

GREEN BAY/BROWN COUNTY PROFESSIONAL FOOTBALL STADIUM DISTRICT

Pursuant to Section 19.84, Wis. Stats., a meeting of the Green Bay/Brown County Professional Football Stadium District Board was held on **Monday, June 13, 2022** at 2:00 p.m.

PRESENT: Chuck Lamine, Leah Weycker, Keith Lucius, Mark Graul, Bill Galvin, and Sen. Cowles

EXCUSED: Kristen Johnson

ALSO PRESENT: Pat Webb, Ken Kaszubowski, Brian Dworak, Joel Everts, Bill Vande Castle, and media.

1. CALL MEETING TO ORDER

The meeting was called to order by Chair Lamine at approximately 2:00 p.m.

2. ROLL CALL

Roll call was taken. All Board members were present except Ms. Johnson who was excused.

3. PLEDGE OF ALLEGIANCE

The Board recited the Pledge of Allegiance.

4. APPROVE/MODIFY AGENDA

Mr. Webb presented a late communication from Discover Green Bay. Mr. Everts will discuss this later.

Under special events –the request for funds for NFL Draft has been deferred until Mr. Popkey can be present.

A MOTION WAS MADE BY SEN. COWLES AND SECONDED BY KEITH LUCIUS TO APPROVE THE AGENDA. A vote was taken. MOTION CARRIED UNANIMOUSLY.

5. REQUEST FOR APPROVAL OF THE MINUTES – MARCH 28, 2022

A MOTION WAS MADE BY MARK GRAUL AND SECONDED BY SEN. COWLES TO APPROVE THE MINUTES. A vote was taken. MOTION CARRIED UNANIMOUSLY.

6. COMMUNICATIONS

A. April 15, 2022, Article RE: Bills Stadium

Mr. Webb discussed the article regarding the new Bills stadium. It was interesting to see what is going on in other cities. He shared a comment about rather than creating a dense area of housing and retail, the stadium sits in a sea of parking lots. Mr. Webb said the same could have been said about Lambeau Field area in 2001. Chair Lamine agreed the parking lot is busy today and there is a bevy of activity here daily. He said a lot was done right here at Lambeau. Mr.

Lucius agreed Lambeau became an every day of the year destination rather than an 8-day a year complex.

B. May 20, 2022, Article RE: Packers Ticket Waiting List

Mr. Webb reported the ticket waiting list article states the Packers reclaimed excess tickets from a handful of season ticket holders that were using tickets for commercial rather than personal purposes. They looked at some of the larger ticket holders who were selling on the secondary market. He said the District issued quite a few refunds this year and are in the process of determining how much additional money will go into the Capital Improvements Fund as a result. He knows people are getting tickets now after waiting a long time as reported in this article.

C. Article RE: Ashwaubenon Stadium District

Mr. Webb said the Titledown District is always reported on but this article highlights what's happened in Ashwaubenon. That area has had many renovations of the bars and restaurants and the building of hotels and apartment buildings. It has become its own business area and has spurred a lot of growth in that community.

D. May 26, 2022, Article RE: Number of Soccer Match Tickets Sold

Mr. Webb said it was reported that 85 percent of the tickets were sold already. Right now the ticket tax revenue will come to the Board which could be in excess of \$300,000-\$400,000. The Packers are going to be looking at bringing something forward to request those funds for the Draft at the next Board meeting.

E. Late Communications (if any)

Mr. Webb referred to the WIAA Girls Basketball tournament handout. Mr. Everts presented the final numbers. It was great to have them back after covid caused the tournament to be canceled. The funds from the District were used for the Rush to the Resch. Mr. Webb explained the money goes to schools from each division who sell the most tickets. He feels the local aspect of the participants proved to be an asset to winning as they knew how to get tickets in advance. He thanked Ms. Weycker and Mr. Lamine for being presenters at the tournament. He added the Discover Green Bay distributed tags, elevator graphics and signage. They also distributed crocs jibbitz to the teams. The tournament is renewed until 2025 and will be extended very soon with the new director. She loves Green Bay and wants to finalize details of contracts soon. Sen. Cowles asked when they will come back to the Board to request funding from the District. Mr. Webb said the Board approved funds through 2023 at the last meeting. Mr. Webb said they aren't giving any funds to WIAA but rather helping get more butts in the seats by giving scholarships to the schools that sell the most tickets. WIAA makes money off each ticket and they're happy the District is doing this, it's not an incentive to stay here like when we gave \$25,000 to get them here. The Rush to the Resch gets people here though. Mr. Lucius asked if the schools liked what the District is doing and can they influence the WIAA's decision to keep coming back. Mr. Webb said he feels they like playing at the Resch Center because it is a good size for that. Saturday gets pretty crowded and you can hear noise. The District's role has been to encourage more people to attend with the ticket competition. Mr. Everts said the schools always send thank you letters after the events.

Mr. Lucius said this incentive works well for the schools to get people here to hopefully stay overnight and eat at the restaurants.

A MOTION WAS MADE BY SEN. COWLES AND SECONDED BY KEITH LUCIUS TO RECEIVE THE COMMUNICATIONS AND PLACE ON FILE. A vote was taken. MOTION CARRIED UNANIMOUSLY.

7. CONSIDERATION OF BONNY EMMER SEC. 893.80 (1D) (A) AND (B), WIS STATS., NOTICE OF CLAIM

Mr. Vande Castle discussed the claim filed against City of Green Bay and the Stadium District related to an accident sustained. It is a Sec. 893.80 claim and he explained that when you are dealing with a claim against a governmental entity there is a limited number of days to file their claim and that is where the notice of claim comes in. The government entity has a period of time to respond –and if they don't respond it is automatically deemed denied. Depending on how it is denied there is a time limit to pursue their claim. He said insurance companies like CVMIC and WMMIC use the general consensus that they want the body to actively deny the claim. If you see a pattern or if someone is continuously falling in the same spot you should look at that and try to fix it. The insurance companies want you to look at the claims and that forces the entity to do due diligence to look at and investigate it. Secondly, once actively denied it forces a shorter time period for the claimant to take action. That gives the insurance company some leverage to try to settle the case before a lawsuit is filed. Most municipalities actively deny the claim, but some don't and let it go through the automatic denial process. In this instance which is a unique situation in the municipal context. The Lease with the Packers states in Sec 16.3 if any claim is filed against the District or City regarding a personal injury the Packers are to indemnify the District and City. Normally he would meet with the City and insurance company and bring it back to the Board with a recommendation to deny the claim. Here no investigation is necessary because it was turned over to the Packers. He recommends a formal denial practice that allows the District the authority to turn the claim over to the Packers to investigate the claim and deal with claimant.

Mr. Webb asked if the motion should include the referral. Mr. Vande Castle agreed that the motion should be referred to the insurance company. It would be a notice of denial of claim and he will prepare it and send it out to them by certified mail. He will copy the Packers and the other parties involved and that will be the referral.

Mr. Lucius asked if the Packers report back to the District on how they address the issue because if there is a safety problem he would like to know about it.

Mr. Graul asked if this has been the common practice. Mr. Webb said there haven't been many and they've been referred to the Team. Mr. Vande Castle said there were only four other claims. Mr. Lucius is surprised there haven't been more claims.

A MOTION WAS MADE BY MARK GRAUL AND SECONDED BY SEN. COWLES TO DENY THE CLAIM AND REFER IT TO THE PACKERS AND THE DISTRICT'S INSURANCE COMPANY. A vote was taken. MOTION CARRIED.

8. SPECIAL EVENTS & ECONOMIC DEVELOPMENT FUND UPDATE:

A. Detail of Special Events and Economic Development Fund

Mr. Webb presented the fund statement and stated not much changed since last month other than the motions that were made at the last meeting. The District should receive more money as soon as the soccer game takes place and go from there. It could be the biggest event yet other than the LSU game and he's looking forward to having some money in this fund again.

B. Request for Funds for NFL Draft - Deferred

Mr. Webb reported that this request was deferred until the next meeting.

9. A MOTION WAS MADE BY WILLIAM GALVIN AND SECONDED BY KEITH LUCIUS TO ADJOURN TO CLOSED SESSION PURSUANT TO SEC. 19.85(1)(E), WIS. STATS., FOR THE PURPOSE OF DELIBERATING OR NEGOTIATING THE PURCHASING OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION, TO-WIT: SPECIAL COUNSEL. A roll call vote was taken – 6 AYES (WEYCKER, GRAUL, LUCIUS, GALVIN, COWLES, LAMINE) - 0 NAYS. Motion carried.

A MOTION WAS MADE BY KEITH LUCIUS AND SECONDED BY LEAH WEYCKER TO RETURN TO OPEN SESSION AT APPROXIMATELY 3:00 P.M.

CONSIDERATION OF ACTION, IF ANY, REGARDING CLOSED SESSION DISCUSSION.

A MOTION WAS MADE BY MARK GRAUL AND SECONDED BY LEAH WEYCKER TO AUTHORIZE THE EXECUTIVE DIRECT TO SOLICIT NO LESS THAN THREE POTENTIAL ATTORNEYS TO CONSIDER AND DISCUSS HIRING AT NEXT BOARD MEETING. A ROLL CALL VOTE WAS TAKEN WITH 2 AYES (GRAUL, WEYCKER) – 4 NAYS (COWLES, LAMINE, LUCIUS, GALVIN). MOTION FAILED.

10. CONSIDERATION OF RESOLUTION 113 – AUTHORIZING AND APPROVING THE HIRING OF AN ATTORNEY TO ASSIST IN LEASE NEGOTIATIONS

A MOTION WAS MADE BY KEITH LUCIUS AND SECONDED BY SEN. COWLES TO AUTHORIZE THE HIRING OF AN ATTORNEY TO ASSIST IN LEASE NEGOTIATIONS IN AN AMOUNT NOT TO EXCEED \$20,000. A ROLL CALL VOTE WAS TAKEN WITH 4 AYES (LAMINE, LUCIUS, GALVIN, COWLES) – 2 NAYS (GRAUL, WEYCKER). MOTION CARRIED.

11. FINANCIAL REPORTS – MARCH, APRIL, AND MAY 2022

Mr. Webb reported on the financials and the ticket tax refunds. Some families have had ticket from way back in 1957. It will be interesting once the dust settles and the District could have almost \$4 million in the Capital Improvement Fund again with all the tickets being refunded. Chair Lamine feels the electronic ticketing may be contributing to the request for tickets to be returned. Mr. Webb said it certainly could have enable some tracking to occur. Ms. Weycker asked if it was prohibited to have corporate tickets. Mr. Vande Castle said it probably didn't help when they changed the rules to allow the tickets to be passed down in the family. Years ago, if you died the tickets were returned to the Packers. Now you can essentially will them or bequeath them to a family member. He thinks when that change occurred that's when they also changed the fact that under certain circumstances the team could pull them back. Mr. Galvin stated he knows some people that have inherited the tickets from family members and you have the chance to accumulate a lot of tickets there is some serious money

that can be made off the sale of those tickets. Mr. Webb said he's seen refunds of up to \$160,000 to a husband and wife. Mr. Webb said the user fee is now \$2,100 and \$900 and the old user fee is \$1,400 and \$600. So the \$1,400 and \$600 goes back to the ticket holder getting rid of the tickets and the money that comes in is the difference. Mr. Webb agreed the District's revenue is the difference. If you're just exchanging the tickets there's no revenue flowing to the District.

Mr. Webb asked if there were other questions on the financials.

Mr. Graul was interested in the maintenance and repairs of \$13.8 million. Mr. Webb said the Packers haven't requested any of that and they usually request at the end of June.

There were no more questions.

A MOTION WAS MADE BY MARK GRAUL AND SECONDED BY SEN. COWLES TO APPROVE THE FINANCIAL REPORTS. A vote was taken. MOTION CARRIED.

12. DIRECTOR'S REPORT

Mr. Webb presented the Economic Development Fund statement which is typical.

He reported the O&M Fund is at \$7.2 million after the District paid the Team. That is made up of the \$5 million transfer from the escrow plus the two football games in January.

He also reported on the District User Fee which is at \$4 million now but they are still waiting on some refunds so it could go down or they could collect more but it's really in a state of flux till end of June.

Mr. Webb said Sigma took a tour of all the new construction going on in the stadium today and asked them to give an update. Mr. Kazsubowski reported the Packers have targeted \$90 million to spend this year on capital projects. There are four projects that will consume \$85 million of that. Last year they had \$20 million in capital expenditure funding which was mostly replacements.

The first project is the big hole in the ground which the Team refers to as the CRIC (Cardio Rehabilitation and Information Center). He said that site is extremely well organized and their contractor has done a great job. They went as far as to protect the concourse coating with tennis balls so they don't get scratched. He's never seen that done before. This project has many different elements. One of the elements is to extend the training portion of it. It is now a 30 yard field and they're added 30 more yards towards Oneida Street. There will be underground parking with enough room for all the players, coaches, scouts, and everybody associated with the football team. Above the underground parking there will be coaches offices and team meeting spaces. That whole project including the walkway from the underground parking will be \$50 million. The public will get the players' parking spaces back when the project is completed.

Another project is scoreboard upgrades for the 2023 season. Now they are reinforcing the structural steel to support the new scoreboard. It will go all the way down to the foundation. He feels the new scoreboard will be wider and taller. The current structure in the south end zone will be able to support the new scoreboard.

Two other big projects are the concourse upgrades with a new PDC - production data center which will house a lot of the controls for the new scoreboards. It won't come on line until the scoreboards arrive. They haven't picked a vendor yet so that will be completed in time for the 2023 football season.

The concourse upgrades are pretty dramatic - extending the grab n go concept. The budget is just under \$6 million budget. Above one concourse they will enclose an area – stairs and elevator – bar and food service area – may eliminate some of the congestion.

A fourth project is to add another generator to provide life safety functions in the building. They're adding it to shed some of the load off the current generator to run lights, etc.

The rest of the projects are to add access control swipes on the suites. The ticket holder scans their phone or touches the screen so random people can't walk into suites.

They are adding an alumni suite viewing platform at the cost of \$1 million. They are replacing some outdoor tvs of which some are exceeding 10 years old. They are putting new furnaces in the upper women's restrooms because the old ones weren't rated for outdoors.

They are also completing an artwork project and replacing kitchen equipment in Club 1919.

They are also completing some other NFL-mandated stuff from a security standpoint. The NFL completed an audit and they have to upgrade the HVAC. On the Southgate side there were leaking couplings and are replacing them on a progressive basis.

Another project is to get a new domestic water booster pump station to get water up to upper levels and they are tying all the pumps together so if one fails the others will handle the pressure.

Chair Lamine asked about the amount. Mr. Kaszubowski reported it was \$90 million and some won't get spent until next year – the CRIC, scoreboards, and alumni suite will be finished next year.

The concourse redevelopment will be ready for the soccer game in July.

There is a ton of work being completed.

Sen. Cowles asked how old the current scoreboards were. Mr. Webb said they were put in during the 2013 renovation. Mr. Kaszubowski said that technology changes fast. A lot of the cost is the structural steel they had to add.

He added these are all Team funded projects.

Mr. Webb asked Mr. Dworak to present the Independent Monitor Report. Mr. Dworak said that the enabling legislation for the District established targeted participation and workforce diversity goals as part of the lease with the Packers. The District passed that responsibility on to the Team to maintain those targeted goals. Legislation required hiring of a project coordinator and an independent monitor. The Packers hired the coordinator who is AFF Research LLC. That coordinator is employed by the Packers who provides the data that is then reviewed by and used in the report presented by C ross Management which works on behalf of the District and verifies the information. This report covers all activities through 2020. This is a cumulative calculator from the post construction date of 2004 to the end of 2020. The goals as established are for minority business enterprises to be 15% - women business enterprises – 5%. In 2014 a new target was added for disabled veterans' businesses at 1%. That brings the total on a spend and hours worked component to 21% for the dollars spent with those companies and hours worked. The overall findings as of the end of 2020 show that over that period of time a total of \$75 million has been paid to targeted businesses – 23.4% to minority and women

business entity firms and just over 1% to disabled veterans' businesses. So overall the Team and the District are meeting that target. The goal on the spend has been exceeded. The workforce hours worked has always exceeded the goals. A repeat recommendation or notation from the independent monitor is that on the O&M spend that 21% target rate is largely met due to the participation of women business enterprises and the minority business enterprises has lagged. He referred the Board to a chart in the report. The Team has been making concerted efforts to increase the participation of minority businesses and are getting closer to that goal.

He mentioned the mentor protégé program and it seems like an effort is being made and has improved over the years. But in total the targeted 21% has been exceeded and continues to be in a good place.

Mr. Webb reported on the March and April brick sales. The last two months have generated almost \$15,000 which puts the sales at almost \$32,000 for the first four months which is above what was reported last year. Other than the slowdown in April, the sales are exceeding what was anticipated.

Mr. Webb reported on the two remaining meeting dates – September-26 and December 12.

There were no other matters other than the fact that since this is the Director's Report he publicly reported he is stepping down as the Executive Director effective September 30. He is looking forward to working with the Board and Sigma on a future role of some kind.

A MOTION WAS MADE BY SEN. COWLES AND SECONDED BY WILLIAM GALVIN TO APPROVE THE DIRECTORS REPORT. A vote was taken. Motion carried.

There were no other questions on the Director's Report.

13. OTHER MATTERS AUTHORIZED BY LAW

Chair Lamine reported that he spoke with the County Executive and the decision was made to keep a County employee on the board. He remembered when he was appointed some 10 years ago there was some debate about appointing a county employee to the Board. He said it's been a pleasure working with this Board and past board members and the staff. He is happy to see Sigma and the relationship built with them and feels they will do a good job going forward. He wanted to express his appreciation for Mr. Webb's service. Mr. Webb thanked Chair Lamine as well. Chair Lamine said that after 40 years this was his last public meeting.

Sen. Cowles added that Chair Lamine did an excellent job running the meetings and this group has done a great job of leaving their footprints in the community with grants and other efforts. He thanked Chair Lamine for his dedication.

Mr. Webb added that there will be an election of officers at the September meeting, and as of July 1 Ms. Weycker will be the Chair. The other person that won't be back is Kristen Johnson who chose to resign from the Board as she is moving to De Pere. Sen. Cowles asked if that position will be filled by the next meeting. Mr. Webb said the mayor will be appointing a replacement and also said that Ms. Weycker and Mr. Galvin will be reappointed.

Sen. Cowles wanted to know if the Board will be getting more information about the NFL draft and funding, etc.

Mr. Webb said there will be more details reported at the next meeting. They are hoping to get a formal proposal on the draft from the Team. They may have to have closed sessions.

Sen. Cowles asked a question at the last meeting about why the Packers think they lost the draft to Detroit and received no answer. Now the Team will be coming back to the District to ask for big chunks of our ticket tax money. He wanted to know if they can ask the Packers to explain in more detail. Mr. Webb said they can ask any questions they feel appropriate. He can let Mr. Popkey know the Board wants to know this information. Sen. Cowles said this is important because it goes back to the viability of the Board and if they can't help the community bring events to the area it will be tragic. He feels the Team is reporting record profits and raised money selling stock and they want to tap into District's diminished funds. The District needs these funds to run and keep contributing to the efforts of bringing events to the area. Mr. Webb agrees that the District doesn't need to exist if they are just the passthrough for funds to the Team.

Mr. Webb said if all the extra revenues go away and all the District is get rent enough to exist and the only role is to approve the O&M funds because the Lease requires that he feels the Board wouldn't want to exist just to review financials. Chair Lamine agreed with that statement also. Mr. Webb said it's an issue he's explained to the Team. He said they review the Economic Development Fund as a crucial part of the Board's responsibility. It's unfortunate it's been low for a while. He feels if you asked Discover Green Bay they could come up with some pretty substantial amounts of the impact of the funds they've received from the District.

Ms. Weycker mentioned that Mr. Toll had some opinions as to why Green Bay lost the draft. Mr. Everts said he wasn't part of the draft and didn't know. Ms. Weycker feels nobody knows the exact reasons why they lost the draft.

Mr. Webb thanked Chair Lamine again for his leadership and dedication. Other Board members thanked Chair Lamine as well.

There were no other matters.

14. MOTION TO ADJOURN

A MOTION WAS MADE BY MARK GRAUL AND SECONDED BY SEN. COWLES TO ADJOURN THE MEETING. A vote was taken. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at approximately 3:40 P.M.

Respectfully submitted,

Diane Roskom
Administrative Specialist