



Common Council

Regular Meeting

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

Revised Agenda

Tuesday, October 18, 2016

7:30 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Common Council** of the City of De Pere will be held on **October 18, 2016** at **7:30 PM** in the **De Pere City Hall Council Chambers**, 335 S. Broadway Street, De Pere, WI 54115.

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

Call to order.

1. Roll call.
2. Pledge of allegiance to the Flag.
3. Approval of the Minutes of the October 4, 2016 Common Council Meeting
4. Public comment upon matters not on the agenda or other announcements.
5. Recommendation from the Finance Committee to approve changes to the Community Service Grant Distributions.
6. Consideration of Ordinance Changes to Historic Preservation Ordinance (second reading).
 - A. Ordinance #16-23A, Amending Various Provisions of Chapter 38 De Pere Municipal Code Regarding Historic Preservation in Compliance with 2015 Wisconsin Act 176.
 - B. Ordinance #16-23B, Amending Various Provisions of Chapter 38 De Pere Municipal Code Regarding Historic Preservation for Continued Certified Local Government Status.
7. Ordinance #16-24 Amending §150-15 De Pere Municipal Code Regarding Heavy Traffic Route
8. Resolution #16-109 Authorizing Tax Refund (Terhar)
9. Consideration of Awarding Police Roof Replacement Contract to Walsdorf Roofing Company Inc. in the amount of \$62,800.
10. Recommendation from the Finance Committee to approve transfer of funds from Unassigned Reserves to deliver HVAC services to the Video Production Office (VPO) located on the back wall of the City of De Pere Council Chamber. **Add-On**
11. Voucher Approval.
12. Operator License Applications.
13. Future agenda items.
14. Adjournment.

Lawrence M. Delo

City Administrator

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

Agenda Sent To:

Alderspersons

Mayor

City Administrator

Department Heads

TV, Newspaper & Radio Stations

Kress Family Library

De Pere Chamber of Commerce

Robert Terhar

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

MEETING DATE: October 18, 2016

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Approval of the Minutes of the October 4, 2016 Common Council Meeting

ATTACHMENTS:

- 10-04-2016 Common Council Minutes (DOC)



Common Council

Regular Meeting

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

Draft Minutes

Tuesday, October 4, 2016

7:30 PM

De Pere City Hall Council Chambers

1. Call to order. The Common Council Meeting was called to order on October 4, 2016 at 7:30 PM De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

Attendee Name	Title	Status
Michael J. Walsh	Mayor	Present
James Boyd	Aldersperson	Present
Dan Carpenter	Aldersperson	Present
Scott Crevier	Aldersperson	Excused
Michael Donovan	Aldersperson	Present
Ryan Jennings	Aldersperson	Present
Larry Lueck	Aldersperson	Excused
Dean Raasch	Aldersperson	Present
Lisa Rafferty	Aldersperson	Present

2. Pledge of allegiance to the Flag. Boyscout Collin Fayes led the Council in the Pledge of Allegiance.
3. Approval of the Minutes of the September 20, 2016 Common Council Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Aldersperson
SECONDER:	Lisa Rafferty, Aldersperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

4. A Public Hearing to act on the repeal and recreation of Chapter 28, De Pere Municipal Code regarding Stormwater Management Zoning (Post Construction) regulation under Wis. Stats. §62.234.
 - A. Notice of Public Hearing.
Clerk-Treasurer Shana Ledvina announced that the public hearing was published in the Green Bay Press Gazette on September 20 and 27, 2016.
 - B. Recommendation from the Board of Public Works.
Economic Development and Planning Director Kim Flom stated that the Plan Commission voted unanimously to approve this ordinance. City Attorney Judy Schmidt-Lehman stated that the ordinance also went to the Board of Public Works and they also recommended approval.
 - C. Ordinance #16-22, Repealing and Recreating Chapter 28-Stormwater Management Zoning (Post Construction).
Mayor Walsh declared the public hearing open; no one wished to speak, and the mayor declared the public hearing closed and entertained a motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

5. Public comment upon matters not on the agenda or other announcements.

Maureen Vanden Hogen, 405 Franklin Street, De Pere asked the Council to consider restricting the height of buildings in downtown De Pere.

6. Recommendation from the License Committee on an Application for a Temporary Premise Description Change for St. Norbert College.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

7. Recommendation from the License Committee on an Application for Change of Agent submitted by Walgreen Co.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

8. Recommendation from the Board of Park Commissioners to accept the Pink Flamingo Donation for the Recreation Scholarship.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

9. Recommendation from the Board of Park Commissioners to accept a Project Proposal for a Decorative Planter at the Dog Park Entrance for the De Pere Dog Park.

Alderperson Raasch moved, seconded by Alderperson Jennings to open the meeting. Upon vote, motion carried unanimously. Collin Fayes came forward and described his project to the Council. Alderperson Donovan moved, seconded by Alderperson Raasch to close the meeting. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

10. Recommendation from Plan Commission to Approve a Proposed Extraterritorial Two-Lot Certified Survey Map at 3975 Creamery Road in Ledgeview (Parcel D-486-2). Submitted by Richard A. Huxford, PLS.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

11. Recommendation from Plan Commission to Approve a Proposed Four-Lot Certified Survey Map at 2100 BLK Richco Road in De Pere (Parcels WD-L178-1-1, WD-L179, WD-L179-3, WD-L179-4). Submitted by City of De Pere.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

12. Consideration of Ordinance Changes to Historic Preservation Ordinance.

Alderperson Donovan moved, seconded by Alderperson Jennings to open the meeting. Upon vote, motion carried unanimously.

Joe De Rose from the Wisconsin Historical Society was present and answered questions about ACT 176. He explained that the changes require the City to hold a public hearing on any proposed historical designations and that any involved property owners must be notified. Any property owner that is not in agreement with the designation has the right to appeal the designation to the Common Council. He explained that the Certified Local Government Program is a federal program that is administered by the Wisconsin Historical Society. The City of De Pere has received over \$60,000 in federal funding since becoming a CLGP member in 2002. Discussion followed regarding federal tax credits, property owner rights, local control and the notification process.

Mary Baeten, a property owner in the Historic Randall District, came forward to express her concern about individual property owner rights.

Maureen Vanden Hogen came forward to explain that there are home owners who value being part of a historic registry. She asked if changes are made to the exterior of a historic home, do they have to be approved only if applying for a tax credit?

City Attorney Judy Schmidt-Lehman explained that if a home has a federal/state historic designation there is no one telling you to do your repairs a certain way, but if the home/site is designated historic locally then the Historic Preservation Commission does have a say in any exterior improvements/repairs made to the site. She also explained that there are no locally designated historic districts in the City of De Pere.

City Economic Development and Planning Director Kim Flom explained that any work on the exterior of a home that requires a permit will trigger the HPC to review the permit,

but this only applies to locally designated historic homes/sites. A certificate of appropriateness must be approved before receiving the work permit. Gene Hackbarth and Mike Fleck of the De Pere Historic Preservation Commission discussed the benefits of remaining a member of the Certified Local Government Program with the Council. Gene explained that the only two properties with a local historic designation are White Pillars and the service station at Voyageur Park. He explained that the intent of the HPC is to work only with homeowners who are interested in having their home be a designated historic site. Gene expressed that without these ordinance approvals, the HPC loses the ability to receive grant funding from the state. Discussion followed. Alderperson Donovan moved, seconded by Alderperson Boyd to close the meeting. Upon vote, motion carried unanimously.

A. Ordinance #16-23A, Amending Various Provisions of Chapter 38 De Pere Municipal Code Regarding Historic Preservation in Compliance with 2015 Wisconsin Act 176.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve the ordinance. City Attorney Judy Schmidt-Lehman requested to amend the ordinance in Section 2, paragraph 1 by adding the phrase "by first class mail". Motion to approve carries 5-1 with Alderperson Raasch voting nay. A second reading of the ordinance is required.

B. Ordinance #16-23B, Amending Various Provisions of Chapter 38 De Pere Municipal Code Regarding Historic Preservation for Continued Certified Local Government Status.

Alderperson Jennings moved, seconded by Alderperson Boyd to approve the Ordinance. Motion carried 4-3 with Alderperson Donovan, Raasch and Rafferty voting nay and Mayor Walsh voting ay to break the tie. A second reading of the ordinance is required.

13. Resolution #16-104, Regarding the Vacation of a Portion of a Public Thoroughfare (Railroad Spur 500 Block of Fortune Avenue).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

14. Resolution #16-105, Regarding the Vacation of a Portion of a Public Thoroughfare (2100 Block of Richco Road).

Discussion followed with Council and staff regarding the location.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED:	Scott Crevier, Larry Lueck

15. Resolution #16-106, Disallowance of Claim (Beverly Wojkiewicz).

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Boyd, Alderperson
SECONDER: Lisa Rafferty, Alderperson
AYES: Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED: Scott Crevier, Larry Lueck

16. Resolution #16-107, Authorizing Agreement Regarding the Sale/Purchase and Right of First Refusal of Certain Property Between the City of De Pere and Green Bay Packaging, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Dean Raasch, Alderperson
SECONDER: Ryan Jennings, Alderperson
AYES: Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED: Scott Crevier, Larry Lueck

A. Plan Commission recommendation for or a two lot CSM on the south end of American Boulevard parcel WD-L492-B. Surveyor: Mau & Associates.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Boyd, Alderperson
SECONDER: Ryan Jennings, Alderperson
AYES: Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED: Scott Crevier, Larry Lueck

17. Resolution #16-108, Authorizing Contract to Administer the Retail Food and Recreational Programs for the Wisconsin Department of Agriculture Trade and Consumer Protection.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Ryan Jennings, Alderperson
SECONDER: James Boyd, Alderperson
AYES: Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED: Scott Crevier, Larry Lueck

18. Confirmation of Appointment To Position of Health Officer/Director

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Donovan, Alderperson
SECONDER: Ryan Jennings, Alderperson
AYES: Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED: Scott Crevier, Larry Lueck

19. Voucher Approval.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lisa Rafferty, Alderperson
SECONDER: Dean Raasch, Alderperson
AYES: Boyd, Carpenter, Donovan, Jennings, Raasch, Rafferty
EXCUSED: Scott Crevier, Larry Lueck

20. Operator License Applications.

CITY OF DE PERE - October 4, 2016					
ITEM	NAME	ADDRESS	CITY	ST	ZIP
Previously Tabled Operator Licenses					
1	HENDRICKS, RICHARD L.	617 BIRCH ST	DE PERE	WI	54115
2	PHILLIPS, JOSEPH K.	3201 GLENDALE AV	GREEN BAY	WI	54313
3	STREGE, STEFANIE S.	159 KENNEY ST	GREEN BAY	WI	54301
4	TOWLE, KATHERINE A.	536 N. HENRY	GREEN BAY	WI	54302
New Operator License Applications for the 2016-2018 Licensing Period					
1	BOROWSKI, AMY L.	1410 PORLIER ST	GREEN BAY	WI	54301
2	BURROWS, MELISSA S.	2281 SAMANTHA ST #118	DE PERE	WI	54115
3	CAYO, CRAIG S.	1619 E. GLENDALE	APPLETON	WI	54911
4	DE CLEENE, STEVEN L.	1334 SCHEURING RD #1	DE PERE	WI	54115
5	DINY, EMILY C.	1879 PARTRIDGE RD	DE PERE	WI	54115
6	DUSHA, RENEE C.	2435 SYCAMORE DR #5	GREEN BAY	WI	54311
7	EARNEY, REGAN J.	948 GREEN RIDGE DR	DE PERE	WI	54115
8	FIRKUS, REBECCA A.	100 GRANT ST #558	DE PERE	WI	54115
9	FOX, YOLANDA M.	1337 S. NORWOOD	GREEN BAY	WI	54304
10	FRYE, TYLER R.	625 REID ST	DE PERE	WI	54115
11	JANSSEN, ELLEN A.	255 N. 10TH ST #215	DE PERE	WI	54115
12	JOHNSON, PAUL A.	2031 ZEISE AV	GREEN BAY	WI	54302
13	KAFKA, MOLLY C.	1120 ORLANDO DR	DE PERE	WI	54115
14	KITSON, MAKAYLA S.M.	1368 WEISE ST	GREEN BAY	WI	54302
15	KNAPP, KATIE M.	1581 CYPRESS RD #3	DE PERE	WI	54115
16	MC NULTY-KRAMER, KIM M.	2467 KIMBERLY ST	GREEN BAY	WI	54313
17	MULHERN, SCOTT P.	665 A FOXVIEW AV	DE PERE	WI	54115
18	PERROTTE, ZACHARY E.	1004 HENNES CT	KAUKAUNA	WI	54130
19	PHILLIPS, BRYANT J.	605 DORELLE ST	KEWAUNEE	WI	54216
20	POLEY, BENJAMIN P.	220 FORT HOWARD AV	DE PERE	WI	54115
21	RADANT, TYLER R.	850 SWAN RD	DE PERE	WI	54115
22	RHODE, ANGELA L.	1736 KEEHAN LN	GREEN BAY	WI	54311
23	ROSNER, COREY W.	2680 HE NIS RA LN	GREEN BAY	WI	54304
24	RYDER, MARISSA J.	1268 SCHEURING RD #9	DE PERE	WI	54115
25	STIEGLITZ-VAN VONDEREN, SADIE B.	525 S. HURON RD	GREEN BAY	WI	54311
26	THOMPSON, CASSIE J.	707 PINE ST	DE PERE	WI	54115
27	TINGLE, JENNIFER L.	240 1/2 FRANK ST	OCONTO	WI	54153
28	TRAINOR, PATRICK D.	2564 STONE MEADOW TR #12	GREEN BAY	WI	54313
29	VANDER LOOP, ANTHONY R.	1221 KLAUS ST	GREEN BAY	WI	54302
30	WATTS, ELIZABETH M.	904 CLEMENT #3	GREEN BAY	WI	54302
31	WEBER, KATRINA S.	413 N LINCOLN ST	ELKHORN	WI	53121
32	ZEAMER, TINA M.	3384 SCHOOL RD	DE PERE	WI	54115

Alderson Raasch moved, seconded by Alderson Boyd to approve Previously Tabled Operator License Applications #1-4. Upon vote, motion carried unanimously.

