



Common Council

Regular Meeting

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

Minutes

Tuesday, August 4, 2020

7:30 PM

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	Alderman	Present	
Mike Eserkaln	Alderman	Present	
Jonathon Hansen	Alderman	Present	
Amy Chandik Kunding	Alderman	Present	
Shana Defnet Ledvina	Alderman	Present	
Casey Nelson	Alderman	Present	
Dean Raasch	Alderman	Present	
Kelly Ruh	Alderman	Present	
James Boyd	Mayor	Present	

2. Approval of the minutes of the July 21, 2020 Common Council meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Casey Nelson, Alderman
SECONDER: Jonathon Hansen, Alderman
AYES: Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

3. Approval of the minutes of the July 28, 2020 Special Common Council meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Shana Defnet Ledvina, Alderman
SECONDER: Mike Eserkaln, Alderman
AYES: Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

4. Recommendation from the Board of Park Commissioners to Approve Bid for Poured in Place Surfacing at Patriot Park.

RESULT: APPROVED [UNANIMOUS]
MOVER: Dean Raasch, Alderman
SECONDER: Amy Chandik Kunding, Alderman
AYES: Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

5. Recommendation from the Board of Park Commissioners to Approve Bid for Legion Restroom Building.

Alderman Hansen moved, seconded by Alderman Nelson to approve the bid from Alliance Construction, with the shortfall coming from undesignated reserves. Discussion followed. City Attorney Judy Schmidt-Lehman suggested that the motion be taken in

two parts. Alderpersons Hansen and Nelson revised their motion and second to approve the bid from Alliance Construction in the amount of \$153,918.

Staff noted that there is no identification on tonight's agenda regarding the funding shortfall, and for determining the source of that additional funding. Judy recommended that if Council members are comfortable approving the bid tonight, an agenda item can be added to the next meeting to identify a source for the additional funding.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

6. Recommendation from the Plan Commission regarding the 7 Lot and 2 Outlot extraterritorial final plat of Lawrence Parkway (Phase 2) at 2400 BLK French RD in the Town of Lawrence (Parcels L-455-1, L-457-7, L-458-3).

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

7. Recommendation from the Plan Commission regarding a proposed extraterritorial 4-lot CSM at 2442 Little Rapids RD in the Town of Lawrence.

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

8. Recommendation from the Plan Commission regarding a proposed extraterritorial 2 lot certified survey map at 2548 Mid Valley DR in the Town of Lawrence (Parcels L-414, L-415, L-416).

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

9. Recommendation from the Plan Commission regarding a proposed extraterritorial 2 lot certified survey map at the 2800 BLK Lawrence DR in the Town of Lawrence (Parcels L-472, L-473).

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

10. Recommendation from the License Committee on an Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor license for Paintin' Pottery II or Bead It, LLC (DBA Paintin' Pottery), 520 George St. Submitted by Paintin' Pottery II or Bead It, LLC, Agent: Carolyn J. Caffrey, De Pere, WI.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

11. Ordinance #20-10 Creating Section 74-13 De Pere Municipal Code Requiring Face Coverings (Second Reading).

Alderperson Raasch stated that in light of what is happening at the state level, he feels that the City's order would be superseded and he won't support the ordinance at this time. Alderperson Kundinger asked for clarification on the benefits of passing the ordinance so that it would be in place if needed. Assistant City Attorney Kristen Johnson reviewed the input from staff that if the ordinance is voted down today, it would have to start over as a new ordinance (first reading). If Council approves the ordinance tonight and the state's order is overturned, De Pere's ordinance would already be on the books. Alderperson Hansen pointed out that state legislators are already talking about trying to strike down the governor's order, and so he supports passing the City ordinance tonight in case the state order falls.

RESULT:	ADOPTED [5 TO 3]
MOVER:	Casey Nelson, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Eserkaln, Hansen, Kundinger, Ledvina, Nelson
NAYS:	Carpenter, Raasch, Ruh

12. Resolution #20-82 Establishing Penalties for Violations of Section 74-13 De Pere Municipal Code Requiring Face Coverings.

RESULT:	ADOPTED [7 TO 1]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Ruh
NAYS:	Raasch

13. Resolution #20-83 Authorizing Agreement for Consulting Services Between the City of De Pere and Somerville, Inc. (Conceptual Design and Site Layout for Voyageur Park Multi-Use Building).

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

14. Resolution #20-84 Amending Resolution #20-34 Declaring a State of Emergency in the City of De Pere (request of Ald. Raasch).

Aldersperson Raasch explained that he has researched the state of emergency declarations of some other Wisconsin counties and from the state. Those orders include dates to be reviewed, so they can be revisited on a regular basis. He requested this resolution in order to include an end date with the opportunity to extend, versus having the state of emergency be open-ended. Discussion followed regarding the ability to extend the expiration date.

Aldersperson Raasch moved, seconded by Aldersperson Ruh to amend the resolution to have the expiration/renewal date coincide with the first Council meeting of the month. Upon vote, the amendment passed unanimously.

Discussion followed on the current process for rescinding the state of emergency, the desire to be consistent with Brown County, and health data that was requested by Council members for the meeting.

RESULT:	DEFEATED AS AMENDED [3 TO 5]
MOVER:	Dean Raasch, Aldersperson
SECONDER:	Kelly Ruh, Aldersperson
AYES:	Carpenter, Raasch, Ruh
NAYS:	Eserkaln, Hansen, Kundinger, Ledvina, Nelson

15. Discussion and consideration of a proposed Phase 2 reopening of city facilities and programming guidelines.

City Administrator Larry Delo explained that staff identified the state's metrics on county risk factors to be used as the benchmark for beginning Phase 2. Once Brown County is identified as low risk based on these metrics, the City would implement Phase 2 guidelines. Larry noted that the City would not move back to Phase 1 unless the County became high risk again. The state Department of Health Services issues these ratings on a daily basis, Monday through Friday. Staff would need some time to implement the Phase 2 guidelines, and the plan would be to notify Council and start preparations once the County achieves a moderate risk rating; Phase 2 would begin as soon as practical after Brown County hits the low risk mark. At that point staff would identify a specific date for Phase 2 and notify Council members.

RESULT:	APPROVED [5 TO 3]
MOVER:	Jonathon Hansen, Aldersperson
SECONDER:	Casey Nelson, Aldersperson
AYES:	Eserkaln, Hansen, Kundinger, Ledvina, Nelson
NAYS:	Carpenter, Raasch, Ruh

16. Appointment to Boards and Commissions by Mayor Boyd.

RESULT:	APPROVED [7 TO 1]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Ruh
NAYS:	Raasch

17. Operator License applications.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to approve New Operator applications #1-5. Upon vote, motion carried unanimously.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to approve Temporary Operator applications #1-8. Upon vote, motion carried unanimously.

18. Voucher approval.

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

19. Future agenda items.

Alderperson Raasch requested that an item be placed on the next Council agenda to discuss the source of additional funding for the Legion Park restroom building.

Alderperson Hansen requested that staff report the balance of the park dedication fund.

Alderperson Carpenter requested an update at each Council meeting going forward from the Health Department on the number of COVID-19 cases in the City and the County.

Staff will also e-mail updates to Council members.

20. Adjournment.

Alderperson Kunding moved, seconded by Alderperson Raasch to adjourn the meeting at 8:21 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk