Common Council meeting.
4. Public Hearing on the request for a conditional use permit to allow public utilities (a cell tower) on the following Industrial Park District (I-1) zoned property: Parcel ED-F0103-2 at 747 Heritage Rd, approximately 300 feet northwest from the Heritage Rd and Enterprise Dr intersection.

   A. Notice of Public Hearing.

   B. Recommendation from the Plan Commission.

   C. Resolution #22-85 Authorizing and Approving a Conditional Use Permit for Wireless Telecommunication Mobile Service Facility (Parcel ED-F0103-2; 747 Heritage Road).
5. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC
6. Proclamation for National Disability Employment Awareness Month.
7. Recommendation of Finance/Personnel Committee to Approve Request for Mayor Boyd to Travel to Amal, Sweden to Participate in Sister City Delegation (December 2022), with Funding from Unassigned Reserves in an amount up to $2,263.00.
8. Recommendation from Finance/Personnel Committee to Approve 2023 Benefit Renewal and Plan Design Changes

9. Recommendation from the Board of Public Works to incorporate Second Driveway Policy into the new zoning code

10. Recommendation from the License Committee on the application for a Class "B" Fermented Malt Beverage License and a "Class B" Intoxicating Liquor License for Nuks Thai, LLC (DBA Nuks Thai Cuisine and Executive Suites), 201 James St. Submitted by Nuks Thai LLC; Agent Manasanoke Chanthasena, Green Bay, WI.

11. Consideration and Possible Action on Contracting with von Briesen & Roper, s.c. for Interim City Attorney Services.

12. Ordinance #22-09 Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations (Schedule G Parking).

13. Ordinance #22-10 Amending Chapter 82 De Pere Municipal Code Regarding Solid Waste/Curbside Recyclable Collection.

14. Appointment to the Business Improvement District (BID) Board by Mayor Boyd.

15. Voucher approval.

16. Future agenda items.

17. Resolution #22-86 Disallowance of Claim (Paul A. Kurowski).

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

18. Request to Approve Funding for Outside Counsel from Stafford Rosenbaum in an Amount Not to Exceed $3000.00.

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

19. Adjournment.

Carey Danen
City Clerk

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

Agenda Sent To:
Alderpersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Manasanoke Chanthasena
Paul Kurowski
Amerilux Holdings LLC
WEL Real Estate II LLC
Timothy J Hallbrook
James C Cornell
Allied Tube & Conduit Corp
Stephen J Classon Family Trust
WI Dept of Natural Resources
Flex LLC

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Approval of the minutes of the October 4, 2022 Common Council meeting.**

ATTACHMENTS:

- 10-4-22 Common Council Minutes_Draft (PDF)

Common Council

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

Regular Meeting

Draft Minutes

Tuesday, October 4, 2022 | 7:30 PM | Council Chambers and Virtual

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

Attendee Name	Title	Status	Arrived
Dan Carpenter	Alderperson	Present	
Pamela Gantz	Alderperson	Present	
Jonathon Hansen	Alderperson	Present	
Amy Chandik Kundinger	Alderperson	Present	
Shana Defnet Ledvina	Alderperson	Present	
Devin Perock	Alderperson	Present	
John Quigley	Alderperson	Present	
Dean Raasch	Alderperson	Present	
James Boyd	Mayor	Present	

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the September 20, 2022 Common Council meeting.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

4. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC

   De Pere residents Sandy Melroy and Kelly Suda addressed the Council and expressed their concern about the business at 305 Lande Street selling unregulated Delta 8 THC products, as well as its location in a residential neighborhood. They urged the City to send a letter to the FDA in support of regulation of these products.

5. Proclamation Celebrating 150 Years of De Pere Fire Rescue.

6. Annual update on Police Social Worker Position.

   Social Worker John Bushmaker reviewed the purpose of his position and shared data from the past year with Council members; he has received more than 280 referrals so far. The goal is that with his intervention, there will be less police calls. John reported that the main challenge over the first year was access to mental health services due to insurance and wait lists.

7. Recommendation from the Board of Park Commissioners to Accept a $250 Donation from Pink Flamingos to the Recreation Scholarship Fund.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Amy Chandik Kundinger, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

8. Recommendation from the Board of Park Commissioners to Accept a $300 Donation from Pink Flamingos toward a Chalk Liner for Legion Park Ball Diamond.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

9. Recommendation from the Board of Park Commissioners to Accept an $800 Donation from WI United FC for Grass Seed and Services to Overseed the Soccer Fields at Southwest Park.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

10. Recommendation from the Board of Park Commissioners to Accept Donation from WI United FC of Two Premier Goals Valued at $15,000 for Field 1 at Southwest Park.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

11. Recommendation from Plan Commission to approve an amended Precise Implementation Plan for a 13 building Phase 2-3 storage condos establishment at 701 Millennium CT (Parcel WD-D0015-2-1).

Development Services Director Dan Lindstrom answered questions about landscaping buffer requirements.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

12. Recommendation from the License Committee on an application for a Class "B" Fermented Malt Beverage License for De Pere Deacons Hockey Team, Inc. (DBA De Pere Deacons Hockey Team, Inc.) 1450 Ft. Howard Ave. Submitted by De Pere Deacons Hockey Team, Inc.; Agent David Lepp, Green Bay, WI.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Quigley, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

13. Recommendation from the License Committee on an application for Change of Agent for Walgreens #15637, 150 S. Wisconsin St.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Devin Perock, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

14. Resolution #22-83 Authorizing Agreement Between Bungalow Holdings, LLC and the City of De Pere for "The Bungalows of De Pere" Single-Family Housing Development (Parcel WD-D0034 and Part of Parcels WD-D0035 and WD-D0031).

Development Services Director Dan Lindstrom answered questions about the TIF incentive included in the developer's agreement, and explained that it is tied to performance.

RESULT:	**ADOPTED BY ROLL CALL VOTE [UNANIMOUS]**
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

15. Resolution #22-84 Authorizing Development Agreement Regarding the Sale and Purchase of Property Between the City of De Pere and One Source Technologies, Inc. (Parcel ED-2382).

RESULT:	**ADOPTED BY ROLL CALL VOTE [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

16. Appointment to the Board of Review by Mayor Boyd.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

17. Voucher approval.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

18. Future agenda items.

None.

19. Consideration and Possible Action on Request of the City Attorney's Office to Waive Conflict of Interest

Alderperson Raasch moved, seconded by Alderperson Ledvina to go into closed session at 8:04 PM. Upon roll call vote, motion carried unanimously. Alderperson Raasch moved, seconded by Alderperson Quigley to open the meeting at 8:14 PM. Upon roll call vote, motion carried unanimously. Alderperson Ledvina moved, seconded by Alderperson Raasch to approve the request to waive potential conflict of interest with Stafford Rosenbaum LLP. Upon vote, motion carried unanimously.

20. Adjournment.

Alderperson Ledvina moved, seconded by Alderperson Perock to adjourn the meeting at 8:16 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Public Hearing on the request for a conditional use permit to allow public utilities (a cell tower) on the following Industrial Park District (I-1) zoned property: Parcel ED-F0103-2 at 747 Heritage Rd, approximately 300 feet northwest from the Heritage Rd and Enterprise Dr intersection.**

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**A. Notice of Public Hearing.**

ATTACHMENTS:

- Public Hearing Notice_Heritage Rd_Conditional Use_Oct 22 (PDF)

Publish: October 7, 2022 in the Press-Times (Class 1 Notice)

NOTICE OF PUBLIC HEARING

Notice is hereby given, that on **Tuesday, October 18, 2022** at 7:35 PM or as soon thereafter as can be heard, a public hearing will be held by the Common Council of the City of De Pere to act on the request for a conditional use permit to allow public utilities (a cell tower) on the following Industrial Park District (I-1) zoned property:

Parcel ED-F0103-2 at 747 Heritage RD, approximately 300.0 feet northwest from the Heritage RD and Enterprise DR intersection.

The public may attend the meeting either in person in the Council Chambers (2nd Floor City Hall, 335 S Broadway ST, De Pere WI) or electronically. Electronic or telephonic access to the meeting is below: Computer/smart phone accessing https://www.gotomeet.me/DePere OR dial by phone: United States (Toll Free): 1-866 899-4679 United States: +1 (312) 757-3117 Access Code: 154-883-285.

A map of the proposed conditional use permit site is available by emailing Peter Schleinz at pschleinz@deperewi.gov.

Dated this 27th day of September, 2022.

BY ORDER OF THE COMMON COUNCIL

James G. Boyd
Mayor

Carey E. Danen
City Clerk

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**Plan Commission**
FROM:	**Peter Schleinz**
SUBJECT:	**B. Recommendation from the Plan Commission.**

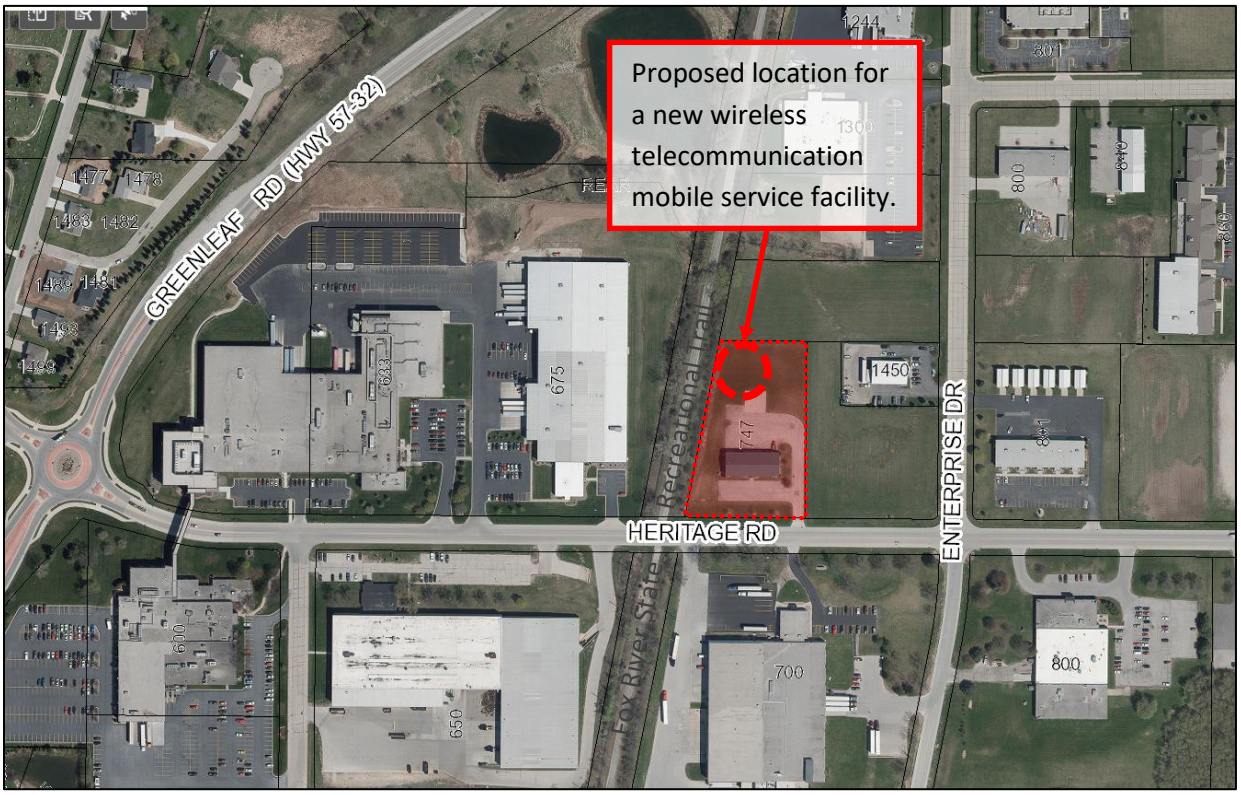
On September 26, 2022, Plan Commission recommended approval of the Conditional Use, with one condition, by a vote of 7-0.

ATTACHMENTS:

- PC Report - CUP (DOCX)
- Conditional Use Request & Data - 09 Aug 2022 (PDF)

ITEM 5: **Consideration and possible action for a conditional use permit application for a new wireless telecommunication mobile service facility in an I-1 District at 747 Heritage RD (Parcel ED-F0103-2). ***

SITE MAP



REQUESTED ACTION: Conditional Use Permit Approval.

COMMON DESCRIPTION: 747 Heritage RD, located northwest from the Heritage RD and Enterprise RD intersection (east side of the Fox River State Recreational Trail).

ZONING: Industrial-Park District (I-1)

SURROUNDING LAND USES: Business Park (I-1) to the north , south, east, and west.
Business Park (I-3) to the southwest.
Fox River State Recreational Trail (R-1) to the west.

COMPREHENSIVE PLAN: Business Park.

APPLICANT/OWNER:

<u>Authorized Representative</u>
Mike Bieniek, AICP, Zoning Director
LCC Telecom Services
10700 W Higgins RD
Rosemont, IL 60018

<u>Property Owner</u>
Timothy J Halbrook
3681 Monroe RD
De Pere, WI 54115

LAND USE SITE HISTORY: The “Heritage Park” site plan was approved in 2003 and built in 2004.

STAFF REVIEW:

Municipal Code 14-37-1 requires new wireless telecommunication mobile service facilities to obtain a conditional use permit. If a conditional use permit is obtained, the *'public utilities'* use becomes an allowable use at 747 Heritage RD within the I-1 District.

A document, provided by the petitioner to summarize the conditional use submittal requirements, is attached to this report with a concept site plan. This review is for the conditional use permit only.

NOTE: The Plan Commission may review the related site plan as early as September 26, 2022, but a successful recommendation of approval of the conditional use permit must be obtained from Plan Commission first.

The following summarizes the proposed project:

- Proposed location in the northwest corner of the property.
- A 125' pole with a 10' lightning rod (total 135').
- Pads for three lease tenant structures/equipment.
- A 50'x50' fence enclosure.
- A gravel drive/turnaround area.

Note: The above design must meet all of the municipal Code design criteria for site plans when a site plan is submitted for review.

In order for a conditional use permit to be recommended by Plan Commission, the following six pieces of information must be provided by the petitioner per Wis. Stat. § 66.0404(2)(b)(1) through (6). The application and support data provided all of the needed information (Condition #4 does not apply to this project):

1. The name and business address of, and the contact individual for, the applicant.

   Contact data provided on the city application form.

2. The location of the proposed or affected support structure.

   Address provided with the city application. Site plan footprint for specific location provided in supporting document page 33 of 35 (Sheet C-101).

3. The location of the proposed mobile service facility.

   Address provided with the city application. Site plan footprint for specific location provided in supporting document page 33 of 35 (Sheet C-101).

4. NOT APPLICABLE (applies if project is an existing support structure).

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile

service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

Concept site plan provided in supporting document pages 29-35.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

   Narrative overview *provided in supporting document pages 12-13. Conditional use standards narrative provided in supporting document pages 16-18.*

Impact of Act 67 (2017) Conditional Use Permits:
Summary of new CUP Requirements:

- The requirements and conditions specified in the ordinance or imposed by the zoning board must be reasonable, and to the extent practicable, measurable.
- Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence.
- Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that a reasonable person would accept in support of a conclusion.
- If an applicant meets, or agrees to meet, all of the requirements and conditions specified in the ordinance or imposed by the zoning board, the local government must grant the CUP.
- The applicant must provide substantial evidence that the application and all requirements and conditions are, or shall be, satisfied.
- If an applicant does not meet one or more of the requirements (for example the application is incomplete) or conditions specified in the ordinance or imposed by the zoning board, the local government can deny the CUP.
- A local government’s decision to approve or deny a conditional use permit must be supported by substantial evidence.

In addition to the staff review and report to Plan Commission, all property owners within 300’ Of the subject area have been notified of this

application. Property owner responses will be summarized during the Plan Commission meeting.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the Conditional Use Permit application to allow a for a new wireless telecommunication service facility in an I-1 District at 747 Heritage RD, subject to the following criteria:

1. Site plan approval required prior to construction. Site plans shall meet the criteria of the De Pere Municipal Code and per the plan materials submitted to the Plan Commission, any changes to the submitted and approved materials shall be reviewed by the Plan Commission.

LCC TELECOM SERVICES

APPLICANT: VB BTS, LLC

verticalbridge

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL FOR THE PROPOSED WIRELESS TELECOMMUNICATIONS MOBILE SERVICE SUPPORT STRUCTURE FACILITY

AT

747 HERITAGE ROAD
DE PERE, WI 54115

VB BTS, LLC SITE ID# – US-WI-5454 BROADWAY HERITAGE

Table of Contents

1. Letter of Application
2. Application Materials
3. Site Data Sheet
4. Legal Description
5. Narrative Overview
6. Compliance with State Statute and City Code
7. Conditional Use Permit Standards
8. Carrier Affidavit – Sworn Statement of Need
9. Carrier Propagation Maps
10. Fall Zone Certification
11. Site Plan

Letter of Application

June 29, 2022

Mr. Peter Schleinz, Senior Planner / Zoning Administrator
Development Services Department
City of De Pere
335 S. Broadway St.
De Pere, WI 54115

RE: Proposed Vertical Bridge Wireless Telecommunication Mobile Service Support Structure
VB BTS, LLC Site Number: US-WI-5454
747 Heritage Road, De Pere, WI 54115
Parcel No. ED-F0103-2

Dear Mr. Schleinz:

LCC Telecom Services, on behalf of the applicant VB BTS, LLC ("Vertical Bridge") has finalized a lease agreement with the property owners of the site referenced above to develop and construct a mobile service support structure and facility that will be available to be used by wireless carriers. The proposed shared use facility is designed to house the equipment necessary to provide clear and uninterrupted wireless telecommunications services to the residents of the City of De Pere.

This mobile service support structure is planned to be constructed pursuant to Section 66.0404 of the Wisconsin State Statutes, and Sections 14-37-1 (Radio and Television Antennas, Wireless Telecommunication Mobile Service Facilities) and 14-30 (Conditional Uses) of the City of De Pere Zoning Ordinance. According to these regulations, a Conditional Use Permit is required for the siting and construction of any new mobile service support structure and facility in the City of De Pere. The proposed mobile service support structure will consist of a 125'-0" tall monopole tower with a 10'-0" lightning rod for a total height of 135'-0" to be located within a 60'-0" x 60'-0" lease area. The proposed tower will be erected, owned, and operated by Vertical Bridge. Vertical Bridge has a commitment with Cellcom, a wireless services provider, for this site. Additionally, the facility will be open for collocation to other wireless providers.

On behalf of VB BTS, LLC ("Vertical Bridge), LCC Telecom Services is submitting with this letter all required documentation for the proposed tower in accordance with Section 66.0404 of the Wisconsin State Statutes, and Sections 14-37-1 (Radio and Television Antennas, Wireless Telecommunication Mobile Service Facilities) and 14-30 (Conditional Uses) of the City of De Pere Zoning Ordinance for this application to be deemed complete. Should you have any questions

please feel free to contact me. I look forward to working with you during the approval process in order to provide the residents of the City of De Pere improved wireless coverage.

Sincerely,



Michael Bieniek, AICP
Zoning Director
LCC Telecom Services
10700 Higgins Road, Suite 240 Rosemont, IL 60018
mbieniek@lcctelecom.com
Cell - (847) 287-1156
Fax - (847) 608-1299

cc: Steve Hedges, Project Manager, Vertical Bridge

Application Materials

DE PERE RUNS DEEPER	**CITY OF DE PERE** **APPLICATION FOR CONDITIONAL USE FOR WIRELESS TELECOMMUNICATION MOBILE SERVICE FACILITIES & MODIFICATIONS**	**Fee:** $305.00 **Receipt #:** **Date:**

Read all instructions before completing. Complete all fields and check appropriate boxes. Type or use black ink.

SECTION 1: Applicant Business Name / Authorized Representative Information

Applicant Name *(Ind., Org. or Entity)*	Authorized Representative *(if any)*	Title	
VB BTS, LLC	Mike Bieniek, AICP, LCC Telecom Srvcs.	Zoning Director	
Mailing Address 10700 W. Higgins Road	City Rosemont	State IL	ZIP Code 60018
Email Address mbieniek@lcctelecom.com	Phone Number (incl. area code) 847-287-1156	Fax Number (incl. area code) 847-608-1299	

SECTION 2: Property Owner Information *(Complete Section 2 when landowner is different than applicant)*

Name (Ind. Org. or Entity)	Contact Person	Title	
VB BTS, LLC (lessee)	Steve Hedges	Tower Development	
Mailing Address 750 Park of Commerce Drive, Suite 200	City Boca Raton	State FL	ZIP Code 33487
Email Address shedges@verticalbridge.com	Phone Number (incl. area code) 773-988-1715	Fax Number (incl. area code)	

SECTION 3: Site Location and Zoning Information

Site Address / Location	Parcel Number(s)	Zoning District(s)	Is it a City Water Tower?
747 Heritage Road, De Pere, WI 54115	ED-F0103-2	I-1, Industrial Park District	YES ☐ NO ☑

SECTION 4: Development Services Information to Include with the Application

Attach information & scaled graphics listed in this column if the project is a new tower and/or facility:

- ☑ Written summary describing the project. Include a narrative explaining why the new location was chosen and why colocation was not utilized. The narrative must include sworn statements from the responsible party attesting that colocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
- ☑ Map of the proposed mobile service facility location
- ☑ Map of the proposed tower location, setbacks, and collapse radius
- ☑ A construction plan that describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower
- ☑ A plan and narrative that addresses landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yard, or parking requirements

Attach information & scaled graphics listed in this column if the project is an existing facility modification:

- ☐ Written summary describing the project. Include a basis for concluding the modification may be not substantial
- ☐ A copy of any lease agreements with modification details specifically identified
- ☐ Map of the facility location
- ☐ Map of the structure location and setbacks
- ☐ Total Height of existing structure prior to modification
- ☐ Total Height of existing structure after modification
- ☐ Width of existing structure at the height of appurtenance
- ☐ Width of existing structure with appurtenance added
- ☐ Square footage of existing equipment compound
- ☐ Square footage of equipment compound with additions
- ☐ If the above information is within an attached site plan, reference the specific page(s) that the information is on

CONTINUED ON BACK OF THIS FORM

SECTION 5: Department of Public Works Information to Include with the Application

Attach information & scaled graphics listed in this column:

- ☐ Evidence that the petitioner has consulted with Department of Public Works to facilitate a review
- ☑ Written request regarding the proposal that indicates that the petitioner agrees to pay all costs for engineering, labor and administrative expenses associated with the review of the project
  - Costs incurred by the City in obtaining legal, planning, engineering and other technical and professional advice in connection with the review and implementation of the conditional use shall be charged to the petitioner
  - The conditional use application review fee does not cover the referenced costs
- ☑ Preliminary plans that allow for project related project review costs to be estimated
  - Additional engineering plans and final approved plans may be required as part of the Department of Public Works review

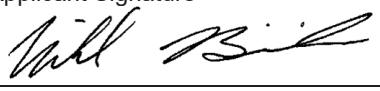
SECTION 6: Inspection Division Information to Include with the Application

Attach information & scaled graphics listed in this column if the project is a new tower and/or facility:	**Attach information & scaled graphics listed in this column if the project is an existing facility modification:**
☑ Information identified in Application Section 4	☐ Information identified in Application Section 4
☑ Please note that, if all necessary approvals are obtained, the petitioner must apply for an Alteration Permit for Radio/Television/Wireless Communication Towers ($300)	☐ Please note that, if all necessary approvals are obtained, the petitioner must apply for an Alteration Permit (Electrical) for Cell Towers ($100)

SECTION 7: 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 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.

Applicant Name *(print)*	Applicant Signature	Date Signed
Michael Bieniek, AICP (Agent)		June 29, 2022
Property Owner Name *(print)*	Property Owner Signature	Date Signed
See Attached MOL for owners permission		

FOR OFFICE USE ONLY

Reviewing Agent	Application Data	Extra Needed Information	
Development Services Director	☐ Complete ☐ Incomplete		
Senior Planner / Zoning Administrator	☐ Complete ☐ Incomplete		
Director of Public Works	☐ Complete ☐ Incomplete		
Senior Inspector	☐ Complete ☐ Incomplete		
Other	☐ Complete ☐ Incomplete		
REVIEW DECISION	☐ **APPROVAL**	☐ **DENIAL**	**DATE:**

Is my wireless telecommunication mobile service facility a new construction project, a 'Substantial' modification, or a 'Not Substantial' modification In the City of De Pere?

A wireless telecommunication mobile service facility (or support structure) is a freestanding structure that is designed to support a wireless telecommunication mobile service facility in the City of De Pere. A freestanding structure may be a cell tower, a building façade or rooftop, a water tower, or other structure. Wireless telecommunications mobile service facilities are regulated by City of De Pere Municipal Code 14-37-1.

What kind of wireless telecommunication review processes are there?*

There are three types of reviews and all three use a conditional use permit application:

1. A new construction project requires a conditional use permit. The submitted application and support information is reviewed by city staff, the De Pere Plan Commission, and the De Pere Common Council. A public hearing will be held and property owners within 300 feet of the subject property (or further) may be notified.

   Conditions may be applied to any project approval made by the Plan Commission and/or Common Council. Because of that, the project narrative and plans should clearly address the following: landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yard, or parking requirements, among other issues as deemed appropriate.

2. A substantial modification project requires a conditional use permit. The submitted application and support information follows the same review procedure as a new construction project, listed above.

3. A not substantial modification project requires a conditional use permit application and information that is reviewed by staff only. There are no meetings for the petitioner to attend and there is no public hearing.

**NOTE: There is an additional very lengthy process for review by the Public Works Department if facilities are on a city-owned water tower. Also, if new construction is proposed on a city-owned water tower, a lease agreement will need to be created or revised for review by the Board of Public Works and approval by the Common Council. The Public Works Department review can take 6 months or more.*

Does staff review all of the wireless telecommunication projects?

A Development Services review and Inspection permit is required for all reviews. A Department of Public Works review is also required, unless the proposal is a not substantial modification project that is a privately owned facilities on privately owned land.

Who determines the type of review I have and what is the review process?

The De Pere Development Services Department staff determines if a project is new, a substantial modification, or a not substantial modification. Submitting a complete application with all of the required support information is very important to expedite the determination. At a minimum a submittal should include the information on the application form in an orderly and easy-to-review format. NOTE: Staff may not recognize information that is hidden deep within a technical plan so calling out page numbers helps.

General Review Process Timeline*

Step	Department / Committee	Topic	New Project	Substantial	Not Substantial
1.	Development Services, DPW*, & Inspection	Determine completeness of application with application review fees	Within 10 Days	Within 10 Days	Within 5 Days
		Development Services review / **approval**	--	--	Within 45 Days
2.	Plan Commission	Plan Commission reviews Staff recommendation	Available Meeting	Available Meeting	--
		Review and recommendation forwarded to Common Council after Public Hearing is published	Required	Required	--
3	Public Hearing	Public Hearing before Common Council	Within 90 Days	Within 90 Days	--
4.	Common Council	Common Council review / **approval**	Within 90 Days	Within 90 Days	--
6.	Development Services – Inspection	Review and Issue permits with fees at petitioner's request	After above approval	After above approval	After above approval

**NOTE: The Public Works Department review of plans, which can take six months or more, is not part of this timeline.*

Is there information that a petitioner can provide to help staff determine that a modification is not substantial?

Yes! The following scaled elevations and site plans should be provided:

- Both the existing and proposed structure height
  - If the structure is less than 200 feet tall the overall final height cannot be increased by more than 20 feet
  - If the structure is more than 200 feet tall the overall final height cannot be increased by more than 10%
- Both the existing and proposed appurtenance width
  - The width of the original appurtenance cannot be increased by 20 feet or more at the level of the appurtenance
- Site plan showing the square footage area of both the existing and proposed equipment compound
  - The area of the existing equipment compound cannot expand to a total area of more of 2,500 square feet

NOTE: If a project meets the above general criteria, it does not guarantee status as 'not substantial.'

What are the potential fees?

Development Services Conditional Use Application:	$305
Department of Public Works:	Fees and expenses vary depending on the project
Development Services – Inspection:	Either $300 (Alteration Permit) or $100 (Alteration Permit)
Other:	Unknown

NOTE: Costs that exceed any known review fees can be charged back to the petitioner.

Site Data Sheet

Applicant:	VB BTS, LLC ("Vertical Bridge") 750 Park of Commerce Drive Suite 200 Boca Raton, FL 33487
Agent:	Michael Bieniek, AICP LCC Telecom Services 10700 Higgins Road Suite 240 Rosemont, IL 60018
Tower Owner:	VB BTS, LLC 750 Park of Commerce Drive Suite 200 Boca Raton, FL 33487
Applicant's Interest in the Property:	Leasehold
Property Owner:	Timothy J. Halbrook
Address of Property:	747 Heritage Road De Pere, WI 54115
Parcel Number:	ED-F0103-2
Request:	Application for a Conditional Use Permit and any other approvals or permits necessary to erect a 125'-0" monopole tower with a 10'-0" lightning rod for a total height of 135'-0" to be located within a 60'-0" x 60'-0" lease parcel.

Legal Description

Lot One (1), Volume 36 Certified Survey Maps, Page 86, Map No. 5486, recorded as Document No. 1566707; said map being part of the NE1/4 of the NW1/4, Section 34, Township 23 North, Range 20 East, in the City of De Pere, East side of Fox River, Brown County, Wisconsin.

Parcel ID#: ED-F0103-2

This being the same property conveyed to Timothy J. Halbrook from Karen L. Classon, as Special Trustee as Trustee of Stephen J. Classon Family Trust as established under the Last Will and Testament of Stephen J. Classon dated 12/10/1996 in a Trustee's Deed dated April 28, 2017 and recorded May 1, 2017 as Instrument No. 2784226 in Brown County, Wisconsin.

This further being the same property conveyed to Stephen J. Classon and Timothy J. Halbrook, as tenants in common, from the City of De Pere, WI, in a Warranty Deed dated May 24, 2000 and recorded June 28, 2000 as Instrument No. 1760399 in Brown County, Wisconsin.

Narrative Overview

VB BTS, LLC ("Vertical Bridge") seeks approval of a Conditional Use Permit and any other permits or approvals necessary in order to install a wireless telecommunications mobile service facility on property located at 747 Heritage Road, De Pere, WI 54115. Vertical Bridge proposes to erect this tower and will be offering it as a shared facility to Cellcom (with whom Vertical Bridge already has a commitment for collocation) and any other communication carriers that have a need for a facility in this area. Vertical Bridge thus submits this Application (as that term is defined in Section 66.0404 of the Wisconsin State Statutes) seeking the necessary zoning approvals for the siting and construction of a new mobile service support structure and facilities.

The proposed site is located in Industrial Park District (I-1). Pursuant to Section 66.0404 of the Wisconsin State Statutes, and Sections 14-37-1 (Radio and Television Antennas, Wireless Telecommunication Mobile Service Facilities) and 14-30 (Conditional Uses) of the City of De Pere Zoning Ordinance, wireless telecommunications mobile service facilities are allowed in this district with Conditional Use Permit approval. The proposed site consists of an office/warehouse building on an open grass parcel with an existing helipad located behind the building. Trees line the property on the west and northwest edges.

In accordance with the City of De Pere Zoning Ordinance and Section 66.0404 of the Wisconsin State Statutes, Vertical Bridge has made application to install a wireless telecommunications mobile service facility. The proposed facility will consist of a 125'-0" tall monopole tower with a 10'-0" lightning rod for a total height of 135'-0" to be located within a 60'-0" x 60'-0" lease area. The proposed siting of this facility is in the northwest corner of the site to better camouflage the tower by being adjacent to a tree-lined background. This will also help create the most separation distance between the tower and the existing helipad on site. Lastly, the proposed wireless telecommunications mobile service facility will be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, Vertical Bridge will comply with all Federal Aviation Administration ("FAA") and FCC rules and regulations regarding construction requirements and technical standards. Any height, lighting, or

marking requirements are subject to the exclusive jurisdiction of the FAA. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC.

The wireless telecommunications facility Vertical Bridge is proposing to install on the property for Cellcom is necessary to provide uninterrupted PCS services to the residents of the City of De Pere, including wireless telephone service, voice paging, messaging and wireless internet and broadband data transmission.

Wireless communications systems operate on a grid system where overlapping cell sites mesh together, forming a seamless network. No single cell site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. The proposed site at 747 Heritage Road, De Pere, WI 54115 is within the geographic area deemed necessary for the anchor wireless telecommunications providers to provide uninterrupted services.

The facility is unstaffed and after the construction is complete will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. Access will be provided via an easement and the proposed property entry off of Heritage Road. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. There is no need for additional police or fire support. Additionally, there is no impact on the city's utilities such as water or sanitation as they are not used at the site. The only utilities used in connection with the mobile service facility are power and land-line telephone.

In accordance with FCC regulations, the mobile service facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television, and radio broadcasts. PCS technology has become a vital part of emergency services, aiding local residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance goals of providing the most reliable network possible in this area.

The addition of this mobile support structure facility will ensure the best uninterrupted wireless services for the city. This application addresses all standards and satisfies the requirements of both the City of De Pere Zoning Ordinance and Section 66.0404 of the Wisconsin State Statutes.

Compliance with State Statute and City Code

§66.0404(2)(b) of the Wisconsin State Statute and 14-37-1(c)(1) of the De Pere Zoning Ordinance sets out specific requirements and timelines for an application to construct a new mobile service support structure. These requirements are defined by Wis. Stat. § 66.0404(2)(b)(1-6), and City of De Pere Zoning Ordinance Section 14-37-1(c)(1)(a-f), which identify six categories of information. Therefore, the following six categories are required for an application to be complete. The statute requirement is listed below, with the compliant document or information identified or outlined below the requirement in bold.

1. The name and business address of, and the contact individual for, the applicant. Wis. Stat. § 66.0404(2)(b)(1) and Section 14-37-1(c)(1)(a-f) of the City of De Pere Zoning Ordinance.

   The applicant is VB BTS, LLC ("Vertical Bridge"). Michael Bieniek, AICP, of LCC Telecom Services is the agent of and contact individual for VB BTS, LLC. His business address is 10700 W. Higgins Road, Suite 240 Rosemont, IL 60018.

2. The location of the proposed tower. Wis. Stat. § 66.0404(2)(b)(2) and Section 14-37-1(c)(1)(a-f) of the City of De Pere Zoning Ordinance.

   The tower is proposed to be located at 747 Heritage Road, De Pere, WI 54115. The tower will be located within an equipment compound as defined in Wis. Stat. §66.0404(1)(h). This fenced lease area is part of a larger parent parcel at the above address. The support structure location is depicted on the site plans that have been submitted as part of this application.

3. The location of the proposed mobile service facility. Wis. Stat. § 66.0404(2)(b)(3) and Section 14-37-1(c)(1)(a-f) of the City of De Pere Zoning Ordinance.

   A mobile service facility is defined in Wis. Stat. §66.0404(1)(l) as "a set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discreet geographic area." In this case, the equipment consists of base station equipment, along with antennas, transmitters, receivers, power supplies, cabling, and associated equipment. All the equipment is necessary to operate the facility.

   The proposed mobile service facility is also to be located at 747 Heritage Road, De Pere, WI 54115. The mobile service facility will be located within an equipment compound as defined in Wis. Stat. §66.0404(1)(h). This fenced lease parcel is part of a larger parent parcel at the above address. The location of the mobile service facility is depicted on the site plans that have been submitted as part of this application.

4. A construction plan which describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower. Wis. Stat. § 66.0404(2)(b)(4) and Section 14-37-1(c)(1)(a-f) of the City of De Pere Zoning Ordinance.

   The construction plan required for a new wireless telecommunications mobile service tower and facility under Wis. Stat. §66.0404(2)(b)(4) and Section 14-37-1(c)(1)(a-f) of the City of De Pere Zoning Ordinance has been submitted as part of this application. The construction plan includes all the elements required under the state statute.

5. An explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome. Wis. Stat. § 66.0404(2)(b)(6) and Section 14-37-1(c)(1)(a-f) of the City of De Pere Zoning Ordinance.

   A sworn statement as described above from Cellcom (with whom Vertical Bridge has a commitment for collocation) has been attached to this application for the proposed mobile support structure to be located at 747 Heritage Road, De Pere, WI 54115.

6. The application shall be accompanied by a fee as set from time-to-time by the Common Council to defray the cost of notification and holding of public hearing. Costs incurred by the City in obtaining legal, planning, engineering and other technical and professional advice in connection with the review and implementation of the conditional use shall be charged to the Petitioner. Such fee shall be established by resolution of the common council and shall not exceed the limits established by Wis. Stats. § 66.0404(4)(d). Wis. Stat. § 66.0404(2)(b)(6) and Section 14-37-1(c)(1)(a-f) of the City of De Pere Zoning Ordinance.

   An application fee as described above has been paid as part of this application for the proposed mobile support structure to be located at 747 Heritage Road, De Pere, WI 54115.

Conditional Use Permit Standards

For each application for a Conditional Use, the Zoning Administrator verifies if the application is complete, and then forwards the complete applications to the City Plan Commission who reports to the City Council its findings and recommendations. The findings and recommendations from the City Plan Commission include any stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Plan Commission will not recommend a conditional use to the City Council unless the following standards are met:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

   The proposed wireless telecommunications mobile service facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. To the contrary, enhanced wireless telecommunications will be beneficial to the health, safety, morals, comfort, and welfare of the area. Due to the diminutive size of the proposed equipment and lease area, it will not have an adverse effect on the surrounding properties nor the character of the area. Wireless facilities do not interfere with any other form of communications whether public or private, or in any way endanger the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. Wireless facilities also provide an alternate communication system which has repeatedly proven its effectiveness in emergency situations and is commonly being used by police and fire departments to protect the general public's health, safety, and welfare. Lastly, all wireless telecommunications mobile service facilities are governed by FCC and FAA regulations. As such, all spectrum used to provide a wireless signal are allocated by the FCC which has deemed the signals will not cause any health-related affects.

2. That the conditional use will not be injurious to the use and enjoyment of other property in the orderly development and improvement in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values within the neighborhood.

   The proposed wireless telecommunications mobile service facility will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used, enjoyed, and developed as zoned. As stated previously, the property facility will be situated on a portion of the parent parcel lined with trees which will minimize the visual impact from ground level. The site does not generate noise or traffic which would be detrimental to surrounding properties. The proposed wireless telecommunications mobile service facility also will not impair an

adequate supply of light and air to adjacent property, increase the danger of fire, nor will it substantially diminish or impair property values within the neighborhood. Overall, the improved wireless signal aims to enhance the usage and development of the surrounding properties.

3. That adequate facilities, access roads, drainage, and/or necessary facilities have been or are being provided.

   The design of this proposed wireless telecommunications tower has adequate facilities, access roads, and drainage, as subsequently described. This wireless telecommunications mobile service facility is unstaffed and entirely self-monitored. The only public utilities needed are power and teleco/fiber which are readily available to the site. Because the facility is unstaffed, there will be no impact to the existing traffic patterns nor will there be any need for additional access roads. The proposed access road is an existing entrance located off of Heritage Road. No drainage, sanitation, refuse removal, parks, library, or school services will be necessary for this facility. Existing police and fire protection are more than adequate to provide security for the facility. The wireless telecommunications mobile service facility is connected to a central switch facility to ensure no unauthorized persons enter the lease parcel. In the unlikely event that this occurs, the switch facility will notify police and fire if services are needed. Therefore, there will be no additional requirements at public cost for public facilities and services.

4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

   The proposed access road is an existing entrance located off Heritage Road. The proposed wireless telecommunications facility is unstaffed and will be visited approximately once per month by a technician in a van sized vehicle. There will be no traffic congestion in the public streets as a result of the installation at this property.

5. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Council pursuant to the recommendations of the Plan Commission.

   The proposed wireless telecommunications mobile service facility is permitted as a conditional use in the I-1, Industrial Park District. The proposed use will comply with all appropriate regulations and conditions of the City of De Pere Zoning Ordinance and Section 66.0404 of the Wisconsin State Statutes.

In addition to meeting the conditional use legal standards outlined above, this application also meets the requirements of conditional use approval outlined in Section 14.37.1(2)(c)(3)(c) of the City of De Pere Zoning Ordinance:

1. The tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. If an applicant provides the City with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the City has and provides the applicant substantial evidence that the engineering certification is flawed.

   An engineer certified fall zone letter that certifies the monopole would buckle upon itself has been submitted as part of this application.

2. Setback distances shall be required according to the regulations of this Chapter.

   The proposed wireless telecommunications mobile service facility will comply with all appropriate setback requirements of the City of De Pere Zoning Ordinance, except where reduced by providing an engineer certified fall zone letter. Section 66.0404(2)(g) of the Wisconsin State Statutes states that if an applicant provides the municipality with an engineer certified letter showing that the proposed tower is designed to collapse within a smaller area than the set back or fall zone area required in the municipality's zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

3. All facilities shall meet all State and Federal codes.

   The proposed wireless telecommunications mobile service facility will comply with all appropriate regulations of State and Federal Codes, including Section 66.0404 of the Wisconsin State Statutes, the FCC, and the FAA.

Carrier Affidavit – Sworn Statement of Need

AFFIDAVIT

SWORN STATEMENT OF NEED FOR A NEW MOBILE SERVICE SUPPORT STRUCTURE IN SUPPORT OF NEW TOWER CONSTRUCTION PURSUANT TO WIS. STAT. §66.0404

STATE OF WISCONSIN)
)
COUNTY OF BROWN)

The undersigned, Arthur Hall, being first duly sworn on oath, deposes and states as follows:

1. My name is Arthur Hall and I am employed by Nsighttel Wireless, LLC (d/b/a and hereinafter referred as "Cellcom") as its Director of RF Engineering. My Cellcom job duties include, among other things, responsibility and oversight of Cellcom's wireless network. This includes responsibility over the placement of the newly proposed mobile service support structure and facilities at address of 747 Heritage Rd, De Pere, WI 54115 in the City of De Pere, Brown County, with a property parcel ID number of ED-F0103-2, and Lat/Long coordinates of 44.429214, -88.063108 (the "New Tower Location").

2. This Sworn Statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.

3. I make and submit this Sworn Statement in support of the accompanying application and supplement documents for the request of zoning approval submitted by applicant VB BTS, LLC ("Vertical Bridge"), and pursuant to which Vertical Bridge proposes to develop and construct a 125-foot monopole tower (overall structure height 135' with lightning rod attachment) and related telecommunications equipment at the New Tower Location described in Section 1 above and depicted on the site plans submitted along with the application.

4. Vertical Bridge is in the business of, among other things, developing, constructing and operating mobile service support structures and facilities (a/k/a telecommunications towers or cell towers) and leasing space on those structures and facilities to wireless carriers such as Cellcom. Relevant to the present application, Cellcom and Vertical Bridge desire that Vertical Bridge develop and build the referenced tower and lease space thereupon to Cellcom as part of improving Cellcom's wireless telecommunications network in the surrounding area of the New Tower Location.

5. Cellcom is improving and upgrading its network's wireless coverage and capacity in the area of the New Tower Location to provide needed improvement to signal strength, in-building penetration, and reliable, high-speed wireless data capability. In order to accomplish these objectives, Cellcom and Vertical Bridge are proposing the new mobile support structure tower and related telecommunications site at the New Tower Location described in Section 1 above.

6. The proposed mobile service support structure and facilities at the New Tower Location is a necessary infrastructure addition and will become an integral part of Cellcom's wireless network. The primary functions of the proposed site are to provide enhanced, reliable wireless coverage and additional capacity which will help ensure seamless wireless data capabilities and connectivity to Cellcom's customers in the area. Without this site, the signal strength and data capacity in the area will not be adequate for a reliable network. As consumption of data services surge, the importance of this site also surges. Cellcom has evaluated the existing structure locations in the search ring. There are no existing towers or other tall structures within the search ring that could accommodate Cellcom's equipment to achieve these network improvements, including the same mobile service functionality, coverage, and capacity, so collocation is technically infeasible. Consequently, because collocation on existing structures would not provide the required wireless coverage, signal strength, or data speeds to the coverage objective and intended areas, the proposed new mobile service support structure is necessary to provide the coverage and capacity required for a fully functioning wireless network.

Dated this 25TH day of March, 2022.

Arthur Hall
Director of RF Engineering
Nsighttel Wireless, LLC d/b/a Cellcom

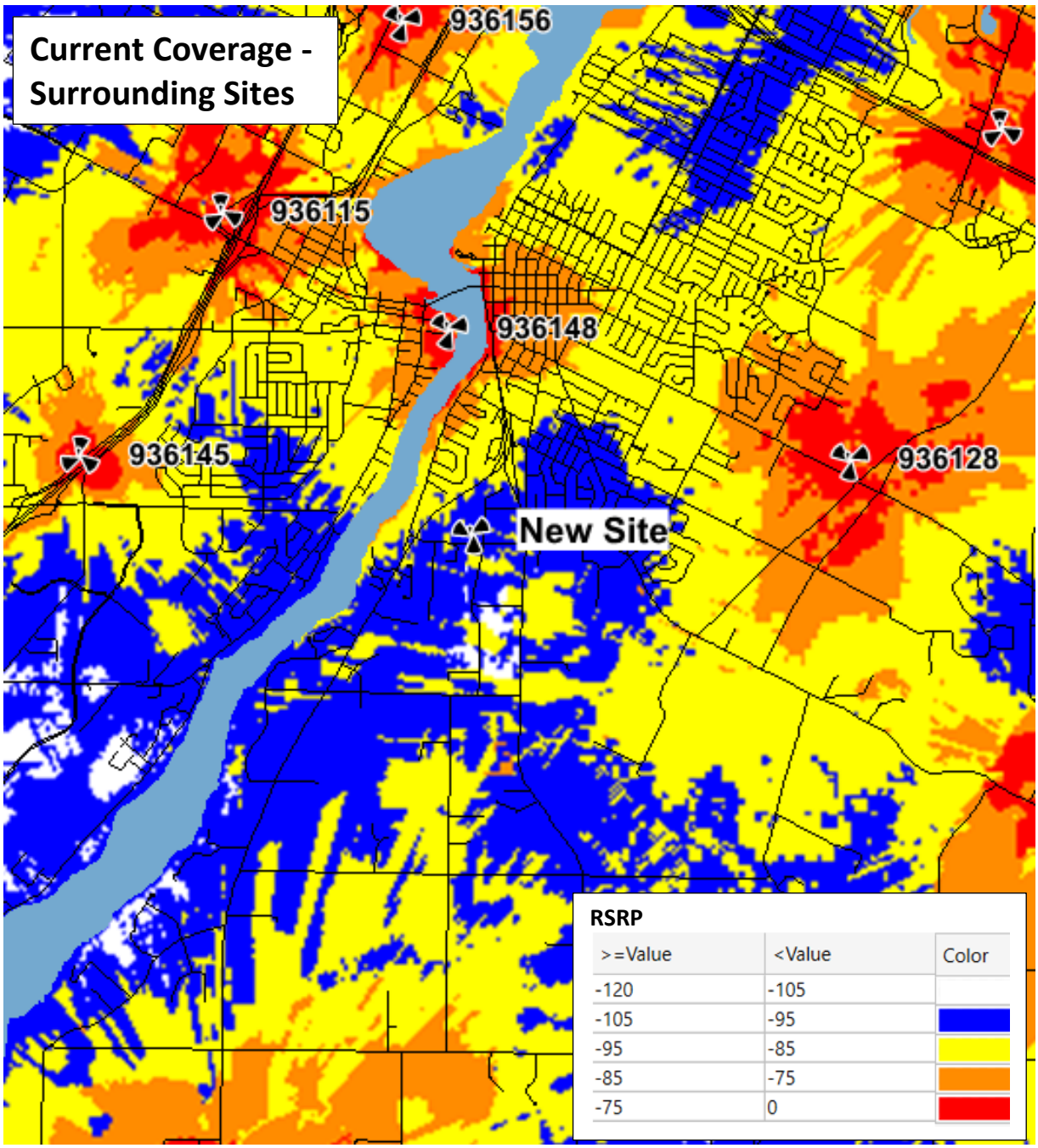
Subscribed and sworn before me this
25 day of March, 2022.

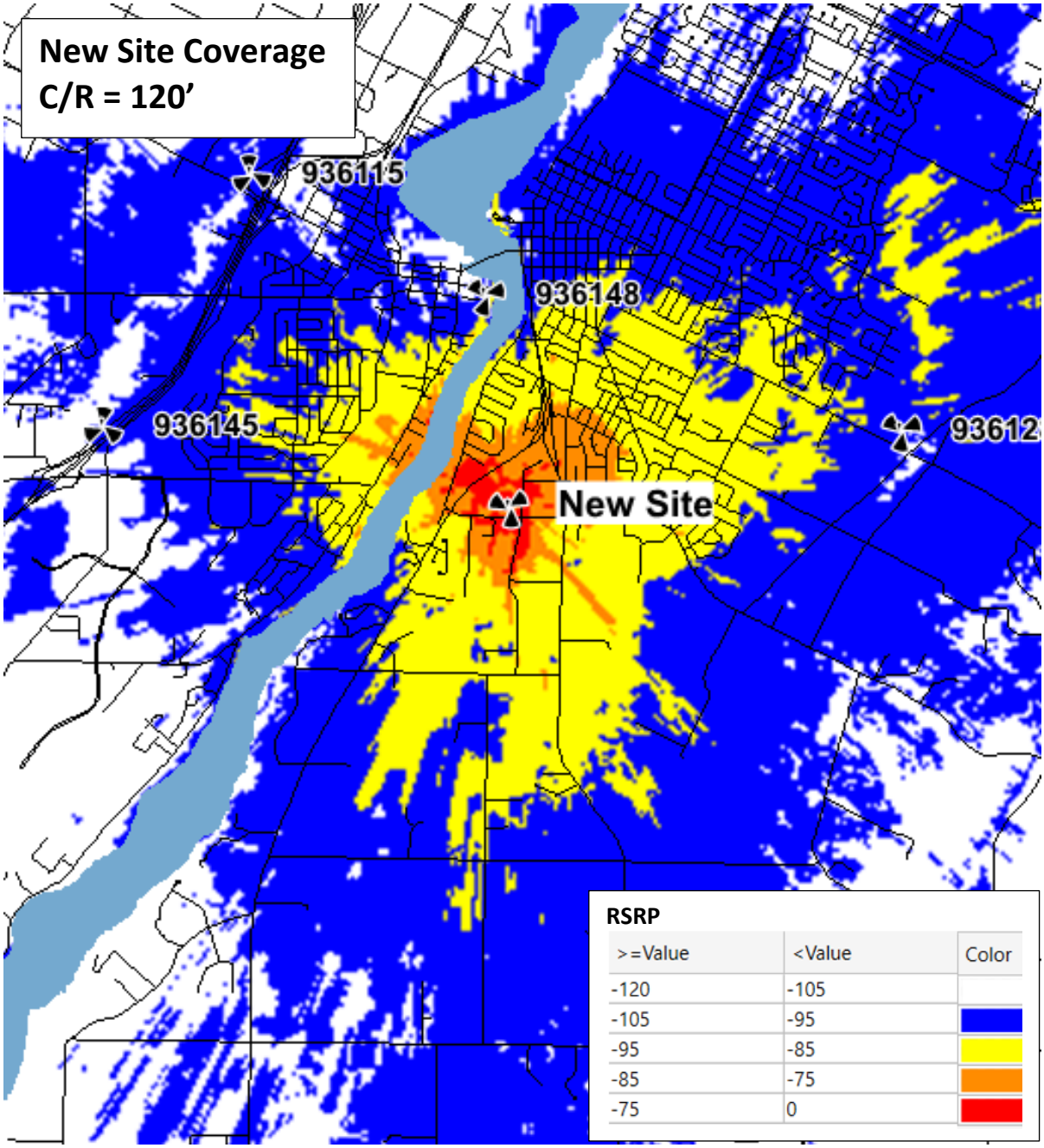
Susan R. Roberts
Notary Public, State of Wisconsin

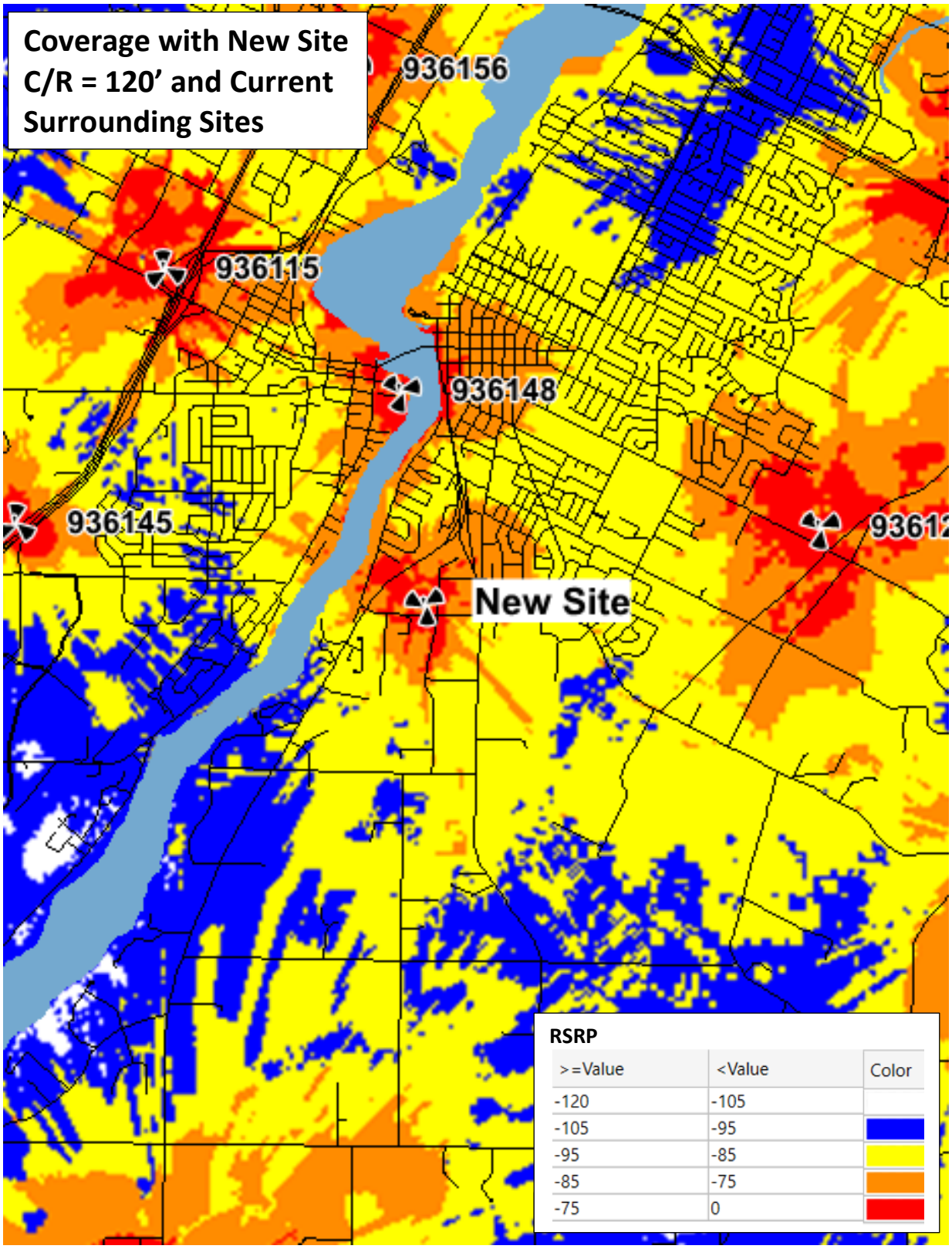
SUSAN R. ROBERTS NOTARY PUBLIC STATE OF WISCONSIN

My commission: Expires 3/17/26

Carrier Propagation Maps


Current Coverage - Surrounding Sites
936156
936115
936148
936145
936128
New Site
RSRP
>=Value
<Value
Color
-120
-105
-105
-95
-95
-85
-85
-75
-75
0


New Site Coverage
C/R = 120’
936115
936148
936145
New Site
RSRP
>=Value
<Value
Color
-120
-105
-105
-95
-95
-85
-85
-75
-75
0


Coverage with New Site C/R = 120’ and Current Surrounding Sites
936156
936115
936148
936145
New Site
RSRP
>=Value
<Value
Color
-120
-105
-105
-95
-95
-85
-85
-75
-75
0

Fall Zone Certification

Sabre Industries™
INNOVATION DELIVERED

May 19, 2022

Mr. Steve Hedges
Tower Development
Vertical Bridge REIT, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, FL 33487

RE: Proposed 125' Monopole for US-WI-5454 Broadway Heritage, WI

Dear Mr. Hedges,

Upon receipt of order, we propose to design and supply the above-referenced monopole for an Ultimate Wind Speed of 106 mph without ice and 50 mph with 1.5" ice, Structure Classification II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. *Please note that this letter only applies to the above-referenced monopole designed and manufactured by Sabre Industries.* This would effectively result in a fall radius less than or equal to 50% of the monopole height.

Sincerely,

WISCONSIN
KEITH J.
TINDALL
E-32635
SIOUX CITY
IOWA
PROFESSIONAL ENGINEER

5/19/22

Keith J. Tindall, P.E., S.E.
Vice President, Telecom Engineering

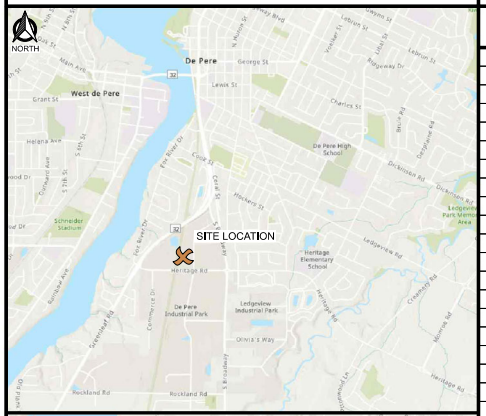
Site Plan

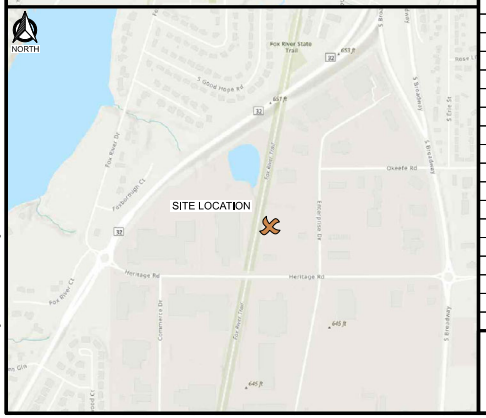


vertical bridge

US-WI-5454 BROADWAY HERITAGE
DE PERE, WISCONSIN
ZONING DRAWINGS
125' MONOPOLE

SITE LOCATION MAPS





SHEET INDEX

NO.:	SHEET TITLE
G-001	TITLE SHEET
-	SURVEY *
C-101	SITE PLAN
C-102	ENLARGED SITE PLAN
C-501	CONSTRUCTION DETAILS
T-201	SITE ELEVATION

* COMPLETED BY OTHERS

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS/CONDITIONS ON SITE. IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO PERFORMING ANY WORK OR BE RESPONSIBLE FOR THE SAME.

DIRECTORY

CLIENT:
VB BTS, LLC
750 PARK OF COMMERCE DRIVE, SUITE 200
BOCA RATON, FL 33487
CONTACT: STEVE HEDGES
PHONE: 773.988.1715

ENGINEERING COMPANY:
EDGE CONSULTING ENGINEERS, INC.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
CONTACT: ANDREW PORN
PHONE: 608.644.1449

SITE ACQUISITION:
LCC TELECOM SERVICES
10700 HIGGINS ROAD, SUITE 240
ROSEMONT, IL 60018
CONTACT: MIKE BIENIEK
PHONE: 847.380.5569

SURVEYOR:
MERIDIAN SURVEYING, LLC.
N9637 FRIENDSHIP DRIVE
KAUKAUNA, WI 54130
CONTACT: CRAIG KEACH
PHONE: 920.993.0881

PROJECT INFO

SITE LOCATION:
747 HERITAGE ROAD
DE PERE, WI 54115

PROPERTY OWNER:
TIMOTHY HALBROOK
3681 MONROE ROAD
DE PERE, WI 54115

SITE COORDINATES (PER 1-A CERTIFICATE):
LAT (NAD 1983/2011): 44°-25'-45.17"
LONG (NAD 1983/2011): 88°-03'-47.19"
GROUND ELEVATION (NAVD 88): 635.9'

PLSS INFORMATION:
PART OF THE NE1/4 OF THE NW1/4,
SECTION 34, T.23N., R.20E.,
CITY OF DE PERE,
BROWN COUNTY
WISCONSIN

TAX KEY NUMBER:
ED-F0103-2 (LEASE & EASEMENT)

APPROVAL BLOCK

		APPROVED	APPROVED AS NOTED	REVISE
VERTICAL BRIDGE	DATE	☐	☐	☐
SITE ACQUISITION	DATE	☐	☐	☐
CONSTRUCTION MANAGER	DATE	☐	☐	☐
ZONING	DATE	☐	☐	☐
RF ENGINEERING	DATE	☐	☐	☐

UTILITY INFORMATION

ELECTRIC SERVICE PROVIDER: WISCONSIN PUBLIC SERVICE
KENNETH OEHLER
920.660.0161

ONE CALL SYSTEMS INTERNATIONAL

TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN, CALL DIGGER'S HOTLINE

TOLL FREE: 1-800-242-8511
FAX A LOCATE: 1-800-338-3860

WI STATUTE 182.0175 (1974) REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

ENGINEER SEAL:

PRELIMINARY - NOT FOR CONSTRUCTION

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF WISCONSIN.

SIGNATURE: _____

DATE: _____

CONSULTANT:
Edge Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
608.644.1549 FAX
www.edgeconsult.com

CLIENT:
vertical bridge
VB BTS, LLC
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

SHEET TITLE:
TITLE SHEET
US-WI-5454 BROADWAY HERITAGE
DE PERE, WISCONSIN

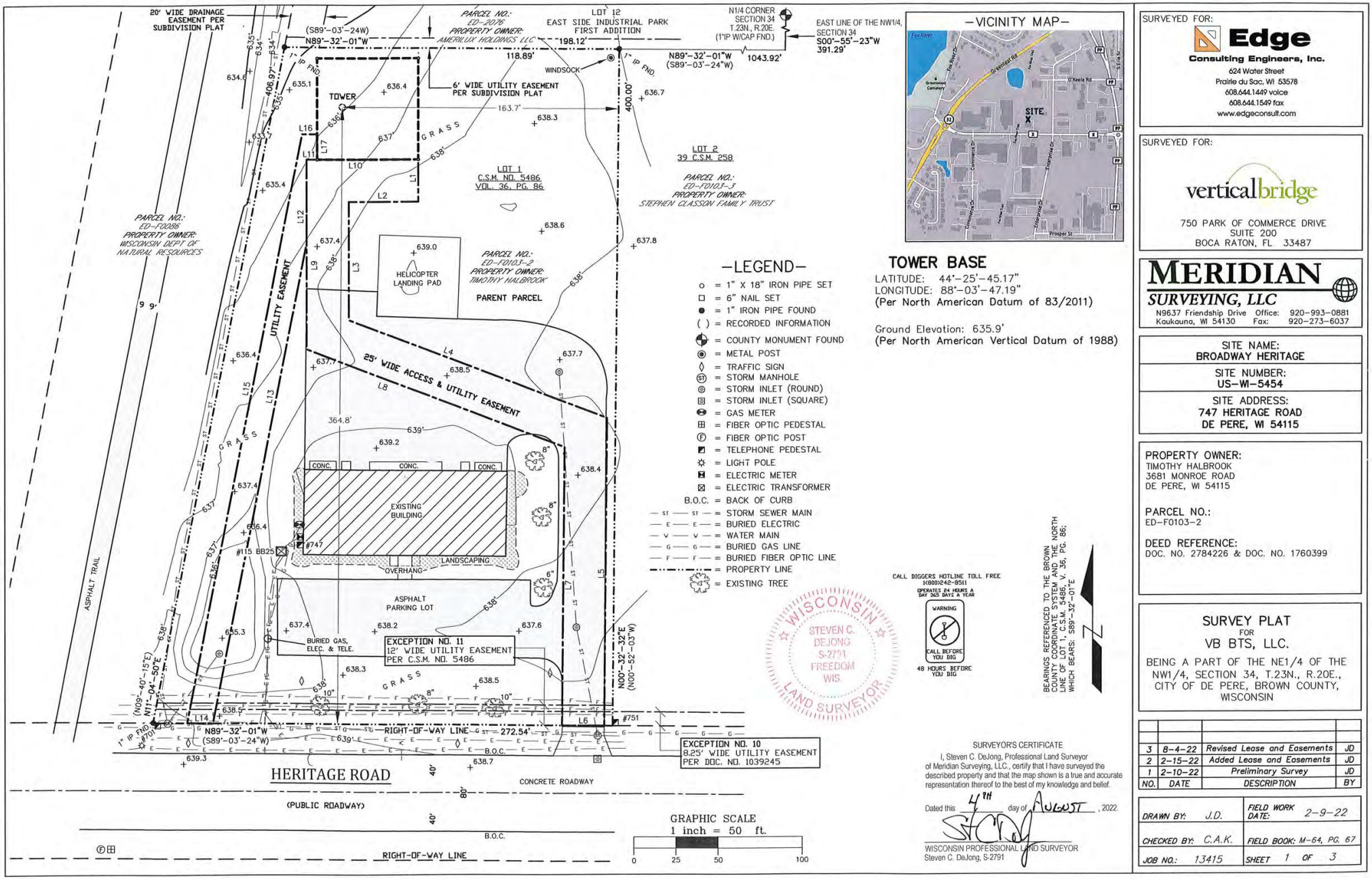
SUBMITTAL:

INT.	DATE:	DESCRIPTION:
JCB	03/04/22	REV. A
ADP	08/02/22	REV. B

CHECKED BY	KCB
PLOT DATE	8/2/2022
PROJECT NUMBER	32091
SET TYPE	PRELIM. DWGS.
SHEET NUMBER	G-001

© EDGE CONSULTING ENGINEERS, INC

L:\32091\32091\Design\CAD\32091Plan\G-001.dgn



-LEGEND-

- o = 1" X 18" IRON PIPE SET
- □ = 6" NAIL SET
- ● = 1" IRON PIPE FOUND
- ( ) = RECORDED INFORMATION
- = COUNTY MONUMENT FOUND
- = METAL POST
- = TRAFFIC SIGN
- ST = STORM MANHOLE
- = STORM INLET (ROUND)
- = STORM INLET (SQUARE)
- = GAS METER
- = FIBER OPTIC PEDESTAL
- F = FIBER OPTIC POST
- = TELEPHONE PEDESTAL
- = LIGHT POLE
- = ELECTRIC METER
- = ELECTRIC TRANSFORMER
- B.O.C. = BACK OF CURB
- ST — ST — = STORM SEWER MAIN
- E — E — = BURIED ELECTRIC
- W — W — = WATER MAIN
- G — G — = BURIED GAS LINE
- F — F — = BURIED FIBER OPTIC LINE
- = PROPERTY LINE
- = EXISTING TREE

-VICINITY MAP-

TOWER BASE

LATITUDE: 44°-25'-45.17"
LONGITUDE: 88°-03'-47.19"
(Per North American Datum of 83/2011)

Ground Elevation: 635.9'
(Per North American Vertical Datum of 1988)

CALL DIGGERS HOTLINE TOLL FREE 1(800)242-8511
OPERATES 24 HOURS A DAY 365 DAYS A YEAR
WARNING
CALL BEFORE YOU DIG
48 HOURS BEFORE YOU DIG

BEARINGS REFERENCED TO THE BROWN COUNTY COORDINATE SYSTEM AND THE NORTH LINE OF LOT 1, C.S.M. 5486, V. 36, PG. 86; WHICH BEARS: S89°-32'-01"E

WISCONSIN STEVEN C. DEJONG S-2791 FREEDOM WIS. LAND SURVEYOR

SURVEYOR'S CERTIFICATE

I, Steven C. DeJong, Professional Land Surveyor of Meridian Surveying, LLC., certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 4th day of AUGUST, 2022.

WISCONSIN PROFESSIONAL LAND SURVEYOR
Steven C. DeJong, S-2791

SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Water Street
Prairie du Sac, WI 53578
608.644.1449 voice
608.644.1549 fax
www.edgeconsult.com

SURVEYED FOR:

verticalbridge
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

MERIDIAN SURVEYING, LLC
N9637 Friendship Drive Office: 920-993-0881
Kaukauna, WI 54130 Fax: 920-273-6037

SITE NAME:
BROADWAY HERITAGE

SITE NUMBER:
US-WI-5454

SITE ADDRESS:
747 HERITAGE ROAD
DE PERE, WI 54115

PROPERTY OWNER:
TIMOTHY HALBROOK
3681 MONROE ROAD
DE PERE, WI 54115

PARCEL NO.:
ED-F0103-2

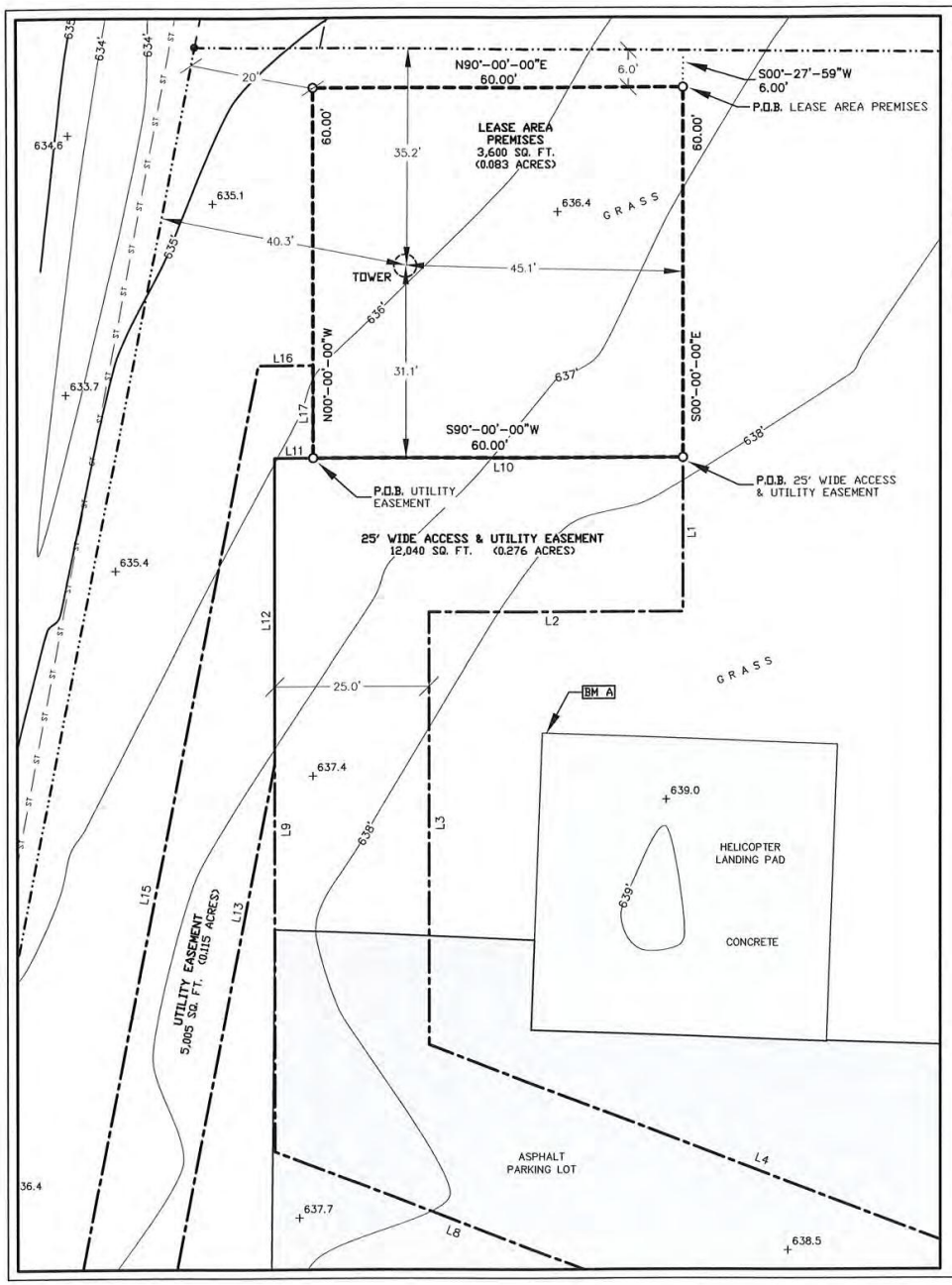
DEED REFERENCE:
DOC. NO. 2784226 & DOC. NO. 1760399

SURVEY PLAT
FOR
VB BTS, LLC.

BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 34, T.23N., R.20E., CITY OF DE PERE, BROWN COUNTY, WISCONSIN

NO.	DATE	DESCRIPTION	BY
3	8-4-22	Revised Lease and Easements	JD
2	2-15-22	Added Lease and Easements	JD
1	2-10-22	Preliminary Survey	JD

DRAWN BY: J.D.	FIELD WORK DATE: 2-9-22
CHECKED BY: C.A.K.	FIELD BOOK: M-64, PG. 67
JOB NO.: 13415	SHEET 1 OF 3



CERTIFICATION:

I, STEVEN C. DEJONG, PLS, A WISCONSIN PROFESSIONAL LAND SURVEYOR, LICENSE NO. S-2791, HEREBY CERTIFY TO: VERTICAL BRIDGE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARIES, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS; TORONTO DOMINION (TEXAS) LLC, AS ADMINISTRATIVE AGENT, FOR ITSELF AND ON BEHALF OF THE LENDERS PARTIES FROM TIME TO TIME TO THAT CERTAIN SECOND AMENDED AND RESTATED LOAN AGREEMENT DATED JUNE 17, 2016 WITH VERTICAL BRIDGE HOLDCO, LLC, AS BORROWER, AND VERTICAL BRIDGE HOLDCO PARENT, LLC, AS PARENT, AS MAY BE AMENDED, RESTATED, MODIFIED OR RENEWED, THEIR SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR; AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS SURVEYOR HAS RECEIVED AND REVIEWED THAT CERTAIN TITLE COMMITMENT NO. VTB-124100-C ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY AND AURO SOLUTIONS, LLC DBA TOWER TITLE AND CLOSING WITH AN EFFECTIVE DATE OF JANUARY 5, 2022 WHICH PROPOSES TO INSURE THE LANDS DESCRIBED UNDER ITS SCHEDULE A.

SURVEY NOTES:

-THE LOCATION OF THE EXISTING UTILITIES, AS SHOWN ON THIS PLAN, ARE APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ACTUAL LOCATION AND DEPTH OF ALL EXISTING UTILITIES. THE OWNER AND THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY OMISSION OR VARIATION FROM THE LOCATION SHOWN.

-DIGGERS HOTLINE TICKET NO. 20220701930.

-ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE PROPOSED TELECOMMUNICATIONS SITE IS LOCATED IN ZONE "X", COMMUNITY PANEL NO. 55009C0262F, DATED AUGUST 18 2009, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. ZONE "X" IS DESIGNATED AS: "AREAS DETERMINED TO BE OUTSIDE OF 500-YEAR FLOOD PLAIN".

-NO WETLANDS AREAS HAVE BEEN INVESTIGATED BY THIS SURVEY.

-THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL. THIS SURVEY REPRESENTS THE LEASE AREA PREMISES, UTILITY EASEMENT AND 25' WIDE ACCESS & UTILITY EASEMENT.

-THE LEASE AREA PREMISES, UTILITY EASEMENT AND 25' WIDE ACCESS & UTILITY EASEMENT LIE ENTIRELY WITHIN THE PARENT PARCEL.

-THERE ARE NO PHYSICAL ENCROACHMENTS AFFECTING THE LEASE AREA PREMISES, UTILITY EASEMENT AND 25' WIDE ACCESS & UTILITY EASEMENT.

-THE ACCESS & UTILITY EASEMENT RUNS TO HERITAGE ROAD RIGHT OF WAY (A PUBLIC RIGHT OF WAY).

-LEGEND-

- o = 1" X 18" IRON PIPE SET
- □ = 6" NAIL SET
- ● = 1" IRON PIPE FOUND
- ( ) = RECORDED INFORMATION
- = COUNTY MONUMENT FOUND
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- = STORM INLET (SQUARE)
- = GAS METER
- = FIBER OPTIC PEDESTAL
- (F) = FIBER OPTIC POST
- = TELEPHONE PEDESTAL
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- F — F — = BURIED FIBER OPTIC LINE
- = PROPERTY LINE
- = EXISTING TREE

BEARINGS REFERENCED TO THE BROWN COUNTY COORDINATE SYSTEM AND THE NORTH LINE OF LOT 1, C.S.M. 5486, V. 36, PG. 86; WHICH BEARS: S89°-32'-01"E

LINE TABLE		
Line #	Direction	Length
L1	S00°00'00"E	25.00'
L2	S90°00'00"W	41.26'
L3	S00°00'00"E	69.97'
L4	S69°10'45"E	163.83'
L5	S00°32'32"W	181.73'
L6	N89°32'01"W	25.00'
L7	N00°32'32"E	164.34'
L8	N69°10'45"W	163.65'
L9	N00°00'00"W	112.21'
L10	N90°00'00"E	66.26'
L11	S90°00'00"W	6.26'
L12	S00°00'00"E	49.50'
L13	S11°04'50"W	288.91'
L14	N89°32'01"W	15.26'
L15	N11°04'50"E	354.51'
L16	N90°00'00"E	8.91'
L17	S00°00'00"E	15.00'

WISCONSIN
STEVEN C. DEJONG S-2791 FREEDOM WIS.
LAND SURVEYOR

BENCHMARK INFORMATION
SITE BENCHMARK: (BM A)
NW CORNER OF CONCRETE LANDING PAD
ELEVATION: 639.31'

GRAPHIC SCALE
1 inch = 20 ft.
0 10 20 40

SURVEYOR'S CERTIFICATE
I, Steven C. DeJong, Professional Land Surveyor of Meridian Surveying, LLC., certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 4th day of August, 2022.

WISCONSIN PROFESSIONAL LAND SURVEYOR
Steven C. DeJong, S-2791

SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Water Street
Prairie du Sac, WI 53578
608.644.1449 voice
608.644.1549 fax
www.edgeconsult.com

SURVEYED FOR:

verticalbridge
750 PARK OF COMMERCE DRIVE
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MERIDIAN SURVEYING, LLC
N9637 Friendship Drive Office: 920-993-0881
Kaukauna, WI 54130 Fax: 920-273-6037

SITE NAME:
BROADWAY HERITAGE

SITE NUMBER:
US-WI-5454

SITE ADDRESS:
747 HERITAGE ROAD
DE PERE, WI 54115

PROPERTY OWNER:
TIMOTHY HALBROOK
3681 MONROE ROAD
DE PERE, WI 54115

PARCEL NO.:
ED-F0103-2

DEED REFERENCE:
DOC. NO. 2784226 & DOC. NO. 1760399

SURVEY PLAT
FOR
VB BTS, LLC.

BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 34, T.23N., R.20E., CITY OF DE PERE, BROWN COUNTY, WISCONSIN

NO.	DATE	DESCRIPTION	BY
3	8-4-22	Revised Lease and Easements	JD
2	2-15-22	Added Lease and Easements	JD
1	2-10-22	Preliminary Survey	JD

DRAWN BY: J.D.	FIELD WORK DATE: 2-9-22
CHECKED BY: C.A.K.	FIELD BOOK: M-64, PG. 67
JOB NO.: 13415	SHEET 2 OF 3

LEASE AREA PREMISES

Being a part of Lot One (1) of Certified Survey Map No. 5486 as recorded in Volume 36 on Page 86 as Document No. 1566707, located in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Thirty-Four (34), Township Twenty-Three (23) North, Range Twenty (20) East, City of De Pere, Brown County, Wisconsin containing 3,600 square feet (0.083 acres) of land and being described by:

Commencing at the North Quarter Corner of said Section 34; thence S00°-55'-23"W 391.29 feet along the east line of the NW1/4 of said Section 34; thence N89°-32'-01"W 1043.92 feet to the northeast corner of said Lot 1 of Certified Survey Map No. 5486; thence continuing N89°-32'-01"W 118.89 feet along the north line of said Lot 1; thence S00°-27'-59"W 6.00 feet to the point of beginning; thence S00°-00'-00"E 60.00 feet; thence S90°-00'-00"W 60.00 feet; thence N00°-00'-00"W 60.00 feet; thence N90°-00'-00"E 60.00 feet to the point of beginning. Being subject to any and all easements and restrictions of record.

25 FOOT WIDE ACCESS AND UTILITY EASEMENT

Being a part of Lot One (1) of Certified Survey Map No. 5486 as recorded in Volume 36 on Page 86 as Document No. 1566707, located in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Thirty-Four (34), Township Twenty-Three (23) North, Range Twenty (20) East, City of De Pere, Brown County, Wisconsin containing 12,040 square feet (0.276 acres) of land and being described by:

Commencing at the North Quarter Corner of said Section 34; thence S00°-55'-23"W 391.29 feet along the east line of the NW1/4 of said Section 34; thence N89°-32'-01"W 1043.92 feet to the northeast corner of said Lot 1 of Certified Survey Map No. 5486; thence continuing N89°-32'-01"W 118.89 feet along the north line of said Lot 1; thence S00°-27'-59"W 6.00 feet; thence S00°-00'-00"E 60.00 feet to the point of beginning; thence continuing S00°-00'-00"E 25.00 feet; thence S90°-00'-00"W 41.26 feet; thence S00°-00'-00"E 69.97 feet; thence S69°-10'-45"E 163.83 feet; thence S00°-32'-32"W 181.73 feet to a point on the north line of Heritage Road; thence N89°-32'-01"W 25.00 feet along said north line of Heritage Road; thence N00°-32'-32"E 164.34 feet; thence N69°-10'-45"W 163.65 feet; thence N00°-00'-00"W 112.21 feet; thence N90°-00'-00"E 66.26 feet to the point of beginning. Being subject to any and all easements and restrictions of record.

UTILITY EASEMENT

Being a part of Lot One (1) of Certified Survey Map No. 5486 as recorded in Volume 36 on Page 86 as Document No. 1566707, located in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Thirty-Four (34), Township Twenty-Three (23) North, Range Twenty (20) East, City of De Pere, Brown County, Wisconsin containing 5,005 square feet (0.115 acres) of land and being described by:

Commencing at the North Quarter Corner of said Section 34; thence S00°-55'-23"W 391.29 feet along the east line of the NW1/4 of said Section 34; thence N89°-32'-01"W 1043.92 feet to the northeast corner of said Lot 1 of Certified Survey Map No. 5486; thence continuing N89°-32'-01"W 118.89 feet along the north line of said Lot 1; thence S00°-27'-59"W 5.00 feet; thence S00°-00'-00"E 60.00 feet; thence S90°-00'-00"W 60.00 feet to the point of beginning; thence continuing S90°-00'-00"W 6.26 feet; thence S00°-00'-00"E 49.50 feet; thence S11°-04'-50"W 288.91 feet to a point on the north line of Heritage Road; thence N89°-32'-01"W 15.26 feet along said north line of Heritage Road; thence N11°-04'-50"E 354.51 feet; thence N90°-00'-00"E 8.91 feet; thence S00°-00'-00"E 15.00 feet to the point of beginning. Being subject to any and all easements and restrictions of record.

PARENT PARCEL

Lot One (1), Volume 36 Certified Survey Maps, Page 86, Map No. 5486, recorded as Document No. 1566707; said map being part of the NE1/4 of the NW1/4, Section 34, Township 23 North, Range 20 East, in the City of De Pere, East side of Fox River, Brown County, Wisconsin.

Parcel ID#: ED-F0103-2

This being the same property conveyed to Timothy J. Halbrook from Karen L. Classon, as Special Trustee as Trustee of Stephen J. Classon Family Trust as established under the Last Will and Testament of Stephen J. Classon dated 12/10/1996 in a Trustee's Deed dated April 28, 2017 and recorded May 1, 2017 as Instrument No. 2784226 in Brown County, Wisconsin.

This further being the same property conveyed to Stephen J. Classon and Timothy J. Halbrook, as tenants in common, from the City of De Pere, WI, in a Warranty Deed dated May 24, 2000 and recorded June 28, 2000 as Instrument No. 1760399 in Brown County, Wisconsin.

TITLE REPORT REVIEW

Title Report: Fidelity National Title Insurance Company and Auro Solutions, LLC dba Tower Title and Closing

Commitment No. VTB-124100-C

Effective Date: January 5, 2022

Fee Simple Title Vested In: Timothy J. Halbrook

NOTE: The Statement of Applicability refers to the Lease Site and any Easements pertinent Thereunto Where Specific Encumbrances affect the Lease Site and/or a Pertinent Easement, they are identified as such.

Schedule B-II

(1-9) These are general statements and not specific encumbrances.

(10) Right-of-Way Grant between Phillip Morris Industrial Incorporated; and Wisconsin Bell, Inc. dated November 15, 1984 and recorded December 11, 1984 in (book) 8621 (page) 33 (instrument) 1039245, in Brown County, Wisconsin. **Applies to the parent parcel and is plotted and shown. Affects the Parent Parcel, 25 Foot Wide Access and Utility Easement and Utility Easement but not the Lease Area Premises.**

(11) Any and all matters disclosed on the map entitled "Certified Survey Map" dated August 20, 1997 and recorded August 22, 1997 in (book) 36 (page) 86, (instrument) 1566707 in Brown County, Wisconsin. **Applies to the parent parcel and is plotted and shown. Affects the Parent Parcel, 25 Foot Wide Access and Utility Easement and Utility Easement but not the Lease Area Premises.**



SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Water Street
Prairie du Sac, WI 53578
608.644.1449 voice
608.644.1549 fax
www.edgeconsult.com

SURVEYED FOR:

verticalbridge
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

MERIDIAN
SURVEYING, LLC
N9637 Friendship Drive Office: 920-993-0881
Kaukauna, WI 54130 Fax: 920-273-6037

SITE NAME:
BROADWAY HERITAGE

SITE NUMBER:
US-WI-5454

SITE ADDRESS:
747 HERITAGE ROAD
DE PERE, WI 54115

PROPERTY OWNER:
TIMOTHY HALBROOK
3681 MONROE ROAD
DE PERE, WI 54115

PARCEL NO.:
ED-F0103-2

DEED REFERENCE:
DOC. NO. 2784226 & DOC. NO. 1760399

SURVEY PLAT
FOR
VB BTS, LLC.
BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 34, T.23N., R.20E., CITY OF DE PERE, BROWN COUNTY, WISCONSIN

NO.	DATE	DESCRIPTION	BY
3	8-4-22	Revised Lease and Easements	JD
2	2-15-22	Added Lease and Easements	JD
1	2-10-22	Preliminary Survey	JD

DRAWN BY: J.D.	FIELD WORK DATE: 2-9-22
CHECKED BY: C.A.K.	FIELD BOOK: M-64, PG. 67
JOB NO.: 13415	SHEET 3 OF 3

NORTH

PROPOSED MONOPOLE TOWER
DESIGNED BY OTHERS:
SEE T-201 FOR DETAILS

PROPERTY LINE

26'-0"

11'-0"

PROPOSED 50'-0" x 50'-0"
FENCED COMPOUND

PROPOSED 60'-0" x 60'-0"
VB BTS LEASE AREA

GRASS

PROPOSED 12'-0" WIDE
ASPHALT ACCESS DRIVE

EXTENTS OF PROPOSED 25' WIDE VB BTS
ACCESS AND UTILITY EASEMENT

PROPERTY LINE

PROPOSED UNDERGROUND
UTILITY CONDUIT ROUTING

EXTENTS OF PROPOSED 15' WIDE
VB BTS UTILITY EASEMENT

PARKING
LOT

EXISTING
BUILDING

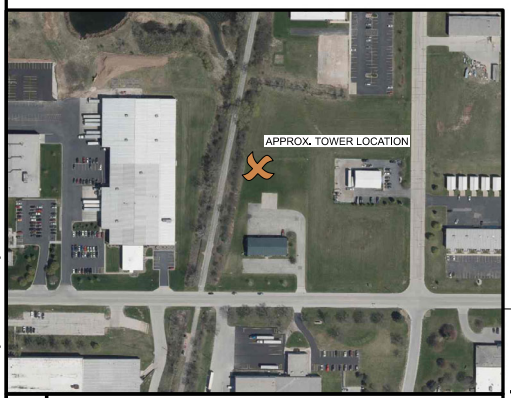
RIGHT OF WAY

ASPHALT TRAIL

RIGHT OF WAY

HERITAGE ROAD

RIGHT OF WAY



A AERIAL OVERVIEW OF SITE

30' 0 30' 60'

SCALE: 11" x 17" - 1" = 60'
22" x 34" - 1" = 30'

CONSULTANT:
Edge
Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
608.644.1549 FAX
www.edgeconsult.com

CLIENT:
verticalbridge
VB BTS, LLC
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

SITE PLAN
US-WI-5454 BROADWAY HERITAGE
DE PERE, WISCONSIN

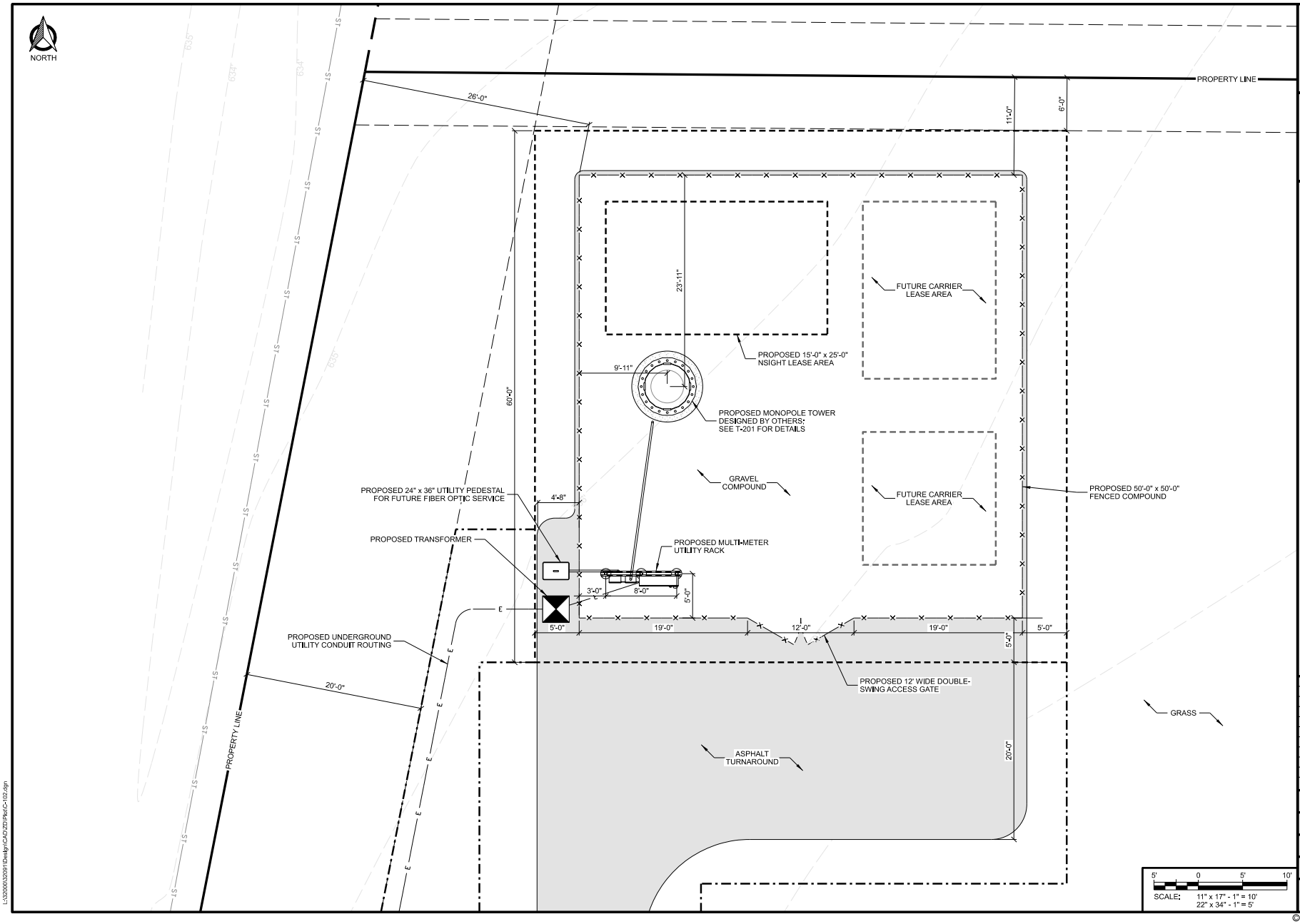
SHEET TITLE:

SUBMITTAL:

INT.	DATE:	DESCRIPTION:
JCB	03/04/22	REV. A
ADP	08/02/22	REV. B

CHECKED BY	KCB
PLOT DATE	8/2/2022
PROJECT NUMBER	32091
SET TYPE	PRELIM. DWGS.
SHEET NUMBER	C-101

© EDGE CONSULTING ENGINEERS, INC



CONSULTANT:
Edge Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
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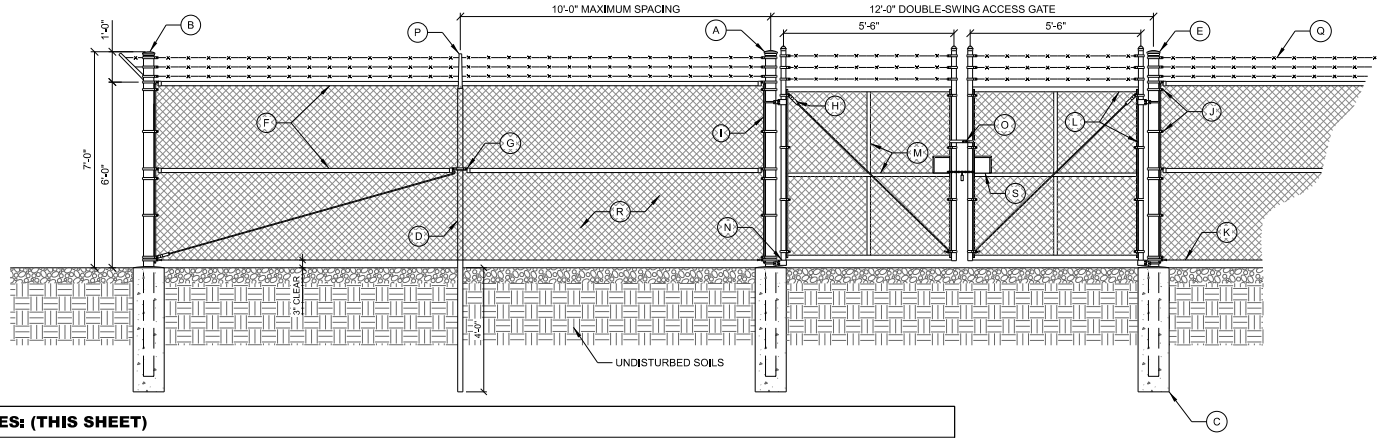
ENLARGED SITE PLAN
US-WI-5454 BROADWAY HERITAGE
DE PERE, WISCONSIN

SHEET TITLE:

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JCB	03/04/22	REV. A
ADP	08/02/22	REV. B

CHECKED BY	KCB
PLOT DATE	8/2/2022
PROJECT NUMBER	32091
SET TYPE	PRELIM. DWGS.
SHEET NUMBER	C-102

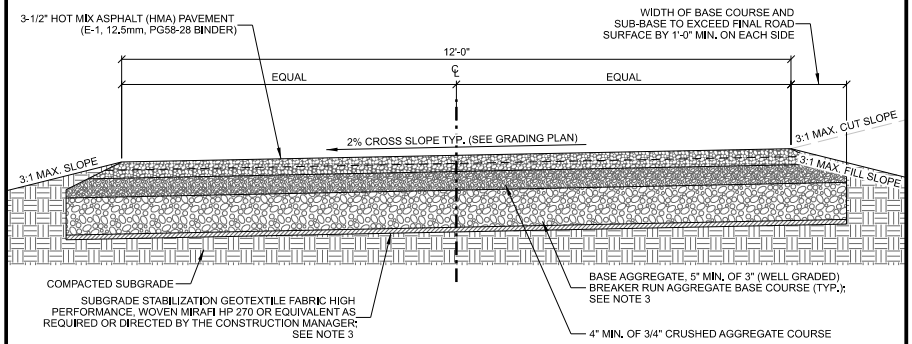
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REFERENCE NOTES: (THIS SHEET)

- (A) 4" (4-1/2" O.D.) SCH. 40 GALV. STEEL GATE POST
- (B) 4" (4-1/2" O.D.) SCH 40 GALV. STEEL CORNER POST
- (C) CONCRETE PIER FOUNDATION: SEE DETAIL BELOW
- (D) 2" (2-3/8" O.D.) SCH. 40 GALV. STEEL INTERMEDIARY LINE POSTS; LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10'-0" O.C
- (E) FENCE POST CAP (SIZE VARIES)
- (F) 1-1/4" (1.66" O.D.) TOP RAIL & MID BRACE RAIL PIPE
- (G) OFFSET BRACE RAIL ENDS FOR MID BRACE RAIL
- (H) 5/16" O.D. TRUSS ROD WITH TRUSS TIGHTENER ASSEMBLY
- (I) 3/16" x 3/4" STRETCHER BAR; TO EXTEND FULL HEIGHT OF FENCE FABRIC
- (J) 3/4" TENSION BAND (TYP.).
- (K) TENSION WIRE
- (L) 1-1/2" (1.9" O.D.) SCH. 40 GALV. STEEL FENCE GATE FRAME
- (M) 1-1/4" (1.66" O.D.) SCH. 40 GALV. STEEL HORIZONTAL AND VERTICAL GATE BRACES
- (N) MALLEABLE BUTT HINGES (TYP.)
- (O) GATE LATCH: VERIFY REQUIREMENTS WITH FENCE MANUFACTURER
- (P) 45° BARB ARM FENCE POST CAP
- (Q) (3) STRANDS OF 4 PT. GALV. BARB WIRE
- (R) #9 GAUGE GALV. CHAIN LINK FENCE FABRIC WITH TWISTED TOP SELVAGE AND KNUCKELD BOTTOM SELVAGE
- (S) 6" x 6" HANDHOLE FOR CHAIN LOCK

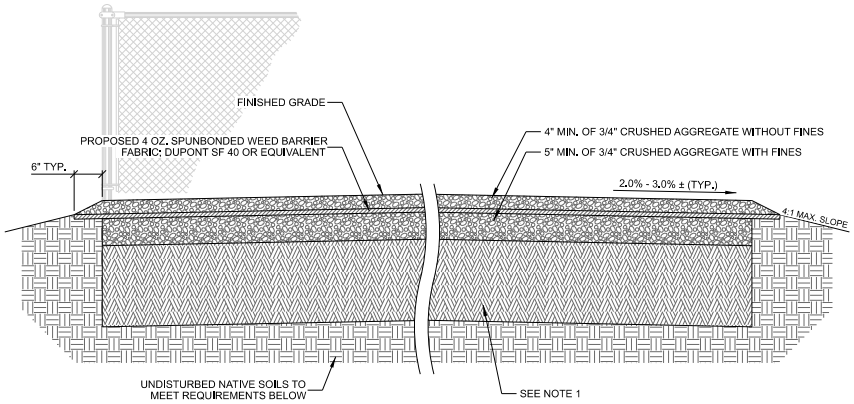
A COMPOUND FENCE



GENERAL NOTES:

1. REMOVE ALL TOPSOIL, ORGANIC MATERIAL AND WET OR POOR SOILS ALONG ACCESS DRIVE. CONTRACTOR TO REVIEW SITE CONDITIONS AND CONSULT GEOTECHNICAL REPORT FOR ANTICIPATED DEPTH OF SOILS THAT WILL REQUIRE REMOVAL. IF POOR SOILS ARE ENCOUNTERED AT A DEPTH OF MORE THAN 12", CONTACT CONSTRUCTION MANAGER FOR GUIDANCE.
2. SUBGRADE TO BE COMPACTED TO 95% MODIFIED PROCTOR AND VERIFIED BY PROOF-ROLL WITH LOADED TRI-AXLE DUMP TRUCK. CONTACT CONSTRUCTION MANAGER FOR GUIDANCE FOR FAILING SUBGRADE SOILS.
3. FAILING AREAS OF SUBGRADE SHALL BE UNDERCUT TO A MINIMUM DEPTH OF 18" BELOW FINISH AGGREGATE AND STABILIZED WITH 3" (WELL GRADED) BREAKER RUN AGGREGATE OVER SUBGRADE STABILIZATION GEOTEXTILE FABRIC.
4. CONSULT GRADING PLAN OR SITE PLAN FOR FINAL SITE GRADES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ASPHALT ACCESS DRIVE REPAIR AND RESTORATION FOLLOWING CONSTRUCTION COMPLETION. ANY DISTURBED OR DAMAGED AREAS SHALL BE RESTORED TO THEIR ORIGINAL OR BETTER CONDITION UPON COMPLETION OF WORK.

B ASPHALT DRIVE CROSS SECTION



NOTES:

1. REMOVE ALL TOPSOIL, ORGANIC MATERIAL AND WET OR POOR SOILS WITHIN COMPOUND AREA. CONTRACTOR TO REVIEW SITE CONDITIONS AND CONSULT GEOTECHNICAL REPORT FOR ANTICIPATED DEPTH OF SOILS THAT WILL REQUIRE REMOVAL. IF POOR SOILS ARE ENCOUNTERED SELECT FILL MAY BE REQUIRED. CONTACT CONSTRUCTION MANAGER FOR GUIDANCE.
2. FINAL TOWER FOUNDATION DESIGN RECOMMENDATIONS TO SUPERCEDE GRADING PLAN OR SITE PLAN ELEVATIONS.

C COMPOUND CROSS SECTION

CONSULTANT:
Edge Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
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www.edgeconsult.com

CLIENT:
verticalbridge
VB BTS, LLC
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

CONSTRUCTION DETAILS
US-WI-5454 BROADWAY HERITAGE
DE PERE, WISCONSIN

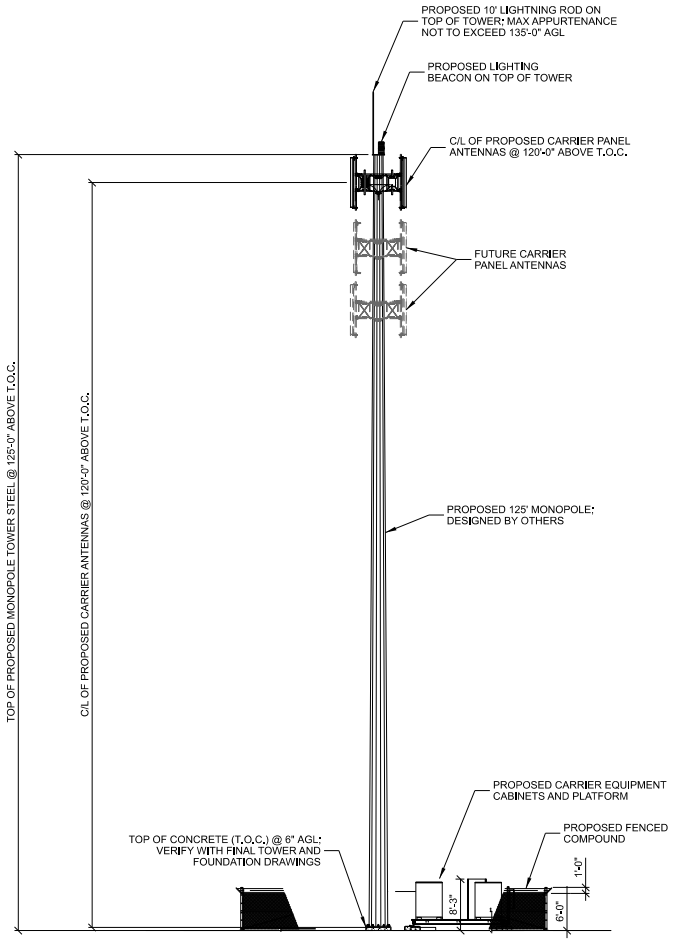
SHEET TITLE:

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JCB	03/04/22	REV. A
ADP	08/02/22	REV. B

CHECKED BY	KCB
PLOT DATE	8/2/2022
PROJECT NUMBER	32091
SET TYPE	PRELIM. DWGS.
SHEET NUMBER	C-501

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NOTES:
1. ANCHOR BOLTS AND NUTS TO BE MARKED WITH INDELIBLE INK, 1/8" LINE.

A **SITE ELEVATION**
SCALE: 11" x 17" - 1" = 20'-0"
22" x 34" - 1" = 10'-0"

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CLIENT:
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VB BTS, LLC
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SUITE 200
BOCA RATON, FL 33487

SHEET TITLE:
SITE ELEVATION
US-WI-5454 BROADWAY HERITAGE
DE PERE, WISCONSIN

SUBMITTAL:

INT.	DATE:	DESCRIPTION:
JCB	03/04/22	REV. A
ADP	08/02/22	REV. B

CHECKED BY	KCB
PLOT DATE	8/2/2022
PROJECT NUMBER	32091
SET TYPE	PRELIM. DWGS.
SHEET NUMBER	**T-201**

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City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**Plan Commission**
FROM:	**Peter Schleinz**
SUBJECT:	**C. Resolution #22-85 Authorizing and Approving a Conditional Use Permit for Wireless Telecommunication Mobile Service Facility (Parcel ED-F0103-2; 747 Heritage Road).**

ATTACHMENTS:

- Reso22-85 (PDF)

RESOLUTION #22-85

AUTHORIZING AND APPROVING A CONDITIONAL USE PERMIT FOR WIRELESS TELECOMMUNICATION MOBILE SERVICE FACILITY
(Parcel ED-F0103-2; 747 Heritage Road)

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

WHEREAS, the City Clerk has published a Notice of Public Hearing regarding the proposed conditional use and, pursuant thereto, a Public Hearing has been held at the City Hall Council Chambers on the 18th day of October, 2022 at 7:35 p.m., whereupon the Common Council heard all interested parties, their agents and attorneys;

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

1. The Common Council hereby finds and determines that an application for a Conditional Use Permit has been made by a party in interest meeting the requirements of §14-30, De Pere Municipal Code;
2. The standards relating to the conditional use as set forth in §14-30(5), De Pere Municipal Code, have been or will be complied with;
3. The Common Council does therefore, pursuant to §14-30(6), De Pere Municipal Code, authorize and grant a conditional use permit as provided at §14-37-1(c), De Pere Municipal Code, for purposes of permitting the siting and construction of a new mobile service support structure and facilities within the De Pere Industrial Park located at 747 Heritage Road, Parcel ED-F0103-2, within the I-1 Industrial Park District;
4. This authorization is further subject to compliance with any other terms and conditions of the Plan Commission, including site plan approval prior to construction, as well as review of any changes to the submitted and approved materials; and
5. Compliance with all requirements of Chapter 14, De Pere Municipal Code.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of October, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____
Nays: _____
Board/Committee Approval: 9/26/2022

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC**

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Attorney**
FROM:	**Angela Zills**
SUBJECT:	**Proclamation for National Disability Employment Awareness Month.**

ATTACHMENTS:

- National Disability Employment Awareness Month Proclamation (PDF)

PROCLAMATION

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS, *the City Of De Pere recognizes the declaration of National Disability Awareness Month by the United States Congress in 1988 to raise awareness of the employment needs and contributions of individuals with all types of disabilities; and*

WHEREAS*, workplaces within the City that welcome the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and*

WHEREAS*, events during this month will reinforce the value and talent people with disabilities add to workplaces such as FyterTech Nonwovens, and recognize exemplary businesses that recruit and hire individuals with disabilities, as well as encourage other businesses to provide opportunity for this skilled, dedicated and capable workforce; and*

WHEREAS, these activities and recognition will affirm the City's commitment to an inclusive community that increases access and opportunities to all, including individuals with disabilities.

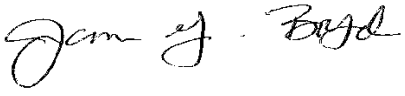
NOW, THEREFORE, *I, James Boyd, Mayor of the City of De Pere, Wisconsin, on behalf of the De Pere Common Council and all De Pere citizens, do hereby proclaim the month of October 2022 as*

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

and call upon employers, schools and other community organizations to observe this October in support of the 2022 theme: "Disability: Part of the Equity Equation," and continue to take steps to recruit, hire, retain and advance individuals with disabilities and work wholeheartedly throughout the year to pursue the goals of opportunity, full participation, economic self-sufficiency and independent living for people with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of De Pere, Wisconsin, this 10th day of October, 2022.

CITY OF DE PERE, WISCONSIN



James G. Boyd, Mayor

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Attorney**
FROM:	**Angela Zills**
SUBJECT:	**Recommendation of Finance/Personnel Committee to Approve Request for Mayor Boyd to Travel to Amal, Sweden to Participate in Sister City Delegation (December 2022), with Funding from Unassigned Reserves in an amount up to $2,263.00.**

The Finance/Personnel Committee voted unanimously to recommend approval of this request at its meeting on Tuesday, October 11, 2022, and moved to forward this item to the Common Council for consideration and final approval.

Mayor Boyd has been invited to travel to De Pere's Sister City, Amal, Sweden, as a part of a delegation on December 7-14, 2022. Attached is the invitation, as well as an estimated budget for travel expenses. Amal will be covering the cost of most of the meals and will likely be providing for the hotel accommodations as well. It is proposed that the funding for the City's portion be allocated from unassigned reserves.

ATTACHMENTS:

- De Pere invitation for Amal 2022 (PDF)
- Amal budget Mayor De Pere December 2022 (PDF)

2022-10-04

Åmåls Kommun

Invitation for a De Pere delegation

The Municipality of Åmål is pleased to invite a delegation from De Pere to Åmål in December 2022. Our history of cooperation has shown that in person delegations have spurred new ideas and opportunities for exchange.

Our cooperation has been ongoing since 2007 and continuously grows based on how society changes. The youth programmes, for example, developed during the pandemic, where we jointly found new ways to interact. The high school youth exchange was initiated from a Swedish teacher who had visited De Pere High School and thanks to this cooperation, Åmål has fully sponsored six students to come to De Pere for one school year.

Mayor Boyd and Mayor Karlsson renewed our cooperation and agreement in 2021 when Mayor Boyd took office. He has extended the opportunity for the communities to work together. At the time of change in leaderships in Åmål, we see this as an opportunity for Mayor Boyd to meet both the current and future Åmål leadership as we look to the future and our continued connections.

The most recent Åmål delegation to De Pere. in August 2022, focused on refugee integration. The delegation consisted of program staff from a project of the municipality of Åmål and the European Union, which has been working toward the successful integration of individuals (primarily refugees) who had moved to Sweden from other countries within the last decade. The delegation visited agencies and companies in Wisconsin that were, likewise, supporting refugee integration in the region. The Wisconsin visits were hosted by Dr. Robert Pyne from St. Norbert College, who has been to Åmål twice before and has hosted previous educational delegations to De Pere. As part of the December delegation to Åmål, Dr. Pyne and any other individuals working with refugee integration in Wisconsin could take part in the closing of the Åmål/EU project on December 9, they could also continue to exchange ideas about successful practices with the program staff who will continue to do this work within the municipality

Our shared Åmål/De Pere goal of sharing ideas in the area of Youth and Education and Cultural Exchange have been productive and fruitful. During the proposed delegation, we also want to emphasize the pen pal project in which so many students have received pen pals in De Pere/Åmål. The anticipation the children feel when they receive a letter is something kids these days do not experience often. We want to emphasize this excitement. It is also a great way for children to get a greater understanding for different cultures and

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languages. We want to invite Sue Lutz who has been involved in the pen pal project since our cooperation began. We want to show her our appreciation for her endless contributions and efforts. In this day and age, it is so important to teach our students to communicate globally and expose them to different perspectives and cultures. They need to learn that we are all different, but we are all much the same. Further, it will make the project more real in a way for the students and teachers here in Åmål to meet someone from De Pere who is involved and who can share how it affects her students. She hopes to actually provide a zoom exchange with her classes in De Pere if able to visit Åmå. We also hope the Mrs. Lutz will learn more about the Swedish education system and return home with some new ways of looking at education. There are some important Swedish cultural traditions at this time which she would be able to participate in and return and share them with her classroom and her teaching team.

Finally, the high schools have expanded their cooperation with Randy Soquet and Henrik Olsson and their International Sister Cities Club. Both of these teachers were awarded a prize from Sisters Cities International for their new way of thinking when it comes to cooperating. We would love for Mr. Soquet to attend this delegation to get a first hand look and our high school, to get more time with Mr. Olsson to discuss how to continue on with the cooperation. We would also extend a visit to the local middle school to expand connections in this school. We have also discussed what we can learn from each other when it comes to the student's mental health and what we can do to improve it as this has been an important factor in both countries' schools post pandemic. Mr. Soquet can inform us on how the high schools in De Pere work in this field as well as report back on how Åmål works with the student's health. Mr. Soquet will be able to further discuss the AFS student exchange which has resulted in Åmål giving a full scholarship to six different Swedish students to attend DPHS. Only one De Pere student has attended Åmål and we hope that Mr. Soquet can help to expand interest in this cultural educational opportunity.

We look forward to the De Pere Delegation in December 2022 to further strengthen and expand our cooperation and to continue to educate our students and community about other cultures and the world.

Kind regards,

Jan-Erik Samuelsson
Municipal Director

ÅMÅLS KOMMUN

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Estimated Budget for Sister City delegation to Amal, Sweden
December 7 - 14, 2022

	PER PERSON		
Airfare	round trip, Green Bay to Gothenburg, Sweden	1,057.00	economy class
	baggage	100.00	
Hotel	Amals Stadshotell, Amal, Sweden 7 nights @ $98/night	686.00	
Train	transportation from Gothenburg to Amal	70.00	round trip
meals	many meals will be covered, but there will be meals on travel days and unscheduled lunches, etc	200.00	
Incidentals	transportation, incidentals	150.00	
	Total Expense estimate - 7 days	$ 2,263.00	

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**Human Resources**
FROM:	**Shannon Metzler**
SUBJECT:	**Recommendation from Finance/Personnel Committee to Approve 2023 Benefit Renewal and Plan Design Changes**

ATTACHMENTS:

- Memo - City of De Pere (002) (PDF)

CITY OF DE PERE
MEMO

To: Members of the Finance/Personnel Committee
From: Shannon Metzler, Human Resources Director
Date: October 11, 2022

RE: **Recommendation and Possible Action to Approve 2023 Benefit Renewal and Plan Design Changes**

Note: At the October 11, 2022 Finance/Personnel Committee the below recommendation was approved unanimously.

We continue to monitor the benefit plans provided to the employees to maintain high value, financially stable design, and costs. After years of diligent work finding cost-saving measures within the health plan, we found ourselves with a significant surplus in the health plan fund. Over the past few years, we have implemented some measures to assist us in reducing our health plan surplus to the recommended level. These measures included premium holidays where the City as well as employees did not pay any insurance premiums, a 15% premium reduction in 2022, enriching our benefits by adding copays for certain services, no member cost for near site services, and Real Appeal weight loss program. As in previous years, below showcases the current status of the health plan as well as our recommendations for the 2023 plan year.

HEALTH PLAN PERFORMANCE

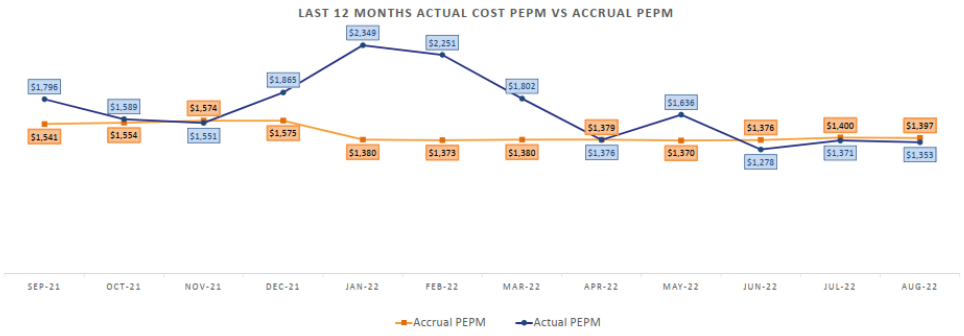
Current Plan Year: January, 2022 – December, 2022 | **Claims Paid Through:** August, 2022

Plan Year to Date Funding Ratio	
121.4%	
Prior Month YTD	125.0%
Prior Year YTD	136.6%

Plan Year to Date Funding Difference	
-$295,746	
Prior Month YTD	-$301,294
Prior Year YTD	-$340,091

Cost Per Employee Per Year	
$20,129	
M3 Benchmark	$14,349
Prior Year YTD	$15,383

Total Plan Cost	
$1,679,127	
PEPM	$1,677.45



Net Medical Claims	
$864,324	
PEPM	$863.46

Prescription Drug Costs	
$369,913	
PEPM	$369.54

Fixed Costs	
$444,890	
PEPM	$444.45

Health Fund Reserve Balance *(through 2021)*	$ 2,070,824
2022 Year to Date Deficit	$295,746
Current Estimated Reserve Balance *(through August, 2022)*	$ 1,775,078
2023 Recommended Funding Levels	$2,892,314
Recommended minimum Health Fund Reserve Balance *(4 months of health spend)*	$964,105
Conservative minimum Health Fund Reserve Balance *(6 months of health spend)*	$ 1,446,157
Difference between Estimated Reserve Balance and Recommended Reserve Balance	$ 810,973

Difference between Estimated Reserve Balance and Conservative Reserve Balance	$ 328,921

Medical Plan Recommendations

Teladoc Behavioral Health

To help better support our employees mental well-being we are recommending the addition of Behavioral Health services through our Telehealth vendor, Teladoc. This is in addition to the current mental health services provided under the plan. As we are aware, there are limited of mental health providers in the area, most with long waiting lists. Teledoc offers their own virtual mental health providers so it would be another resource for plan members. Adding this service will increase access to therapist and psychologists for plan members who need mental health services. These services would be provided at no cost to the member.

2023 Renewal Rates

We are recommending a 5% increase for the 2023 plan year. This increase is based on increased medical claims costs for the City.

	CURRENT	RENEWAL
Single:	$574.29	$603.00
EE+1:	$1,068.88	$1,122.32
Family:	$1,753.12	$1,840.78

Based on the above changes, we project a 2023 year-end balance of $1,121,806 which is in line with our goal.

DENTAL PLAN RECOMMENDATIONS

There are no changes to the plan, but we are recommending offering annual open enrollment for dental. Currently we offer open enrollment for dental once every 5 years. We recommend offering annual open enrollment for dental insurance which would be the same as we offer for medical insurance and vision insurance.

2023 Renewal Rates

Based on the plan performance, we are recommending a 0% increase to our Delta Dental self-funded plan. The Dental Associates rates, which is a fully-insured plan, will also have a 0% increase or 2023.

DELTA DENTAL		DENTAL ASSOCIATES	
CURRENT	RENEWAL	CURRENT	RENEWAL
Single - $43.60	Single - $43.60	Single - $36.34	Single - $36.34
Family - $132.53	Family - $132.53	Family - $103.70	Family - $103.70

VISION PLAN RECOMMENDATIONS

No Changes to the plan.

2023 Renewal Rates

The United Healthcare fully-insured voluntary vision plan rates will have a 0% increase for 2023.

UNITED HEALTHCARE

CURRENT	RENEWAL
Single: $6.31	Single: $6.31
Employee/Spouse: $11.97	Employee/Spouse: $11.97
Employee/Child(ren): $14.04	Employee/Child(ren): $14.04
Family: $19.75	Family: $19.75

OTHER BENEFITS

Employee Assistance Program

We are recommending expanding our Employee Assistance Program to cover the Elected Officials. The annual cost would be $465.

Health Assessments

As discussed earlier this year, we are recommending using Springbuk, a leading-edge health intelligence platform. Springbuk will allow the City to review aggregate data in an effort to gain insights on the medical plan and provide more personalized programs to enhance our culture of wellness. Springbuk will allow our Onsite Nurse Coach to identify gaps in care and do more outreach to help guide employees, spouses, and dependents to healthier lifestyles. Since the City will be using Springbuk to obtain aggregate data and plan members are able to get most of the data that they were receiving through health assessments with the bloodwork that their primary care provider orders at their annual physical, we are no longer offering Health Assessments.

To receive full Health Reimbursement Arrangement account credit for 2023, employees and spouses enrolled in the medical plan will still need to complete the preventative exams (annual physical and age-appropriate screenings with their primary care provider, and dental exam and cleaning). This information was communicated to our benefit-eligible employees in April of this year.

The cost of Springbuk is $1,875 annually; however, we will be saving about $11,900 by not offering health assessments.

DISABILITY BENEFIT RECOMMENDATIONS

The City focused considerable time and energy on ensuring that all of the benefits that are offered to our employees are in line with like-minded employers. We evaluated offering the following benefits; however they are not currently included in the 2023 budget due to budget constraints. We are hopeful we can benefit for these services starting in 2024. These benefits are not paid for out the health fund.

Short Term Disability
Short-term disability is a type of insurance that partially covers income for employees who need to take time away from work because they are unable to perform job duties due to an illness or an injury. The policy that we looked at would replace 60% of an employee's usual earnings up to a maximum of $1,500/week when they are unable to work for at least 7 calendar days due to illness or injury. This benefit will continue to replace the lost income of an employee for up to 90 days. The City would pay the cost of the premiums for this benefit, which will be a new budget item for 2024. The annual premium quoted for 2023 was $43,077.

Long Term Disability
We also recommend modifying the language in our current Long Term Disability (LTD) policy to "gross up" the payments made to employees who are receiving the benefits such that this benefit is not taxed. This will allow employees to be reimbursed the full 60% of their lost wages, up to a maximum of $5,000/month. The City would pay the cost of the "gross up" for this benefit. The annual premium quoted for 2023 was $2,808.

Additionally, we are recommending additional long term disability key contributor income protection plans for employees who exceed the current monthly maximum for long term disability coverage. This impacts 14 employees and will increase their LTD coverage to 60% of their earnings, with no monthly maximum. The City would pay cost for this benefit. The annual premium quoted for 2023 was $12,350.

If you have questions in advance of the meeting, please contact me at 339-4045.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**Board of Public Works**
FROM:	**Scott Thoresen**
SUBJECT:	**Recommendation from the Board of Public Works to incorporate Second Driveway Policy into the new zoning code**

The Board of Public Works at the October 11, 2022 meeting recommended incorporating the second driveway policy into the new zoning code and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- CI-Second Driveways (DOCX)
- De Pere Code 14-55 (PDF)
- Second Driveway Information (XLSX)

CITY OF DE PERE
MEMO

To: Honorable Mayor Boyd
Members of the Board of Public Works
From: Eric Rakers, P.E., City Engineer
Date: October 10, 2022

RE: Consideration and possible action on Policy for Second Driveways*

Over the last several years, the Board of Public Works has received requests to construct second driveways. Under our current Municipal Code, second driveways are not permitted. The Board has indicated the desire to create a standard policy under which second driveways may be permitted. This item was discussed at the September Board meeting. The Board expressed concerns at the last meeting including:

- Destruction of lawns and tracking of mud without a hard surface.
- Parking nuisances associated with second drives, particularly with large campers.

Background

Driveways are covered under Section 14-55 Off-Street Parking in the City's Code. A copy has been attached. There are several restrictions placed on driveways in single family residential zones.

The width of driveways is covered under Section (8) (a) 1) *Width restrictions*. The maximum driveway width is 25 feet at the right of way with up to two five foot flares for a maximum total width of 35 feet at the curb.

The location of driveways on the lot is covered under Section (8) (a) 3) *Separation of location*. Restrictions under this section include:

- Driveways measured at the curb line shall not be less than 25 feet from the intersection with the street right-of-way line
- Driveway flares shall not extend beyond the lot line.

The number of curb cuts permitted is covered under Section (8) (a) 4) *Number of curb cuts permitted*. For residential zones, R-1 District, a single family residence is allowed one two-way or two one-way drives for each lot of record.

Discussion

As indicated at the beginning of this memo, the policy for second driveways was discussed at the September Board meeting. The Board expressed concerns related to impacts of second drives if not paved and nuisance parking if the driveway does not go to a garage.

We discussed three properties that have recently requested second drives as shown below.

Location	Comments
1964 Lost Dauphin Road	Corner lot. Current drive is located on Lost Dauphin. Property has a detached garage that will be accessed off Stevens Street
1809 Edgar Street	Property is two lots combined into one. There are two curb openings to the property because of this. The second curb opening is only grass but would be used to access the fenced back yard.
1002 Meadow View Lane	Corner lot. Both driveways would be off Meadow View Lane. The second drive will provide access to a detached garage.

Two of these properties do have detached garages. Staff performed a detailed review of the second driveways in the City. At the last meeting we presented information on the number of second drives installed in the City. That list has been reattached. The vast majority of second driveways are located off of alleys, followed by 18 properties on corner lots, and finally 10 with driveways on the same street. The properties that have second drives on corner lots and on the same street as the primary drive go to garages. Most are paved.

Recommendation

Staff recommends a policy of allowing consideration for a second driveway for single family residential development with the following requirements be included in the upcoming ordinance update:

- The second driveway shall be constructed to the driveway standards for location and width per the City Code.
- All driveways shall be constructed with concrete, asphalt, or permeable pavers on private property.
- Driveway aprons in public right of way shall conform with City standards
- The second driveway extend to a building.

14-55. - Off-street parking.

(1) *Location.* All parking spaces required to serve buildings or uses erected or established after the effective date of this [the] ordinance [from which this appendix is derived] shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within 300 feet, if such spaces are permitted in such zone.

(2) *Size.*

(a) Eighty percent (80%) of the required parking spaces shall be at least eight and one-half feet (8.5') wide, eighteen and one-half feet (18.5') long, and seven feet (7') high, exclusive of access drives or aisles, ramps, or columns.

(b) Parking spaces, in addition to those specified in (2)(a), shall be clearly marked for the use of small cars only and be at least eight feet (8') wide, sixteen feet (16') long, and seven feet (7') high, exclusive of access drives or aisles, ramps, or columns.

(c) Parking spaces for the use of the physically handicapped shall be at least thirteen feet (13') wide and twenty feet (20') long for cars and sixteen feet (16') wide and twenty feet (20') long for vans, exclusive of access drives or aisles, ramps, or columns, and meet all other applicable requirements of the Americans with Disabilities Act (ADA).

(d) Aisles shall be at least:

Twenty-four feet (24') wide for ninety (90) degree parking;

Eighteen feet (18') wide for sixty (60) degree parking; and

Fifteen feet (15') wide for forty-five (45) degree parking.

Angle shall be measured between center line of parking space and center line of aisle.

(e) Parallel parking spaces shall be at least twenty-three feet (23') long and twelve feet (12') wide.

(3) *Access.* All off-street parking facilities shall be designed in accordance with the requirements contained in Section 14-55(8), Driveways, and in a manner that will provide the least interference with traffic movement. All lots developed shall have a minimum of one (1) driveway unless waived by the Plan Commission.

(4) *Collective provision.* Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements. No parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Plan Commission.

(5) *Computation.* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the average number of employees on

duty or residing, or both, on the premises at any one time. It is recognized that multiple uses within close proximity to each other may be served by the same parking spaces. Such joint usage of required parking spaces may be approved by the Plan Commission, subject to the following conditions:

The applicant clearly show:

(a) The different uses have nonconcurrent peak parking demands;

(b) The parking spaces are located within an acceptable walking distance less than 500 feet from the uses generating the parking demand; and

(c) They have a right to utilize the parking spaces either through a deed or long-term lease, and they meet or will meet all requirements of Section 14-55(12).

(6) *Utilization.* Required accessory off-street parking facilities provided for uses listed in Part B of this Article [this Section, Section 14-56, and Section 14-57] shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses, except as may otherwise be provided for the parking of trucks in the granting of conditional uses.

(7) *Design and maintenance.*

(a) *Plan.* Except for uses designated by this ordinance and residential uses, the design of parking lots or areas shall be subject to the approval of the Director in accordance with the standards approved by the Plan Commission.

(b) *Drainage and grade.* All parking areas shall have adequate drainage and shall be provided with bumper guards where required by grade.

(c) *Surfacing.* Parking areas and drives providing access thereto for single family and two-family dwellings and all other off-street parking areas and drives providing access thereto shall be hard surfaced with concrete, asphalt, or brick.

(d) *Screening and landscaping.* All open automobile parking areas containing more than three (3) parking spaces shall be effectively screened on each side adjoining or fronting any property situated in a residence district or any institutional premises by a wall or fence.

(e) *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.

(f) *Signs.* Accessory signs shall be permitted on parking areas in accordance with the provisions specified under the sign ordinance.

(g) *Sales, repair, and service.* No sale, storage, repair work, or servicing of any kind shall be permitted in any parking facility, except by permission of the Common Council.

(h) All parking stalls shall be marked with painted lines not less than four (4) inches wide.

(8) *Driveways.*

(a) Before a driveway or curb cut for a driveway is made, a permit shall be obtained from the Director of Public Works after first obtaining approval of the parking plan and upon

compliance with the provisions of Chapter 22, of the Municipal Code. All driveways shall meet the following requirements:

1) *Width restrictions.*

Zone	Maximum Width at Property Line	Maximum Flare	Maximum Opening
Residential Zones	25'	5'	35'
Residential Zones (Single Driveway Duplex) (Driveway width shall not exceed 50% of lot width)	40'	2.5'	45'
Business (One-way)	15'	10'	35'
Business (Two-way)	25'	10'	45'
Industrial (Curb & Gutter)			
One-way	20'	20'	45'
Two-way	35'	20'	75'
Industrial (No curb & gutter)			
One-way	20'	45'	85'
Two-way	35'	45'	100'
Semi-trailer Delivery Drives (in any zone where permitted)	(See Industrial)		

2) Width restrictions may be exceeded behind the front yard right-of-way line/front lot line and into the front yard setback provided:
   (i) That the use is not a single or two-family residence with a center driveway; and
   (ii) The increased width encroaches only the front yard setback which is adjacent to the nearest interior side-yard setback; and
   (iii) The outer edge of the widened surface as so closer than two feet from the adjoining lot line; and
   (iv) The widened portion is tapered into the original maximum width at the property line over a distance of 36 inches or more; and
   (v) Such width increase is approved by the Building Inspector or his/her designee. Denial of any such request is appealable to the Zoning Board of Appeals within 14 days of the denial.

3) *Separation of location.*
   a) Except in the case of center drive duplexes complying with the provisions of this Section, curb cut openings, including alley curb cuts and driveways on the bulbs of cul-de-sacs shall not be less than 15' apart at the curb line.
   b) Corner lots. Driveways measured at the curb line shall not be less than the following

distance from the intersection with the street right-of-way line:

Use	Street Type	Distance
Residential	All	25'
Business	Local	25'
Business	Arterial or Collector	100'
Industrial	All	100'

Interior lot lines. Driveway flares at the curb line shall not extend beyond the lot line.

4) *Number of curb cuts permitted.*

a) *Residential zones.*

i. R-1 District. In the case of a single family residence, one two-way or two one-way drives for each lot of record, and all other uses permitted in R-1 Districts shall be subject to those provisions that apply to commercial districts.

ii. R-2, R-3, and R-4 Districts. In the case of a single family residence, the rule as applies in R-1 District. In the case of all other uses permitted in R-2, R-3, and R-4 Districts, except as provided in cc., below, the rule applicable to commercial districts shall apply.

iii. Duplexes. One standard residential driveway (25' maximum at property line) per dwelling unit, or one center driveway of a 40-foot maximum width from the garage to the property line per duplex. If a center driveway in excess of 25 feet at the property line is utilized, the following conditions must be met:

aa. A divider island of a width of not less than one (1) foot at the curb line and not less than three (3) feet at the exterior sidewalk line shall be constructed on the driveway apron. Said divider island shall be curbed and raised to an elevation not less than 6 inches at the curb and shall taper at a constant slope from the curb to the sidewalk grade at the exterior sidewalk line.

bb. A landscaped median of not less than 3 feet in width commencing at the interior sidewalk line and running to the garage shall be constructed. For purposes of this paragraph, landscaped means planted in grass, or a combination of decorative stone and plants or grass.

cc. Upon complying with the above two conditions, a driveway so constructed shall be considered and constitute one curb cut for purposes of Section 14-51(8)(b)(1).

iv. Commercial. One two-way or two one-way drives for each 100 feet of total lot frontage.

v. Industrial. One two-way or two one-way drives for each 200 feet of total lot

frontage unless otherwise approved by the Plan Commission in site development plan review.

5) *Waiver requests.* Notwithstanding the provisions of Section 62.23(7), Wis. Stats. [Wis. Stats. § 62.23(7)], appeals of this provision shall be through the Board of Public Works in the manner provided at Chapter 22 of this Code.

(9) *Increased size.* When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least 50% of any exiting deficiency in parking or loading facilities.

(10) *Changed use.* Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be required for such new use.

(11) *Damage or destruction.* For any conforming or legally nonconforming building or use in existence on the effective date of this [the] ordinance [from which this appendix is derived], which subsequently is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities shall be provided as required by this ordinance.

(12) *Control of off-site parking facilities.* In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Plan Commission, and such deed or lease shall be filed with the Register of Deeds for Brown County. The deed or lease shall require such owner or his/her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

(13) *Submission of plot plan.* Any application for a building permit or for an occupancy certificate where no building permit is required shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.

(Ord. No. 03-21, § 1, 9-2-2003; Ord. No. 17-17, § 13, 9-5-2017)

City of De Pere
Second Driveway Location Review
October 6, 2022

#	Street Name	Lot location	Driveway 1 street	Driveway 2 street	Comments/Notes
622	FAIRVIEW AVE	Mid block	Fairview	Fairview	Mid-block location with two driveways off Fairview. Second driveway to access detached garage
803	MORNING GLORY LN	Corner	Morning Glory	Morning Glory	Corner lot. Both driveways off Morning Glory. Second driveway to access detached garage
813	N BROADWAY ST	Mid block	N Broadway	N Broadway	Mid-block location with two driveways off N. Broadway
823	N BROADWAY ST	Mid block	N Broadway	N Broadway	Mid-block location with a one-way driveway and second access to lower garage
903	N BROADWAY ST	Mid block	N Broadway	N Broadway	Mid-block location with a one-way driveway and second access to lower garage
915	N BROADWAY ST	Mid block	N Broadway	N Broadway	Mid-block location with a one-way driveway and second access to lower garage
324	N SIXTH ST	Mid block	N. Sixth	N. Sixth	Mid-block location. Two driveways off N. Sixth St accessing detached garages
1293	OUTWARD AVE	Corner	Azalea Trl	Azalea Trl	Corner lot. Two driveways from Azalea Trl. Second driveway to access detached garage
746	PINE STREET	Corner	N. Eighth St	N. Eighth St	Corner lot. Two driveways from N. Eighth St. One driveway shared with 738 Pine St
723	REID STREET	Corner	Allard St	Allard St	Corner lot. Both driveways off Allard Street. Second driveway to access detached garage
218	ALLARD ST	Corner	Park St	Allard St	Corner lot. Second driveway accessing detached garage
902	AMHART	Corner	Lee Ave	Amhart Dr	Corner Lot. Second driveway behind home
235	AUTUMN	Mid block	Rainbow	Rainbow	Corner lot with three curb cuts. One one-way driveway off Rainbow and one two-way driveway at the corner of Autumn and Rainbow
847	CEDAR ST	Corner	N. Ninth St	Cedar St	Corner lot. Second driveway accessing detached garage
804	ELM ST	Corner	N. Eighth St	Elm St	Corner lot. Second driveway for parking and accessing detached garage
1410	FORT HOWARD AVE	Corner	Fort Howard	Fairview	Corner lot. Three driveways-two off Fort Howard and one off Fairview. Third driveway to access detached garage
1166	GRANT ST	Corner	S. Ninth	Grant	Corner lot. Driveway access from Grant and S. Ninth
802	HELENA	Corner	Estes Dr	Helena St	Corner lot with second curb cut behind home but not paved
701	MAIN AVE	Corner	Main	Seventh	Corner lot. One driveaway on east side from S. Seventh Street with second access from Alley
301	N EIGHTH ST	Corner	N. Eighth St	Pine St	Corner lot. Second driveway accessing detached garage
610	N NINTH ST	Corner	N. Ninth St	Spruce St	Corner lot. Second driveway accessing detached garage
603	N WISCONSIN ST	Corner	N Wisconsin	Fulton St	Corner lot. One driveway off Fulton Street and second driveway off N. Wisconsin accessing behind home
844	PINE STREET	Corner	N. Ninth St	Pine St	Corner lot. Second driveway accessing detached garage
1106	RIDGEWAY BLVD	Corner	N Winnebago	Ridgeway Blvd	Corner lot. One one-way driveway accessing from Ridgeway Blvd and N. Winnebago and second driveway access from N. Winnebago
1517	SUBURBAN DR	Corner	Suburban	Countryside	Corner lot. Second driveway accessing detached garage
2072	W VISTA CIR	Corner	W Vista Cir	Aero Dr	Corner lot. One driveway off W. Vista Cir and another off Aero Dr
133	S WASHINGTON ST	Corner	S Washington	Charles	Mid-block location. One driveway in front off S. Washington and second access from Charles
134	S WASHINGTON ST	Corner	S Washington	Charles	Corner lot. One driveway in front off S. Washington s second access off of Charles, and a third access from Alley
817	CHICAGO ST	Corner	Chicago	Alley	Corner lot. One driveway in front off Chicago and second driveway on west side off Alley

#	Street Name	Lot location	Driveway 1 street	Driveway 2 street	Comments/Notes
508	N BROADWAY ST	Mid block	N. Broadway	Alley	Mid-block location. One driveway from N. Broadway with second access from Alley
620	N BROADWAY ST	Mid block	N. Broadway	N. Wisconsin St	Mid-block location. One driveway from N. Broadway with second access from N. Wisconsin St
806	N BROADWAY ST	Corner	N Broadway	Alley	Corner lot. One driveway off N. Broadway and second access from Alley
121	N ERIE ST	Mid block	N Erie	Alley	Mid-block location. One driveway in front off N. Erie and second access from Alley
124	N ERIE ST	Mid block	N. Erie St	Alley	Mid-block location. One driveway in front off N. Erie and second access from Alley
430	N ERIE ST	Mid block	N. Erie St	Alley	Mid-block location. One driveway in front off N. Erie and second access from Alley
121	N HURON ST	Mid block	N Huron	Alley	Mid-block location. One driveway in front off N. Huron and second access from Alley
127	N HURON ST	Mid block	N Huron	Alley	Mid-block location. One driveway in front off N. Huron and second access from Alley
509	N HURON ST	Mid block	N Huron	Alley	Mid-block location. One driveway in front off N. Huron and second access from Alley
430	N MICHIGAN ST	Mid block	N Michigan	Alley	Mid-block location. One driveway in front off N. Michigan and second access from Alley
436	N MICHIGAN ST	Mid block	N Michigan	Alley	Mid-block location. One driveway in front off N. Michigan and second access from Alley
442	N MICHIGAN ST	Mid block	N Michigan	Alley	Mid-block location. One driveway in front off N. Michigan and second access from Alley
632	N MICHIGAN ST	Mid block	N Michigan	Alley	Mid-block location. One driveway in front off N. Michigan and second access from Alley
109	N ONTARIO ST	Mid block	N Ontario	Alley	Mid-block location. One driveway in front off N. Ontario and second access from Alley
114	N ONTARIO ST	Mid block	N Ontario	Alley	Mid-block location. One driveway in front off N. Ontario and second access from Alley
214	N SUPERIOR ST	Mid block	N. Superior	Alley	Mid-block location. One driveway in front off N. Superior and second access from Alley
437	N SUPERIOR ST	Mid block	N Superior	Alley	Mid-block location. One driveway in front off N. Superior and second access from Alley
602	N SUPERIOR ST	Corner	N. Superior	Alley	Corner lot. One driveway in front off N. Superior and second access from Alley
620	N SUPERIOR ST	Mid block	N. Superior	Alley	Mid-block location. One driveway in front off N. Superior and second access from Alley
626	N SUPERIOR ST	Mid block	N. Superior	Alley	Mid-block location. One driveway in front off N. Superior and second access from Alley
639	N SUPERIOR ST	Corner	N Superior	Alley	Corner lot. One driveway in front off N. Superior and second access off Alley
711	N WISCONSIN ST	Mid block	Alley	N. Wisconsin St	Mid-block location. One driveway in front off N. Wisconsin and second access from Alley
237	NICOLET AVE	Mid block	Nicolet Ave	Alley	Mid-block location. One driveway from Nicolet with second access from Alley
120	S ERIE ST	Mid block	S Erie	Alley	Mid-block location. One driveway in front off S. Erie and second access from Alley
215	S ERIE ST	Mid block	S Erie St	Alley	Mid-block location. One driveway in front off S. Erie and second access from Alley
408	S ERIE ST	Mid block	S Erie	Alley	Mid-block location. One driveway in front off S. Erie and second access from Alley
333	S HURON ST	Mid block	S Huron	Alley	Mid-block location. One driveway in front off S. Huron and second access from Alley
415	S HURON ST	Mid block	S Huron	Alley	Mid-block location. One driveway in front off S. Huron and second access from Alley
427	S HURON ST	Mid block	S Huron	Alley	Mid-block location. One driveway in front off S. Huron and second access from Alley

#	Street Name	Lot location	Driveway 1 street	Driveway 2 street	Comments/Notes
631	S HURON ST	Mid block	S Huron	Alley	Mid-block location. One driveway in front off S. Huron and second access from Alley
332	S MICHIGAN ST	Mid block	S Michigan	Alley	Mid-block location. One driveway in front off S. Michigan and second access from Alley
633	S MICHIGAN ST	Mid block	S Michigan	Alley	Mid-block location. One driveway in front off S. Michigan and second access from Alley
118	S ONTARIO ST	Mid block	S. Ontario	Alley	Mid-block location. One driveway in front off S. Ontario and second access from Alley
126	S ONTARIO ST	Mid block	S. Ontario	Alley	Mid-block location. One driveway in front off S. Ontario and second access from Alley
314	S SUPERIOR ST	Mid block	S Superior	Alley	Mid-block location. One driveway in front off S. Superior and second access from Alley
408	S SUPERIOR ST	Mid block	S Superior	Alley	Mid-block location. One driveway in front off S. Superior and second access from Alley
615	S SUPERIOR ST	Mid block	S Superior	Alley	Mid-block location. One driveway in front off S. Superior and second access from Alley
620	S SUPERIOR ST	Mid block	S Superior	Alley	Mid-block location. One driveway in front off S. Superior and second access from Alley
108	S WASHINGTON ST	Mid block	S Washington	Alley	Mid-block location. One driveway in front off S. Washington and second access from Alley
115	S WASHINGTON ST	Mid block	S Washington	Alley	Mid-block location. One driveway in front off S. Washington and second access from Alley
133	S WINNEBAGO ST	Corner	S Winnebago	Alley	Corner lot. One driveway in front off S. Winnebago and second access off Alley
134	S WINNEBAGO ST	Corner	S Winnebago	Alley	Mid-block location. One driveway in front off S. Winnebago and second access from Alley
1012	THIRD ST	Mid block	Third St	Fourth St	Mid-block location with one driveway in front of house and one in back

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Recommendation from the License Committee on the application for a Class "B" Fermented Malt Beverage License and a "Class B" Intoxicating Liquor License for Nuks Thai, LLC (DBA Nuks Thai Cuisine and Executive Suites), 201 James St. Submitted by Nuks Thai LLC; Agent Manasanoke Chanthasena, Green Bay, WI.**

ATTACHMENTS:

- Nuks Thai Cuisine Liquor License App_ 10.18.22 (PDF)

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: Oct 19, 2022 (mm dd yyyy) ending: June 30, 2023 (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☐ City of } Depere

County of Brown

Aldermanic Dist. No. _____ (if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number	
4678	
FEIN Number	
87422 9146	
TYPE OF LICENSE REQUESTED	**FEE**
☐ Class A beer	$
☒ Class B beer	$
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☒ Class B liquor	$
☐ Reserve Class B liquor	$
☐ Class B (wine only) winery	$
Publication fee	$ 30 –
TOTAL FEE	$

R# 17601

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Nuks Thai LLC

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Chanthasena	Manasanoke		
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Chanthasena	Manasanoke		
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Nuks Thai Cuisine + Executive Suites Business Phone Number (920) 455-0383
2. Address of Premises 201 James St. Depere Post Office & Zip Code 54115
3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
   Stored Behind Bar Cooler
   Hotel & Restaurant
4. Legal description (omit if street address is given above): _____
5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ..... ☒ Yes ☐ No
   (b) If yes, under what name was license issued? Ennis Inn

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** ..... ☒ Yes ☐ No

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

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

9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 3/2022 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ..... ☐ Yes ☒ No

(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
If yes, explain.

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ..... ☒ Yes ☐ No

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

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

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

Contact Person's Name (Last, First, M.I.)	Title/Member	Date
Chanthasena Manasanh Ce	Owner	9-14-22
Signature	Phone Number	Email Address
	(920) 573-7804	nk5540@yahoo.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
9-26-22			
Date license granted	Date license issued	License number issued	

AT-106 (R. 3-19)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Attorney**
FROM:	**Kristen Johnson**
SUBJECT:	**Consideration and Possible Action on Contracting with von Briesen & Roper, s.c. for Interim City Attorney Services.**

ATTACHMENTS:

- Mayor & CC - Request for Outside City Attorney Services (PDF)
- City of De Pere - Engagement Letter 10.13.22 (PDF)

CITY OF DE PERE
MEMO

To: James Boyd, Mayor
Common Council Members
Lawrence Delo, City Administrator
From: Kristen Johnson, City Attorney
Date: October 18, 2022 (meeting Date)

RE: **Request to Hire Outside Legal Counsel for Interim City Attorney Services**

As you know, I have submitted my resignation from the Office of the City Attorney effective November 11, 2022, in order to pursue a new career opportunity. The Human Resources Department has already begun the recruitment process and will fill the position as soon as possible. However, in order to assist in the transition and continue meeting the legal needs of the organization, staff is recommending the city contract with von Briesen & Roper, s.c., for interim City Attorney services. Without knowing exactly when the position will be filled or how much assistance the new City Attorney will need, it is difficult to anticipate how long these interim services will be needed. Therefore, we are requesting authorization to utilize von Briesen & Roper on an as-needed basis for interim City Attorney services at the rate of $295/hour for a period not to exceed 6 months. Funding for these services will come partially from wages identified in the City Attorney budget and the rest from unassigned reserves.

I will be at the meeting on October 18, 2022, to answer any questions on this item. If you have questions before then, please do not hesitate to contact me directly.

KKJ

von Briesen
von Briesen & Roper, s.c. | Attorneys at Law

TAGLaw International Lawyers

Anthony S. Wachewicz III
Direct Telephone
920-702-5347
anthony.wachewicz@vonbriesen.com

October 13, 2022

VIA EMAIL

City of De Pere
Attn: City Attorney Kristen Johnson
335 S. Broadway
De Pere, Wisconsin 54115
(kkjohnson@deperewi.gov)

RE: Engagement of Service

Dear City Attorney Johnson:

Please accept my sincere thanks for the opportunity to represent the City of De Pere. I look forward to working with you and the City and we want to reaffirm the foundation elements of a sound relationship and to have a clear understanding of the terms and conditions upon which we will provide legal services. The purpose of this letter is to state those terms and conditions.

SCOPE OF SERVICES

We have been asked to represent the City of De Pere (the "City") and render legal advice and assistance in connection with Interim City Attorney matters. It is expected that until such time as the City has hired a new City Attorney, you have asked us to assist in the transition and act as Interim City Attorney in representing the City's interests in various legal matters, including but not limited to: providing legal advice to elected and appointed officials, department heads, various City bodies such as the Council and its Committees as well as various Boards and Commissions, drafting any necessary legislation and policy, providing advice and drafting concerning economic or community development related matters, providing general legal advice with labor and employment matters, and any other corresponding tangential City Attorney related legal matters. Additionally, you advised that our services are not to include Municipal Court related matters such as handling the prosecution of municipal citations.

RESPONSIBILITIES

In reliance upon information and guidance provided by the City, we will provide legal services and assistance in accordance with this letter.

POTENTIAL CONFLICTS OF INTEREST

We are a relatively large law firm and we represent many companies and individuals. It is possible that some of our present and future clients will have business relationships and potential or actual disputes with the City and its affiliates. We will not knowingly represent clients in matters that are actually adverse to the interests of the City without your permission and your informed consent. We would ask that you consent, on a case by case basis, to our representation of other clients whose interests are, or may be adverse to, the interests of the City in circumstances where the City has selected other counsel and where we have requested a written conflict waiver from you after we have advised you of the circumstances of the potential or actual conflict and you have given us your informed consent.

FEES FOR LEGAL SERVICES

Our fees for legal services will be based on the amount of time expended and the hourly rates of the attorneys and paralegals who render the services. Payment of our invoices is due upon receipt. We normally send monthly statements.

Our billing rates (which may be adjusted annually) for the labor and employment attorneys we anticipate may be doing work for you will be billed at a blended rate of $295.00 per hour for 2022. Please note that if there is an increase in this hourly rate, we will give appropriate notice to the City of this increase. Other non-labor and employment attorneys or paralegals may be necessary for a project, and they will be billed at their customary hourly rates. We also bill for out-of-pocket disbursements, which will be shown on the statements. Payment for such disbursements is also due upon receipt of the statements.

COMMUNICATION BY E-MAIL

Our firm primarily communicates with its clients via unencrypted internet e-mail. While unencrypted e-mail is convenient and fast, there is risk of interception, not only within our internal networks and the systems used by internet service providers, but elsewhere on the internet and in the systems of our clients and their internet service providers. **We understand we may use unencrypted e-mail to communicate with you unless you advise us not to do so.**

FILE RETENTION AND DESTRUCTION

In accordance with our records retention policy, most paper and electronic records that we maintain are subject to a 10-year retention period from the last matter activity date or whatever date we deem appropriate. Extended retention periods may apply to certain types of matters or pursuant to the City's specific directives.

After the expiration of the applicable retention period, we will destroy the records without further notice to the City, unless the City notifies us otherwise. At the conclusion of this matter, the City may opt to retrieve the City's records from our firm. We are happy to accommodate you in this regard.

LIMITED LIABILITY

von Briesen & Roper, s.c., is a limited liability entity under Wisconsin law. This means that if we fail to perform our duties in our representation, and that failure causes the City damages, our firm and

the shareholder(s) directly involved in the representation may be responsible for those damages, but the firm's other shareholders will not be personally responsible.

MISCELLANEOUS

Enclosed is a statement entitled "General Provisions" setting forth additional terms and conditions which are incorporated into this letter and apply to our representation to the extent they are not inconsistent with the terms of this letter.

The City has the right at any time to terminate our services and representation upon written notice to the firm. Such termination shall not, however, relieve the City of the obligation to pay for all services rendered and disbursements and other charges made or incurred on its behalf prior to the date of termination.

We reserve the right to withdraw from our representation with consent or for good cause. Good cause may include failure to honor the terms of this engagement letter, failure to pay amounts billed in a timely manner, failure to cooperate or follow our advice on a material matter, or any fact or circumstance that would in our view, impair an effective attorney-client relationship or would render our continuing representation unlawful or unethical.

We are pleased to have this opportunity to be of service to the City. If at any time during the course of our representation you have any questions or comments about our costs, services or any aspect of how we provide services, then please call me.

If the foregoing is acceptable to the City, then we ask that an authorized representative of the City sign a copy of this letter acknowledging consent, and return it to us for our files. Thank you again for the opportunity to represent the City. Please feel free to call me if you have any comments or questions.

Very truly yours,

von BRIESEN & ROPER, s.c.

Anthony S. Wachewicz III

ASW:erk

I have read the above letter and I am authorized on behalf of City of De Pere to consent to services by von Briesen & Roper, s.c. as outlined in this letter.

By: _____

_____, Authorized Representative

Date: _____

von Briesen & Roper, s.c.

GENERAL PROVISIONS

Except as modified by the accompanying engagement letter, the following provisions will apply to the relationship between von Briesen & Roper, s.c., and our clients:

(1) The time for which a client will be charged will include, but will not be limited to, telephone and office conferences with a client, a client's representatives, counsel, witnesses, consultants, court personnel, and others with whom we communicate to handle a matter; conferences among our personnel; factual investigation; legal research; responding to clients' requests to provide information to auditors in connection with reviews or audits of financial statements; drafting letters, pleadings, briefs, and other documents; travel time; waiting time in court or elsewhere; and time in depositions and other discovery proceedings.

(2) Clients are responsible for payment to reimburse us for costs incurred in performing services such as messenger and delivery, air freight, computerized research, videotape recording, travel (including mileage, parking, airfare, lodging, meals, and ground transportation), court costs, and filing fees. To the extent we directly provide any of these services, we reserve the right to adjust the amount we charge, at any time or from time to time, as we deem appropriate, in light of our direct costs, our estimated overhead allocable to the services, and outside competitive rates. Unless special arrangements are made, fees and expenses of others (such as experts, investigators, witnesses, consultants, and court reporters) and other large disbursements will not be paid by our firm and will be the responsibility of, and billed directly to, the client.

(3) We may, on occasion, furnish estimates of fees or charges we anticipate will be incurred on a client's behalf, these estimates are by their nature inexact. We are not bound by any estimates except as expressly set forth in the engagement letter or otherwise agreed to by us in writing.

(4) Fees, disbursements, and other charges will be billed monthly and are payable upon presentation. We expect prompt payment.

(5) A client shall have the right at any time to terminate our services and representation upon written notice to the firm. Such termination shall not, however, relieve the client of the obligation to pay for all services rendered and disbursements and other charges made or incurred on behalf of the client prior to the date of termination.

We reserve the right to withdraw from our representation with the client's consent or for good cause. Good cause may include the client's failure to honor the terms of the engagement letter, the client's failure to pay amounts billed in a timely manner, the client's failure to cooperate or follow our advice on a material matter, or any fact or circumstance that would, in our view, impair an effective attorney-client relationship or would render our continuing representation unlawful or unethical. If we elect to do so, the client will take all steps necessary to free us of any obligation to perform further, including the execution of any documents (including forms for substitution of counsel) necessary to complete our withdrawal, and we will be entitled to be paid for all services rendered and disbursements and other charges made or incurred on behalf of the client prior to the date of withdrawal.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**Board of Public Works**
FROM:	**Scott Thoresen**
SUBJECT:	**Ordinance #22-09 Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations (Schedule G Parking).**

The Board of Public Works at the October 11, 2022 meeting approved the parking recommendation for 400 Block Reid Street and Main Ave District and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- Ord22-09 (PDF)
- 2022 1010-CI-Reid-Main District Parking_Redlined (DOCX)
- Parking exhibits-EXHIBIT A (PDF)

ORDINANCE #22-09

AMENDING CHAPTER 150 DE PERE MUNICIPAL CODE REGARDING TRAFFIC REGULATIONS
(Schedule G Parking)

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

Section 1: Section 150-23, Schedule G (PARKING), under the section entitled Parking Lots, is hereby amended as follows:

ADDITIONS:

Three-hour parking 9:00 a.m. - 6:00 p.m. Mon. - Sat			
Parking Lot	No. Stalls	Parking ROW/From Dir.	Located No. of Stalls/From Dir.
400 BLK Reid Street and Main Ave	5	1/N	7/W thru 11/W
400 BLK Reid Street and Main Ave	13	1/N	14/W thru 26/W
400 BLK Reid Street and Main Ave	3	1/N	28/W thru 30/W

Long-term parking			
Parking Lot	No. Stalls	Parking ROW/From Dir.	Located No. of Stalls/From Dir.
400 BLK Reid Street and Main Ave	2	1/N	5/W thru 6/W
400 BLK Reid Street and Main Ave	43	2/N	All stalls

Handicap Parking			
Parking Lot	No. Stalls	Parking ROW/From Dir.	Located No. of Stalls/From Dir.
400 BLK Reid Street and Main Ave	4	1/N	1/W thru 4/W
400 BLK Reid Street and Main Ave	2	1/N	12/W thru 13/W
400 BLK Reid Street and Main Ave	2	1/N	32/W thru 33/W

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

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of October, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____
Nays: _____
Board/Committee Approval: 10/10/2022
Publication Date: _____
Effective Date: _____

CITY OF DE PERE
MEMO

To: Honorable Mayor Boyd
Members of the Common Council
From: Scott Thoresen, Public Works Director
Date: October 10, 2022

RE: Ordinance #22-09 Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations (Schedule G Parking)

Upon staff review after the Board of Public Works meeting, additional changes were made to account for the relocation of a handicap parking stall.

The purpose for this item is to implement parking restrictions for the newly created parking stalls on the alley between Reid and Main from Fifth to Fourth Street. This will be called the 400 BLK Reid St and Main Ave District. This project will be completed in the next week or two and open for traffic. The project involved the creation of new parking stalls for public and private use. The private stalls were negotiated with the property owners to obtain parking easements. A diagram highlighting the changes below has been attached.

Recommendation: Amend the Section 150-23. Schedule G of the Ordinance for parking lots as follows:

Under table for Three-hour parking, 9:00 a.m. – 6:00 p.m. Mon.-Sat., insert the following:

Parking Lot	No. Stalls	Parking ROW/From Dir.	Located No. of Stalls/ From Dir.
400 BLK Reid St and Main Ave District	5	1/N	7/W thru 11/W
400 BLK Reid St and Main Ave District	**13**	1/N	**14/W** thru **26/W**
400 BLK Reid St and Main Ave District	3	1/N	28/W thru 30/W

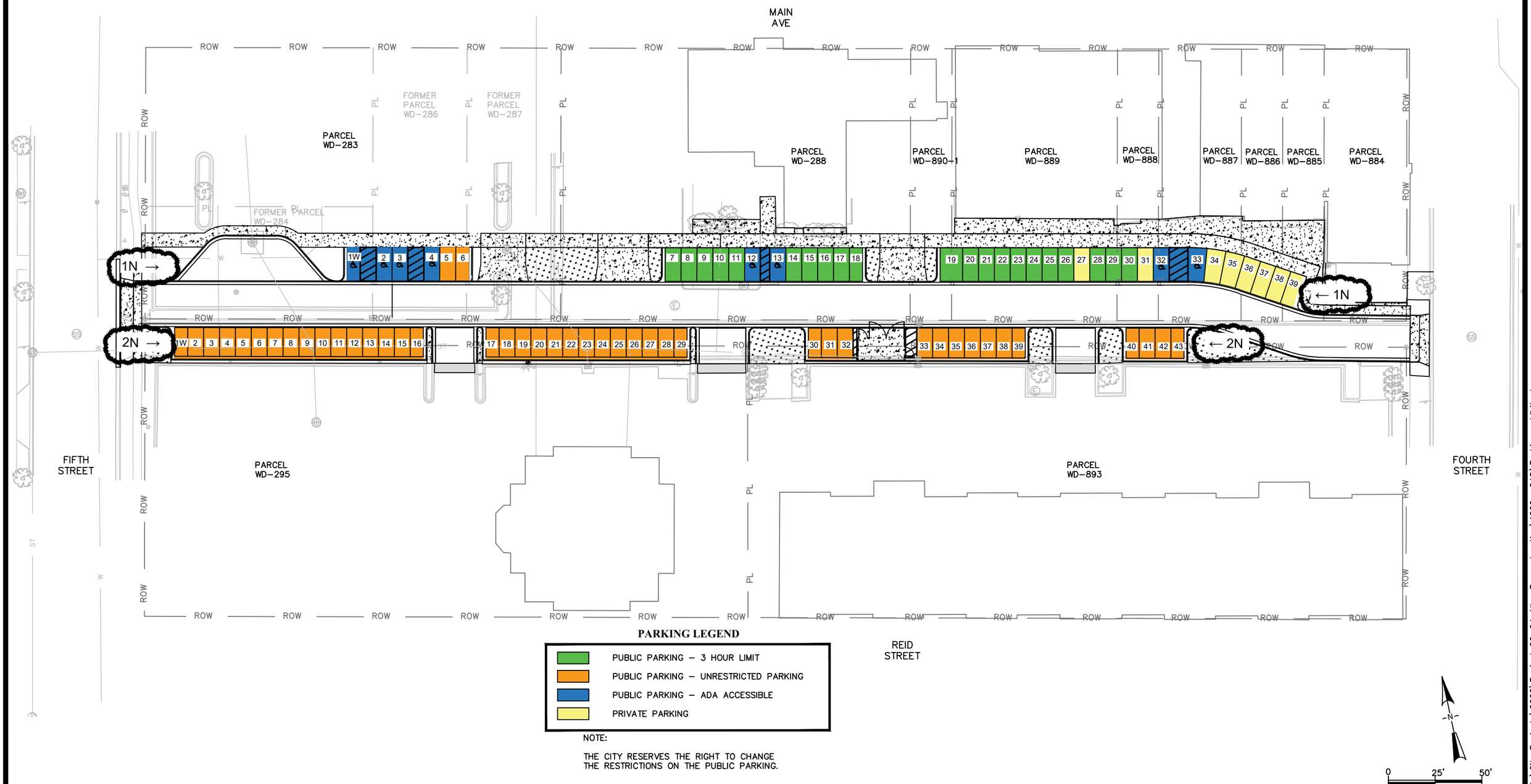
Under table for Long Term Parking, insert the following:

Parking Lot	No. Stalls	Parking ROW/From Dir.	Located No. of Stalls/ From Dir.
400 BLK Reid St and Main Ave District	2	1/N	5/W thru 6/W
400 BLK Reid St and Main Ave District	43	2/N	All stalls

Under Table for Handicap Parking, insert the following parking stalls:

Parking Lot	No. Stalls	Parking ROW/From Dir.	Located No. of Stalls/ From Dir.
400 BLK Reid St and Main Ave District	4	1/N	1/W thru 4/W
400 BLK Reid St and Main Ave District	**2**	1/N	12/W **thru 13/W**
400 BLK Reid St and Main Ave District	2	1/N	32/W thru 33/W

Handicap parking stalls do not have a duration limit.



PARKING LEGEND

- PUBLIC PARKING – 3 HOUR LIMIT
- PUBLIC PARKING – UNRESTRICTED PARKING
- PUBLIC PARKING – ADA ACCESSIBLE
- PRIVATE PARKING

NOTE:

THE CITY RESERVES THE RIGHT TO CHANGE THE RESTRICTIONS ON THE PUBLIC PARKING.

0 25' 50'

CITY OF DE PERE

ENGINEERING DIVISION 925 S. SIXTH ST DE PERE WI 54115
OFFICE 920-339-4061 FAX 920-339-4071

MAIN AND REID ALLEY

FIFTH STREET TO FOURTH STREET

EXHIBIT "A" PARKING SPACE DESIGNATIONS

	BY	DATE
SURVEYED	SRL	03-2020
DRAWN	SRL	04-2021
DESIGNED	SRL	04-2021
CHECKED	EPR	04-2021

REVISIONS / ISSUES

NO.	DATE	BY	REMARKS

EXHIBIT

G:\Projects\City Projects\2022\Project 22-04 Alley Reconstruction\1200- CAD\Parking exhibits.dwg

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**Board of Public Works**
FROM:	**Scott Thoresen**
SUBJECT:	**Ordinance #22-10 Amending Chapter 82 De Pere Municipal Code Regarding Solid Waste/Curbside Recyclable Collection.**

The Board of Public Works at the October 11, 2022 meeting approved amending De Pere Municipal Code Sec. 82-12 Recyclable and Garbage Common Collection Districts establishing 400 Block Reid Street and Main Avenue District and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

Staff is recommending changes to the solid waste ordinance Sec 82-12 which will allow for dumpster service collection for 400 Block of Reid Street and Main Avenue District. (See attached)

ATTACHMENTS:

- Ord22-10 (PDF)
- Ord22-XX Amending Sec._82_12.___Recyclable_and_garbage_common_collection_districts (DOCX)

ORDINANCE #22-10
AMENDING CHAPTER 82 DE PERE MUNICIPAL CODE
REGARDING SOLID WASTE/CURBSIDE RECYCLABLE COLLECTION

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

Section 1: **Sec. 82-12. - Recyclable and Garbage Common Collection Districts** is hereby amended by adding the following as sub paragraph (2) c. under (b) *Definitions*:

> c. *400 Block of Reid Street and Main Avenue District* means those real properties identified as: WD-884, WD-885, WD-886, WD-887, WD-888, WD-889, WD-890-1, and WD-288, except for those parcels which may have opted out as permitted under § 82-12(d)2 of this chapter.

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

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of October, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____
Nays: _____
Board/Committee Approval: 10/10/2022
Publication Date: _____
Effective Date: _____

Sec. 82-12. Recyclable and garbage common collection districts.

(a) *Purpose.* The common council finds that city curbside collection of commercial source recyclables and garbage has led to the proliferation of recycling and garbage carts in the city's downtown commercial areas, resulting in access restrictions to businesses and public parking areas and sanitary and aesthetic concerns. Further, commercial building footprints in the historic downtown commercial areas typically encumber the entire parcel, leaving little or no room for public or private refuse container storage or screening, allowing few options to avoid the detrimental impact caused by the presence of individual recycle and garbage carts on collection days or when stored between collection days.

Wis. Stats § 66.0405 authorizes the city to create district(s) for the collection of refuse defined by type of property. The city's commercial business areas exhibit the detrimental impact on aesthetics and access caused by multiple containers on public parking property each collection day. The initial common collection service area of the Nicolet Square area has shown common collection services to be an efficient and effective in alleviating aesthetic blight and access problems while delivering quality services to property owners. The common council therefore creates common collection districts in the city. In circumstances where the provisions of this section are in conflict with other sections of this chapter, the provisions of this section shall control.

(b) *Definitions.* When used in this section, the following definitions shall apply:

(1) *Common area* means the location(s) identified by the city where it will place dumpster(s) for collecting commercial source recyclables and garbage from each District.

(2) *Common collection districts (also called district herein).* The city hereby creates the following common collection districts:

a. *Marquette Square District* means those real properties identified as: ED- 857, ED-850, ED-848, ED-847, ED-842, ED-841, ED-840, ED-837 and ED-836, except those parcels which may have opted out as permitted under § 82-12(d)2 of this chapter.

b. *Nicolet Square District* means those real properties abutting Main Ave to the North, Third Street to the East, Reid Street to the South and Fourth Street to the West, in particular the following Parcels: WD-906, WD-907, WD-908, WD-909, WD-910, WD-911, WD-912, WD-913, WD-915, WD-917, WD-918, WD-919, WD- 920, WD-921, WD-922, WD-923, WD-925, WD-930 and WD-931, except for those parcels which may have opted out as permitted under § 82-12(d)2 of this chapter.

c. *400 Block of Reid Street and Main Avenue District* means those real properties identified as: WD-884, WD-885, WD-886, WD-887, WD-888, WD-889, WD-890-1, and WD-288, except for those parcels which may have opted out as permitted under § 82-12(d)2 of this chapter.

(3) *Dumpster* means a container designed and used for dumping, receiving and transporting recyclable materials and garbage. In this section, dumpster does not include polycart(s).

(4) *Waste generator rate* means the rate assigned to the commercial use of the parcel as determined by Waste Management Practices-Municipal, Hazardous, and Industrial - Second Edition.

(c) *City to provide common collection services.*

(1) City shall provide common area(s) to place dumpster(s) for receiving and disposing of normal accumulations of commercial source recyclables and garbage generated by the owners and/or tenants of the parcels comprising the each common collection district. Further, city shall provide or contract to provide collectable recyclable and garbage dumpster collection and transportation services therefore. City shall allow owners of establishments in each district to place necessary grease collection

containers in the common area(s), who shall be responsible for maintaining that area in a clean and orderly manner and for the proper and sanitary collection of the same by a service contractor.

(2) Dumpsters in the common area shall be serviced by city or its contractor at such times and frequencies as necessary to maintain the area in a good, clean and sanitary condition. The collection limits and frequency found in section 82-2 of this chapter do not apply to the common collection districts.

(3) Only commercial source collectable recyclables and garbage, as defined in this chapter shall be placed in the appropriate dumpsters, except that restaurant grease is permitted when placed in the appropriate grease container provided as specified above.

(4) The dumpsters in the common area(s) shall be used only by the owners and tenants of each respective district as defined in this section.

(5) The city shall collect all previously city issued polycarts from all properties in each district. No polycart shall be distributed to any parcel in any common collection district after the city collects the polycarts in that district. All parcels shall receive common collection services unless a property owner qualifies for and provides notice to city of their intent to opt out of such service under paragraph (d)2. Regulations found in subsections 82-4(a)(2), (c)(2), and (c)(4) of this chapter regarding polycarts do not apply to this section.

(d) *Participation in city provided collection service.*

(1) Except as provided herein, all parcels in a common collection district shall be provided common collection services. A property owner meeting all of the requirements of paragraph (2) below may provide written notice of their intent to opt out of the city provided common collection service and to be responsible for their own safe and sanitary collectible recyclable and garbage collection service. Notice shall be as provided in paragraph (2) below.

(2) A property owner may opt out of the Common Collection Service provided by the city only if all of the following apply:

a. The parcel for which the owner opts out is of sufficient size and shape such that all private collection receptacles and the enclosure therefore are located entirely upon such parcel and enclosed in accordance with all of the following requirements:

i. Use of such enclosure shall be limited to the storage of private collection receptacles.

ii. The enclosure shall be 100 percent impervious to sight.

iii. The enclosure shall be equipped with a gate, and both the gate and the enclosure shall be constructed of vinyl, brick, masonry or composite wood which matches the primary structure. Chain link fence with slats is not permitted.

iv. The enclosure shall be at least one foot higher than the receptacle(s) but no higher than six feet. No refuse or recycle may be stored higher than the enclosure.

v. The refuse recycle storage area shall have a compliant hard surface (gravel is not allowed).

vi. Landscaping is required around screening walls wherever they abut a non-paved surface or a required landscape area.

b. The parcel owner shall provide written notice of opt out to the director of public works on or before October 1 of the year preceding the effective date of the opt out. Once the opt out is effective, the opt out shall continue until the owner of the parcel provides the director of public works with a request to terminate the opt out on or before October 1 of any year. If the termination request is approved by the director of public works (whose approval shall not be unreasonably withheld), the termination shall be effective January 1 of the subsequent year.

(e) *Assessment for city common collection services.* All property owners in a common collection district except those opted out shall be charged for all costs associated with providing and maintaining the common areas for recyclables and garbage and for all costs associated with providing collection, transportation and disposal services for recyclables. The director of public works shall annually determine the costs of providing the common collection service utilizing the waste generator rate determined by the most current edition of Waste Management Practices - Municipal, Hazardous, and Industrial. The charge for services rendered to the parcels as described shall be placed as a special charge against the tax roll for such parcel each year as provided by Wis. Stats. § 66.0627.

(Ord. No. 16-12, 7-19-2016; Ord. No. 16-32, § 1, 12-20-2016; Ord. No. 19-21, § 3, 10-15-2019)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Appointment to the Business Improvement District (BID) Board by Mayor Boyd.**

ATTACHMENTS:

- Appointment Memo_Oct 18 2022 (PDF)

Memo City of De Pere

To: City Council Members
From: James Boyd, Mayor
Subject: Appointments and Reappointments
Date: October 18, 2022 (meeting date)

I am submitting the following name for appointment at the October 18, 2022 meeting of the Common Council. I am asking you to please contact me in advance of the meeting if you should have an issue with the appointment.

Commission	**Appointment**
BID Board	Maya Romboy

Maya Romboy and her husband, Rob, moved to De Pere from Wauwatosa four years ago with their youngest child, Joseph, who attends De Pere Middle School. They have two grown children: Andrew, who also lives in De Pere and Cora, who still lives in Wauwatosa. Maya has previously served on the board of directors for the East Tosa Alliance, which functioned as a community led business district and Main Street Program on the east side of Wauwatosa. During her time in East Tosa, she served in multiple capacities, concluding with President and Board Chair for over four years.

Maya is currently serving on Definitely De Pere's Economic Enhancement Committee and is the Chair for the Promotions Committee. She is extremely committed to the growth and vibrancy of Downtown De Pere and is looking forward to the opportunity to serve in a greater capacity. Professionally, Maya leads the ecommerce team at School Specialty in Greenville, WI. In her spare time, she enjoys reading, going for long walks and bike rides, and spending time with family and friends at their lake cottage.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Voucher approval.**

ATTACHMENTS:

- 10-18-2022 VOUCHERS (PDF)

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
8410	1ST CHOICE PEST CONTROL							
	I-24506	1ST CHOICE PEST CONTROL	R	10/18/2022		150.00CR	100432	150.00
0001	A1 ELEVATOR CORP							
	I-19745	A1 ELEVATOR CORP	R	10/18/2022		180.00CR	100433	180.00
0302	AIRGAS USA LLC							
	I-9130438420	AIRGAS USA LLC	R	10/18/2022		285.41CR	100434	
	I-9990635555	AIRGAS USA LLC	R	10/18/2022		245.34CR	100434	530.75
2982	ALL CITY COMMUNICATIONS							
	I-4699411-100122	ALL CITY COMMUNICATIONS	R	10/18/2022		74.00CR	100435	74.00
7787	ALLEGRA EAST							
	I-92588	ALLEGRA EAST	R	10/18/2022		449.15CR	100436	449.15
0007	AMBROSIUS SALES & SERVICE							
	I-50370	AMBROSIUS SALES & SERVICE	R	10/18/2022		71.36CR	100437	
	I-50622	AMBROSIUS SALES & SERVICE	R	10/18/2022		83.59CR	100437	154.95
1380	AUTOHOE II INC							
	I-20541	AUTOHOE II INC	R	10/18/2022		245.00CR	100438	245.00
6803	AUTOMATIC MOTORS INC.							
	I-2588	AUTOMATIC MOTORS INC.	R	10/18/2022		2,342.10CR	100439	2,342.10
0020	BADGERLAND PRINTING INC							
	I-38776	BADGERLAND PRINTING INC	R	10/18/2022		299.20CR	100440	
	I-38779	BADGERLAND PRINTING INC	R	10/18/2022		365.00CR	100440	664.20
6404	BAY AREA TESTING & CONSULTING LLC							
	I-5965	BAY AREA TESTING & CONSULTING	R	10/18/2022		1,153.90CR	100441	
	I-5966	BAY AREA TESTING & CONSULTING	R	10/18/2022		2,078.70CR	100441	
	I-5967	BAY AREA TESTING & CONSULTING	R	10/18/2022		2,095.80CR	100441	
	I-5968	BAY AREA TESTING & CONSULTING	R	10/18/2022		961.00CR	100441	
	I-5969	BAY AREA TESTING & CONSULTING	R	10/18/2022		1,282.90CR	100441	
	I-5970	BAY AREA TESTING & CONSULTING	R	10/18/2022		461.90CR	100441	
	I-5971	BAY AREA TESTING & CONSULTING	R	10/18/2022		665.10CR	100441	8,699.30
0027	BAY TOWEL INC							
	I-4407646	BAY TOWEL INC	R	10/18/2022		184.36CR	100442	184.36

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
1315	BELLIN HEALTH							
	I-MB8759	BELLIN HEALTH	R	10/18/2022		15.85CR	100443	15.85
2831	BODART ELECTRIC SERVICE INC							
	I-10416	BODART ELECTRIC SERVICE INC	R	10/18/2022		1,795.00CR	100444	1,795.00
0038	BROADWAY AUTOMOTIVE INC							
	C-CM608025P	BROADWAY AUTOMOTIVE INC	R	10/18/2022		78.47	100445	
	I-1097087P	BROADWAY AUTOMOTIVE INC	R	10/18/2022		26.42CR	100445	
	I-1097305P	BROADWAY AUTOMOTIVE INC	R	10/18/2022		43.75CR	100445	
	I-606961P	BROADWAY AUTOMOTIVE INC	R	10/18/2022		544.52CR	100445	
	I-609049P	BROADWAY AUTOMOTIVE INC	R	10/18/2022		25.27CR	100445	
	I-609550P	BROADWAY AUTOMOTIVE INC	R	10/18/2022		25.18CR	100445	586.67
0039	BROOKS TRACTOR INC							
	I-386072	BROOKS TRACTOR INC	R	10/18/2022		5,010.89CR	100446	5,010.89
2944	BROWN COUNTY JAIL							
	I-DEPERE102022	BROWN COUNTY JAIL	R	10/18/2022		440.00CR	100447	440.00
0044	BROWN COUNTY REGISTER OF DEEDS							
	I-INVOICE_557	BROWN COUNTY REGISTER OF DEEDS	R	10/18/2022		13.00CR	100448	13.00
2984	BROWN COUNTY TREASURER							
	I-2022-00000006	BROWN COUNTY TREASURER	R	10/18/2022		30.00CR	100449	
	I-2022-00000076	BROWN COUNTY TREASURER	R	10/18/2022		593.06CR	100449	623.06
8738	BUILDING SERVICE INC							
	I-161896	BUILDING SERVICE INC	R	10/18/2022		327.54CR	100450	
	I-161924	BUILDING SERVICE INC	R	10/18/2022		5,953.25CR	100450	6,280.79
7745	KELLY BURKE							
	I-202210063451	KELLY BURKE	R	10/18/2022		11.13CR	100451	11.13
0050	CAMERA CORNER INC							
	I-INV86353	CAMERA CORNER INC	R	10/18/2022		5,065.36CR	100452	5,065.36
0536	CDW GOVERNMENT INC							
	I-CS11544	CDW GOVERNMENT INC	R	10/18/2022		147.66CR	100453	
	I-CV38630	CDW GOVERNMENT INC	R	10/18/2022		70.74CR	100453	
	I-CX86962	CDW GOVERNMENT INC	R	10/18/2022		3,175.90CR	100453	
	I-DT9304	CDW GOVERNMENT INC	R	10/18/2022		119.44CR	100453	3,513.74

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

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8443	CINTAS							
	I-4130910664	CINTAS	R	10/18/2022		42.18CR	100454	
	I-4131609113	CINTAS	R	10/18/2022		42.18CR	100454	
	I-4132299551	CINTAS	R	10/18/2022		44.04CR	100454	
	I-4133012585	CINTAS	R	10/18/2022		44.04CR	100454	172.44
2708	CLEANING SOLUTION SERVICES INC							
	I-22330	CLEANING SOLUTION SERVICES INC	R	10/18/2022		818.07CR	100455	
	I-22600	CLEANING SOLUTION SERVICES INC	R	10/18/2022		1,436.94CR	100455	
	I-22635	CLEANING SOLUTION SERVICES INC	R	10/18/2022		653.77CR	100455	
	I-22636	CLEANING SOLUTION SERVICES INC	R	10/18/2022		303.11CR	100455	
	I-22646	CLEANING SOLUTION SERVICES INC	R	10/18/2022		77.77CR	100455	3,289.66
7997	COMPLETE OFFICE							
	I-AR45308	COMPLETE OFFICE	R	10/18/2022		30.05CR	100456	
	I-AR45309	COMPLETE OFFICE	R	10/18/2022		105.19CR	100456	
	I-AR45310	COMPLETE OFFICE	R	10/18/2022		27.64CR	100456	
	I-AR45311	COMPLETE OFFICE	R	10/18/2022		29.26CR	100456	192.14
7639	CORE & MAIN LP							
	I-R012822	CORE & MAIN LP	R	10/18/2022		204.00CR	100457	
	I-R653385	CORE & MAIN LP	R	10/18/2022		344.00CR	100457	548.00
8740	CUMMINS SALES AND SERVICE							
	C-C5-1110	CUMMINS SALES AND SERVICE	R	10/18/2022		161.90	100458	
	I-C5-1109	CUMMINS SALES AND SERVICE	R	10/18/2022		161.90CR	100458	
	I-F4-20463	CUMMINS SALES AND SERVICE	R	10/18/2022		428.95CR	100458	428.95
0063	DAANEN & JANSSEN INC							
	I-208749	DAANEN & JANSSEN INC	R	10/18/2022		217.12CR	100459	217.12
2077	DE PERE EXHAUST							
	I-65867	DE PERE EXHAUST	R	10/18/2022		410.01CR	100460	410.01
7769	DE PERE FIRE DEPT							
	I-202210063452	DE PERE FIRE DEPT	R	10/18/2022		482.54CR	100461	482.54
0085	EMERGENCY MEDICAL PRODUCTS INC							
	I-2479959	EMERGENCY MEDICAL PRODUCTS INC	R	10/18/2022		193.90CR	100462	
	I-2481582	EMERGENCY MEDICAL PRODUCTS INC	R	10/18/2022		13.16CR	100462	
	I-2482446	EMERGENCY MEDICAL PRODUCTS INC	R	10/18/2022		55.92CR	100462	
	I-2482654	EMERGENCY MEDICAL PRODUCTS INC	R	10/18/2022		277.71CR	100462	
	I-2483397	EMERGENCY MEDICAL PRODUCTS INC	R	10/18/2022		172.90CR	100462	
	I-2483744	EMERGENCY MEDICAL PRODUCTS INC	R	10/18/2022		9.02CR	100462	722.61

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

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8012	ENERGY SOLUTION PARTNERS LLC							
	I-119440	ENERGY SOLUTION PARTNERS LLC	R	10/18/2022		26,027.37CR	100463	
	I-119441	ENERGY SOLUTION PARTNERS LLC	R	10/18/2022		30,642.20CR	100463	56,669.57
0086	ERC INC							
	I-ERC-1022-1083	ERC INC	R	10/18/2022		497.86CR	100464	497.86
7422	EXCEL UNDERGROUND LLC							
	I-10003	EXCEL UNDERGROUND LLC	R	10/18/2022		14,389.48CR	100465	14,389.48
0200	FIRST SUPPLY LLC							
	I-13365245-00	FIRST SUPPLY LLC	R	10/18/2022		480.13CR	100466	
	I-13395518-00	FIRST SUPPLY LLC	R	10/18/2022		149.22CR	100466	629.35
7767	FREEDOM OVERHEAD DOORS							
	I-46296	FREEDOM OVERHEAD DOORS	R	10/18/2022		190.00CR	100467	190.00
0562	GALLS LLC							
	I-22089405	GALLS LLC	R	10/18/2022		69.40CR	100468	69.40
0111	GAT SUPPLY INC							
	I-402321-1	GAT SUPPLY INC	R	10/18/2022		320.80CR	100469	320.80
6472	BENJAMIN GIESE							
	I-202210063453	BENJAMIN GIESE	R	10/18/2022		55.78CR	100470	55.78
5349	RYAN GLIME							
	I-202210063454	RYAN GLIME	R	10/18/2022		106.30CR	100471	106.30
6923	GORDON FLESCH COMPANY INC.							
	I-IN13901405	GORDON FLESCH COMPANY INC.	R	10/18/2022		57.83CR	100472	57.83
0116	GRAINGER INC							
	I-9450667192	GRAINGER INC	R	10/18/2022		182.86CR	100473	182.86
7764	GREAT AMERICA FINANCIAL SVCS							
	I-32528061	GREAT AMERICA FINANCIAL SVCS	R	10/18/2022		1,595.00CR	100474	1,595.00
0780	GREAT LAKES TV SEAL INC							
	I-21668	GREAT LAKES TV SEAL INC	R	10/18/2022		721.20CR	100475	721.20
6608	TRISTA GROTH							
	I-202210063455	TRISTA GROTH	R	10/18/2022		25.10CR	100476	25.10

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

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0351	HACH COMPANY							
	I-13257159	HACH COMPANY	R	10/18/2022		429.94CR	100477	
	I-13264379	HACH COMPANY	R	10/18/2022		589.12CR	100477	1,019.06
7528	AARON HANSON							
	I-202210063456	AARON HANSON	R	10/18/2022		172.14CR	100478	172.14
8873	HAVEY COMMUNICATIONS INC							
	I-11854	HAVEY COMMUNICATIONS INC	R	10/18/2022		12,832.90CR	100479	
	I-11855	HAVEY COMMUNICATIONS INC	R	10/18/2022		1,203.40CR	100479	14,036.30
8874	SARAH HUETTL							
	I-202210063457	SARAH HUETTL	R	10/18/2022		285.49CR	100480	285.49
5484	HYDROCORP INC							
	I-68823-IN	HYDROCORP INC	R	10/18/2022		2,787.00CR	100481	2,787.00
6342	IDEA DINER							
	I-40015722	IDEA DINER	R	10/18/2022		216.00CR	100482	216.00
6932	IMAGETREND INC.							
	I-137840	IMAGETREND INC.	R	10/18/2022		2,028.74CR	100483	2,028.74
1399	INDOFF INC							
	I-3599745	INDOFF INC	R	10/18/2022		155.85CR	100484	
	I-3600235	INDOFF INC	R	10/18/2022		65.33CR	100484	221.18
0567	INDUSTRIAL MARKETING CORP							
	I-44172	INDUSTRIAL MARKETING CORP	R	10/18/2022		1,242.82CR	100485	1,242.82
8364	JOHNSTONE SUPPLY							
	I-6044622	JOHNSTONE SUPPLY	R	10/18/2022		26.84CR	100486	
	I-6044700	JOHNSTONE SUPPLY	R	10/18/2022		42.79CR	100486	
	I-6044707	JOHNSTONE SUPPLY	R	10/18/2022		235.42CR	100486	
	I-6044963	JOHNSTONE SUPPLY	R	10/18/2022		78.12CR	100486	
	I-6045020A	JOHNSTONE SUPPLY	R	10/18/2022		114.89CR	100486	
	I-6045135	JOHNSTONE SUPPLY	R	10/18/2022		491.11CR	100486	989.17
2602	JOSSART BROTHERS INC							
	I-5269	JOSSART BROTHERS INC	R	10/18/2022		4,585.17CR	100487	
	I-5272	JOSSART BROTHERS INC	R	10/18/2022		5,318.98CR	100487	9,904.15

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
3986	KIMPS ACE HARDWARE CORP							
	I-396761	KIMPS ACE HARDWARE CORP	R	10/18/2022		75.48CR	100488	75.48
4584	KRUCZEK CONST INC							
	I-21-16 (3)	KRUCZEK CONST INC	R	10/18/2022		542,098.24CR	100489	542,098.24
3140	KUNDINGER FLUID POWER INC							
	I-50713820	KUNDINGER FLUID POWER INC	R	10/18/2022		513.89CR	100490	513.89
0153	LAFORCE INC							
	I-1202638	LAFORCE INC	R	10/18/2022		45.00CR	100491	45.00
6577	LAKELAND LAWNCARE							
	I-111966	LAKELAND LAWNCARE	R	10/18/2022		1,560.00CR	100492	
	I-111967	LAKELAND LAWNCARE	R	10/18/2022		525.00CR	100492	2,085.00
4617	LANGUAGE LINE SERVICES							
	I-10642562	LANGUAGE LINE SERVICES	R	10/18/2022		52.65CR	100493	52.65
5786	CINDY LEE							
	I-202210063458	CINDY LEE	R	10/18/2022		98.93CR	100494	98.93
0159	LEXIS NEXIS INC							
	I-3094050802	LEXIS NEXIS INC	R	10/18/2022		328.00CR	100495	328.00
4090	LINDE GAS & EQUIPMENT INC							
	I-31305447	LINDE GAS & EQUIPMENT INC	R	10/18/2022		75.94CR	100496	75.94
7158	MICHAEL LINSSEN							
	I-202210063459	MICHAEL LINSSEN	R	10/18/2022		104.38CR	100497	104.38
0160	LIZER LAWN CARE & IRRIGATION							
	I-135916AD	LIZER LAWN CARE & IRRIGATION	R	10/18/2022		180.00CR	100498	
	I-135917AD	LIZER LAWN CARE & IRRIGATION	R	10/18/2022		270.00CR	100498	
	I-135919AD	LIZER LAWN CARE & IRRIGATION	R	10/18/2022		120.00CR	100498	
	I-135920AD	LIZER LAWN CARE & IRRIGATION	R	10/18/2022		150.00CR	100498	720.00
8875	LYNN MEDICAL							
	I-INV109562	LYNN MEDICAL	R	10/18/2022		220.37CR	100499	
	I-INV109602	LYNN MEDICAL	R	10/18/2022		28.21CR	100499	248.58
0903	THE MAIL HAUS INC							
	I-173942	THE MAIL HAUS INC	R	10/18/2022		413.60CR	100500	
	I-173944	THE MAIL HAUS INC	R	10/18/2022		3,480.76CR	100500	3,894.36

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0173	MENARDS INC							
	I-4456	MENARDS INC	R	10/18/2022		79.71CR	100501	
	I-4768	MENARDS INC	R	10/18/2022		15.99CR	100501	
	I-4789	MENARDS INC	R	10/18/2022		52.43CR	100501	
	I-4790	MENARDS INC	R	10/18/2022		10.98CR	100501	
	I-4834	MENARDS INC	R	10/18/2022		40.94CR	100501	
	I-4873	MENARDS INC	R	10/18/2022		52.36CR	100501	
	I-4913	MENARDS INC	R	10/18/2022		124.99CR	100501	
	I-4937	MENARDS INC	R	10/18/2022		117.49CR	100501	
	I-4942	MENARDS INC	R	10/18/2022		19.86CR	100501	
	I-4986	MENARDS INC	R	10/18/2022		5.03CR	100501	
	I-5059	MENARDS INC	R	10/18/2022		178.89CR	100501	
	I-5091	MENARDS INC	R	10/18/2022		57.35CR	100501	756.02
8402	MIDSTATES RECREATION							
	I-SINV-05017	MIDSTATES RECREATION	R	10/18/2022		2,096.96CR	100502	2,096.96
2744	MSA PROFESSIONAL SERVICES INC							
	I-R09441027.0-2	MSA PROFESSIONAL SERVICES INC	R	10/18/2022		5,306.15CR	100503	5,306.15
3191	NCI							
	I-AR27135	NCI	R	10/18/2022		52.40CR	100504	
	I-AR27201	NCI	R	10/18/2022		135.00CR	100504	187.40
7129	NELSON TACTICAL							
	I-2704	NELSON TACTICAL	R	10/18/2022		8,740.08CR	100505	8,740.08
1947	NEVCO INC							
	I-203821	NEVCO INC	R	10/18/2022		252.33CR	100506	252.33
0531	NORTHEAST AUTO PARTS INC							
	C-372839	NORTHEAST AUTO PARTS INC	R	10/18/2022		9.84	100507	
	C-374358	NORTHEAST AUTO PARTS INC	R	10/18/2022		10.00	100507	
	I-373800	NORTHEAST AUTO PARTS INC	R	10/18/2022		4.71CR	100507	
	I-373803	NORTHEAST AUTO PARTS INC	R	10/18/2022		172.34CR	100507	
	I-374001	NORTHEAST AUTO PARTS INC	R	10/18/2022		67.48CR	100507	
	I-374058	NORTHEAST AUTO PARTS INC	R	10/18/2022		3.99CR	100507	
	I-374102	NORTHEAST AUTO PARTS INC	R	10/18/2022		61.98CR	100507	
	I-374109	NORTHEAST AUTO PARTS INC	R	10/18/2022		71.98CR	100507	
	I-374160	NORTHEAST AUTO PARTS INC	R	10/18/2022		89.09CR	100507	
	I-374177	NORTHEAST AUTO PARTS INC	R	10/18/2022		241.26CR	100507	
	I-374225	NORTHEAST AUTO PARTS INC	R	10/18/2022		8.26CR	100507	
	I-374232	NORTHEAST AUTO PARTS INC	R	10/18/2022		68.38CR	100507	
	I-374349	NORTHEAST AUTO PARTS INC	R	10/18/2022		244.34CR	100507	
	I-374350	NORTHEAST AUTO PARTS INC	R	10/18/2022		4.29CR	100507	
	I-374387	NORTHEAST AUTO PARTS INC	R	10/18/2022		24.98CR	100507	
	I-374413	NORTHEAST AUTO PARTS INC	R	10/18/2022		14.29CR	100507	
	I-374416	NORTHEAST AUTO PARTS INC	R	10/18/2022		13.32CR	100507	
	I-374436	NORTHEAST AUTO PARTS INC	R	10/18/2022		14.29CR	100507	
	I-374442	NORTHEAST AUTO PARTS INC	R	10/18/2022		6.66CR	100507	
	I-374492	NORTHEAST AUTO PARTS INC	R	10/18/2022		130.73CR	100507	

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
VOID	VOID CHECK		V	10/18/2022			100508	**VOID**
8019	OFFICE ENTERPRISES INC							
	I-518339	OFFICE ENTERPRISES INC	R	10/18/2022		465.74CR	100509	465.74
0966	OLD DOMINION BRUSH							
	I-8236124	OLD DOMINION BRUSH	R	10/18/2022		294.20CR	100510	294.20
8327	OSBURN ASSOCIATES INC							
	I-295942	OSBURN ASSOCIATES INC	R	10/18/2022		1,087.50CR	100511	1,087.50
0499	PACK AND SHIP LLC							
	I-282938	PACK AND SHIP LLC	R	10/18/2022		53.33CR	100512	53.33
1331	PACKER FASTENER & SUPPLY INC							
	I-736078	PACKER FASTENER & SUPPLY INC	R	10/18/2022		48.23CR	100513	
	I-737469	PACKER FASTENER & SUPPLY INC	R	10/18/2022		104.56CR	100513	152.79
0208	POMP'S TIRE SERVICE INC							
	I-90080155	POMP'S TIRE SERVICE INC	R	10/18/2022		723.72CR	100514	
	I-90080250	POMP'S TIRE SERVICE INC	R	10/18/2022		303.40CR	100514	
	I-90080443	POMP'S TIRE SERVICE INC	R	10/18/2022		2,686.28CR	100514	3,713.40
1246	PREVEA HEALTH							
	I-139949	PREVEA HEALTH	R	10/18/2022		26.20CR	100515	26.20
0395	PRO ONE JANITORIAL INC							
	I-189515	PRO ONE JANITORIAL INC	R	10/18/2022		1,280.00CR	100516	1,280.00
5973	RAE-COR DISTRIBUTING INC							
	I-37807	RAE-COR DISTRIBUTING INC	R	10/18/2022		448.23CR	100517	448.23
6948	RAY'S TIRE							
	I-1026148	RAY'S TIRE	R	10/18/2022		1,036.00CR	100518	1,036.00
0227	REINDERS INC							
	C-1875048-00	REINDERS INC	R	10/18/2022		185.53	100519	
	I-6017425-01	REINDERS INC	R	10/18/2022		140.03CR	100519	
	I-6019065-00	REINDERS INC	R	10/18/2022		179.49CR	100519	
	I-6020449-00	REINDERS INC	R	10/18/2022		60.44CR	100519	
	I-6021536-00	REINDERS INC	R	10/18/2022		37.42CR	100519	231.85

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

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7388	REPLAY SPORTS BAR & GRILL							
	I-202210103460	REPLAY SPORTS BAR & GRILL	R	10/18/2022		90.00CR	100520	90.00
0222	RNOW INC							
	I-2022-63079	RNOW INC	R	10/18/2022		168.32CR	100521	168.32
6380	ROCK OIL REFINING INC							
	I-300969	ROCK OIL REFINING INC	R	10/18/2022		200.00CR	100522	200.00
3545	SHORT ELLIOTT HENDRICKSON INC							
	I-433019	SHORT ELLIOTT HENDRICKSON INC	R	10/18/2022		5,324.33CR	100523	5,324.33
3378	STRYKER SALES CORP							
	I-11242918 DM	STRYKER SALES CORP	R	10/18/2022		2,606.84CR	100524	2,606.84
0258	SUPERIOR CHEMICAL CORP							
	I-346029	SUPERIOR CHEMICAL CORP	R	10/18/2022		116.76CR	100525	116.76
0752	SYSTEMS FURNITURE LLC							
	I-38066	SYSTEMS FURNITURE LLC	R	10/18/2022		1,342.97CR	100526	1,342.97
0267	TRAFFIC & PARKING CONTROL INC							
	I-I730383	TRAFFIC & PARKING CONTROL INC	R	10/18/2022		900.00CR	100527	900.00
0268	TRUCK EQUIPMENT INC							
	I-1020142-00	TRUCK EQUIPMENT INC	R	10/18/2022		268.47CR	100528	268.47
0272	UNIFORM SHOPPE INC							
	I-325984	UNIFORM SHOPPE INC	R	10/18/2022		751.10CR	100529	751.10
7015	US BANK EQUIPMENT FINANCE							
	I-483257879	US BANK EQUIPMENT FINANCE	R	10/18/2022		267.56CR	100530	267.56
0277	VAN'S FIRE & SAFETY INC							
	I-4162764	VAN'S FIRE & SAFETY INC	R	10/18/2022		206.45CR	100531	206.45
7210	VANDEN PLAS PORTABLE SOLUTIONS LLC							
	I-10841	VANDEN PLAS PORTABLE SOLUTIONS	R	10/18/2022		145.92CR	100532	145.92
7396	VIERBICHER ASSOCIATES INC							
	I-00005	VIERBICHER ASSOCIATES INC	R	10/18/2022		2,173.00CR	100533	2,173.00

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
3707	VIKING ELECTRIC SUPPLY							
	I-S005950499.002	VIKING ELECTRIC SUPPLY	R	10/18/2022		965.00CR	100534	
	I-S006224057.001	VIKING ELECTRIC SUPPLY	R	10/18/2022		197.95CR	100534	1,162.95
8476	WFTOA							
	I-22-05	WFTOA	R	10/18/2022		450.00CR	100535	450.00
2645	WI DEPT OF JUSTICE							
	I-202210103461	WI DEPT OF JUSTICE	R	10/18/2022		105.00CR	100536	105.00

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	104	0.00	745,876.18	745,876.18
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:	105	0.00	745,876.18	745,876.18

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

PACKET: 06868 OCT 2022 COUNCIL - 2 10-18-22
VENDOR SET: 01 **** CHECK LISTING ****
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	10/2022	130,551.82CR
201	10/2022	7,250.46CR
208	10/2022	183.00CR
285	10/2022	961.00CR
292	10/2022	1,506.90CR
293	10/2022	2,173.00CR
297	10/2022	640.34CR
405	10/2022	546,490.37CR
415	10/2022	19,210.15CR
601	10/2022	25,145.38CR
650	10/2022	11,763.76CR
ALL		745,876.18CR

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Future agenda items.**

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: **October 18, 2022**

DEPARTMENT: **City Clerk**

FROM: **Carey Danen**

SUBJECT: **Resolution #22-86 Disallowance of Claim (Paul A. Kurowski).**

ATTACHMENTS:

- Reso22-86 (PDF)
- Liability Claim_Kurowski (PDF)
- EMC denial letter (PDF)
- Paul Kurowski_Correspondence_9-29-22 (PDF)

RESOLUTION #22-86

DISALLOWANCE OF CLAIM
(Paul A. Kurowski)

WHEREAS, a Notice of Claim and Claim was filed by Paul A. Kurowski, 812 Voelker Street, De Pere, Wisconsin 54115 ("Claimant"), in the office of the City Clerk on September 18, 2022, alleging property damage to Claimant's vehicle in the amount of $4,000.00, which occurred on September 12, 2022; and

WHEREAS, such Notice and Claim further alleges that Claimant's car was parked by the curb in front of his house and was damaged when a tree fell across the road and landed on top of the vehicle; and

WHEREAS, this matter has been reviewed by the City's liability insurance carrier, EMCASCO Insurance Company (EMC), which investigated the same and determined that the City was not negligent or legally responsible for the damages based upon the following:

1. winds at the time of the incident were unusually severe, with National Weather Service records noting sustained winds of 26 mph, with gusts in excess of 35 mph; and
2. the tree was deemed healthy during a routine inventory inspection that occurred within the last year, such that the City was without prior knowledge of any damage or defect to the tree so that it could not have taken steps to prevent the tree from falling.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

> The claim submitted by Paul Kurowski be, and the same is hereby denied, and that no action on this claim may be brought against the City of De Pere, or any of its officers, officials, agents or employees after six months from the date of service of this notice.

BE IT FURTHER RESOLVED THAT:

> A copy of this Resolution be forwarded to the Claimant, Paul Kurowski, as a Notice of Disallowance.

BE IT FURTHER RESOLVED THAT:

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

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of October, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Liability Claim Form
City of De Pere

Please fill out the form completely and return to the City Clerk's office
via e-mail to cdanen@deperewi.gov,
or by mail to 335 S. Broadway, De Pere, WI 54115

CLAIMANT INFORMATION

Claimant Name: Paul A Kurowski

Address: 812 VOELKER St

Phone Number(s):

E-mail Address:

INCIDENT INFORMATION

Date & Time of Incident: 9/12/22

Location of Incident: 812 VOELKER St

Total Amount of Claimed Damages: $4,000 (Attach itemized invoices/estimates)

Please provide a detailed description of the incident in the space below (attach additional sheets if necessary). For personal injury, indicate the nature of the injury, whether or not medical attention was provided and list the name of the physician/hospital. Also identify any witnesses to the incident.

Car was parked by the curb in Front of my House. The tree came down From the other side and Landed on top of the car.

In signing this Liability Claim Form, I acknowledge that the City of De Pere will be submitting my information to its liability insurance carrier for its review and determination of liability and that my claim will be paid only if the insurance company determines the City is legally liable for my damages/injuries.

Paul A Kurowski
Claimant Signature
(parent/guardian if claimant is under 18)

9-18-22
Date

I bought the car about roughly a year ago. I paid $4,000 for the car I hope I can break even. The car was in good condition.

Paul Kurowski

Milwaukee Claim Department

September 23, 2022

City of DePere
Attn: Carey Danen
335 S. Broadway
DePere, WI 54115

P.O. Box 327 | Brookfield, WI 53008-0327 | 262.717.3900 | 855.495.1800 | F 888.992.6125 | milwaukee.claims@emcins.com | www.emcins.com

Employers Mutual Casualty Company
EMCASCO Insurance Company
EMC Reinsurance Company
Illinois EMCASCO Insurance Company
Dakota Fire Insurance Company
EMC Property & Casualty Company
Union Insurance Company of Providence
Hamilton Mutual Insurance Company
EMC Risk Services, LLC
EMC Underwriters, LLC
EMC National Life Company (affiliate)

Milwaukee Claim Department

September 22, 2022

Paul Kurowski
812 Voelker St
De Pere, WI 54115

RE:

Policyholder:	City of DePere
Claimant:	Paul Kurowski
Date of Loss:	09/12/2022
Claim Number:	1748338

Dear Mr. Kurowski:

We have received and reviewed the claim that you presented against our policyholder for the damage on your vehicle.

The policy under which this claim was submitted is one of liability insurance. It is our obligation to pay only for claims for which our policyholder is legally responsible. We do not believe there was any negligence on the part of our policyholder. Therefore, we are unable to assist you with payment of this claim.

Sincerely,

Sarah Johnson Claims Adjuster II
(262)717-3915

CC: City of DePere
M3 Insurance Solutions Inc

P.O. Box 327 | Brookfield, WI 53008-0327 | 262.717.3900 | 855.495.1800 | F 888.992.6125 | milwaukee.claims@emcins.com | www.emcins.com

Employers Mutual Casualty Company
EMCASCO Insurance Company
EMC Reinsurance Company
Illinois EMCASCO Insurance Company
Dakota Fire Insurance Company
EMC Property & Casualty Company
Union Insurance Company of Providence
Hamilton Mutual Insurance Company
EMC Risk Services, LLC
EMC Underwriters, LLC
EMC National Life Company (affiliate)

Paul Kurowski
812 Voelker Street
De Pere, WI 54115
(920) 634-8446

City of De Pere
SEP 2 9 2022
Clerk's Office

September 28, 2022

City of De Pere
335 S. Broadway
De Pere, WI 54115

To whom it may concern:

My wife and I were recently in contact with the City of De Pere regarding a large tree located on the city's property, falling on my son's vehicle. This took place on September 12, 2022 at 812 Voelker Street. We were advised by the clerk for the City of De Pere to submit a quote from an autobody shop as to what the damage total is to the vehicle. We submitted the quote, as requested, with the cost of the damage and according to De Pere Auto, the car was totaled. After review by the City of De Pere, we were told the city was not liable for the damage and the occurrence was considered an "act of nature" because it was thought to be a healthy tree. However, according to my research, a "healthy tree" does not simply fall due to wind alone.

According to accuweather.com, "...most common contributors to trees falling over...are soggy soil and a compromised root system." [1] Sacramento Tree foundation states "poor planting techniques, infrastructure crowding and root damage affect root health and will negatively effect the strength of a tree over time." [3] Accuweather.com also states "trees planted at the proper depth in an open area and in well-drained soil will fair much better... then when planted in an often wet soil or where restricted or cut by roads, sidewalks, driveways and building foundations." The large tree that fell was surrounded by cement on three of its four sides. It is bordered on the west side by sidewalk, a driveway on the south side and a roadway on the east side, leaving the tree crowded, therefore affecting its root health by restricting the roots.

According to Americanarborist.net, weakened tree roots can be hard to spot due to the roots being covered in soil [2]. Mushrooms or other fungi growing at the base of the tree or on the trunk can signify rotting wood. I do not believe anyone checked for mushrooms or fungi on this tree before it was cut up into pieces and hauled away, therefore, we cannot completely rule out the tree falling from weakened roots.

Mr. Tree Inc. states some symptoms of tree death can be very discrete such as "...slight leaning or issues with the roots". Mr. Tree Inc also states "...there may be no visible symptoms" as "...the dying process has usually been happening for a while before any visible signs begin to show..."[4]

The tree that fell was growing in a "V" shape or what is known as a codominant stem according to E.L.M. Tree Care. (see attached photo from Google maps). This V shape in the tree creates a weak spot, therefore, creating weight issues. "In many cases the tree is so damaged by the split that the entire thing must come down" E.L.M Tree Care states.[5]

There is no definitive way to prove that the tree was healthy and fell simply due to an act of nature. There are multiple variables, as stated above that could have contributed to the tree falling.

Please review and get back to us at your earliest convenience. This has impacted our family as my son is now without a vehicle and therefore, no way of getting to work, due to no fault of his own.

Sincerely,

Paul A Kurowski

Paul Kurowski

[1] Why trees topple in high winds | AccuWeather
[2] Sacramento Tree Foundation (sactree.org)
[3] 5 Warning Signs That Indicate Your Tree May Fall (americanarborists.net)
[4] 5 Signs a Tree Is Dying | Mr. Tree, Inc. (mrtreeservices.com)
[5] What's a Codominant Stem? Why Is It Bad? (treetrimmingtemecula.com)



Sarah Johnson
Claims Adjuster

City of De Pere
SEP 2 9 2022
Clerk's Office

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**October 18, 2022**
DEPARTMENT:	**City Attorney**
FROM:	**Kristen Johnson**
SUBJECT:	**Request to Approve Funding for Outside Counsel from Stafford Rosenbaum in an Amount Not to Exceed $3000.00.**