Common Council

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

Regular Meeting

Minutes

Tuesday, August 21, 2018 **7:30 PM** **De Pere City Hall Council Chambers**

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

Attendee Name	Title	Status
Michael J. Walsh	Mayor	Present
James Boyd	Alderperson	Present
Dan Carpenter	Alderperson	Present
Scott Crevier	Alderperson	Present
Jonathon Hansen	Alderperson	Present
Ryan Jennings	Alderperson	Present
Larry Lueck	Alderperson	Present
Casey Nelson	Alderperson	Present
Dean Raasch	Alderperson	Excused

2. Pledge of Allegiance to the Flag.

3. Approval of the Minutes of the August 7, 2018 Common Council Meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

4. Public Hearing on the Rezoning of Parcel ED-477.

a. Notice of Public Hearing.

Clerk-Treasurer Shana Ledvina announced that the public hearing was published in the Green Bay Press Gazette on August 6 and 13, 2018

b. Recommendation from the Plan Commission.

Development Services Director Kim Flom announced that the Plan Commission approved the rezoning unanimously at their July 23, 2018 meeting. She explained that most residents attending that meeting were in favor of the project; one resident had a number of questions about the project that were addressed at that meeting.

c. Ordinance #18-15 Rezoning Certain Property (Parcel ED-477).

Mayor Walsh declared the public hearing open.
Karen Sternkopf requested to see pictures of what the buildings will look like and how tall they will be; Development Services Director Kim Flom presented the conceptual renderings of the project. Mayor Walsh declared the public hearing closed and entertained a motion. Alderperson Boyd moved, seconded by Alderperson Crevier to approve the rezoning. Discussion followed. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

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

Alderperson Nelson announced the first mental health outreach session at the Community Center on Wednesday, August 29 at 6:30 p.m. The topic will be anxiety.
Alderperson Jennings announced that the Press is now covering the City of De Pere and encouraged the community to support the paper. He also invited the public to attend the open house at the Locktender's Garden on Wednesday, August 22 at 5:30 p.m.

6. Recommendation of Finance/Personnel Committee to Contribute from unassigned reserves, $5,000 to the League of Wisconsin Municipalities for Dark Store and Walgreens Loopholes Lobbying Efforts

Alderperson Lueck moved, seconded by Alderperson Boyd to open the meeting. Upon vote, motion carried unanimously. Jerry Deschane was present and answered the Council's questions. He explained that as of the meeting date, 38 communities had contributed with a total in contributions of $76,400. Discussion followed. Alderperson Boyd moved, seconded by Alderperson Crevier to close the meeting. Upon vote, motion carried unanimously. Alderperson Lueck will vote against this not because he disagrees with funding the effort but because he thinks $5000 is too much to give.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Nelson
NAYS:	Larry Lueck
EXCUSED:	Dean Raasch

7. Recommendation from the Finance/Personnel Committee to approve a General Fund Transfer of $167,117 to Cable Access Fund to cover December 31, 2017 Deficit.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

8. Recommendation from Finance/Personnel Committee to Approve Municipal Court Request for $760.36 Transfer from Unassigned Reserves for Replacement of Video Camera in Judge's Chambers.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

9. Recommendation from the Finance and Personnel Committee to approve the brand imagery for the Strategic Visioning and Branding Initiative.

Development Services Director Kim Flom stated that the Plan Commission approved the brand imagery unanimously. She reviewed the background work that went into this process by the steering committee. She shared the logo with the Council and explained how the logo can be used and how it can be flexed for different occasions. Alderperson Hansen thanked the Steering Committee and Kim Flom for their work on this initiative. He explained that he has mixed feelings about the logo and that his constituents provided mostly negative feedback. Mayor Walsh explained that a lot of thought and opinion went into the process and to go back on the decision will not make everyone happy. Alderperson Crevier shared his experience as a member of the Steering Committee. Discussion followed.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Jennings, Lueck, Nelson
NAYS:	Jonathon Hansen
EXCUSED:	Dean Raasch

10. Recommendation from the Finance and Personnel Committee to use unassigned reserves to purchase fonts for the Strategic Visioning & Branding Initiative

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Jennings, Lueck, Nelson
NAYS:	Jonathon Hansen
EXCUSED:	Dean Raasch

11. Recommendation from Finance and Personnel Committee to Approve $2,500 Donation from Walmart to Police Department for Speed Sign on N Broadway

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

12. Consideration of Police Department Request to Approve Early Ordering of Replacement Police Vehicles

Chief Derek Beiderwieden discussed the hybrid option. Discussion followed.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

13. Recommendation of the Board of Public Works to Reject the Bid for Project 18-24 City Hall Ramp Masonry Repair.

    Public Works Director Scott Thoresen stated that the project will be bid out again next year with a larger concrete project.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

14. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for Ray Ray LLC (DBA Artless Bastard), 353 Main Av Suite A. Submitted by Ray Ray LLC, Agent: Timothy J. Jelinski, De Pere, WI.

    Alderperson Boyd moved, seconded by Alderperson Hansen to approve the application contingent upon passage and publication of Ordinance 18-16. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

15. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

16. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for McLanes Bowl LLC (DBA The Fox y Moo), 132 S. Broadway. Submitted by McLanes Bowl LLC, Agent: Bryan J. Kaster, Green Bay, WI.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

17. Recommendation from Board of Park Commissioners to Revisit the Decision Related to VFW and Legion Pools.

    City Attorney Judy Schmidt-Lehman explained that if this item is defeated, it would not be appropriate to vote on items 18 and 19. Alderperson Hansen moved, seconded by Alderperson Boyd to revisit the decision related to VFW and Legion Pools. Discussion followed. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

18. Resolution #18-75 Rescinding Prior Council Action Pertaining to Replacing VFW and Legion Pools (Requested by Alderperson Lueck).

    Alderperson Lueck moved, seconded by Alderperson Boyd to rescind prior Council action pertaining to replacing VFW and Legion Pools. City Attorney Judy Schmidt-Lehman reviewed the two actions of the Council pertaining to the pools: the Council approved the recommendation from the Park Board to replace two existing pools with one aquatic center with the location to be determined, and at a separate meeting the Council approved the aquatic center location at VFW. Discussion followed. Upon vote on the resolution, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

19. Resolution #18-76 Authorizing and Directing Referendum Question for Increase in Tax Levy (requested by Alderperson Lueck).**Only to be taken up if Resolution #18-75 passes**

    Alderperson Hansen asked if the levy will be exceeded by $900,000 every year, once construction costs are paid off, would that amount be reduced to just cover operating costs? City Attorney Judy Schmidt-Lehman explained that if the expense no longer exists, the City could no longer collect on the exceeded amount. Alderperson Hansen explained that fundraising could still be a part of this and could help the effort; the $900,000 exceeding the levy limit doesn't preclude fundraising from occurring.
    Alderperson Lueck explained that he learned a lot in discussions held with the user groups. He gave City Attorney Judy Schmidt-Lehman a lot of credit for her work on this and for providing a wealth of knowledge and drafting assistance. He explained that there is flexibility in the language of the referendum.
    Alderperson Crevier stated he was incredibly impressed with the presentation. He asked if the funds from exceeding the levy limit could be used for operational expenses. Judy Schmidt-Lehman explained that as long as those expenses exist, you could exceed the limit to pay for them. The Council would make those decisions if they choose to.

Alderperson Nelson thanked Alderpersons Boyd and Lueck for coming up with the compromise plan. Alderperson Boyd thanked the Park Board and Marty Kosobucki who offered a lot of information to the Council through this process. Alderperson Carpenter asked how much this will raise taxes. City Administrator Larry Delo said it will raise taxes about $50 per $100,000 of assessed property. Discussion followed regarding funds already budgeted to subsidize the pools and tracking the funds. Alderperson Crevier moved, seconded by Alderperson Jennings to open the meeting. Upon vote, motion carried unanimously. Kathleen Achten asked where the funding was going to come from for the planned aquatic center. Mayor Walsh announced that once the center was approved and ready to be built, the City will look for donors to fund the project and that the City would also borrow to pay for it. Alderperson Crevier moved, seconded by Alderperson Boyd to close the meeting. Upon vote, motion carried unanimously. Mayor Walsh spoke regarding the decision to move forward with an aquatic center, citing dwindling attendance and the need to generate income as reasons to get rid of both pools and build one larger center. He stated that though he normally is not in favor of referendum questions, he believes one is warranted for this decision.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

20. Ordinance #18-16 Amending Section 7-2 De Pere Municipal Code by Providing for a Definition of Recreation Premises.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

21. Ordinance #18-17 Amending Section 106-2 De Pere Municipal Code Regarding Appeal/Review of License or Permit Denial and Suspension or Revocation of License.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

22. Resolution #18-77 Approving Revised Classification and Compensation Plan Grade Order List and Pay Ranges.

Human Resources Director Shannon Metzler explained that the positions in red are moving up on the pay grade per the study. Discussion followed regarding the market analysis and the ranking of employees and department heads.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

23. Resolution #18-78 Authorizing Agreement for Cleaning Services (Cleaning Solution Services, Inc.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

24. Resolution #18-79 Authorizing Agreement for Replacement and Placement of Door Control System Panels and Software Agreement Therefore.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

25. Resolution #18-80 Authorizing Agreement with Schenck (Water Rate Study).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Ryan Jennings, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

26. Resolution #18-81, Authorizing and Providing for the Sale and Issuance of $2,600,000 General Obligation Promissory Notes, Series 2018A, and All Related Details.

    This item was moved after agenda item #6 at 7:54 p.m. Joe Zegers, Finance Director, and Joe Murray, of Springsted, came forward to discuss the bonding. The interest rate on bonding was lower than projected. Joe Murray explained that the the City received a Moody's rating of AA2, the third highest credit rating available. Discussion on the bids received followed. Joe Murray recommended the Council award both bids to PNC Capital Markets.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

27. Resolution #18-82 Authorizing and Providing for the Sale and Issuance of $5,545,000 General Obligation Community Development Bonds, Series 2018B, and All Related Details.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

28. Voucher Approval.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

29. Operator License Applications.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Previously Tabled Operator License Applications # 1, 3 and 4. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Hansen to table Previously Tabled Operator License Application #2. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Operator License Applications #1-9. Upon vote, motion carried unanimously.

30. Recommendation from the Finance/Personnel Committee to Deny the Request of Virginia Huempfner for Deferment of Sidewalk Repair Assessments.

Alderperson Jennings explained that the applicant can complete the application fully and resubmit.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Casey Nelson, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	Dean Raasch

31. Adjournment.

Alderperson Boyd moved, seconded by Alderperson Lueck to adjourn the meeting at 9:32 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer