



Common Council

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Minutes

Tuesday, July 21, 2015

7:30 PM

De Pere City Hall Council Chambers

1. Call to order. The Common Council Meeting called to order on July 21, 2015 at 7:30 PM, De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

Attendee Name	Title	Status
Michael J. Walsh	Mayor	Present
Kevin Bauer	Alderman	Present
James Boyd	Alderman	Present
Scott Crevier	Alderman	Present
Michael Donovan	Alderman	Present
Jim Kneiszel	Alderman	Present
Larry Lueck	Alderman	Present
Dean Raasch	Alderman	Present
Lisa Rafferty	Alderman	Present

2. Pledge of Allegiance to the Flag.
3. Approval of the Minutes of the July 7, 2015 Common Council Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Crevier, Alderman
SECONDER:	Larry Lueck, Alderman
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

4. A Public Hearing on a Conditional Use to allow for St. Norbert College Student Housing at 620 Fourth Street.
 - A. Notice of Public Hearing. Clerk Treasurer Shana Defnet stated that the public hearing was published in the Green Bay Press Gazette on July 7, 2015.
 - B. Recommendation from the Plan Commission. Planner Sarah Wallace stated that the Plan Commission recommended approval of the conditional use.
 - C. Resolution #15-76, Authorizing and Approving a Conditional Use Permit (Parcel WD-856).

Mayor Walsh declared the public hearing open; no one wished to speak and he declared the public hearing closed and entertained a motion. Alderman Crevier stated that he will abstain from voting.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Kevin Bauer, Alderman
SECONDER:	Lisa Rafferty, Alderman
AYES:	Bauer, Boyd, Donovan, Kneiszel, Lueck, Raasch, Rafferty
ABSTAIN:	Scott Crevier

5. A Public Hearing on a Conditional Use to allow for St. Norbert College Student Housing at 325 Marsh Street.

- A. Notice of Public Hearing. Clerk Treasurer Shana Defnet stated that the public hearing was published in the Green Bay Press Gazette on July 7, 2015.
- B. Recommendation from the Plan Commission. Planner Sarah Wallace stated that the Plan Commission recommended approval of the conditional use.
- C. Resolution #15-77, Authorizing and Approving a Conditional Use Permit (Parcel WD-220).

Mayor Walsh declared the public hearing open; no one wished to speak and he declared the public hearing closed and entertained a motion. Alderperson Crevier stated that he will abstain from voting.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Bauer, Boyd, Donovan, Kneiszel, Lueck, Raasch, Rafferty
ABSTAIN:	Scott Crevier

- 6. Public comment upon matters not on the agenda or other announcements. None.
- 7. Recommendation from the License Committee on an Application for a Class "A" Beer/"Class A" Liquor License for Waseda Farms Market, 330 Reid St., submitted by Waseda Farms LLC, Agent: Matthew T. Lutsey, 1998 Kettle Creek Dr., De Pere, WI 54115.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

- 8. Recommendation from the License Committee on an Application for a Class "B" Beer License for Infidelity Deli, submitted by Infidelity Deli LLC, Agent: Sean Haessly, 718 S. John St., Apt. #3, Kimberly, WI 54136.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

- 9. Recommendation from the License Committee on scheduling an evidentiary hearing before the Common Council to consider the suspension or revocation of the Operator License issued to Trey W. Ryan.

Alderperson Bauer moved, seconded by Alderperson Boyd to schedule a hearing before the Common Council to consider the suspension or revocation of the Operator's License issued to Trey W. Ryan. Upon vote, motion carried unanimously.

- 10. Recommendation from the Finance/Personnel Committee to accept the donation of three ice making machines to the Fire Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Crevier, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

11. Board of Public Works Recommendation to Award the Bid for Project 15-08 Manhole Repairs to Visu-sewer in the Amount of \$41,145.00.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

12. Board of Public Works Recommendation to Reject Bids for Project 15-09 Pond and Drainage System Construction.

Public Works Director Scott Thoresen explained why the bids came in high; the size of the storm sewer made the expense much higher than anticipated.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

13. Ordinance #15-22, Creating Chapter 31 De Pere Municipal Code Regarding Public Display of Works of Art.

Alderperson Rafferty explained that she believes the City should proceed with caution on this ordinance and that her concern is that we need to be careful about first amendment rights. City Attorney Judy Schmidt-Lehman explained that the ordinance designates the public sites for display as non-public forums and that the ordinance designates an art display committee comprised of 4 citizen members and one alderperson to determine which pieces of art are displayed. Discussion followed regarding the ordinance and concerns with the chosen art offending citizens and opening up the City to criticism from artists whose work might not be selected. City Attorney Judy Schmidt-Lehman stated she would be happy to draft a legal opinion regarding first amendment rights for the Council to review before voting on this ordinance. Discussion followed. Upon vote on the motion to approve the ordinance, the ordinance was approved 6-2 with Alderpersons Raasch and Rafferty voting nay. A second reading of the ordinance is required.

RESULT:	SECOND READING REQUIRED [6 TO 2]
MOVER:	Scott Crevier, Alderperson
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck
NAYS:	Dean Raasch, Lisa Rafferty

14. Ordinance #15-23, Amending Chapter 106 De Pere Municipal Code Regarding Special Events and Fees.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

15. Resolution #15-78, Authorizing Agreement With New Cell, LLC.

Alderperson Lueck stated that he will abstain from voting.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Raasch, Rafferty
ABSTAIN:	Larry Lueck

16. Resolution #15-79, Authorizing Sewer Easement Agreement (WD-365 - Expera Nicolet, LLC).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

17. Resolution #15-80, Approving Proposal/Contract Agreements for Antennas Between the City of De Pere and Dixon Engineering, Inc. (Verizon Wireless and AT&T Mobility Antenna Upgrades).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

18. Resolution #15-81, Authorizing Agreement for Design Services Between the City of De Pere and Short Elliot Hendrickson, Inc. (Fire Station 2 Renovation).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Crevier, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

19. Resolution #15-82, Authorizing Agreement for Services Between North Greenville Fitness & Cardiac Rehabilitation Clinic, Inc. And City of De Pere (Firefighter Medical Physicals).

RESULT:	REFERRED BACK TO STAFF [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

20. Resolution #15-83, Authorizing Water Utility Billing Services Agreement Between the City of De Pere and the Green Bay Water Utility.

City Administrator Larry Delo explained that this is a 5-year agreement. City Finance Director Joe Zegers explained that the City will save between \$9,500 and \$10,500 per quarter with this agreement.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lisa Rafferty, Alderperson
SECONDER: Scott Crevier, Alderperson
AYES: Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

21. Voucher Approval.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Boyd, Alderperson
SECONDER: Michael Donovan, Alderperson
AYES: Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

22. Operator License Applications.

CITY OF DE PERE -July 21, 2015					
ITEM	NAME	ADDRESS	CITY	ST	ZIP
Previously Tabled Operator License Applications					
1	ROSKOSKI, NICHOLAS M.	1015 MORAIN WAY	GREEN BAY	WI	54302
New Operator License Applications for the 2014-2016 Licensing Period					
1	CARLSON, MACKENZIE E.	559 CAMBER LN.	PULASKI	WI	54162
2	HENSLER, JOSIAH J.	318 S. QUINCY	GREEN BAY	WI	54301
3	HERMANS, CHRISTINE M.	1260 SCHEURING RD., #4	DE PERE	WI	54115
4	HOOGLAND, AMANDA J.	2036 PREBLE AVE., APT. 4	GREEN BAY	WI	54302
5	PATEL, KALIND R.	2279 W. PERSHING ST.	APPLETON	WI	54914
6	RUDOLPH, ADAM M.	3629 S. RIDGE RD.	DE PERE	WI	54115

Alderperson Bauer moved, seconded by Alderperson Raasch to deny Previously Tabled Operator License Application #1. Upon vote, motion carried unanimously.

Alderperson Bauer moved, seconded by Alderperson Boyd to approve Operator License Applications #1-6. Upon vote, motion carried unanimously.

23. Consideration of purchase of property for industrial purposes.

Alderperson Raasch moved, seconded by Alderperson Crevier to close the meeting at 8:02 p.m. Upon roll call vote, motion carried unanimously.

Alderperson Crevier moved, seconded by Alderperson Raasch to open the meeting at 8:32 p.m. Upon roll call vote, motion carried unanimously.

24. Future Agenda Items.

City Attorney Judy Schmidt-Lehman stated that she will draft a legal memo to accompany Ordinance 15-22 before the second reading of the ordinance is presented to the Council; the second reading will like occur after the next scheduled Common Council meeting.

Alderperson Donovan requested a Southern Bridge report.

25. Adjournment. Alderperson Bauer moved, seconded by Alderperson Crevier to adjourn the meeting at 8:34 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Defnet, Clerk-Treasurer