



Common Council

Special Meeting

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

Minutes

Tuesday, July 28, 2020

6:00 PM

1. Call to Order. The meeting was called to order at 6:00 PM by Mayor James Boyd.

Attendee Name	Title	Status	Arrived
Dan Carpenter	Aldersperson	Present	
Mike Eserkaln	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Late	6:25 PM
Amy Chandik Kunding	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Present	
Casey Nelson	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	
Kelly Ruh	Aldersperson	Present	
James Boyd	Mayor	Present	

2. Ordinance #20-10 Creating Section 74-13 De Pere Municipal Code Requiring Face Coverings.

Mayor Boyd began the meeting with an opening statement on his decision to call this special session. He explained that he has been waiting for federal, state, and county leaders to make decisions but feels that it is time to address this head on. He stated that he is relying on the experts, and noted that 34 states have mandated face masks. Mayor Boyd then invited St. Norbert College President Brian Bruess to speak. Aldersperson Raasch stated that he did not think it was appropriate to have a speaker without opening the meeting for public comment. Mr. Bruess expressed his support for the ordinance, explaining that the college has developed a comprehensive plan in coordination with City Health Director Deborah Armbruster for its 2,600 students and employees. Part of that plan will require face coverings on campus. City of De Pere Board of Health advisor Dr. Steve Stroman also addressed the Council. He expressed support for the CDC recommendation that face coverings, in combination with social distancing, have been successful in reducing virus transmission. Aldersperson Raasch asked Dr. Stroman about the statistics coming out of California, which has implemented mask requirements. Dr. Stroman acknowledged that he does not have the specific data being referenced. Health Department Director Deborah Armbruster provided a summary of the July 26 report from the Wisconsin Department of Health Services. Mayor Boyd then read statements from Unified School District of De Pere superintendent Ben Villarruel and Green Bay Mayor Eric Genrich.

Aldersperson Raasch moved, seconded by Aldersperson Ruh to refer this item back to the Board of Health. Aldersperson Raasch expressed concern that the process is being rushed and would like more data. He would also like to consider other options such as an advisory recommendation. Aldersperson Eserkaln stated that he is not in favor of delaying the issue any further, noting that he has heard concern from constituents about reopening schools. Upon vote, motion failed 3-4 with Alderspersons Eserkaln, Kunding, Ledvina, and Nelson voting nay.

Aldersperson Nelson moved, seconded by Aldersperson Eserkaln to adopt the ordinance. At this time Aldersperson Hansen joined the meeting. Aldersperson Nelson moved,

seconded by Alderperson Ledvina to open the meeting. Upon vote, motion carried 7-1 with Alderperson Raasch voting nay.

The following individuals spoke in support of the mask ordinance:

Mary Steckart, 502 N Front St De Pere
Dr. Kristin Lyerly, 3500 Meadow Sound Dr Ledgeview
Dr. Sherry Hoyman, 2352 Shirley Rd Wrightstown
David Hunnicutt, 730 Nicolet Av De Pere
Linda Dunbar, 1620 Willard Terrace De Pere
Jeff Ritter, 144 Crestview Ln De Pere
Chrystal Woller, 2123 Potter Dr Lawrence
James Lyerly, 3500 Meadow Sound Dr Ledgeview
Kerry Guyette, 1750 Martinwood Ct De Pere
Marta Maciolek, 214 Lorrie Way De Pere

The following individuals spoke in opposition to the mask ordinance:

Linda Wenzel, 1161 Palomino Ct De Pere
Angie Lemerond, 1306 Rose Ln De Pere
Whitney Lou (?), 425 Lilac Ln De Pere
Michael Teske, 2654 Foxwood Ct Lawrence
Susan Netzel, 1144 Swan Rd De Pere
Tara Czachor, 1584 Park Haven Rd Lawrence
Rex Coldagelli, 136 Cavil Way, Ledgeview
Justin Czachor, 1584 Park Haven Rd Lawrence
Joe Giganti, 1420 Bellevue St Green Bay, Midwest Communications
Bethany Martens, 400 Windy Acres Way Ledgeview
Brian Walters, 1223 Cecelia Ct De Pere
Sadey Broecker, 2007 Bark River Ct De Pere
Grant Glodoski, 1323 Rose Ln De Pere
Dana Dilling, 3065 Williams Grant Dr Lawrence
Shari Reif, 1639 Farlin Av Green Bay
Paul Lubinski, 1698 MacArthur St, Allouez
Erin Farah, 255 Sumac Dr Green Bay
Sarah Deutsch, 3010 Riviera Rue Allouez
Heidi Anderson, 3345 Nassau Dr Brookfield
Alicia Stiles, 822 Smits St De Pere
Melissa Allen, 4011 Creekview Rd Glenmore
Charissa Coldagelli, 136 Cavil Way Ledgeview
Robert Deutsch, 3010 Riviera Rue Allouez

Don Mjelde, 641 N Huron St De Pere, and President of the Brown County Tavern League addressed the Council. He urged them to provide proactive education so that local businesses know the rules. He also encouraged them to consider revisiting the sunset provision at future meetings.

Mayor Boyd asked if anyone else wished to speak; hearing none, he asked for a motion to close the meeting. Alderperson Raasch moved, seconded by Alderperson Ruh to close

the meeting. Simultaneously, a caller requested to be heard. Alderpersons Raasch and Ruh then rescinded their motion and second to allow the final public comment.

Erik Voss, 3681 Half Crown Run Ledgeview, noted that Council members have a real opportunity to be leaders and acknowledged there is not a simple answer. He urged them to take all opinions into consideration.

Alderson Raasch moved, seconded by Alderson Ruh to close the meeting. Upon vote, motion carried unanimously. City staff then answered questions from the open comment period.

Alderson Kunding stated that she would like to view this ordinance as an opportunity to educate, and inquired if the City could provide reference materials such as signage to local businesses. Staff agreed, noting that the Health department could also create a video that would be available to the community.

Discussion followed on several topics: enforcement of the ordinance in relation to individuals and businesses, as well as exemption for places of worship, exercise facilities, and for those individuals with medical conditions.

Alderpersons Ruh and Raasch both stated that they are in favor of an advisory ordinance rather than a mandate, which they think would give the City better cooperation and less conflict.

Alderson Nelson spoke in support of the ordinance. He thinks it is the best option at this point, and feels that it is part of a social contract to protect each other.

Alderson Eserkaln pointed out that he has been contacted by business owners in favor of the ordinance because it would mean the City has their backs. He asked if any Police Department staff were in attendance that could speak to questions of enforcement. None were present, but Mayor Boyd noted that they had previewed the draft ordinance and were ok with how it was written.

Alderson Ledvina noted that an individual during public comment had stated that the majority of those speaking tonight were against the ordinance, and she wanted to share the results of the communications she received prior to the meeting. She has received 132 emails and phone calls, of which 70% supported the mask mandate. Out of that total, 88 were City residents, 88% of whom were in favor. Discussion followed regarding the nature of communications received by other alderpersons and the Mayor.

Alderson Carpenter stated that while he feels that we opened up to soon, he does think that a face covering ordinance should be advisory. He also asked if the sunset provision in Section 2 could be amended, which staff confirmed.

Alderson Raasch requested information on the total number of licensed businesses in the City, as well as the number that have City-issued licenses. Staff will provide this information.

Alderson Raasch stated that he felt the enforcement of the ordinance should be designated to the Police Department only, because they are trained to handle a situation if it escalates. Alderson Raasch moved, seconded by Alderson Carpenter to amend the original motion by deleting the Health Director from those authorized to enforce the ordinance in section (d)(3). Upon vote, motion carried unanimously.

Alderson Kunding moved, seconded by Alderson Eserkaln to amend the enforcement section of the ordinance to provide for education/warning as a first step rather than a fine. Discussion followed. Assistant City Attorney Kristen Johnson said the ordinance states a goal of voluntary compliance, and as with other violations of City code, the Police Department has discretion to issue a warning. Aldersons Kunding and Eserkaln then rescinded their motion and second.

Aldersperson Raasch moved, seconded by Aldersperson Ruh to amend #2 of the section of the ordinance that refers to information from the CDC, by replacing the phrase "can prevent" with "may help prevent" in order to mirror the wording on the CDC website. Upon vote, motion carried 5-3 with Hansen, Ledvina, and Nelson voting nay. Aldersperson Hansen moved, seconded by Aldersperson Nelson to amend section (c) of the ordinance, Exemptions, by striking #9 places of worship. Upon vote, motion failed 3-5 with Alderspersons Carpenter, Eserkaln, Kunding, Raasch, and Ruh voting nay. Upon roll call vote, the ordinance as amended was approved 5-3 with Alderspersons Carpenter, Raasch, and Ruh voting nay. The ordinance will require a second reading on August 4th.

RESULT:	SECOND READING OF AMENDED ORDINANCE REQUIRED [5 TO 3]
	Next: 8/4/2020 7:30 PM
MOVER:	Casey Nelson, Aldersperson
SECONDER:	Mike Eserkaln, Aldersperson
AYES:	Eserkaln, Hansen, Kunding, Ledvina, Nelson
NAYS:	Carpenter, Raasch, Ruh

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

Aldersperson Hansen moved, seconded by Aldersperson Nelson to approve the resolution. Aldersperson Raasch moved, seconded by Aldersperson Eserkaln to amend the original motion by removing a monetary penalty for a first offense. Discussion followed. Upon vote, the motion to amend failed 0-8. Aldersperson Raasch moved, seconded by Aldersperson Carpenter to table the resolution until the August 4th meeting in order to get feedback from Police Chief Derek Beiderwieden on enforcement options.

RESULT:	TABLED [5 TO 3]
	Next: 8/4/2020 7:30 PM
MOVER:	Dean Raasch, Aldersperson
SECONDER:	Dan Carpenter, Aldersperson
AYES:	Carpenter, Eserkaln, Ledvina, Raasch, Ruh
NAYS:	Hansen, Kunding, Nelson

4. Adjournment.

Aldersperson Kunding moved, seconded by Aldersperson Ledvina to adjourn the meeting at 10:00 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk