

CITY OF DE PERE
FIFTH MAYORAL PROCLAMATION
MARCH 31, 2020

WHEREAS, on March 17, 2020, the Common Council of the City of De Pere adopted Resolution #20-34 declaring a state of emergency in the City of De Pere; and

WHEREAS, the emergency power granted to the governing body by Wis. Stat. §323.14(4)(a) includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency; and

WHEREAS, if, because of the emergency conditions, the governing body of the local unit of government is unable to meet promptly, Resolution #20-34 and Wis. Stat. §323.14(4)(b) grants the Mayor, or in the absence of the Mayor, the Council President, the authority to act under Wis. Stats. §323.11 and §323.14(4)(a); and

WHEREAS, the Governor and the Department of Health Services of the State of Wisconsin authorized Emergency Order #12, known as the Safer at Home Order, which went into effect on March 25, 2020, and orders all individuals in the State of Wisconsin to stay at home or at their place of residence, with certain exceptions; and

WHEREAS, the City of De Pere used to operate a Revolving Loan Fund program that provided loans to various eligible businesses operating within the City of De Pere under which several businesses are still making payment; and

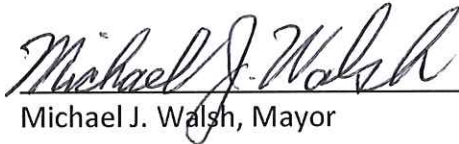
WHEREAS, as a result of the Safer at Home Order, many small and local businesses located in the City of De Pere are experiencing financial hardship as a result of the Safer at Home Order; and

WHEREAS, the City of De Pere recognizes that small and local businesses are an integral part of the community and therefore the City desires to assist local businesses during this challenging time.

NOW, THEREFORE, THE MAYOR DOES HEREBY PROCLAIM THAT:

1. The City of De Pere hereby establishes the Small Business Pandemic Response Loan program, subject to the terms and conditions as set forth in the attached Loan Program Summary, Loan Program Application and Promissory Note, or as may further be established by the Development Services Director.
2. The City of De Pere will hereby defer Revolving Loan Fund payments for up to 120 days, subject to the terms and conditions as established by the Development Services Director.
3. Any ordinance, resolution, or City policy in conflict with the above proclamation shall be superseded by this proclamation.
4. The above proclamations shall remain in effect until the Declaration of Emergency is no longer in effect, or until ratified, altered, modified, or repealed by the Common Council at the next meeting.

PROCLAIMED this 31st day of March, 2020.



Michael J. Walsh, Mayor

CITY OF DE PERE MEMO



To: Mayor Michael Walsh
Larry Delo, City Administrator

From: Daniel Lindstrom, Development Services Director
Judith Schmidt-Lehman, City Attorney

Date: March 31, 2020

RE: **De Pere – Small Business Pandemic Response**

Gov. Tony Evers declared a public health emergency in the state of Wisconsin on Thursday, March 12, 2020, in response to the coronavirus outbreak. In a press conference, Evers explained the state will be able to access specific state and federal resources to help prevent the spread. The announcement comes one day after the World Health Organization declared the coronavirus to be a pandemic and one day before President Trump declared the pandemic a national emergency. On March 17, 2020, Mayor Mike Walsh declared a state of emergency which among other things, directed all non-essential City facilities and municipal services are temporarily suspended to prevent the spread of the COVID-19.

The City along with Definitely De Pere reached out to De Pere businesses over the last few weeks and similar concerns continued to come to the surface throughout each conversation. In response to the COVID-19 pandemic, many small and local businesses will be forced to endure temporary or permanent closures, drastically alter their business operation, lay-off staff, and potentially deal with an excess supply of perishable or non-perishable food and materials. Our small businesses are now feeling the pain and the City of De Pere wants to do everything we can to help our local partners keep the doors open and the lights running. The City understands there are a wealth of programs and resources at the state and federal level, but not every business has the resources or experiences to access the programs.¹ To assist with these unprecedented challenges, the City proposes the following programs/responses:

Small Business Pandemic Response Loan (SB-PRL):

Provide up to \$10,000 for small business loans to eligible small businesses to be used to provide zero-interest loans with flexible repayment terms to support certain small business activities throughout the City of De Pere that have realized a significant financial hardship as a result of the COVID-19 pandemic. Loans to eligible businesses/borrowers must be \$5,000 or more and are capped at \$10,000.

City of De Pere Revolving Loan Fund:

The City of De Pere will defer Revolving Loan Fund (RLF) payments for up to 120 days upon request from any businesses with outstanding loans provided the company can demonstrate an income loss as a result of the Emergency Order #12, or the COVID-19 outbreak. Principal and interest payments will be deferred while the outstanding balance will continue to incur interest.

¹ A list of state and federal programs is included as an appendix to this memo.



Small Business Pandemic Response Loan (SB-PRL)

Loan Goal:	Provide immediate small business loans to businesses immediately impacted by COVID-19.
Funding Source:	Former City of De Pere CDBG-RLF (CDBG-Close)
Program Funding Amount:	\$500,000
Availability:	On or before April 6, 2020. In lieu of traditional loan agreements, the City established a "verified" application process requiring a notarized signature and promissory note.
Overview:	Provide up to \$10,000 in zero-interest loans with flexible repayment terms to small businesses to be used to support certain small business activities throughout the City of De Pere that have realized a significant financial hardship as a result of the COVID-19 pandemic.
Eligible Businesses:	<p>Eligible Business means a business in an industry outlined in Emergency Order #12 – Safer at Home Order, or any subsequent Emergency Order, or demonstrates it is otherwise affected by the COVID-19 outbreak. Businesses with less than 20 employees are eligible for up to a \$5,000 loan. Businesses with more than 20 employees are eligible for up to a \$10,000 loan. Eligible businesses must demonstrate the following:</p> <ol style="list-style-type: none">1. The company can demonstrate an income loss as a result of the Emergency Order #12, or the COVID-19 outbreak;2. Is located within the City of De Pere;3. The company needs working capital to support payroll expenses, utility expenses, or other similar expenses that occur in the ordinary course of business.
Eligible Uses:	Loans may be used for working capital to support payroll expenses, utility expenses, rent and mortgage payments, or other similar expenses that occur in the ordinary course of business. Applicants are encouraged to also work with landlords and mortgage institutions to arrange rent reductions and/or payment deferrals.
Ineligible Uses:	Loans are not available for: property management/landlord for either commercial and/or residential customers, any speculative venture, investment venture, research and development or home-based occupations.
Interest Rate:	0.00% per annum
Term:	48 month term with 12 months of deferred payments, principal payments shall begin one year from the date of distribution.
Example Loan Payments:	<p>\$5,000 Loan: \$140/month after 12 months of deferred payments \$10,000 Loan: \$280/month after 12 months of deferred payments</p>
Approval:	Submission of an application does not guarantee funding, and all applications will be reviewed by the Director of Development Services and the City Attorney. Any applicant can decrease or decline funding upon notification of approval.

Small Business Pandemic Response Loan (SB-PRL) Application Process

Applicants shall complete the following information:

- 1) Application
- 2) Business Summary - Please provide a brief overview of your business. The City of De Pere reserves the right to require an up-to-date business plan for any projects. At a minimum, business plans should include:
 - a. History of the company's operations
 - b. The physical address of each De Pere facility of the Applicant
 - c. Ownership structures and any authorized agent
 - d. Include the number of full-time employees
 - e. The Number of part-time employees
 - f. A simple budget summary
- 3) Demonstrate why Small Business Pandemic Response Loan assistance is needed (please attach additional pages if necessary)
- 4) Explain any other factors that should be considered in evaluating this request (e.g., impact on Wisconsin suppliers, national/international sales, and other prospects for future expansions, etc.).

Small Business Pandemic Response Loan (SB-PRL) Application Steps

- 1) Applicants shall review the entire Small Business Pandemic Response Loan (SB-PRL) program, application, draft Promissory Note.
- 2) Applicants are encouraged to contact the City of De Pere staff prior to applying for assistance to ask questions regarding the application or approval process.
- 3) Applicants shall submit the application directly to the Development Services Director by email (dlindstrom@deperewi.gov) or by mail (335 S. Broadway Street, De Pere, WI 54115)
- 4) City of De Pere staff will contact the business owner to confirm receipt of the application and discuss the program timeline.
- 5) City staff will review the application and verify application information prior to award determination.
- 6) City of De Pere staff will notify successful loan applicants of the distribution processes.

COVID-19 Identified Federal and State Funding Resources:

- **SBA Economic Injury Disaster Loan Assistance.**
 - Economic Injury Disaster Loan program provides small businesses with working capital loans of up to \$2 million that can provide vital economic support to small businesses.
 - <https://www.sba.gov/disaster-assistance/coronavirus-covid-19>
 - The Wisconsin Small Business Development (SBDC) Network and its partners are helping small businesses apply for federal disaster loans to mitigate the substantial economic injury as a result of the coronavirus (COVID-19) pandemic. The Wisconsin SBDC, a resource partner of the SBA, has created a web page to help business owners understand the qualifications and application process.
 - <https://wisconsinsbdc.org/services/covid-19/>
- **WEDC Small Business 20/20 Program**
 - The Small Business 20/20 Program provides grant funds to approved community development financial institutions (CDFIs). Approved CDFIs will award grants of up to \$20,000 to their existing loan clients to assist with cash-flow challenges resulting from COVID-19. Businesses that are not currently CDFI clients are not eligible to access these funds, but WEDC will work to expand access to funding through other programs as more resources become available. If you have more questions, view this FAQ page on SB20/20.
 - Flyer - <https://wedc.org/wp-content/uploads/2020/03/Small-Business-2020.pdf>
 - Program Guide - <https://wedc.org/wp-content/uploads/2020/03/SB-2020-FY20-Final.pdf>

COVID-19 Other Private and Non-for-Profit Funding Resources:

Other Private and Non-for-profits also provided a variety of additional training and fiscal resources; some of these items include

- **Gener8tor - Wisconsin Emergency Response Program.**
 - Gener8tor is hosting emergency one-week virtual programs for small businesses affected by the COVID-19 outbreak. These programs will feature daily webinars designed to identify, understand and help small businesses secure resources to withstand the current crisis. One-on-one office hours will also be available.
 - <https://www.gener8tor.com/>
- **Hmong Wisconsin Chamber of Commerce Emergency Loan Fund**
 - The Hmong Wisconsin Chamber of Commerce (HWCC) has announced a new Emergency Loan Fund (COVID-19) in response to the negative impact that Coronavirus (COVID-19) has had on the Wisconsin business community. These funds are primarily used for working capital to cover rent, payroll, and other fixed expenses. This loan fund is similar to HWCC's existing Revolving Loan Fund (RLF) Small Loan programs but with a slightly lower rate and an interest-only option for the first 3 months. Loans from \$5,000 and up to \$10,000. For more information about terms and interest rates, please contact HWCC Operations Manager, Ger Thao: ger@hmongchamber.org.
 - <https://www.hmongchamber.org/emergency-loan-fund-covid-19>
- **Kiva Loans**
 - Kiva has expanded small business lending on its online platform to include a larger list of eligible businesses, the possibility for larger loans, and a grace period for repayment.
 - <https://www.kiva.org/blog/faqs-kivas-response-to-covid-19>
- **Facebook for Business**
 - Facebook is offering \$100M in cash grants and ad credits through its Small Business Grants Program.
 - https://www.facebook.com/business/grants?content_id=KKf6RWdyo87L7QO
- **Kabbage**
 - Kabbage launched an online hub to help boost sales for U.S small businesses impacted by COVID-19, including a system through which businesses can sell gift cards to consumers for use at a later date.
 - <https://www.kabbage.com/covid-19/>
- **The James Beard Foundation**
 - The James Beard Foundation is launching a fund that will be gathering support from the corporate, foundation, and individual donors to provide micro-grants to independent food and beverage businesses in need.
 - <https://www.jamesbeard.org/relief>
- **MainVest**
 - MainVest, a crowdfunding platform, announced its new Main Street Initiative: a \$2,000, zero-interest, 120-day loan for restaurants or other brick and mortars affected by the shutdown.
 - <https://mainvest.com/blog/keep-calm-and-capitalize>
- **Opportunity Fund**
 - Opportunity Fund, which specializes in money lending to small businesses owned by women, immigrants and people of color, is collaborating with investors and nonprofits to put together a coronavirus relief fund that will provide grants and low-interest rate loans.
 - <https://www.theopportunityfund.org/category/opportunity-fund/>

BUSINESS OPERATION TIPS FOR LOCAL BUSINESS DURING COVID-19 PANDEMIC

- If your business is staying open, publish commitment to public health and outline actions for ensuring a clean facility and healthy staff; have hand sanitizer available for customers and latex gloves available for employees.
- Offer digital gift cards that customers and patrons can buy now and use later.
- Start, maintain, and enhance business webpages, online shopping opportunities, and social media presence. Make sure to update Google with modified hours of operation.
- Keep customers updated on new experiences or products you'll offer when conditions improve.
- Develop customer membership programs, such as "subscribe and save" on delivery or pickup of coffee beans, fresh produce, etc.
- Develop online shopping list services. For example, many grocery stores offer grocery pickup or delivery to customers who submit shopping lists online.
- Offer digital services and support to virtually sell, answer questions, and provide customer service.
- For experience-based businesses, offer digital services such as web-based classes (yoga, painting, etc.), restaurants offer cooking classes, etc.
- Keep it lively! Offer trivia nights via live stream and provide virtual tours of your shop.

Restaurant-Specific Suggestions

- Provide food-to-go or home delivery
- Use single-service items such as silverware, condiments, etc. for take-out orders.
- Provide online or telephone order and payment options to limit cash handling and in-person ordering of food. Promote "tap and pay" or payment transfer methods like Venmo.
- Dedicate staff for in-person transactions. This individual would not make or assist in foodservice operations.
- Gloves must be worn by individuals preparing or handling ready to eat food. If gloves are worn for additional activities, such as cash handling, these individuals must wash their hands before putting a new pair on or after taking a pair off.
- Retrain employees on proper handwashing and encourage them to wash their hands more frequently, especially after making contact with items used by guests.
- Increase the frequency of cleaning and sanitizing all common areas in your facility. Pay special attention to frequently touched surfaces such as door handles, workstations, tables, chairs, menus, condiments, credit card machines, etc.
- Ensure the proper sanitizing concentrations are being used in all cleaning products. Make sure to follow all label guidelines or these products.
- Make sure sick employees stay home. If an employee suspects they might have COVID-19, please have them contact the Health Department further instruction. Ensure that all staff understands your facility's sick leave policy. Per the 2013 FDA Food Code, employees must be restricted from working in any foodservice establishment if they have a sore throat and fever.

COVID 19 - Develop Business Continuity/Contingency Plan Suggestions

1. **Evaluate Expenses and Borrowing Capabilities.** Contact your financial institutions to understand current lending capabilities and make any necessary arrangements. b. Take inventory and understand your current monthly expenses. Consider prioritizing payments based on size, due date, and disaster assistance related support offerings.
2. **Double Check Your Insurance Coverage.** You may have business interruption insurance coverage. Contact your insurance agent to review your policy and understand what you are covered for.
3. **Anticipate Inventory and Supply Chain Disruptions.** Identify who are your key partners, suppliers, and contractors and contact them to anticipate any delays or shortages. Identify the raw materials does your business needs to function? Ensure you have adequate supplies of inventory for a sustained period of 30 days. If necessary, diversify distributor sources.
4. **Avoid Scams.** Encourage all employees to verify the legitimacy of emails, phone messages, text messages, bills, etc.
5. **Review Employment Policies and Procedures.** Review, update and communicate your employee leave policies and procedures. Implement a flexible workplace and leave policies. Additionally, do not require a healthcare provider's note for employees who are sick to validate their illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.

Anticipate absenteeism and plan to backfill positions if employees are absent? It is essential to cross-train employees to carry out essential functions. Unemployment will create an economic hardship; therefore, consider alternative ways to keep employees employed, such as temporarily reduced pay or permit flexible work hours like staggered shifts. Where and when appropriate, update all employee contact information and share it with your team.

6. **Establishing a Marketing and Communication Plan.** Minimize impact on your customers and business partners by communicating with your customers about the status of your operations. Considering offering creative and incentivizing reasons for customers to patronize your business.

Consider converting portions of your business to digital platforms. Use e-commerce to promote digital payment methods, use delivery services, use booking and scheduling to stagger customer flow, offer discounts on shipping, etc.

7. **Maintain Facility Cleanliness.** Maintain facility cleanliness as prescribed by the CDC.
8. **Prepare for Social Distancing and Leverage Technology** by opting for video or phone conferencing instead of in-person meetings. Determine which employees are essential or non-essential for your business or organization to operate. Ask each business operations the following questions
 - a. How can you accomplish critical tasks?
 - b. Do you have the technology and infrastructure needed to support employees working from home?
9. **Communicate Clear and Accurate Information and Stay Informed** by establishing a communication protocol to keep your workforce and customers informed.

**CITY OF DE PERE
DISASTER RECOVERY MICRO-LOAN BUSINESS APPLICATION**

The City of De Pere, the Micro-loan Fund Lender, may ask for additional information not included in this application.

SECTION I-BUSINESS INFORMATION

Legal Entity: <input type="checkbox"/> C Corp <input type="checkbox"/> S Corp <input type="checkbox"/> LLC <input type="checkbox"/> LLP <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietor	
Legal Name:	
Trade Name:	
Mailing Address:	
City, State, Zip:	County:
FEIN: (Federal Employee Identification Number –Tax ID)	
Date Established:	State of Organization (Per Articles of Incorporation/Organization):
Current Employment	Full-time: Part-time:
Website URL:	Phone:
Head of Organization:	Title:
Phone:	Email:
Briefly describe the business including products/services, locations and customers:	

SECTION II- PRIMARY APPLICATION CONTACT

Project Contact:	Title:
Email:	Office Phone:
Cell Phone:	Mailing Address:
City, State, Zip:	

SECTION III- BUSINESS OWNERSHIP

List All Owners:			
Name	Ownership %	Phone	Email
How many years has the business been under current ownership?			

SECTION IV- LOAN REQUEST

Please detail how you intend to use the micro-loan dollars for working capital: Note: Promissory Note from the applicant will be required.	
Rent/Mortgage Payment:	
Utility Expense:	
Payroll Expenses:	
Other Expenses (in the ordinary course of business):	
TOTAL not to exceed \$5,000 (20 employees or less) or \$10,000 (more than 20 employees):	

SECTION V- BANKING - LENDER REFERENCE

Banking-Lender:	Banking-Lender Contact:
Email:	Office Phone:
Cell Phone:	Mailing Address:
City, State, Zip:	

SECTION VI – COMPLIANCE CHECKS FOR MICRO-LOAN ELIGIBILITY

Your business and its owners need to be in compliance with several authorities including but not limited to the following.

For-profit Corporations, Limited Liability Companies, Limited Liability Partnerships, Limited Partnerships and Cooperatives doing business in the State of Wisconsin are required to register with the Department of Financial Institutions (DFI). These type of businesses must be registered using their legal name and be current with DFI. If your business is not listed as being current in DFI records your business is not eligible for a micro-loan. Businesses operating as Sole Proprietorships are not required to be registered with the DFI.

SECTION VII - CERTIFICATION

I hereby understand, attest, certify and/or agree to the following terms and conditions:

- (a) I meet the program requirements for the City of De Pere Small Business Pandemic Response Loan Program.
- (b) I agree that by submitting this application, the City of De Pere is not under any obligation to approve the loan.
- (c) I agree to indemnify, defend and hold harmless the City of De Pere, officers, officials, employees, agents and other associated parties against claims and damages relating to or arising from this application or any funds provided in connection with this application, and hereby release and waive any claims and damages arising now or in the future relating in any matter to rights, losses, liabilities, costs or expenses against them.
- (d) I acknowledge, understand and agree that I have applied for a 0% interest rate loan that is required to be paid back to the City of De Pere.
- (e) I agree that in the event credit is extended to me, I will complete a direct deposit and payment authorization form allowing for the City of De Pere to transfer funds into my business's bank account and for your payments to be electronically debited by automatic clearing-house (ACH) and deposited into the Economic Development Loan account.
- (f) The information supplied in this application and all other supplemental information submitted for review is true, accurate, complete and reflects my intended response. I understand and agree that any information determined at any time to be false, incomplete or misleading will constitute cause for the City to determine this loan and the Promissory Note provided by the undersigned to become immediately due and owing, including all interest owing thereon.

Signature:

Name:

Title:

Date:

Signature:

Name:

Title:

Date:

Include additional signatures as required to authorize the submission of this application on behalf of the business.

Submit this application and its attachments to:
Daniel J. Lindstrom, AICP
Development Services Director

E-mail or U.S. Mail using the following addresses:

E-Mail: dlindstrom@deperewi.gov

U.S. Mail: City of De Pere
335 South Broadway Street
De Pere, WI 54115

For questions on the application call: 920-339-4043

Please see attached COVID-19 Identified Federal and State Funding Resources document for additional information.

PROMISSORY NOTE

\$ _____

Date:

De Pere, Wisconsin

FOR VALUE RECEIVED on this date, _____, Maker, promises to pay to the order of the City of De Pere at 335 South Broadway, De Pere, WI, 54115, or at such other location as may be designated in writing from time to time, the principal sum of _____ Thousand Dollars (\$ __,000), together with interest, at the times and in the amounts hereinafter set forth.

PAYMENTS OF PRINCIPAL AND INTEREST

This note shall be of a duration of four (4) years. Payments of principal plus interest shall be amortized over a three (3) year basis with equal monthly installments deferred until the 13th month and equal monthly payments thereon the subsequent three (3) year period. This note shall bear interest at a rate of zero percent (0%) per annum for the term of this note.

Repayment shall commence in the thirteenth month after the Maker first draws on the fund. The schedule of payments of principal and interest are as provided on the attached Exhibit 1.

RIGHT TO PREPAY

This note may be prepaid, in whole or in part, at any time without penalty for repayment at the option of Maker.

DEFAULT

This note shall not be deemed in default as to payment of principal until the expiration of thirty (30) days after written notice to Maker, during which thirty (30) day

period Maker shall be allowed to cure the default. If notice is given and Maker fails to cure the default within said thirty (30) day period, the principal balance, together with interest as provided above, shall at once become due and payable without further notice.

INDEMNITY

Maker agrees to pay all costs of collection before and after judgment, including reasonable attorney fees (including those incurred in successful defense or settlement of any counterclaim brought by Maker incident to any action or proceeding involving Maker brought pursuant to the United States Bankruptcy Code) and waives presentment, protest, demand, and notice of dishonor. Maker agrees to indemnify and hold harmless Lender, its officers, employees, and agents from and against any and all claims, damages, judgments, penalties, and expenses, including reasonable attorney fees, arising directly or indirectly from the credit extended under this note or the activities of Maker. This indemnity shall survive payment of this note.

CONSTRUCTION

This note and all its terms shall be construed in accordance with the laws of the State of Wisconsin.

BINDING EFFECT

This Promissory Note is binding not only upon Maker, but also its respective heirs, executors, successors, administrators, or assigns.

Signed this _____ day of _____, 2020.

By: _____

By: _____

STATE OF WISCONSIN)
) ss.
_____ COUNTY)

Personally came before me on _____, 2020,
the above-named _____ and
_____, to me known to be the
person(s) who executed the foregoing instrument
and acknowledged the same.

Printed Name: _____
Notary Public, State of Wisconsin
My commission: _____