



Common Council

Regular Meeting

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

Minutes

Tuesday, December 20, 2022

7:30 PM

Council Chambers and Virtual

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

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

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the December 6, 2022 Common Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Shana Defnet Ledvina, Aldersperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

4. Public Hearing to act on the following: the Repeal of Chapter 98, De Pere Municipal Code regarding the Sign Ordinance, the Repeal and Reenacting of Chapter 14, De Pere Municipal Code regarding the Zoning Ordinance including Signs, and the Repeal and Reenacting of the City's official Zoning District Map.

A. Notice of Public Hearing

The notice of public hearing was published in the Green Bay Press-Times on December 2 and December 9, 2022.

B. Recommendation from Plan Commission to Repeal Chapter 98 Sign Ordinance and Repeal and Reenact Chapter 14 Zoning Ordinance of the De Pere Municipal Code.

Mayor Boyd declared the public hearing open. De Pere resident Dave Hongisto addressed the Council, stating that he had concerns and questions on the following topics:

- Residential/Accessory uses – concern about changes to the side yard setback, and the new maximum size/height of an accessory building

- Backyard cottages - concern that backyard cottages will introduce rental properties into residential areas, as well as that the code doesn't require additional off street parking for this use; asked how the zoning official will enforce the number of occupants; requested an explanation on section 14.79 of the code regarding “secondary suites”
- Home occupations – requested clarification on the difference between Type A and Type B categories
- Commercial plan review process - concern that the City’s Plan Commission will no longer review commercial/industrial and multifamily plans under the new code
- Zoning map and notification process – asked if the properties receiving a new zoning classification were notified; concern that the different colors and shades on the zoning map will create confusion for developers and property owners; requested details on the consultant fee for the code revision

Mr. Hongisto had questions about the zoning designation for the following properties:

- SKB Management, 805 George St (setback incorrect)
- Pelican Landing, 1015 N Broadway (accessory buildings only allowed in rear yard setback for residential)
- WPS facilities on Ash/Eighth Sts, Fort Howard Av, and Red Maple Rd
- McMonagle Lumber, 1105 S Ashland, and neighboring houses
- Lawton Park on Ft Howard and 6th St
- Hugh Hall, 405 Grant St, and residential homes on the St Norbert College campus
- The Abbey Bar, 303 Reid St
- 331 Grant St & 1018 Cedar St (were residential, but are now business)
- De Pere Crossing on N 6th St
- Residential home at 517 S 6th St
- Beemster Electric – address not identified
- Christ the Rock Church, 556 Main Av
- First Street, which is included on the map but no longer exists

No one else wished to speak, so Mayor Boyd declared the public hearing closed.

Development Services Director Dan Lindstrom and Senior Planner Peter Schlein provided the following responses to Mr. Hongisto’s concerns, noting that they will respond directly to him after the meeting with additional details:

- Residential/Accessory uses – setbacks were changed according to the directive of the Plan Commission; the new accessory building size maximum was derived from the an actual average of what the Board of Appeals had been approving; the height maximum is now defined from ground to peak, which means it is roughly equal to the previous measurement method

- Backyard cottages – will be deed restricted to prevent use as a rental property; a secondary suite is like a backyard cottage but it is attached to the house
- Home occupations – type A is similar to what is in the City’s current code; Type B allows the owner to bring in one employee and does require permission from the City
- Commercial plan review process – an evaluation of Plan Commission approvals found that 73% of the time they were approved with the recommendations made by staff; the Plan Commission will receive monthly reports from staff on site plans; the Development Services Department will have a new webpage with all site plans for the public to review
- Zoning map and notification process - notification to all parcels for a zoning code overhaul is not required because the City went through the public hearing process; however, any parcel that was “down zoned” was notified; staff’s goal is to come back to the Plan Commission every three months to review the code and make any changes as needed; consultant fees are in the \$124,000 range and have not gone over budget

C. Recommendation from Plan Commission to Repeal and Reenact the Zoning District Map.

D. Ordinance #22-13 Repealing Chapter 98 Sign Ordinance, Repealing and Reenacting Chapter 14 Zoning Ordinance of the De Pere Municipal Code Including Repealing and Reenacting the Official Zoning District Map.

Development Services Director Dan Lindstrom and Senior Planner Peter Schlein answered Council members’ questions on the following topics: the complaint-driven enforcement process of the City’s code, backyard cottage requirements, minimum lot sizes, street trees, the readability of the new zoning code map, and temporary signs. They reported that the feedback from developers who have had an opportunity to see the draft code has been positive; they are appreciative of the new standards and its flexibility with adaptive reuse. Dan noted that if a developer proposes something that staff can’t approve under the new design standards, the request will default to the Plan Commission. Staff will be creating standard operating procedures for new elements in the code, and sharing those on the website and on social media.

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

E. Approval of City of De Pere - Zoning Map (December 2022).

City Attorney Tony Wachewicz explained that the City is required to adopt an official zoning map, but it will be modified as needed when changes occur.

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

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

None.

6. Consideration and possible action on the following Community Service Grant applications:

Alderperson Raasch moved, seconded by Alderperson Gantz to approve all of the applications, and divide the funds evenly between the four projects. Alderperson Raasch then moved to amend his origination motion, seconded by Alderperson Carpenter, to add another \$1,200 from unassigned reserves, thereby increasing the total funds to be split by the recipients to \$2,400. Upon roll call vote, the motion to amend passed unanimously.

RESULT:	APPROVED AS AMENDED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

A. Sleep in Heavenly Peace, De Pere chapter - Public Bed Build

B. NEW Master Gardeners Association - Locktenders Native Plant Garden at Voyageur Park Riverwalk

C. De Pere VFW Post 2113 - Beautification of Central Veteran Sites

D. Lovin' the Skin I'm In - hair care products drive for families of color experiencing homelessness

7. Recommendation from the License Committee on the request by Kayla Mallo to appear before the License Committee regarding denial of her Operator Application.

RESULT:	DENIED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Devin Perock, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

8. Recommendation of Finance/Personnel Committee to Deny Waiver of Fees Issued under De Pere Municipal Code Section 74-10 for Destruction of Noxious Weeds at 2348 Indy Court.

RESULT:	DENIED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

9. Recommendation of Finance/Personnel Committee to Approve IT Cybersecurity Software Contract.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

10. Recommendation from Finance/Personnel Committee to Approve the 2023 Classification and Compensation Appeal Recommendation.

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

11. Recommendation from Finance/Personnel Committee to End Emergency Paid Leave Time for COVID-19 Absences.

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

12. Ordinance #22-14 Amending Chapter 94 and Creating Sections 94-13 and 94-15 of the De Pere Municipal Code Regarding Building and Property Maintenance Code.

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

13. Resolution #22-95 Granting a Planning Option to Purchase to Musket Corporation (Venture Avenue; Parcel WD-D0076).

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

14. Resolution #22-96 Authorizing Onsite Services Agreement Between the City of De Pere and Bellin Business & Community Health, a Division of Bellin Memorial Hospital, Inc. ("Bellin") (Worksite Health Services for City Employees and Spouses).

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

15. Consideration and Possible Action on Approval of Certain Fees for 2023.

A. Resolution #22-97 Regarding Certain Fees.

Development Services Director Dan Lindstrom explained that the new Building Inspection fee for an electrical permit is for vehicle charging stations; and that the Other Unspecified fee is for items like road vacations, plan reviews, etc.

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

B. Resolution #22-98 Regarding De Pere Parks, Recreation & Forestry Park and Facilities Rentals, Recreation Programs, Aquatics and Community Center 2023 Fees.

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

16. Resolution #22-99 Authorizing Issuance of a Promissory Note for Temporary Borrowing of \$350,000 for Public Purposes.

It was pointed out that the entire \$12,000 budgeted for The Preserve park sign replacement will not be used, because staff decided to go with a smaller sign. Finance Director-Treasurer Joe Zegers explained that any unspent dollars will go back into capital funds, and that the short term note will be paid off in a month.

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

17. Resolution #22-100 Approving Municipal On-Line Access Agreement with Brown County (Laredo Access to Register of Deeds Documents).

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

18. Appointment to the Sustainability Commission by Mayor Boyd.

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

19. Voucher approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Devin Perock, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kunding, Ledvina, Perock, Quigley, Raasch

20. Future agenda items.

Alderperson Carpenter requested a discussion on the City's banking options; this will go to a future Finance/Personnel Committee meeting.

Alderperson Hansen asked staff to identify if there are other park signs needing replacement, since The Preserve park sign is coming in under budget; if staff does identify any, this will go to a future Board of Park Commissioners meeting.

Alderperson Kunding reiterated her request for an update on the noise ordinance revision project.

Alderperson Raasch requested an update from the police chief on sex offender ordinance compliance.

21. Adjournment.

Alderperson Raasch moved, seconded by Alderperson Ledvina to adjourn the meeting at 9:10 pm. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk