



Common Council

Regular Meeting

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

Minutes

Tuesday, August 17, 2021

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	
Mike Eserkaln	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Amy Chandik Kunding	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Present	
John Quigley	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	
Kelly Ruh	Aldersperson	Present	
James Boyd	Mayor	Present	

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the August 3, 2021 Common Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Kelly Ruh, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

4. Public Hearing on a discontinuance of a public thoroughfare at the 100-200 BLK of Reid St, adjacent to Parcels WD-934, WD-936, WD-941, WD-942, WD-945, WD-945-1, WD-949-1, WD-950, WD-951, WD-952, WD-954,

A. Notice of Public Hearing.

City Clerk Carey Danen reported that the notice of public hearing was published in the Green Bay Press Times on July 23, July 30, and August 6, 2021.

B. Recommendation from the Plan Commission.

Mayor Boyd declared the public hearing open; no one wished to speak. Mayor Boyd then declared the hearing closed. Development Services Director Dan Lindstrom reviewed the request and the recommendation from Plan Commission, noting that the resolution on tonight's agenda is for the second reading and final approval.

C. Resolution #21-72 Regarding a Vacation of a Portion of a Public Thoroughfare (Right-of-Way at the 100-200 Block of Reid Street Adjacent to Parcels WD-934, WD-936, WD-941, WD-942, WD-945, WD-945-1, WD-949-1, WD-950, WD-951, WD-952, WD-954).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

5. Public comment upon matters not on the agenda.

None.

6. Municipal Commendation "De Pere Legion Baseball - Class AAA State Tournament Champions."

Mayor Boyd read the commendation for the De Pere Legion Baseball team in recognition of their achievement. Coach Dan Lukes and senior team members Bennett Spaeth, Kaden Kosobucki, and Myles Jensen were present to receive the commendation.

7. COVID-19 update from the Health Department.

Health Director Debbie Armbruster reported that Brown County is at an 8.6% transmission rate as of August 10th, which is considered high. She provided an update on recent Health Department activities, including vaccine clinics at the Farmers Market, Beer Gardens, and the Brown County Expo, which would not have been possible without the department's short-term nurses. She recognized The Green Room, Seroogys, and The Bar/Graystone Ale House for their contribution of coupons as an incentive. Because of the surge, the upcoming Health and Fire Department open houses have been cancelled. The department's nurses have been assisting at The Brown County Expo; Deb acknowledged that they could not do this without our short term nurses. Finally, Debbie reported that booster vaccines have been approved for immunocompromised people; they are expecting approval soon for all other groups. Staff is planning clinics for both influenza shots and COVID boosters.

8. Consideration and Possible Action to Provide Employees with Emergency Paid Sick Leave for COVID-19.

Alderperson Hansen moved, seconded by Alderperson Ledvina to approve the request. City Administrator Larry Delo asked that the motion be amended to authorize the inclusion of collective bargaining units, based on the successful negotiation of an MOU before they would be able to receive the additional leave time. The mover and seconder confirmed their agreement with this change. Human Resources Director Shannon Metzler requested an amendment to the motion to make it contingent upon staff confirming that it is legally permissible to provide this as an incentive. She explained there is a cap to any incentives the City provides. Staff had initially recommended offering the leave time to vaccinated staff only as an incentive, but if it exceeds the threshold, it would be offered to all employees. She needs to run the numbers, because the incentive amount can only be so large before it is no longer considered voluntary, but

rather coercive and basically a mandate to get the vaccine. It is calculated based on a percentage of the family medical premium, and she is waiting to hear back what that threshold is. Discussion followed about referring back to staff rather than approving with a contingency. Alderperson Carpenter moved, seconded by Alderperson Raasch to amend the motion to refer it back to staff. Upon vote, the motion to refer back to staff carried with Alderperson Hansen voting nay.

City Attorney Judy Schmidt-Lehman indicated that her understanding of Alderperson Carpenter's motion is that it would be referred back to staff only if the HR director found out that the cap would be exceeded. If it was intended to refer the item back to staff regardless, then it was not in order with the motion already on the floor. She asked the Mayor to make a ruling if the amendment was out of order; Mayor Boyd found that the motion to refer back to staff was out of order and therefore invalidated.

Judy suggested two alternatives that would comply with Roberts Rules: 1) vote on the original motion. If it fails, then a new motion can be made; or 2) make a motion to amend the motion currently on the floor to table rather than refer back to staff.

Alderperson Hansen moved, seconded by Alderperson Raasch to table the request. Upon vote, motion carried unanimously.

RESULT: **TABLED [UNANIMOUS]**

Next: 9/7/2021 7:30 PM

MOVER: Jonathon Hansen, Alderperson

SECONDER: Shana Defnet Ledvina, Alderperson

AYES: Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

9. Recommendation from the Board of Public Works to approve Definitely De Pere's Revised Request to use \$22,815 from the Stadium Tax Streetscape Allocation for Garbage & Recycle Receptacle Replacement Proposal

Alderperson Quigley stated that while he intends to support this request, he is a little concerned that the cost for the City logo is \$110 per receptacle. He asked if there would be a more cost effective option. Alderperson Hansen pointed out that having the City logo on the receptacles is part of the rebranding initiative to create a cohesive identity for the City. Alderperson Raasch said he prefers to have the garbage can upgrade as part of the City budget, and direct Definitely De Pere to use the streetscape allocation for something else.

Alderperson Hansen moved, seconded by Alderperson Carpenter to open the meeting. Upon vote, motion carried unanimously. Tina Quigley, Executive Director of Definitely De Pere was asked her opinion on the City picking up the tab for the garbage cans. She said this project has been discussed for several years; it is a very important amenity now that De Pere is striving to be more pedestrian friendly. She would be happy to turn this project over to the City if the funds can be allocated. Alderperson Raasch moved, seconded by Alderperson Carpenter to close the meeting. Upon vote, motion carried unanimously.

Alderperson Kunding asked how the project would be funded if it shifts to the City. Discussion followed regarding alternative funding sources and the pros and cons of using stadium tax funds for this purpose. Mayor Boyd clarified there will still be funds left in the streetscape budget, even after this expenditure.

RESULT:	APPROVED [7 TO 1]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Ruh
NAYS:	Raasch

10. Recommendation from the Board of Public Works to award Contract 21-08 Manhole Repair and Rehabilitation to Northern Pipe, Inc in the amount of \$34,075.00

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Quigley, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

11. Recommendation from the Board of Public Works Regarding the Acquisition of Property Necessary to Construct Public Parking Facilities in and Adjacent to the Public Alley Located Between Reid Street and Main Avenue and 4th and 5th Streets.

A. To approve the preparation of a Relocation Order to acquire the necessary property interests involved in construction of the aforementioned parking facility improvements.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Kelly Ruh, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

B. To approve the Law Department issuing a request for proposals for the necessary property appraisal work for such property acquisition.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

C. Authorizing the Mayor and City Clerk to execute a standard City Consultant Agreement with the appraisal firm providing the lowest responsive proposal.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

12. Recommendation from the License Committee on an application for a Class "B" Fermented Malt Beverage License and "Class C" Wine License for Aurora Rose, LLC (DBA Alpha Delights), 143 N. Wisconsin St. Submitted by Aurora Rose, LLC; Agent Heather Weisspeters, Denmark, WI.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

13. Ordinance #21-17 Amending Section 6.1, De Pere Municipal Code, Regarding Meetings.

Alderperson Raasch inquired about the impetus for the change. City Attorney Judy Schmidt-Lehman explained that the request was presented to Finance-Personnel Committee last month, because there are some local civic events that have traditionally conflicted with Council meeting nights (i.e., the National Night Out event). Judy noted that this amendment would be for Council meetings only. Alderperson Hansen asked if an e-mail communication would qualify as written notice; Judy confirmed that it would.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

14. Ordinance #21-18 Amending Section 114-5, De Pere Municipal Code, Regarding Registration Requirements for Peddlers, Solicitors and Transient Merchants.

Alderperson Hansen asked how this requirement would apply to out-of-state companies with no physical presence in Wisconsin. City Clerk Carey Danen replied that staff will research the Department of Revenue's requirements for out-of-state sellers.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

15. Resolution #21-86 Approving Municipal Project Agreement with Brown County (Southbridge Connector Interchange).

Alderperson Hansen asked if the County's agreement with the town of Lawrence is expected to be a 50/50 split as well; Public Works Director Scott Thoresen confirmed that it is. Alderperson Hansen reminded residents that the Southern Bridge project will need state and federal funding, and encouraged viewers to contact their representatives.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

16. Resolution #21-87 Clean Energy Resolution.

Alderperson Kundinger moved, seconded by Alderperson Ledvina to open the meeting. Upon vote, motion carried unanimously. Renee Gasch, De Pere resident and

Sustainability Commission member, stated that she is very proud to have co-authored this resolution with her fellow commissioners. She asked for the Council's blessing on the clean energy resolution. De Pere resident Bobbie Webster spoke in favor of the resolution. She asked Council members to consider striking the statement in paragraph three about natural gas vehicles, and to include firm benchmarks in the resolution. Casey Hicks, Northeast region organizer with Wisconsin Conservation Voters, asked Council members to set target dates to reach the goal of 100% clean energy. De Pere business owner Alex Galt stated that climate change is already affecting his business, and urged Council to vote in favor of this resolution. Alderperson Raasch moved, seconded by Alderperson Hansen to close the meeting. Upon vote, motion carried unanimously. Discussion followed regarding the development of a work plan to accompany the resolution and establishing benchmarks, as well as steps the City has already taken to meet clean energy goals.

RESULT:	ADOPTED [6 TO 2]
MOVER:	John Quigley, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley
NAYS:	Raasch, Ruh

17. Resolution #21-88 An Initial Resolution Authorizing the Sale and Issuance of General Obligation Promissory Notes; and Certain Related Details.

Justin Fisher, Investment Advisor from Baird, provided a brief review of the City's financial status and borrowing plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

18. Resolution #21-89 An Initial Resolution Authorizing the Sale and Issuance of Taxable General Obligation Promissory Notes; and Certain Related Details.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

19. Resolution #21-90 Authorizing Agreement for Statutory Assessor, Maintenance and Annual Full Market Revaluation Services with Accurate Appraisal LLC (October 1, 2021-September 30, 2025).

Mayor Boyd stated that due to some recent information received, staff is requesting that this item be referred back for further evaluation.

RESULT:	REFERRED BACK TO STAFF [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

20. Resolution #21-91 Approving the Proposed Project Plan Amendment to Modify the District Boundaries of Tax Incremental Financing District Number 7, City of De Pere, Wisconsin (Boundary Amendment #1).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

21. Resolution #21-92 Approving the Proposed Project Plan Amendment to Modify the District Boundaries of Tax Incremental Financing District Number 11, City of De Pere, Wisconsin (Boundary Amendment #1).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

22. Resolution #21-93 Approving the Proposed Project Plan Amendment to Modify the District Boundaries of Tax Incremental Financing District Number 12, City of De Pere, Wisconsin (Boundary Amendment #2).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

23. Resolution #21-94 Terminating Tax Incremental Financing District No. 6 in the City of De Pere.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

24. Appointments to boards and commissions by Mayor Boyd.

City Attorney Judy Schmidt-Lehman indicated that while Alderperson Quigley is on the appointments list, there is no requirement for him to abstain from voting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

25. Voucher approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Kelly Ruh, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

26. Future agenda items.

None.

27. Adjournment.

Alderperson Raasch moved, seconded by Alderperson Ledvina to adjourn the meeting at 9:05 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk