Common Council

Regular Meeting

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

Minutes

Tuesday, September 17, 2013 **7:30 PM** **De Pere City Hall Council Chambers**

1. Roll call.

The Meeting was called to order at 7:30 PM on September 17, 2013 at De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

2. Pledge of Allegiance.

The Council said the Pledge of Allegiance to the Flag.

3. Approval of minutes.

A. Approval of the Minutes of the September 3, 2013 Common Council Meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	James Kneiszel, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

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

Allyson Watson, Executive Director of Definitely De Pere, stated that Definitely De Pere received 4 awards for their Main Street Program from The Wisconsin Main Street Program and the Wisconsin Economic Development Corporation. She provided information about the upcoming 3rd Annual Soup Walk on October 5.

5. Discussion items.

A. Central Brown County Water Authority 2014 Budget presentation.

Dave Vaclavik of the Brown County Water Authority presented a slideshow outlining their 2014 Budget. Discussion followed.

*At this time, Mayor Walsh introduced Cole Griffin of a local Boy Scout Troop for his Communication Badge.

B. Fire Department Organizational Analysis Update.
Interim Fire Chief Jeffrey Roemer reviewed the presentation with the Council. After the presentation ended, Chief Roemer answered questions from Council Members.

6. Action items.

A. Recommendation from the Plan Commission on the Final Plat of Garrity's Glen Second Addition.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

B. Recommendation from the Board of Public Works to Award Project 13-12 - 2013 Street and Utility Extension to Feaker and Sons Construction Company

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Donovan, Alderperson
SECONDER:	Kevin Bauer, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

C. Recommendation from Board of Public Works to Award Project 13-18 to Advance Construction Inc.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Bob Heuvelmans, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

D. Recommendation from the Board of Park Commissioners to approve the $250 donation from the Pink Flamingo Group for the Recreation Scholarship Program.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bob Heuvelmans, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

E. Recommendation from the Board of Park Commissioners to approve $260 donation from the De Pere Area Men's Club for the Recreation Scholarship Program.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Donovan, Alderperson
SECONDER:	Bob Heuvelmans, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

F. Recommendation from the Board of Park Commissioners to approve $250 donation from the Bugsy Softball Tournament Group for the Recreation Scholarship.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bob Heuvelmans, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

G. Recommendation from the Board of Park Commissioners to approve donation from Walter Anderson for a flag pole, flag, pole installation and sound system for Southwest Park.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Michael Donovan, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

H. Recommendation from the Board of Park Commissioners to approve Southwest Park for location of future baseball diamond.

Alderperson Lueck announced that he received an opinion from the Government Accountability Board regarding his participation on this agenda item; it was determined by the GAB that he should abstain from voting and should not participate in official action but can discuss the item as a public member. He removed himself from the Council Member seating area.

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

Larry Lueck, President of De Pere Baseball spoke on the topic and answered the Council's questions.

Alderperson Donovan moved, seconded by Alderperson Boyd to close the meeting. Upon vote, motion carried unanimously.

Discussion followed. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Michael Donovan, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans
ABSTAIN:	Larry Lueck

I. Recommendation from the Finance/Personnel Committee to provide project funding for a repair at the De Pere earthen dam.

City Planner Ken Pabich stated that the cost for the contract work is actually $25,000 and not $20,000 as stated in the meeting documents.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

J. Recommendation from the License Committee to approve an Application for a Temporary Premise Description Change for the Drift Inn submitted by AlChris, LLC, Agent: Gail M. Kozlovsky, 4900 Sportman Dr., De Pere, WI 54115.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Bob Heuvelmans, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

K. Reconsideration of Ordinance #13-15, Creating Conditional Use Permit Approval For Overnight Shelter Facilities.

Alderperson Donovan moved, seconded by Alderperson Lueck, to reconsider Ordinance 13-15, Creating Conditional Use Permit Approval for Overnight Shelter. Discussion followed. Upon roll call vote, motion carried 4-4 with Alderpersons Kneiszel, Crevier, Bauer and Rafferty voting nay and Alderpersons Lueck, Boyd, Donovan, and Heuvelmans voting aye. Mayor Walsh broke the tie and voted aye, making the vote 5-4 in favor of reconsidering Ordinance 13-15.

Alderperson Donovan moved to remove previous amendments to Ordinance 13-15 and revert the Ordinance to original form. Discussion followed. City Attorney Judy Schmidt-Lehman read the original ordinance presented to Council at a meeting held on

August 20, 2013. Alderperson Heuvelmans seconded the motion to remove previous amendments to Ordinance 13-15 and revert the Ordinance to original form.

Alderperson Heuvelmans moved, seconded by Alderperson Kneiszel to open the meeting. Upon vote, motion carried unanimously.

Robert Pyne addressed the Council, not on the behalf of St. Norbert but as an advocate for the homeless and spoke in favor of an ordinance allowing for shelters in the City of De Pere.

Dan Robinson spoke in favor of Ordinance 13-15 as it was passed at the 8-20-2013 Common Council Meeting.

Alderperson Crevier moved, seconded by Alderperson Kneiszel to close the meeting. Upon vote, motion carried unanimously.

Discussion followed.

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

Robert Pyne and Dan Robinson addressed the Council again.

Alderperson Kneiszel moved, seconded by Alderperson Lueck to close the meeting. Upon vote, motion carried unanimously.

City Attorney Judy Schmidt-Lehman suggested amending the ordinance by adding "a temporary overnight shelter shall not operate for more than 6 months in a 12 month period."

Upon vote on the motion to remove previous amendments to Ordinance 13-15 and revert the ordinance to its original form, motion failed 0-8.

Alderperson Bauer moved, seconded by Alderperson Boyd to add "Overnight shelters shall not operate for more than 6 months in a 12 month period" to the definition of an overnight shelter facility. Upon vote, motion to amend the ordinance carried unanimously. Discussion followed. Alderperson Bauer moved, seconded by Alderperson Lueck to approve the ordinance as amended. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

L. Resolution #13-117, Authorizing Contract with Wisconsin Public Service Corporation for Outdoor Lighting Service (Parking Lot Lighting for Southwest Park).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Donovan, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

M. Resolution #13-118, Repealing and Recreating Section 8 of the City's Rules and Regulations Regarding Residency Requirement.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Kevin Bauer, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

N. Preliminary Resolution # 13-119, Declaring Intention To Exercise Special Assessment Powers Under Section 66.0703, Wis. Stats. For Water Main and Water Services on Cedar Street from the Westerly Termini to Tenth Street.

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

Leland Doherty asked if he is still able to use his well for watering outside. Public Works Director Scott Thoresen explained to him that he would need a well permit to do so.

Alderperson Donovan moved, seconded by Alderperson Kneiszel to close the meeting. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Kneiszel, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

O. Resolution #13-120, Authorizing Agreement Regarding the Sale/Purchase and Right of First Refusal of Certain Property Between the City of De Pere and Bayland Buildings, Inc.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Donovan, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

P. Consideration of Application by Police Department for Impaired Driving Enforcement Grant
Discussion followed.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

Q. Consideration of Request for Police Department Participation in OWI Enforcement Task Force Grant

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	James Kneiszel, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

R. Operator License Applications.

	CITY OF DE PERE - SEPTEMBER 17, 2013				
ITEM#	NAME	ADDRESS	CITY	ST	ZIP
	PREVIOUSLY TABLED OPERATOR LICENSE APPLICATIONS				
1	ELWELL, ALEXANDRA G.	610 N. 9TH ST.	DE PERE	WI	54115
2	LAMAL, ZACHARY M.	1773 BRIARWOOD CT.	DE PERE	WI	54115
	OPERATOR LICENSE APPLICATIONS FOR THE 2012-2014 LICENSING PERIOD				
1	ALLEN, KELLY A.	1013 CORAL ST., #5	DE PERE	WI	54115
2	CAIN, MARY F.	1009 MALLARD WAY	MARINETTE	WI	54143
3	COLLINS, PATRICK M.	106 N. MICHIGAN ST., APT.#3	DE PERE	WI	54115
4	DEKEYSER, ASHLEY A.	116 1/2 N. BROADWAY ST., APT. 2	DE PERE	WI	54115
5	GRUTZA, EMILY F.	1407 CONRAD DR.	GREEN BAY	WI	54313
6	JARVI, ASHLEY M.	2748 VIKING DR., APT. A	GREEN BAY	WI	54304
7	KANUGH, LEON G.	940 ROSCOE ST.	GREEN BAY	WI	54304
8	LEBBY, ANDREA S.	302 GEORGE ST., APT. #4	DE PERE	WI	54115
9	MARONEY, APRIL D.	1984 TERRY LN.	DE PERE	WI	54115
10	MAYER, ANTHONY J.	212 BELLEVUE ST.	GREEN BAY	WI	54302
11	RAASCH, LILA	2686 TROJAN DR.,	GREEN BAY	WI	54304

Alderperson Bauer moved, seconded by Alderperson Boyd to approve Previously Tabled Operator License #1 and to table Previously Tabled Operator License #2. Upon vote, motion carried unanimously.

Alderperson Bauer moved, seconded by Alderperson Boyd to table Operator License #3, 8, and 9 and to approve Operator License #1-2, 4-7, and 10-11. Upon vote, motion carried unanimously.

S. Voucher Approval.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Lueck, Boyd, Kneiszel, Crevier, Donovan, Bauer, Rafferty, Heuvelmans

T. Future agenda items.
Alderperson Lueck requested the following:

Update on the grants received by the Police Department regarding speeding.

Update on the August Sex offender compliance checks.

7. Adjournment.

Upon motion by Alderperson Crevier, seconded by Alderperson Rafferty, the Common Council Meeting was adjourned at 10:04 p.m.

Respectfully submitted,

Shana Defnet
Clerk-Treasurer