Alderson Raasch moved, seconded by Alderson Carpenter to approve Operator License Applications #1-3, 5-6, 8-9, 11-19, 21-24, 26, and 28-32. Upon vote, motion carried unanimously.

Alderson Raasch moved, seconded by Alderson Boyd to table Operator License Applications #4, 7, 10, 20, 25 and 27. Upon vote, motion carried unanimously.

21. Future agenda items.

22. Adjournment.

Alderson Raasch moved, seconded by Alderson Jennings to adjourn the meeting at 9:26 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer

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

MEETING DATE: October 18, 2016

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Recommendation from the Finance Committee to approve changes to the Community Service Grant Distributions.

ATTACHMENTS:

- Community Service Grant Application with no date indication (PDF)
- Community Service Grant memo to council (DOC)



City Of De Pere

COMMUNITY SERVICE GRANT APPLICATION

GROUP/INDIVIDUAL INFORMATION

Group Name:			
Grant Applicant Name:		Email address:	
Physical Address:			
Phone Number:		Alt. Phone Number:	
Date:		Program Title:	

INSTRUCTIONS

Goals should always be: **S** – Specific **M** – Measurable **A** – Achievable **R** – Realistic **I** – Time Bound

In the area below, describe your community service proposal in lieu of the following considerations:

1. **Goal/Objective.** Briefly describe each goal/objective and when the goal/objective should be met or accomplished.
2. **Measurement.** How will the goal/objective be achieved? What benefit will citizens of the city of De Pere gain through this project?
3. **Itemize all anticipated expenses.** Describe all materials that will need to be purchased for the project and how they will relate to the overall objective. Also provide cost estimates associated with the project, not to exceed \$300.00.

PROJECT OUTLINE

Description:

Attachment: Community Service Grant Application with no date indication (5219 : Review Community Service Grant Distributions.)

1ST GOAL / OBJECTIVE**Description:****2ND GOAL / OBJECTIVE****Description:****3RD GOAL / OBJECTIVE****Description:**

Attachment: Community Service Grant Application with no date indication (5219 : Review Community Service Grant Distributions.)

MISCELLANEOUS INFORMATION

Deadlines: Grant application deadline is June 1 or December 1 of each year. The City Council will evaluate the proposals for selecting recipients at the 2nd Council meeting of the month of award.

All grant applications shall be submitted to the City Clerk's office on or before the grant deadline.

The following criteria will be used to evaluate each proposal:

1. Contribution to public safety
2. Contribution to community awareness
3. Improves community infrastructure
4. Creativity of proposal
5. Enhances the aesthetic quality of the city
6. Contributes to city culture or an overall sense of community

Your signature below indicates that your application, if selected, will adhere to the program as outlined above. No grant funds shall be spent in a fashion outside the scope of the aforementioned project. No grant funds may be used for alcohol, drugs, any behavior or activity which is contrary to local ordinances, state statutes, or federal law.

Signature (Group Representative): Date:

Printed Name (Group Representative):

H:\Irenier\Misc\Community Service Grant Application - revised dates per Char 10-5-10.doc

CITY OF DE PERE**MEMO**

DATE: October 12, 2016
TO: Members of the City Council, Mayor Walsh
FROM: Shana Ledvina, Clerk-Treasurer
RE: Community Service Grants

The City of De Pere budgets \$1200 annually to award up to 4 Community Service Grants, 2 in June and 2 in December.

We have had little to no interest in the grants and have often not received any applications for the grants at all. Efforts to share information about the grant have included sending press releases to the Press Gazette and information on the grants in our City Newsletters and on our website. Moving forward, I will ask that departments with Facebook pages share the grant application on social media.

The Finance Committee approved allowing the requests to be made for up to \$600 in an effort to make the grants more appealing to applicants. In the event that more than \$600 is requested in June or December, the Council can determine how they want to meet the needs of the applicants when they are presented with the proposals.

If you have any questions or other suggestions, feel free to contact Shana Ledvina at 339-4072 ext. 1355.

Attachment: Community Service Grant memo to council (5219 : Review Community Service Grant Distributions.)

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

MEETING DATE: October 18, 2016

DEPARTMENT: Common Council

FROM: Lisa Renier

SUBJECT: Consideration of Ordinance Changes to Historic Preservation Ordinance (second reading).

ATTACHMENTS:

- Ord16-23A (DOCX)
- Historic Preservation Ordinance-Redlined Compliance with WI Act 176 (PDF)
- Ord16-23B (DOCX)
- Historic Preservation Ordinance-Redlined Continued CLG Status (PDF)
- 04 Oct 2016 - Common Council - Historic Preservation Ordinance Revision (DOCX)
- Wisconsin Historical Society - CLG Status - Wisconsin requirements and benefits (PDF)
- Chair Fleck-HPC Members 2015 WI ACT 176 Analysis -9-19-16-119-100-02 (PDF)
- Property Owner Letter - HPC Ordinance (DOCX)

ORDINANCE #16-23A

AMENDING VARIOUS PROVISIONS OF CHAPTER 38 DE PERE MUNICIPAL CODE REGARDING HISTORIC PRESERVATION IN COMPLIANCE WITH 2015 WISCONSIN ACT 176

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

Section 1: Sec. 38-5(a), *Powers and duties of commission; Designation*, is hereby
amended by inserting the following as the fourth sentence of such paragraph:

All owners of an historic site or an historic structure for which historic designation is proposed shall be provided with notice of the proposed designation prior to commission action on the designation.

Section 2. Sec. 38-6, *Procedures*, is hereby amended as follows:

1. By adding the following to the end of the second sentence in paragraph (a)(1): “of the proposed designation and of the time and place of the public hearing by First Class Mail.”;
2. By changing the fourth sentence in paragraph (a)(2) to read: “After designation or rescission has been made, official notification shall be sent to the property owners, and to the city clerk, building inspection department, plan commission and the city assessor.”; and
3. By adding the following as paragraph (a)(3): “The Common Council may overturn the decision of the Commission by a majority vote of the Council, as provided in Section 38-9 of this Chapter.”

Section 3. Sec. 38-9, *Appeal of Commission Decision*, is hereby created to read:

Sec. 38-9. – Appeal of Commission Decision.

An owner of property affected by a decision of the Commission may appeal the decision to the Common Council. Such appeal shall be made in writing, and filed with the City Clerk, not later than 24 days after receipt of the Commission decision at issue. The Council may overturn the decision of the Commission by majority vote of the council.

With all subsequent sections re-numbered accordingly.

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

Section 5. This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of October, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Board/Committee Approval: 09/19/16

Publication Date: _____

Effective Date: _____

Redlined – Compliance With 2015 Wisconsin Act 176

Chapter 38 - HISTORIC PRESERVATION[1]

Sec. 38-1. - Purpose and intent of chapter.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
- (2) Safeguard the city's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- (3) Foster civic pride in the notable accomplishments of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- (6) Improve and enhance the visual and aesthetic character of the city.
- (7) Educate the public regarding the need and desirability of a city historic preservation program and its enhancement of the quality of life.

Sec. 38-2. - Definitions.

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

Certificate of appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction, or demolition of an historic structure, historic site, or any improvement in an historic district.

City means City of De Pere, Wisconsin.

Commission means the historic preservation commission created under this chapter.

Historic district means an area designated by the common council, on recommendation of the commission, that contains two or more historic improvements or sites.

Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of humans, or upon which an historic event has occurred, and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is

situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation, and which has been designated as an historic structure pursuant to the provisions of this chapter.

Improvement means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Improvement parcel means the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

Sec. 38-3. - Historic preservation commission; composition.

An historic preservation commission is hereby created, consisting of seven members. Of the membership, if available in the community, one shall be a registered architect; one shall be an historian; one shall be a licensed real estate broker; one shall be a council member; and three shall be citizen members, one of which must reside within an historic district. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The mayor shall appoint the commissioners subject to confirmation by the common council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

(Code 1974, § 11.03; Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-4. - Historic structure, historic site and historic district designation criteria.

(a) For purposes of this chapter, an historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the city, such as historic structures, sites, or districts which:

- (1) Exemplify or reflect the broad cultural, political, economic, or social history of the nature, state, or community;
- (2) Are identified with historic personages or with important events in national, state, or local history;
- (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;

(4) Are representative of the notable work of a master builder, designer, or architect who influenced his or her age; or

(5) Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The commission may adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with the provisions of this chapter.

Sec. 38-5. - Powers and duties of commission.

(a) Designation. Upon request of the property owner, the commission shall have the power, subject to section 38-6, infra, to designate historic structures and historic sites. The commission shall have the power to recommend designation of historic districts within the city limits. Any designation of an historic site or historic structure shall be with approval of the property owner(s). All owners of an historic site or an historic structure for which historic designation is proposed shall be provided with notice of the proposed designation prior to commission action on the designation. Such designations shall be made based on section 38-4, supra. Historic districts shall be approved by the common council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this chapter.

(b) Regulation of construction, reconstruction, alteration, and demolition.

(1) No owner or person in charge of an historic structure, historic site, or structure within an historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties, or cause or permit any such work to be performed upon such property, or demolish such property unless a certificate of appropriateness has been granted by the historic preservation commission. Unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.

(2) Upon filing of any application for a certificate of appropriateness with the commission, the commission shall approve the application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;

b. In the case of the construction of a new improvement upon an historic site or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and

intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district;

- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
- e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;
- f. Except as provided herein, in the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair. Upon the request for a demolition permit for a structure determined to be unfit for human habitation, occupancy, or use by any authorized public official or agency, the commission may defer the granting of approval for a period of up to six months from the time of such application, during which time the commission and the property owner shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the property owner and the commission shall cooperate in attempting to avoid demolition of the property. At the end of this six-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is under way, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the building inspector may issue the permit to demolish the subject property without the approval of the commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and available for disbursement within a period of two months following the end of such six-month period, the building inspector may issue the permit to demolish the subject property without the approval of the commission.

(3) In addition, in determining whether to issue a certificate of appropriateness, the commission shall consider and may give decisive weight to any or all of the following standards:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

- d. Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(4) If the commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district and with the above guidelines, it shall issue the certificate of appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the building inspector. The commission shall make this decision within 45 days of the filing of the application. Failure of the commission to act upon a request for a certificate of appropriateness within 45 days shall result in the issuance of such certificate.

(5) Agencies of the city and all public utility and transportation companies undertaking projects affecting historic structures, historic sites, or historic districts shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the city.

(6) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal

permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to an historic structure, historic site, or improvement in an historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing of the city shall apply unless waived by the appropriate state or city officials. The commission may support or propose such waivers before the appropriate state or city appeals body.

(7) Compliance with certificates of appropriateness shall be started within 12 months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The city may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the city shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.

(8) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided the work involves repairs to existing features of an historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(c) Appeals. Should the commission deny a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the common council within 30 days. In addition, if the commission denies a certificate of appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this chapter.

(d) Recognition of historic structures, sites, and districts. At such time as an historic structure, site, or district has been properly designated, the commission may cause to be prepared and erected on such property, at city expense, a suitable plaque declaring that such property is an historic structure, site, or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction, and other information deemed proper by the commission.

(e) Other duties. In addition to those duties already specified in this section, the commission shall:

(1) Work for the continuing education of the citizens about the historical heritage of the city and the historic properties designated under the provisions of this chapter.

(2) Cooperate with the state historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.

- (3) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose.

Sec. 38-6. - Procedures.

(a) Designation of historic structures and historic sites.

(1) The commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in section 38-4, above. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 100 feet of the boundaries of the property affected of the proposed designation and of the time and place of the public hearing. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice under the Wisconsin Statutes. The commission shall also notify the following: department of public works, redevelopment authority, parks department, fire and police departments, health department, building inspection department, and plan commission. Each such department may respond to the commission with its comments on the proposed designation or rescission.

(2) The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either an historic structure or historic site, or rescind the designation. After the designation or rescission has been made, official notification shall be sent to the property owner or owners, and, ~~Notification shall also be given~~ to the city clerk, building inspection department, plan commission, and the city assessor. The commission shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.

(3) The Common Council may overturn the decision of the Commission by a majority vote of the Council, as provided in Section 38-9 of this Chapter.

(b) Designation of historic districts.

(1) For preservation purposes, the historic preservation commission shall select geographically defined areas within the city to be designated as historic districts and shall, with the assistance of the city planning department, prepare an historic preservation plan in ordinance form for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city, which:

- a. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, or community;
- b. Is identified with historic personages or with important events in national, state, or local history;
- c. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods, or construction, or of indigenous materials or craftsmanship;
- d. Is representative of the notable works of master builders, designers, or architects who influenced their age; or
- e. Has yielded, or may be likely to yield, information important to history or prehistory.

(2) Each historic preservation plan prepared for or by the historic preservation commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

(3) Guideline criteria to be considered in the development of historic district plans are as follows:

- a. Regulation of construction, reconstruction, alteration, and demolition shall conform to the criteria and standards in subsections 38-5(b)(1)—(3).
- b. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
- c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
- d. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
- e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
- f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which they are visually related.
- g. The existing rhythm created by existing building masses and spaces between them should be preserved.
- h. The materials used in the final facade should be visually compatible with the buildings and environment with which they are visually related.

- i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
- j. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which they are visually related.
- k. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
- l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
- m. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
- n. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

(4) Review and adoption procedure.

- a. Historic preservation commission. The historic preservation commission shall hold a public hearing when considering the plan for an historic district. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official city paper. Notice of the time, place, and purpose of the public hearing shall also be sent by the city clerk to the council member of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the Office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 100 feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the historic preservation commission shall vote to recommend, reject, or withhold action on the plan. This recommendation shall be forwarded to the city plan commission and the common council.
- b. The city plan commission. The plan commission shall review the historic district plan and make a recommendation to the common council. The plan commission shall make its recommendation on the historic district plan within 45 days.
- c. The common council. The common council, upon receipt of the recommendation from the historic preservation commission and plan commission, shall hold a public hearing, with notice to be given as noted in subsection a., above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic

district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

Sec. 38-7. - Interim control.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the historic preservation commission at which a nomination form is first presented until the final disposition of the nomination by the historic preservation commission or the common council unless such alteration, removal, or demolition is authorized by formal resolution of the common council as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.

Sec. 38-8. - Conformance with regulations.

(a) Every person in charge of an historic structure, historic site, or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The common council may appoint the building inspector or any other individual or group of individuals to enforce this chapter. During the period of the certificate, the duties of the inspection officer may include periodic inspection at intervals provided by the common council of designated historic structures, historic sites, and historic districts.

(b) Every person in charge of an improvement on an historic site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair, including, but not limited to:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of exterior plasters or mortar;
- (5) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) The peeling of paint, rotting, holes, and other forms of decay;
- (7) The deterioration of surrounding environment; e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (8) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; or

(9) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

(c) The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

(d) The building inspector shall give the commission notice of properties which, in his/her opinion, are unfit for human habitation, occupancy, or use prior to issuance of any raze orders under state statutes or municipal ordinances.

(e) Insofar as they are applicable to an historic structure, historic site, or improvement in an historic district designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the general ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

Sec. 38-9. – Appeal of Commission Decision.

An owner of property affected by a decision of the commission may appeal the decision to the Common Council. Such appeal shall be made in writing, and filed with the City Clerk, not later than 24 days after receipt of the Commission decision at issue. The Council may overturn the decision of the Commission by majority vote of the council.

Sec. 38-~~9~~10. - Penalties for violations.

Any person or persons violating any provision of this section may be fined no less than \$200.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

Sec. 38-~~10~~10. - Emergency conditions.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health, or property affecting an historic structure, site, or a property in an historic district, the city may order the remedying of these conditions without the approval of the commission. The city shall promptly notify the commission of the action being taken. When the emergency conditions do not require demolition, the city shall make every effort to carry out the intent of this chapter and to use the design guidelines of the commission when remedying the emergency conditions.

Sec. 38-~~12~~14. - Separability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

ORDINANCE #16-23B

AMENDING VARIOUS PROVISIONS OF CHAPTER 38 DE PERE
MUNICIPAL CODE REGARDING HISTORIC PRESERVATION FOR
CONTINUED CERTIFIED LOCAL GOVERNMENT STATUS

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

Section 1: Sec. 38-5(a), *Powers and duties of commission; Designation*, is hereby
amended as follows:

1. By changing the first sentence to read: "The commission shall have the authority to initiate, subject to section 38-6, designation of historic sites and historic structures."
2. By deleting the third sentence of paragraph (a).

Section 2. Sec. 38-6, *Procedures*, is hereby amended as follows:

1. By deleting the phrase "...and with property owner approval..." from the first sentence of paragraph (a)(1).
2. By deleting the phrase "...with approval of the property owner(s)..." from the third sentence of paragraph (a)(2).

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

Section 4. This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of
October, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Board/Committee Approval: 09/19/16

Publication Date: _____

Effective Date: _____

Redlined – Continued Certified Local Government Status

Chapter 38 - HISTORIC PRESERVATION[1]

Sec. 38-1. - Purpose and intent of chapter.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
- (2) Safeguard the city's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- (3) Foster civic pride in the notable accomplishments of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- (6) Improve and enhance the visual and aesthetic character of the city.
- (7) Educate the public regarding the need and desirability of a city historic preservation program and its enhancement of the quality of life.

Sec. 38-2. - Definitions.

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

Certificate of appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction, or demolition of an historic structure, historic site, or any improvement in an historic district.

City means City of De Pere, Wisconsin.

Commission means the historic preservation commission created under this chapter.

Historic district means an area designated by the common council, on recommendation of the commission, that contains two or more historic improvements or sites.

Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of humans, or upon which an historic event has occurred, and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is

situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation, and which has been designated as an historic structure pursuant to the provisions of this chapter.

Improvement means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Improvement parcel means the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

Sec. 38-3. - Historic preservation commission; composition.

An historic preservation commission is hereby created, consisting of seven members. Of the membership, if available in the community, one shall be a registered architect; one shall be an historian; one shall be a licensed real estate broker; one shall be a council member; and three shall be citizen members, one of which must reside within an historic district. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The mayor shall appoint the commissioners subject to confirmation by the common council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

(Code 1974, § 11.03; Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-4. - Historic structure, historic site and historic district designation criteria.

(a) For purposes of this chapter, an historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the city, such as historic structures, sites, or districts which:

- (1) Exemplify or reflect the broad cultural, political, economic, or social history of the nature, state, or community;
- (2) Are identified with historic personages or with important events in national, state, or local history;
- (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;

(4) Are representative of the notable work of a master builder, designer, or architect who influenced his or her age; or

(5) Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The commission may adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with the provisions of this chapter.

Sec. 38-5. - Powers and duties of commission.

(a) Designation. ~~The commission shall have the authority to initiate, Upon request of the property owner, the commission shall have the power,~~ subject to section 38-6, ~~infra, to~~ designation of historic sites and historic structures ~~and historic sites.~~ The commission shall have the power to recommend designation of historic districts within the city limits. ~~Any designation of an historic site or historic structure shall be with approval of the property owner(s).~~ Such designations shall be made based on section 38-4, supra. Historic districts shall be approved by the common council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this chapter.

(b) Regulation of construction, reconstruction, alteration, and demolition.

(1) No owner or person in charge of an historic structure, historic site, or structure within an historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties, or cause or permit any such work to be performed upon such property, or demolish such property unless a certificate of appropriateness has been granted by the historic preservation commission. Unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.

(2) Upon filing of any application for a certificate of appropriateness with the commission, the commission shall approve the application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;

b. In the case of the construction of a new improvement upon an historic site or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district;

- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
- e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;
- f. Except as provided herein, in the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair. Upon the request for a demolition permit for a structure determined to be unfit for human habitation, occupancy, or use by any authorized public official or agency, the commission may defer the granting of approval for a period of up to six months from the time of such application, during which time the commission and the property owner shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the property owner and the commission shall cooperate in attempting to avoid demolition of the property. At the end of this six-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is under way, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the building inspector may issue the permit to demolish the subject property without the approval of the commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and available for disbursement within a period of two months following the end of such six-month period, the building inspector may issue the permit to demolish the subject property without the approval of the commission.

(3) In addition, in determining whether to issue a certificate of appropriateness, the commission shall consider and may give decisive weight to any or all of the following standards:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.

- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(4) If the commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district and with the above guidelines, it shall issue the certificate of appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the building inspector. The commission shall make this decision within 45 days of the filing of the application. Failure of the commission to act upon a request for a certificate of appropriateness within 45 days shall result in the issuance of such certificate.

(5) Agencies of the city and all public utility and transportation companies undertaking projects affecting historic structures, historic sites, or historic districts shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the city.

(6) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to an historic

structure, historic site, or improvement in an historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing of the city shall apply unless waived by the appropriate state or city officials. The commission may support or propose such waivers before the appropriate state or city appeals body.

(7) Compliance with certificates of appropriateness shall be started within 12 months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The city may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the city shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.

(8) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided the work involves repairs to existing features of an historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(c) Appeals. Should the commission deny a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the common council within 30 days. In addition, if the commission denies a certificate of appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this chapter.

(d) Recognition of historic structures, sites, and districts. At such time as an historic structure, site, or district has been properly designated, the commission may cause to be prepared and erected on such property, at city expense, a suitable plaque declaring that such property is an historic structure, site, or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction, and other information deemed proper by the commission.

(e) Other duties. In addition to those duties already specified in this section, the commission shall:

(1) Work for the continuing education of the citizens about the historical heritage of the city and the historic properties designated under the provisions of this chapter.

(2) Cooperate with the state historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.

(3) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose.

Sec. 38-6. - Procedures.

(a) Designation of historic structures and historic sites.

(1) The commission may, after notice and public hearing, ~~and with property owner approval~~, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in section 38-4, above. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 100 feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice under the Wisconsin Statutes. The commission shall also notify the following: department of public works, redevelopment authority, parks department, fire and police departments, health department, building inspection department, and plan commission. Each such department may respond to the commission with its comments on the proposed designation or rescission.

(2) The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may, ~~with approval of the property owner(s)~~, designate the property as either an historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspection department, plan commission, and the city assessor. The commission shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.

(b) Designation of historic districts.

(1) For preservation purposes, the historic preservation commission shall select geographically defined areas within the city to be designated as historic districts and shall, with the assistance of the city planning department, prepare an historic preservation plan in ordinance form for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city, which:

- a. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, or community;

- b. Is identified with historic personages or with important events in national, state, or local history;
- c. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods, or construction, or of indigenous materials or craftsmanship;
- d. Is representative of the notable works of master builders, designers, or architects who influenced their age; or
- e. Has yielded, or may be likely to yield, information important to history or prehistory.

(2) Each historic preservation plan prepared for or by the historic preservation commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

(3) Guideline criteria to be considered in the development of historic district plans are as follows:

- a. Regulation of construction, reconstruction, alteration, and demolition shall conform to the criteria and standards in subsections 38-5(b)(1)—(3).
- b. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
- c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
- d. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
- e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
- f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which they are visually related.
- g. The existing rhythm created by existing building masses and spaces between them should be preserved.
- h. The materials used in the final facade should be visually compatible with the buildings and environment with which they are visually related.
- i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.

j. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which they are visually related.

k. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.

m. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

n. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

(4) Review and adoption procedure.

a. Historic preservation commission. The historic preservation commission shall hold a public hearing when considering the plan for an historic district. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official city paper. Notice of the time, place, and purpose of the public hearing shall also be sent by the city clerk to the council member of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the Office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 100 feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the historic preservation commission shall vote to recommend, reject, or withhold action on the plan. This recommendation shall be forwarded to the city plan commission and the common council.

b. The city plan commission. The plan commission shall review the historic district plan and make a recommendation to the common council. The plan commission shall make its recommendation on the historic district plan within 45 days.

c. The common council. The common council, upon receipt of the recommendation from the historic preservation commission and plan commission, shall hold a public hearing, with notice to be given as noted in subsection a., above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the historic preservation commission at which a nomination form is first presented until the final disposition of the nomination by the historic preservation commission or the common council unless such alteration, removal, or demolition is authorized by formal resolution of the common council as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.

Sec. 38-8. - Conformance with regulations.

(a) Every person in charge of an historic structure, historic site, or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The common council may appoint the building inspector or any other individual or group of individuals to enforce this chapter. During the period of the certificate, the duties of the inspection officer may include periodic inspection at intervals provided by the common council of designated historic structures, historic sites, and historic districts.

(b) Every person in charge of an improvement on an historic site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair, including, but not limited to:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of exterior plasters or mortar;
- (5) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) The peeling of paint, rotting, holes, and other forms of decay;
- (7) The deterioration of surrounding environment; e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (8) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; or
- (9) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

(c) The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

(d) The building inspector shall give the commission notice of properties which, in his/her opinion, are unfit for human habitation, occupancy, or use prior to issuance of any raze orders under state statutes or municipal ordinances.

(e) Insofar as they are applicable to an historic structure, historic site, or improvement in an historic district designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the general ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

Sec. 38-9. - Penalties for violations.

Any person or persons violating any provision of this section may be fined no less than \$200.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

Sec. 38-10. - Emergency conditions.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health, or property affecting an historic structure, site, or a property in an historic district, the city may order the remedying of these conditions without the approval of the commission. The city shall promptly notify the commission of the action being taken. When the emergency conditions do not require demolition, the city shall make every effort to carry out the intent of this chapter and to use the design guidelines of the commission when remedying the emergency conditions.

Sec. 38-11. - Separability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

City of De Pere MEMORANDUM



To: Common Council
From: Peter Schleinz, City Planner
Date: September 20, 2016

RE: **Recommendation from the Historic Preservation Commission to approve revisions to the Historic Preservation Ordinance to allow the Historic Preservation Commission to designate historic buildings with the awareness of property owners.**

During the August 15, 2016 and September 19, 2016 Historic Preservation Committee meetings, the Historic Preservation Commission discussed proposed text revisions for Historic Preservation Ordinance Sections 38-5, 38-6, and 38-9, as well as the renumbering of Sections 38-9 through 38-12. The attached DRAFT Ordinance demonstrates the proposed text revisions redlined.

The proposed text revisions are necessary in order for the City of De Pere to retain its status as a Certified Local Government (CLG), and retain the City's eligibility for sub-grants from the Wisconsin Historical Society. The \$19,000 Intensive Survey sub-grant, awarded to the City of De Pere in 2016, is an example of a sub-grant that would no longer be available to the City.

In summary, the proposed text revisions include the following:

- A format for the Historic Preservation Commission to designate local historic properties and sites.
- A method for the Common Council to override Historic Preservation Commission recommendations.
- A procedure for notifying a property owner about a proposed historic designation.
- A procedure for a private property owner to appeal a historic designation recommendation.

As a courtesy, on August 31, 2016, City staff mailed 242 letters to property owners of the following historic districts and properties, informing the property owners of the proposed text revisions as well as proposed Historic Preservation Commission and Common Council meeting dates:

- North Broadway Historic District
- N. Michigan -- N. Superior Historic District
- Randall Avenue Historic District
- De Pere Lock and Dam
- Old De Pere Library, LLC, St. Norbert Main Hall, Lawton Foundry, Union Hotel

Contact information for the City Planner was provided in the letter in case the property owners had questions or comments. As of September 19, 2016, questions or comments were received (via telephone and/or e-mail) from Mary Baeten, a property owner in the Randall Avenue Historic District and from Jennifer Sunstrom, the Governmental Affairs Director of the Realtors Association of North East Wisconsin (RANW). The property owner opposed the text revisions with concerns related to loss of property rights and the RANW representative had general questions about the source location for the ordinance as well as documents that triggered the need for the proposed text revisions, which were

provided by staff. Two notification letters were returned to City Hall as undeliverable. Also, five residents attended the September 19, 2016 Historic Preservation Commission meeting for information but did not formally express an opinion when the Historic Preservation Commission meeting was opened for public input.

The review process for Ordinance text revisions is as follows:

1. Historic Preservation Commission reviews the Ordinance text revisions.
 - a. The Historic Preservation Commission reviewed the text revisions on August 15, 2016 and September 19, 2016. The Commission recommended approval of the Ordinance text revision by a vote of 3-2 on September 19, 2016
2. The Common Council reviews and approves or rejects the proposed text revisions for the Historic Preservation Ordinance.

Historic Preservation Commission Recommendation:

The Historic Preservation recommends approval of the proposed text revisions for the Historic Preservation Ordinance.

GENERAL INFORMATION

Certified Local Government (CLG) Historic Preservation Program in Wisconsin

PRINT EMAIL A FRIEND FACEBOOK TWITTER MORE...

The Wisconsin State Historic Preservation Officer (SHPO) administers the Certified Local Government program for the National Park Service in Wisconsin. The federal law creating the Certified Local Government program can be found in 36 CFR Part 61, Section 61.5 "Approved Local Programs."

A Certified Local Government (CLG) is any city, village, county or town that has been certified by the SHPO and the Department of the Interior to meet these basic criteria:

- Establish by ordinance a qualified historic preservation commission
- Enforce appropriate state or local legislation for the designation and protection of historic properties
- Maintain a system for the survey and inventory of local historic resources
- Provide for public participation in the local historic preservation program

Wisconsin Requirements for Certified Local Governments

Federal law allows the state to establish additional requirements for CLGs. The CLG must adhere to all of the federal and state requirements or the SHPO may revoke the CLG certification. The Wisconsin SHPO has established these additional requirements:

1. The CLG must enact and enforce a historic preservation ordinance that regulates historic property.
2. A CLG must provide annual reporting to the SHPO on CLG activities.
3. A CLG must send copies of meeting minutes and agendas to the SHPO following each meeting.
4. The ordinance must not allow historic property owners to "opt-out" of local historic designation.
5. Designation must not require owner consent.
6. The commission must approve work on locally designated properties and recommendations may not be "advisory."

What are the Benefits of CLG Status?

- Eligibility to apply for Wisconsin Historic Preservation Fund Subgrants from the federal Historic Preservation Fund allocation to the state, to be used for eligible CLG activities.
- Ability to formally comment on National Register of Historic Places nominations within its municipal boundaries before they are sent to the State Historic Preservation Review Board.
- Eligibility to authorize the use of Chapter 11 of the International Existing Building Code for locally designated historic buildings.

Is My Community Already a CLG?

A searchable database of CLGs nationwide can be found through the National Park Service CLG search page . You can also view a map (217 KB, PDF) of all Wisconsin CLGs.

Learn More

[How Does My Community Become a Certified Local Government?](#)

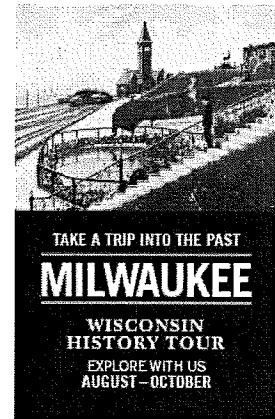
[How to Apply for Historic Preservation Fund Subgrants for Certified Local Governments](#)

[Certified Local Government \(CLG\) Subgrant Criteria](#)

Have Questions?

Contact Joe DeRose by phone at 608-264-6512 or by email below:

joe.derose@wisconsinhistory.org



CITY OF DE PERE

MEMO

To: Mike Fleck, Chair
 Members of the Historic Preservation Commission
 From: Judith Schmidt-Lehman, City Attorney
 RE: 2015 Wisconsin Act 176 language regarding appeal of Historic Preservation
 Commission Action to the Common Council
 Date: September 19, 2016

On August 15, 2016, the Commission reviewed proposed revisions to the Historic Preservation Ordinance [Chapter 38 De Pere Municipal Code (DPMC)] made necessary to maintain the Commission's Certified Local Government status and by 2015 Act 176. The Commission requested clarification of the language used in proposed new §38-9 DPMC, which reads:

Sec. 38-9. – Appeal of Commission Decision.

An owner of property affected by a decision of the Commission may appeal the decision to the Common Council. Such appeal shall be made in writing, and filed with the City Clerk, not later than 24 days after receipt of the Commission decision at issue. The Council may overturn the decision of the Commission by majority vote of the Council.

The question, as I understand it, is whether the phrase “(a)n owner of property affected by a decision of the Commission” is limited to the owner of the property that is the object of a Commission decision or whether that phrase is intended to apply to other “affected” property owners. For the reasons set forth below, I believe the intent of the state legislature is that this phrase is meant to apply more broadly to *any* property owner affected by a decision of the Commission.

2015 Wisconsin Act 176 made two substantive changes to state law concerning Historic Preservation Commissions. This Act requires that a public hearing be held before an historic site or district may be designated, including notifying the “...owner of the place, structure or object ...” by mail of the time and place of the public hearing. The language used by the legislature in requiring mailing of a public hearing notice is clearly intended to apply to the owner of the property which is of an historic designation.

The second change made by 2015 Wisconsin Act 176 concerns the appeal language. The language used by the legislature for this change is:

62.23 (7) (em)3. An owner of property affected by a decision of a city landmark commission may appeal the decision to the common council. The common council may overturn a decision of the commission by majority vote of the council.

Had the legislature intended this section to apply only to the owner of the property that is the object of the decision, they could have used the same language used in the provision regarding mailing of the public hearing notice. However, it did not. Rather, the language used by the legislature in drafting this requirement is different; namely appeal rights apply to “*an* owner” of property affected rather than “*the* owner” of property affected (emphasis added.) Under the rules of statutory construction, the legislature is presumed to have used the words intended and the

words so used are to be given their effect if at all possible. Use of the word “an” rather than “the” indicates that the legislature intended the class of persons eligible for appeal to include property owners in addition to the owner of the object of the decision, provided they are “affected” by the decision.

There may be property owners other than the owner of the object of the decision affected by a decision of the commission. This is not to say however that *any* claim of being “affected” by a decision will give a right to appeal. Rather, in order to pursue an appeal, a property owner other than the owner of the object of the commission decision must have legal standing to do so. Under Wisconsin law, “standing” sufficient to pursue a legal action means the person must (1) have a personal interest (stake) in the controversy; (2) that personal interest will be adversely affected; and (3) the personal interest is one which public policy calls for protection.¹ Examples of standing sufficient to meet this test would include financial or property right impacts. Whether standing exists will be analyzed on a case by case basis.

In conclusion, I believe the legislature intended the right to appeal a commission decision to apply broadly to any property owner that could legitimately claim an adverse “affect” by the commission decision. Had the legislature intended the right to appeal to apply only to the owner of the object of the commission decision, it would have used the word “the” instead of “an”.

If you have any other questions or other concerns, please let me know.

H:\azills\Memos\2016\Chair Fleck-HPC Members 2015 WI ACT 176 Analysis -9-19-16-119-100-02.docx

¹*Foley-Ciccantelli v. Bishop’s Grove Condo. Ass’n*, ¶15, 2011 WI 36.

CITY OF DE PERE

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



August 31, 2016

RE: City of De Pere Historic Preservation Commission Meeting for a text revision to the Historic Preservation Ordinance

Dear Property Owner:

This mailing has been sent to inform you that the City of De Pere Historic Preservation Commission (HPC) is reviewing proposed changes to the Historic Preservation Ordinance. The proposed changes include the following:

- A format for the HPC to designate local historic properties and sites.
- A method for the Common Council to override a HPC recommendation.
- A procedure for a private property owner to appeal a historic designation recommendation.

The purpose for the proposed ordinance revisions is to allow the City of De Pere to retain its existing Certified Local Government (CLG) status and retain the ability to obtain historic preservation related grants from the Wisconsin Historical Society. The proposed ordinance revisions will be discussed at the following meetings:

1. **Historic Preservation Commission – September 19, 2016 at 6:00 PM.**
2. **City Council – October 4, at 7:30 PM.** *(if recommended by HPC in September)*

Both meetings are located in the Council Chambers on the second floor of De Pere City Hall.

As a courtesy, this letter has been mailed to property owners in the following historic districts and properties:

- | | |
|--|------------------------------------|
| • North Broadway Historic District | • Randall Avenue Historic District |
| • N. Michigan – N. Superior Street Historic District | • De Pere Lock and Dam |
| • Old De Pere Library LLC, St. Norbert Main Hall | • Lawton Foundry, Union Hotel |

A DRAFT sample of the proposed ordinance changes is printed on the back of this letter. The full ordinance, with draft changes shown, is available for preview in hard copy at the De Pere City Hall. You are welcome to attend the meetings to learn about the proposal and to provide comments. If you have any additional questions or comments regarding the proposal, please contact me at (920) 339-4043 or pschleinz@mail.de-pere.org.

Respectfully,

Peter Schleinz
City Planner

For your convenience, the following “*redlined text*” represents the proposed changes for the Historic Preservation Ordinance Sections 38-5(a), 38-6(a), and 38-9:

DRAFT Section 38-5(a) changes:

(a) *Designation.* ~~The commission shall have the authority to initiate. Upon request of the property owner, the commission shall have the power,~~ subject to section 38-6, infra, ~~to designation e of~~ historic sites and historic structures ~~and historic sites~~. The commission shall have the power to recommend designation of historic districts within the city limits. All owners of an historic site or an historic structure for which historic designation is proposed shall be provided with notice of the proposed designation prior to commission action on the designation. Such designations shall be made based on section 38-4, supra. Historic districts shall be approved by the common council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this chapter.

DRAFT Section 38-6(a) changes:

(a) *Designation of historic structures and historic sites.*

(1) The commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in section 38-4, above. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 100 feet of the boundaries of the property affected of the proposed designation and of the time and place of the public hearing. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice under the Wisconsin Statutes. The commission shall also notify the following: department of public works, redevelopment authority, parks department, fire and police departments, health department, building inspection department, and plan commission. Each such department may respond to the commission with its comments on the proposed designation or rescission.

(2) The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either an historic structure or historic site, or rescind the designation. After the designation or rescission has been made, official notification shall be sent to the property owner or owners, ~~and, Notification shall also be given~~ to the city clerk, building inspection department, plan commission, and the city assessor. The commission shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.

(3) The Common Council may overturn the decision of the Commission by a majority vote of the Council.

Draft 38-9 changes (added new section):

Sec. 38-9. – Appeal of Commission Decision.

An owner of property affected by a decision of the Commission may appeal the decision to the Common Council. Such appeal shall be made in writing, and filed with the City Clerk, not later than 24 days after receipt of the Commission decision at issue. The Council may overturn the decision of the Commission by majority vote of the council.

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: October 18, 2016

DEPARTMENT: Public Works

FROM: Eric Rakers

SUBJECT: Ordinance #16-24 Amending §150-15 De Pere Municipal Code Regarding Heavy Traffic Route

The Board of Public Works at the October 10, 2016 meeting approved the staff recommendation to update Section 150-15(b) of the Municipal Code to include Richco Road.

The purpose for this item is to review and recommend an update to the City Municipal Code regarding the designated heavy truck route. The City regulates truck usage on roads under Section 150-15(b) Designated Heavy Truck Route. Richco Road is being reconstructed off of American Boulevard in the West Business Park this year to accommodate heavy trucks. Section 150-15(b) should be updated to include Richco Road.

ATTACHMENTS:

- Ord16-24 (DOCX)

ORDINANCE #16-24

AMENDING §150-15 DE PERE MUNICIPAL CODE
REGARDING HEAVY TRAFFIC ROUTE

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

Section 1. §150-15(b), *Designated heavy truck route*, is hereby amended by adding the following road at the end of the numbered listing of designated highways and streets : “(23) Richco Road.”

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.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of October, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Board/Committee Approval: 10/10/2016

Publication Date: _____

Effective Date: _____

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

MEETING DATE: October 18, 2016

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Resolution #16-109 Authorizing Tax Refund (Terhar)

ATTACHMENTS:

- Reso16-109 (DOCX)
- Mayor CC-Terhar tax claim 10-18-16-144-004-16 (PDF)
- Tax Refund Claim-Terhar 2016 (PDF)

RESOLUTION #16-109
AUTHORIZING TAX REFUND
(TERHAR)

WHEREAS, Robert J. Terhar submitted a claim dated September 2, 2016 for a tax refund covering the years 2005-2015 for Tax Parcel WD-L437-12, a copy of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, the Terhar claim does not comply with the timeline requirements of Wis. Stats §74.33(5) in that such claim was not filed with the City Clerk and not filed on or before January 31 of any year in which such tax was due; and

WHEREAS, a review of such claim has determined that the Claimant was erroneously assessed for approximately .08 acres (3,556 sq. ft.) of real property and that such erroneous calculation may constitute palpable error under §74.33 Wis. Stats.; and

WHEREAS, even though untimely, the Common Council, acknowledging the palpable error in property acreage, wishes to reimburse the Claimant for 2014 and 2015 tax overpayments of \$104.78 and \$103.85, respectively.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DE PERE THAT:

1. The claim of Robert Terhar for property tax refunds in the amount of \$104.78 and \$103.85 for erroneous property taxes paid in the years 2014 and 2015 respectively are hereby allowed.
2. The City Clerk-Treasurer shall make payment to Robert J. Terhar in such amount, with said funds to be taken from 2016 unassigned reserves.
3. That all City officials, officers and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Resolution #16-109

Page 2

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of October, 2016.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana D. Ledvina, Clerk-Treasurer

Ayes: _____

Nays: _____

Attachment: Reso16-109 (5227 : Resolution #16-109 Authorizing Tax Refund (Terhar))

CITY OF DE PERE

MEMO

To: Michael J. Walsh, Mayor
Members of the Common Council
From: Judith Schmidt-Lehman, City Attorney
RE: Robert Terhar Claim for Tax Overpayment Covering Years 2005-2015
Date: October 18, 2016

The Finance Committee voted (3-1) to recommend that the Council refund the full tax overpayment attributable to the acreage error for the years 2014 and 2015. Those amounts are:

2015 21.6349 (total mil rate) x \$4.80 = \$103.85

2014 21.8283 (total mil rate) x \$4.80 = \$104.78

(Difference between 1.0 acre and .92 acre = \$4,800)

Additionally, I need to clarify my remarks regarding the ability of the city to go back two years to correct tax errors. That process does not apply to all errors in assessment; rather it applies only to properties entirely omitted from the tax roll and is limited to reaching to cover only two years of omitted tax. My presentation at the Finance/Personnel Committee did not adequately convey this restriction.

If you have any questions regarding this matter prior to the October 18th meeting, please call me at 339-4042.

JSL:amz

Sept. 2, 2016
1849 Lemon Lane
De Pere, Wisconsin, 54115

Mr. Lawrence Delo, Administrator
City of De Pere
335 South Broadway
De Pere, Wisconsin 54115

Dear Sir:

Please accept this letter as a claim for repayment to me for property taxes over paid for the years 2005 through 2015 in the sum of \$1,133.78.

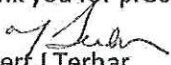
Last year during the period when the city purchased properties for the installation of sidewalks, I was looking at the plat for lot WD-L437-12 from which a slice was purchased by the city. I found that the lot size as stated on the tax bill and other documents did not match the stated 1.0 acres. I contacted both the city in the person of Dave Hongisto and the county records office and the county office confirmed the error in stated acreage.

For the 2005 tax year, new assessments of lots in the area were obtained. From tax bills, it is obvious that the assessment was \$60,000 per acre. Per an email from Tom Leslie of Brown County to Dave Hongisto of the City of De Pere, the property designated as WD-L437-12 was described as being 0.92 acres until 1998 when it was annexed to the City of De Pere. At that time it was changed to 1.000 acres. The 0.92 number agrees within rounding of the acreage I calculated. A copy of the email to Dave Hongisto is attached.

Also attached is a schedule showing the property tax paid by year for the years in which the assessment was erroneous. This schedule shows the taxes related to the assessment (storm water assessment removed) for each year and the calculated overpayment for the year. The sum of overpayments is the figure mentioned above as requested for payment to me.

Prior to 2005, the assessed value was related to the original purchase price of the property when still in the Town of Lawrence. Since the error was made prior to the assessment in 2005, the assessment at that time was reasonable, even if wrong. It was pure luck that I found the error in 2015. There was no trigger to cause any question of the assessment at any time before the error was found.

Please contact me at my address stated above or by phone at 336-5917 for further comments on this issue. Thank you for processing this claim.


Robert J Terhar

Cc: Dave Hongisto, Michael Donovan, Kevin Bauer

year	Taxes	x.92	over paid
WD-L437-12			
2015	\$1,298.10	\$1,194.25	\$103.85
2014	\$1,309.70	\$1,204.92	\$104.78
2013	\$1,331.40	\$1,224.89	\$106.51
2012	\$1,319.90	\$1,214.31	\$105.59
2011	\$1,340.30	\$1,233.08	\$107.22
2010	\$1,357.20	\$1,248.62	\$108.58
2009	\$1,309.20	\$1,204.46	\$104.74
2008	\$1,306.60	\$1,202.07	\$104.53
2007	\$1,261.50	\$1,160.58	\$100.92
2006	\$1,238.00	\$1,138.96	\$99.04
2005	\$1,100.30	\$1,012.28	\$88.02
2004	\$201.90		
Sum			\$1,133.78

WD-L437-12			WD-L437-5			WD-L437-8		
Acres	Ass. \$	\$/acre	Acres	Ass. \$	\$/acre	Acres	Ass. \$	\$/acre
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$6,000	\$6,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$3,000	\$3,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$60,000	\$60,000	0.505	\$30,300	\$60,000	0.623	\$37,400	\$60,032
1.000	\$8,200	\$8,200	0.505	\$6,800	\$13,465	0.623	\$27,600	\$44,302

correction Factor=.92 acres vs 1.0 acre, so 0.92

Schedule for request for refund of overpayment of Property Taxes, R.J. Terhar
9/2/2016

8/19/2016

FW: WD-L437-12

From: Dave Hongisto <dhongisto@mail.de-pere.org>
To: bterhar <bterhar@aol.com>
Subject: FW: WD-L437-12
Date: Fri, Aug 19, 2016 11:39 am

Hi Bob,

Here's the email that Tom Leslie from Brown County previously sent to me. Hope that this helps you.

Have a great week end.

Dave

David R. Hongisto
Chief Building Inspector/Asst. Assessor
City of De Pere
335 S. Broadway St.
De Pere, WI 54115
Phone: 920-339-4053
dhongisto@mail.de-pere.org

From: Leslie, Tom L. [mailto:Leslie_TL@co.brown.wi.us]
Sent: Monday, March 28, 2016 9:36 AM
To: Dave Hongisto
Subject: WD-L437-12

Dave,

I have received numerous calls over the past year from Mr. Robert Terhar about his parcel acreage. The parcel was described as being 0.92 acres until 1998. That is when this parcel was annexed into the City of De Pere.

At that time, for whatever reason, the acreage was changed to 1.000 acres. It has remained at that acreage until Mr. Terhar called me in June 2015 and asked if his acreage was correct. He had just sold some land for road purposes in May 2015 and was wondering how much land was sold. He had an issue with acreage being shown versus what he thought he had.

Anyway, I checked and found that the parcel should be at 0.827 acres after the road sale.

He called me today and asked if I would send you some history on the parcel. Hopefully what I sent is sufficient – let me know if you need more info.

Thank you,

Tom Leslie PLS-2674

Brown County Property Analyst
305 East Walnut Street 3rd Floor
Green Bay, WI 54301
(920) 448-4495

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: October 18, 2016

DEPARTMENT: Police

FROM: Derek Beiderwieden

SUBJECT: Consideration of Awarding Police Roof Replacement Contract to Walsdorf Roofing Company Inc. in the amount of \$62,800.

In August 2016, the Common Council approved hiring Graef to develop and manage the bidding process for the emergency roof replacement for the police department. The bidding process has been completed. Walsdorf Roofing Co. and Crafts Inc. submitted bids for the project.

The bids submitted are included in a summary as an attachment to this memo. Walsdorf Roofing is the lowest bid with Craft Inc. noting they could not complete the roof this year. As you may recall, the roof replacement was an emergent item due to the rapidly deteriorating materials and waiting until 2017 may prove disastrous. The original estimate by a third party was between \$30,000 ? 40,000 in the summer of 2016.

In summary: Walsdorf bid was \$62,000 for the two parts to the replacement, and Crafts bid was \$98,085 for the same replacement, but could not do it until 2017.

The council has two options: First, disregard the bids and start the process over seeking different bids. This will delay the project to 2017 when the temperature raises high enough to do roofing. Or, second, accept the lowest bid from Walsdorf and have the project completed in the short time frame before winter.

The undesignated reserve account (contingency) will be used to pay for this project.

If you have any questions about this project, please contact me at your convenience. Thank you for your consideration.

ATTACHMENTS:

- 16-22 Bid Tab(PDF)

**PROJECT 16-22 POLICE DEPARTMENT ROOF REPLACEMENT
PROPOSALS**



				BIDDER NO.1	BIDDER NO. 2
				Walsdorf Roofing Co., Inc.	Crafts, Inc.** Bid
ITEM	DESCRIPTION	UNIT	QTY	AMOUNT BID	UNIT PRICE
SP-01	To furnish all labor, materials, equipment and services as specified for the removal and replacement of the Police department Roof	LS	1	\$ 59,900.00	\$ 91,701.00
ALT-01	To furnish all labor, materials, equipment and services as specified for the installation of roof system on parapet wall	LS	1	\$ 2,900.00	\$ 6,384.00
	Total Amount Bid			\$ 62,800.00	\$ 98,085.00

** Submitted as Voluntary Alternate to complete in 2017

Attachment: 16-22 Bid Tab (5224 : Police Roof Replacement Contract)

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: October 18, 2016

DEPARTMENT: Information Technology

FROM: Steve Massey

SUBJECT: Recommendation from the Finance Committee to approve transfer of funds from Unassigned Reserves to deliver HVAC services to the Video Production Office (VPO) located on the back wall of the City of De Pere Council Chamber.

Approved at Finance meeting on 10/11/16.

ATTACHMENTS:

- Mayor & F-P - fund transfer request 10-10-16 v1 - VPO HVAC (DOCX)
- City of De Pere City Hall AV Room Ducting (PDF)

MEMORANDUM

TO: Mayor Michael J. Walsh
Finance/Personnel Committee Members

FROM: Steve Massey, City IT Administrator

DATE: October 10, 2016

RE: Request to Transfer Funds from Unassigned Reserves

The Video Production Office (VPO) located on the back wall of the City of De Pere Council Chamber is currently not serviced by the City Hall HVAC system. The VPO houses the Video Production and Marketing Coordinator as well as the Audio/Video (A/V) equipment necessary for televising City of De Pere meetings on Channel 4, Channel 99 and the Internet.

The average temperature in the VPO over the last 21 days (Sep 19 – Oct 10) was 81.9° F with spikes up to 88.1° F while recording meetings. Sampling data was collected from a sensor that has been placed in the VPO. The high temperatures regularly observed in the VPO make for an exceptionally warm working environment and will likely shorten the life of the A/V equipment.

A time and materials quote has been received for the amount of \$5000 to deliver HVAC services to the VPO. A transfer of \$5000 from unassigned reserves is being requested to deliver HVAC services to the VPO.

If you have any questions or concerns, please let me know.

SDM

Attachment

H:\Project\TV Studio HVAC\Mayor & F-P - fund transfer request 10-10-16 v1.docx



TWEET/GAROT MECHANICAL, INC.

CORPORATE OFFICE:

2545 Larsen Road
P. O. Box 11767
Green Bay, WI 54307-1767
(920) 498-0400
Fax: (920) 498-8136

REGIONAL OFFICES:

2810 Jefferson Street
Wisconsin Rapids, WI 54495
(715) 421-0400
Fax: (715) 421-5442

1825 Dolphin Drive
Waukesha, WI 53186
(262) 436-0714
Fax: (262) 436-0713

N911 US 41, Suite B
Menominee, MI 49858
(906) 863-0040
Fax: (906) 863-0042

www.tweetgarot.com

September 21, 2016

Marty Kosobucki
City of De Pere
925 South Sixth Street
De Pere, WI 54115

RE: City Hall AV Room Ducting

Dear Marty:

Our Time & Material Not-to-Exceed Price to complete this project is **\$4,999.00 (Four Thousand Nine Hundred Ninety Nine Dollars)**.

Our proposal includes:

1. Install a new duct run into the AV room from the main trunk line
2. Insulate new duct

Our proposal does not include:

1. Any and All Electrical & Controls
2. Drawings or State Approved Plans
3. VAV's
4. DDC/BAS Controls
5. Freight/Shipping Charges

This proposal reflects material pricing as of this date and is valid for 30 days.

Our standard payment terms are net 30 days. Interest will be charged on past due accounts at 1.5% per month.

Acceptance of any proposal will be based upon receipt of a signed copy of this proposal or a written purchase order. All purchases are subject to Tweet/Garot Contract Terms and Conditions (see attached). Work will not commence prior to receipt of written authorization as stated above.

Projects may be progress billed. Any applicable tax is not included in this proposal. If this project is tax-exempt, an exemption certificate must be submitted with your purchase order.

Thank you for the opportunity to submit this proposal. Please call (920) 498-7630 or e-mail dave.lemay@tweetgarot.com with any questions.

Sincerely,

TWEET/GAROT MECHANICAL, INC. – Green Bay

David Le May
Service Design Estimator

ACCEPTANCE OF PROPOSAL:

By: _____ Date: _____ P.O. No. _____

CONTRACT TERMS AND CONDITIONS

1. **Asbestos and Hazardous Materials.** Unless specified in the scope of services, asbestos or other hazardous materials disturbance, removal or abatement is not provided for by the terms and conditions of this contract and in the event that asbestos or other hazardous material is encountered or disturbed in order to complete this project, it will be treated as extra work under Paragraph 10 of this Agreement. Tweet/Garot Mechanical, Inc. may require Owner to be responsible for the removal or abatement of asbestos or any other hazardous materials found on the job site before proceeding.
2. **Arbitration, Validity and Damages.** Any controversy or claim arising out of or related to this contract, or the breach thereof, shall be settled by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction. Claims within the monetary limit of the Small Claims Court shall be litigated in such court at the request of either party. Any claim filed in Small Claims Court shall not be deemed to be a waiver of the right to arbitrate, and if a counter-claim in excess of the jurisdiction of the Small Claims Court may be filed outside the Small Claims Court, then the party filing in the Small Claims Court may demand arbitration pursuant to this paragraph.

ANY DAMAGES FOR WHICH TWEET/GAROT MECHANICAL, INC. MAY BE LIABLE TO OWNER
SHALL NOT, IN ANY EVENT, EXCEED THE CASH PRICE OF THIS AGREEMENT.
3. **Reservation of Rights of Dispute.** In the event that Tweet/Garot Mechanical, Inc. is required, or deems it appropriate, to proceed with and complete any work which is the subject of a dispute between the Owner and Tweet/Garot Mechanical, Inc. as to whether such work should be classified as a "change" or as an "extra", Tweet/Garot Mechanical, Inc. may, if it deems it appropriate, but is not required to, proceed with such work, and therefore or contemporaneously, begin arbitration in accordance with the Construction Industry Rules of the American Arbitration Association, to determine whether such work is in fact a "change" or an "extra" without waiving any said rights, as well as determining the effect of the extra work.
4. **Attorney Fees.** In the event legal action or arbitration is instituted for the enforcement of any term or condition of this contract, the prevailing party shall be entitled to an award of reasonable attorney fees in said action or arbitration, in addition to the costs and reasonable expenses incurred in the prosecution or defense of said action or arbitration.
5. **Removal of Debris.** Upon completion of work, Tweet/Garot Mechanical, Inc. agrees to remove all of its own debris and surplus materials from Owner's property and leave the property in a neat and clean condition. Tweet/Garot Mechanical, Inc. will not accept any charges for any pro-rated proportion of general clean-up of the premises, nor will it be responsible for the disposal of central scrap piles.
6. **Failure to Make Payments.** If the Owner fails to make the scheduled progress payments as defined in "Schedule of Payments" then Tweet/Garot Mechanical, Inc. has the absolute right to cease the performance of any further work until such time as payment is made. If said payment is more than ten(10) working days late, Tweet/Garot Mechanical, Inc. may treat said lateness as a material breach of this contract agreement and justifiably refuse to complete the balance of this contract. Tweet/Garot Mechanical, Inc. may then institute arbitration proceedings as described herein for any and all damages incurred including but not limited to lost profits.
7. **Items not the responsibility of Tweet/Garot Mechanical, Inc..** Unless specifically included in the scope of services, Tweet/Garot Mechanical, Inc. shall not be held responsible for any existing violations of applicable building regulations or ordinances, whether cited by the appropriate authority or not. Tweet/Garot Mechanical, Inc. is not responsible for any abnormal or unusual pre-existing conditions.
8. **Excusable Delays.** If Tweet/Garot Mechanical, Inc. is delayed in the performance of the work by conditions that could not be reasonably foreseen by Tweet/Garot Mechanical, Inc. or out of the reasonable control of Tweet/Garot

Mechanical, Inc., which include, but are not limited to actions taken by Owner, acts of God; fire; explosions or other casualty losses; terrorist acts; strikes, boycotts or other labor disputes; lockouts; hazardous material disturbance, abatement or removal; or acts of governmental bodies, then Owner shall grant Tweet/Garot Mechanical, Inc. a reasonable extension of time. If additional work or costs are required of, or incurred by Tweet/Garot Mechanical, Inc. as a result of the delay, then Tweet/Garot Mechanical, Inc. shall be entitled to compensation as called for in Paragraph 10.

9. **Safety and OSHA Requirements.** Tweet/Garot Mechanical, Inc. agrees to comply with all local, state and national laws, including without limitation, the provisions of the Accident and Safety Health Act of 1970 and the Construction Safety Act of 1969. Tweet/Garot Mechanical, Inc. is not responsible for any liability caused by the owner's noncompliance. Owner responsibility includes availability to Tweet/Garot Mechanical, Inc. personnel of all pertinent Material Safety Data Sheets (MSDS) or OSHA's Hazard Communication Regulations.
10. **Extra Work.** Tweet/Garot Mechanical, Inc. shall provide the labor and materials specified in the scope of services. Additional work not specified in the contract will be provided only upon written authorization of Owner. However, in the event that the parties cannot agree on the sum necessary to compensate Tweet/Garot Mechanical, Inc. for the extra work, then Tweet/Garot Mechanical, Inc. shall be paid its actual costs for the additional labor and materials as well as its normal overhead and profit. In the event that an emergency exists, then Tweet/Garot Mechanical, Inc. may proceed upon the verbal authorization of Owner or Owner's job superintendent and request written confirmation of the verbal authorization within 72 hours.
11. **Protection of Work.** To the extent noted herein, Tweet/Garot Mechanical, Inc. will protect its own work until completion and acceptance of the work. To allow Tweet/Garot Mechanical, Inc. to protect the work, Owner shall provide Tweet/Garot Mechanical, Inc. adequate storage space and security on the construction site. Once Tweet/Garot Mechanical, Inc.'s work is completed, then the Owner shall be responsible for the protection of the work as well as the entire project.

If Tweet/Garot Mechanical, Inc.'s work is damaged or destroyed as a result of actions beyond the reasonable control of Tweet/Garot Mechanical, Inc. or through the negligence of persons other than Tweet/Garot Mechanical, Inc., then Tweet/Garot Mechanical, Inc. shall repair and replace said damage or destroyed work but will do so only upon being compensated for same. Compensation shall be treated as extra work and the compensation shall be determined as provided in Paragraph 10.
12. **Concealed Conditions.** In the event that Tweet/Garot Mechanical, Inc. encounters rock, groundwater, underground construction utilities or other conditions unknown to Tweet/Garot Mechanical, Inc. and not reasonably foreseeable by Tweet/Garot Mechanical, Inc., then Tweet/Garot Mechanical, Inc. shall immediately stop work and call Owner's attention to such concealed conditions in writing. The contract terms will be equitably adjusted in writing.
13. **Insurance.** Tweet/Garot Mechanical, Inc. will carry workers compensation insurance to protect Tweet/Garot Mechanical, Inc.'s employees during the progress of the work. The Owner shall obtain and pay for insurance for injury to his own employees and persons not under the control of Tweet/Garot Mechanical, Inc..
14. **Indemnification.** The Owner shall indemnify and hold harmless Tweet/Garot Mechanical, Inc. from and against any and all claims arising from Owner use of the job site, or from the conduct of the Owner's business or from any activity, work or things done, permitted or suffered by Owner or others in or about the job site or elsewhere, and shall further indemnify and hold harmless Tweet/Garot Mechanical, Inc. from and against any and all claims arising from any breach or default in the performance of any obligations on the Owner's part to be performed under the terms of the contract agreement, or arising from any negligence of the Owner or any of the Owner's agents or employees, and from and against all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claims or any action or proceeding brought therein; and in case any action or proceeding be brought against Tweet/Garot Mechanical, Inc. by reason of any such claim. The Owner, upon notice from Tweet/Garot Mechanical, Inc., shall defend same at the Owner's expense by counsel satisfactory to Tweet/Garot Mechanical, Inc..

City of De Pere, Wisconsin

**Request For Common Council Action**

MEETING DATE: October 18, 2016
DEPARTMENT: City Clerk-Treasurer
FROM: Shana Ledvina
SUBJECT: Voucher Approval.

ATTACHMENTS:

- 10-18-16 VOUCHERS (PDF)

PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

11.a

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
5446	ACTIVE NETWORK LLC							
	I-1081292	ACTIVE NETWORK LLC	R	10/18/2016		585.00CR	079982	585.00
5932	AECOM TECHNICAL SERVICES INC							
	I-37809725	AECOM TECHNICAL SERVICES INC	R	10/18/2016		3,540.00CR	079983	3,540.00
0302	AIRGAS USA LLC							
	I-9939116912	AIRGAS USA LLC	R	10/18/2016		315.20CR	079984	315.20
2982	ALL CITY COMMUNICATIONS							
	I-4699567-100116	ALL CITY COMMUNICATIONS	R	10/18/2016		183.12CR	079985	183.12
7483	B & P MECHANICAL INC							
	I-16-10 (1)	B & P MECHANICAL INC	R	10/18/2016		61,465.00CR	079986	61,465.00
0020	BADGERLAND PRINTING INC							
	I-28423	BADGERLAND PRINTING INC	R	10/18/2016		46.20CR	079987	46.20
0023	BATTERIES PLUS LLC							
	I-501-501244	BATTERIES PLUS LLC	R	10/18/2016		467.80CR	079988	467.80
0027	BAY TOWEL INC							
	I-2245135	BAY TOWEL INC	R	10/18/2016		77.85CR	079989	
	I-2249300	BAY TOWEL INC	R	10/18/2016		33.85CR	079989	
	I-2249301	BAY TOWEL INC	R	10/18/2016		79.54CR	079989	
	I-2251677	BAY TOWEL INC	R	10/18/2016		136.48CR	079989	
	I-2253454	BAY TOWEL INC	R	10/18/2016		33.85CR	079989	
	I-2253455	BAY TOWEL INC	R	10/18/2016		77.85CR	079989	
	I-2259896	BAY TOWEL INC	R	10/18/2016		90.05CR	079989	
	I-2262320	BAY TOWEL INC	R	10/18/2016		71.43CR	079989	600.90
5961	BEST EQUIPMENT							
	I-7152	BEST EQUIPMENT	R	10/18/2016		1,127.64CR	079990	1,127.64
10000	BIG APPLE BAGELS							
	I-2325	BIG APPLE BAGELS	R	10/18/2016		130.82CR	079991	130.82
0038	BROADWAY AUTOMOTIVE INC							
	I-356850P	BROADWAY AUTOMOTIVE INC	R	10/18/2016		134.75CR	079992	
	I-827419	BROADWAY AUTOMOTIVE INC	R	10/18/2016		234.80CR	079992	369.55
0046	BROWN COUNTY PORT SOLID WASTE DEPT							
	I-32241	BROWN COUNTY PORT SOLID WASTE	R	10/18/2016		23,279.73CR	079993	23,279.73

Attachment: 10-18-16 VOUCHERS (5216 : Voucher Approval.)

PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

11.a

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0044	BROWN COUNTY REGISTER OF DEEDS							
	I-201610116469	BROWN COUNTY REGISTER OF DEEDS	R	10/18/2016		152.50CR	079994	152.50
2984	BROWN COUNTY TREASURER							
	I-2016-00000017	BROWN COUNTY TREASURER	R	10/18/2016		1,815.12CR	079995	1,815.12
7021	CARSTAR WILSON AUTO COLLISION GREEN BAY							
	I-RO #30865	CARSTAR WILSON AUTO COLLISION	R	10/18/2016		2,468.33CR	079996	2,468.33
0536	CDW GOVERNMENT INC							
	I-FKM0460	CDW GOVERNMENT INC	R	10/18/2016		43.86CR	079997	
	I-FMF2318	CDW GOVERNMENT INC	R	10/18/2016		47.52CR	079997	
	I-FMM8672	CDW GOVERNMENT INC	R	10/18/2016		13.11CR	079997	
	I-FMQ1224	CDW GOVERNMENT INC	R	10/18/2016		198.59CR	079997	303.08
1	CHANDUPATLA, SHRUTHI							
	I-201610126474	REFUND	R	10/18/2016		15.00CR	079998	15.00
2708	CLEANING SOLUTION SERVICES INC							
	I-12168	CLEANING SOLUTION SERVICES INC	R	10/18/2016		1,784.35CR	079999	
	I-12231	CLEANING SOLUTION SERVICES INC	R	10/18/2016		269.73CR	079999	2,054.08
0061	CUMMINS NPOWER, LLC							
	I-802-60663	CUMMINS NPOWER, LLC	R	10/18/2016		746.47CR	080000	746.47
1302	DE KEYSER CONST CO INC							
	I-1600-114	DE KEYSER CONST CO INC	R	10/18/2016		1,395.25CR	080001	
	I-1600-115	DE KEYSER CONST CO INC	R	10/18/2016		1,658.16CR	080001	3,053.41
0970	DIESEL SPECIALISTS OF GREEN BAY INC							
	I-G74077	DIESEL SPECIALISTS OF GREEN BA	R	10/18/2016		269.88CR	080002	269.88
6030	DISCOUNT SCHOOL SUPPLY							
	I-P34877860001	DISCOUNT SCHOOL SUPPLY	R	10/18/2016		55.17CR	080003	55.17
3212	DIXON ENGINEERING INC							
	I-16-1066	DIXON ENGINEERING INC	R	10/18/2016		950.00CR	080004	950.00
0086	EMPLOYEE RESOURCE CENTER INC							
	I-ERC-0916-1178	EMPLOYEE RESOURCE CENTER INC	R	10/18/2016		411.00CR	080005	411.00
0091	FASTENAL COMPANY							
	I-WIGRE335837	FASTENAL COMPANY	R	10/18/2016		3.73CR	080006	3.73

Attachment: 10-18-16 VOUCHERS (5216 : Voucher Approval.)

PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

11.a

VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0096	FIRE APPARATUS & EQUIPMENT INC							
	I-16040	FIRE APPARATUS & EQUIPMENT INC	R	10/18/2016		120.17CR	080007	120.17
0200	FIRST SUPPLY LLC							
	I-10213221-00	FIRST SUPPLY LLC	R	10/18/2016		29.44CR	080008	29.44
3304	FISCHER-ULMAN CONST INC							
	I-16-05 (3)	FISCHER-ULMAN CONST INC	R	10/18/2016		136,613.13CR	080009	136,613.13
0098	FLY ME FLAG CO INC							
	I-8243	FLY ME FLAG CO INC	R	10/18/2016		130.05CR	080010	130.05
3655	FUN EXPRESS LLC							
	I-679517813-01	FUN EXPRESS LLC	R	10/18/2016		133.67CR	080011	
	I-679720871-01	FUN EXPRESS LLC	R	10/18/2016		44.29CR	080011	177.96
0111	GAT SUPPLY INC							
	I-305872-1	GAT SUPPLY INC	R	10/18/2016		28.72CR	080012	28.72
0124	GREEN BAY CITY TREASURER							
	I-106804	GREEN BAY CITY TREASURER	R	10/18/2016		187.09CR	080013	
	I-106805	GREEN BAY CITY TREASURER	R	10/18/2016		215.35CR	080013	
	I-106806	GREEN BAY CITY TREASURER	R	10/18/2016		215.35CR	080013	
	I-106807	GREEN BAY CITY TREASURER	R	10/18/2016		151.39CR	080013	
	I-106808	GREEN BAY CITY TREASURER	R	10/18/2016		215.35CR	080013	
	I-106905	GREEN BAY CITY TREASURER	R	10/18/2016		151.39CR	080013	1,135.92
4902	HALRON LUBRICANTS INC							
	I-867424-00	HALRON LUBRICANTS INC	R	10/18/2016		76.00CR	080014	
	I-867556-00	HALRON LUBRICANTS INC	R	10/18/2016		1,009.29CR	080014	1,085.29
3521	HD SUPPLY WATERWORKS LTD							
	I-G131715	HD SUPPLY WATERWORKS LTD	R	10/18/2016		362.97CR	080015	
	I-G189461	HD SUPPLY WATERWORKS LTD	R	10/18/2016		820.76CR	080015	1,183.73
5674	HOME TEAM SPORTS & APPAREL INC							
	I-28010	HOME TEAM SPORTS & APPAREL INC	R	10/18/2016		91.60CR	080016	91.60
5484	HYDROCORP INC							
	I-40280-IN	HYDROCORP INC	R	10/18/2016		2,876.00CR	080017	
	I-40344-IN	HYDROCORP INC	R	10/18/2016		3,325.00CR	080017	
	I-40575-IN	HYDROCORP INC	R	10/18/2016		510.00CR	080017	6,711.00

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PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

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VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
6932	IMAGETREND INC.							
	I-103332	IMAGETREND INC.	R	10/18/2016		4,250.00CR	080018	4,250.00
1399	INDOFF INC							
	C-2859984	INDOFF INC	R	10/18/2016		18.58	080019	
	I-2857706	INDOFF INC	R	10/18/2016		102.14CR	080019	
	I-2860435	INDOFF INC	R	10/18/2016		196.89CR	080019	
	I-2860622	INDOFF INC	R	10/18/2016		49.81CR	080019	
	I-2861039	INDOFF INC	R	10/18/2016		53.72CR	080019	
	I-2862194	INDOFF INC	R	10/18/2016		10.49CR	080019	
	I-2862623	INDOFF INC	R	10/18/2016		27.00CR	080019	421.47
0567	INDUSTRIAL MARKETING CORP							
	I-41114	INDUSTRIAL MARKETING CORP	R	10/18/2016		926.29CR	080020	
	I-41115	INDUSTRIAL MARKETING CORP	R	10/18/2016		148.56CR	080020	1,074.85
2602	JOSSART BROTHERS INC							
	I-107	JOSSART BROTHERS INC	R	10/18/2016		788.40CR	080021	788.40
1276	JX ENTERPRISES INC							
	I-D-262720032	JX ENTERPRISES INC	R	10/18/2016		49.96CR	080022	
	I-D-262720109	JX ENTERPRISES INC	R	10/18/2016		121.35CR	080022	
	I-D-262720158	JX ENTERPRISES INC	R	10/18/2016		347.16CR	080022	518.47
3140	KUNDINGER FLUID POWER INC							
	I-50401891	KUNDINGER FLUID POWER INC	R	10/18/2016		1,956.09CR	080023	1,956.09
6577	LAKELAND LAWN CARE							
	I-64670	LAKELAND LAWN CARE	R	10/18/2016		1,320.00CR	080024	1,320.00
0156	LAWSON PRODUCTS INC							
	I-9304376058	LAWSON PRODUCTS INC	R	10/18/2016		614.12CR	080025	614.12
0159	LEXIS NEXIS INC							
	I-3090694485	LEXIS NEXIS INC	R	10/18/2016		214.00CR	080026	214.00
0173	MENARDS INC							
	C-87511	MENARDS INC	R	10/18/2016		35.51	080027	
	I-91616	MENARDS INC	R	10/18/2016		48.77CR	080027	
	I-91888	MENARDS INC	R	10/18/2016		55.49CR	080027	
	I-91933	MENARDS INC	R	10/18/2016		7.98CR	080027	
	I-92045	MENARDS INC	R	10/18/2016		32.94CR	080027	
	I-92215	MENARDS INC	R	10/18/2016		27.98CR	080027	
	I-92459	MENARDS INC	R	10/18/2016		98.97CR	080027	
	I-92834	MENARDS INC	R	10/18/2016		20.77CR	080027	
	I-92839	MENARDS INC	R	10/18/2016		7.40CR	080027	
	I-92881	MENARDS INC	R	10/18/2016		172.40CR	080027	
	I-92896	MENARDS INC	R	10/18/2016		35.95CR	080027	
	I-93409	MENARDS INC	R	10/18/2016		149.00CR	080027	
	I-93423	MENARDS INC	R	10/18/2016		36.93CR	080027	
	I-93435	MENARDS INC	R	10/18/2016		55.84CR	080027	
	I-93479	MENARDS INC	R	10/18/2016		4.40CR	080027	

Attachment: 10-18-16 VOUCHERS (5216 : Voucher Approval.)

PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

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VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
	I-93532	MENARDS INC	R	10/18/2016		269.63CR	080027	
	I-93628	MENARDS INC	R	10/18/2016		13.98CR	080027	1,002.92
VOID	VOID CHECK		V	10/18/2016			080028	**VOID**
0902	MILLER & ASSOC SAUK PRAIRIE INC							
	I-217043	MILLER & ASSOC SAUK PRAIRIE IN	R	10/18/2016		1,040.00CR	080029	1,040.00
1475	MUNICIPAL CODE CORP							
	I-276172	MUNICIPAL CODE CORP	R	10/18/2016		3,148.77CR	080030	3,148.77
0076	NASSCO INC							
	I-S2098581.001	NASSCO INC	R	10/18/2016		99.86CR	080031	99.86
0531	NORTHEAST AUTO PARTS INC							
	I-315061	NORTHEAST AUTO PARTS INC	R	10/18/2016		24.99CR	080032	
	I-315196	NORTHEAST AUTO PARTS INC	R	10/18/2016		39.95CR	080032	
	I-315263	NORTHEAST AUTO PARTS INC	R	10/18/2016		59.98CR	080032	
	I-315273	NORTHEAST AUTO PARTS INC	R	10/18/2016		12.49CR	080032	
	I-315293	NORTHEAST AUTO PARTS INC	R	10/18/2016		42.54CR	080032	
	I-315355	NORTHEAST AUTO PARTS INC	R	10/18/2016		34.50CR	080032	
	I-315394	NORTHEAST AUTO PARTS INC	R	10/18/2016		7.49CR	080032	
	I-315409	NORTHEAST AUTO PARTS INC	R	10/18/2016		195.90CR	080032	
	I-315410	NORTHEAST AUTO PARTS INC	R	10/18/2016		85.02CR	080032	502.86
0187	NSIGHT TELS SERVICES							
	I-201610116470	NSIGHT TELS SERVICES	R	10/18/2016		65.04CR	080033	65.04
0194	OLSON TRAILER & BODY LLC							
	I-75090C	OLSON TRAILER & BODY LLC	R	10/18/2016		522.82CR	080034	
	I-75123C	OLSON TRAILER & BODY LLC	R	10/18/2016		62.07CR	080034	584.89
0255	ONE LAW GROUP SC							
	I-406-01M (249)	ONE LAW GROUP SC	R	10/18/2016		788.50CR	080035	788.50
4728	OSHKOSH FIRE & POLICE EQUIPMENT INC							
	I-166636	OSHKOSH FIRE & POLICE EQUIPMEN	R	10/18/2016		124.00CR	080036	124.00
5222	P J KORTENS & CO INC							
	I-10018963	P J KORTENS & CO INC	R	10/18/2016		472.00CR	080037	
	I-10018964	P J KORTENS & CO INC	R	10/18/2016		220.00CR	080037	
	I-10018965	P J KORTENS & CO INC	R	10/18/2016		270.75CR	080037	962.75

Attachment: 10-18-16 VOUCHERS (5216 : Voucher Approval.)

PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

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VENDOR SET: 01

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
0197	PACKER CITY INTERNATIONAL INC							
	I-X101052602:01	PACKER CITY INTERNATIONAL INC	R	10/18/2016		17.48CR	080038	17.48
4476	PAUL CONWAY SHIELDS CORP							
	I-391623-IN	PAUL CONWAY SHIELDS CORP	R	10/18/2016		152.50CR	080039	152.50
7480	PLOVER POLICE DEPT							
	I-201610116471	PLOVER POLICE DEPT	R	10/18/2016		375.00CR	080040	375.00
6126	PM SUPPLY - WRIGHT INDUSTRIAL							
	I-67747	PM SUPPLY - WRIGHT INDUSTRIAL	R	10/18/2016		427.26CR	080041	427.26
0208	POMP'S TIRE SERVICE INC							
	I-90034272	POMP'S TIRE SERVICE INC	R	10/18/2016		449.75CR	080042	
	I-90034565	POMP'S TIRE SERVICE INC	R	10/18/2016		155.12CR	080042	
	I-90034864	POMP'S TIRE SERVICE INC	R	10/18/2016		86.90CR	080042	
	I-90034865	POMP'S TIRE SERVICE INC	R	10/18/2016		104.90CR	080042	796.67
1701	PRAXAIR DISTRIBUTION INC							
	I-74467457	PRAXAIR DISTRIBUTION INC	R	10/18/2016		17.83CR	080043	17.83
6335	R A SMITH NATIONAL							
	I-126283	R A SMITH NATIONAL	R	10/18/2016		6,060.02CR	080044	6,060.02
0227	REINDERS INC							
	I-1655553-00	REINDERS INC	R	10/18/2016		308.35CR	080045	
	I-1655553-01	REINDERS INC	R	10/18/2016		80.88CR	080045	
	I-1655553-02	REINDERS INC	R	10/18/2016		21.28CR	080045	
	I-1655573-00	REINDERS INC	R	10/18/2016		78.39CR	080045	
	I-1655761-00	REINDERS INC	R	10/18/2016		142.00CR	080045	
	I-1656054-00	REINDERS INC	R	10/18/2016		192.56CR	080045	823.46
7481	DALE RHODES							
	I-201610116472	DALE RHODES	R	10/18/2016		110.00CR	080046	110.00
5393	RICOH USA INC.							
	I-5044792755	RICOH USA INC.	R	10/18/2016		304.10CR	080047	304.10
0681	ROGAN'S SHOES							
	I-229340	ROGAN'S SHOES	R	10/18/2016		100.00CR	080048	100.00
1023	S & S WORLDWIDE							
	I-9277658	S & S WORLDWIDE	R	10/18/2016		55.79CR	080049	55.79

Attachment: 10-18-16 VOUCHERS (5216 : Voucher Approval.)

PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

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VENDOR SET: 01

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VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT
4875	SANOFI PASTEUR							
	I-907048345	SANOFI PASTEUR	R	10/18/2016		665.50CR	080050	665.50
7482	SHERWIN WILLIAMS CO							
	C-1112-2	SHERWIN WILLIAMS CO	R	10/18/2016		67.50	080051	
	I-1105-6	SHERWIN WILLIAMS CO	R	10/18/2016		245.50CR	080051	178.00
7309	TRILLIUM CNG							
	I-1610062124	TRILLIUM CNG	R	10/18/2016		4,075.71CR	080052	4,075.71
0268	TRUCK EQUIPMENT INC							
	I-707789-00	TRUCK EQUIPMENT INC	R	10/18/2016		121.55CR	080053	
	I-709101-00	TRUCK EQUIPMENT INC	R	10/18/2016		94.05CR	080053	215.60
6162	TRUGREEN							
	I-54261773	TRUGREEN	R	10/18/2016		111.00CR	080054	
	I-54297804	TRUGREEN	R	10/18/2016		45.00CR	080054	
	I-54308578	TRUGREEN	R	10/18/2016		45.00CR	080054	
	I-54318338	TRUGREEN	R	10/18/2016		45.00CR	080054	246.00
0417	TWEET GAROT MECHANICAL INC							
	I-37792	TWEET GAROT MECHANICAL INC	R	10/18/2016		387.75CR	080055	387.75
7071	USIC LOCATING SERVICES LLC							
	I-196533	USIC LOCATING SERVICES LLC	R	10/18/2016		548.00CR	080056	548.00
4651	UW-EXTENSION							
	I-409678	UW-EXTENSION	R	10/18/2016		2,390.00CR	080057	2,390.00
7210	VANDEN PLAS SANITATION INC.							
	I-30629	VANDEN PLAS SANITATION INC.	R	10/18/2016		110.00CR	080058	110.00
2645	WI DEPT OF JUSTICE							
	I-201610116473	WI DEPT OF JUSTICE	R	10/18/2016		273.00CR	080059	273.00
6338	YAEGER OIL CO INC							
	I-153725	YAEGER OIL CO INC	R	10/18/2016		42.50CR	080060	42.50

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	78	0.00	289,564.90	289,564.90
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:	79	0.00	289,564.90	289,564.90

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

PACKET: 05313 OCT 2016 COUNCIL - 2 10-18-16

VENDOR SET: 01

BANK : AP ASSOCIATED

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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
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*** POSTING PERIOD RECAP ***

FUND	PERIOD	AMOUNT

100	10/2016	54,391.70CR
201	10/2016	1,032.24CR
208	10/2016	548.00CR
290	10/2016	61.50CR
405	10/2016	205,875.15CR
415	10/2016	788.40CR
601	10/2016	15,909.38CR
650	10/2016	10,958.53CR
=====		
ALL		289,564.90CR

Attachment: 10-18-16 VOUCHERS (5216 : Voucher Approval.)

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

MEETING DATE: October 18, 2016
DEPARTMENT: City Clerk-Treasurer
FROM: Shana Ledvina
SUBJECT: Operator License Applications.

ATTACHMENTS:

- 10-18-2016 (PDF)

CITY OF DE PERE - October 18, 2016

ITEM	NAME	ADDRESS	CITY	ST	ZIP
Previously Tabled Operator Licenses					
1	DE CLEENE, STEVEN L.	1334 SCHEURING RD #1	DE PERE	WI	54115
2	EARNEY, REGAN J.	948 GREEN RIDGE DR	DE PERE	WI	54115
3	FRYE, TYLER R.	625 REID ST	DE PERE	WI	54115
4	POLEY, BENJAMIN P.	220 FT HOWARD AV	DE PERE	WI	54115
5	STIEGLITZ-VAN VONDEREN, SADIE B.	525 S. HURON RD	GREEN BAY	WI	54311
6	TINGLE, JENNIFER L.	240 1/2 FRANK ST	OCONTO	WI	54153

New Operator License Applications for the 2016-2018 Licensing Period					
1	BEAHAN, KATHLEEN	1607 SUBURBAN DR	DE PERE	WI	54115
2	BRICK, TIMOTHY J.	1846 NEAL CT	GREEN BAY	WI	54302
3	CAREW, BRETT C.	1517 MORNING MIST WAY	DE PERE	WI	54115
4	JACOBSON, DOUGLAS L.	415 GEORGE ST	DE PERE	WI	54115
5	KELLY, DYLAN T.	450 S. ST BERNARD DR	DE PERE	WI	54115
6	LEURQUIN, KYLE J.	346 SHARLA ST	WRIGHTSTOWN	WI	54180
7	LORENZ, JILL A.	515 PETERS ST	GREEN BAY	WI	54302
8	MARTINEAU, SHERRY L.	735 REID ST	DE PERE	WI	54115
9	METZLER, MARY K.	115 E. MISSION RD	GREEN BAY	WI	54301
10	MEYER, JODI A.	1785 GRANT ST #12	DE PERE	WI	54115
11	REIF, CARLY F.	2970 MOSSY OAK CI	GREEN BAY	WI	54311
12	SCHWARTZ, CHOYA R.	3146 SHAWANO AV	GREEN BAY	WI	54313
13	SMITH, NICOLAS R.	835 SMITS ST	DE PERE	WI	54115
14	SOLWAY, MICHAEL L.	1276 KELLOGG ST	GREEN BAY	WI	54303
15	STANEK, WHITNEY J.	450 COLLEGE AV #3	DE PERE	WI	54115
16	TOWNSEND, APRIL L.	900 FOURTH ST	DE PERE	WI	54115
17	VAN ROSSUM, JESSICA A.	2828 POPLAR ST	WRIGHTSTOWN	WI	54180
18	VOGELS, LINDSAY K.	1585 TIFFANY CT	DE PERE	WI	54115

Attachment: 10-18-2016 (5220 : Operator License Applications.*)