



Common Council

Regular Meeting

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

Minutes

Tuesday, June 15, 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 Kunderger	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 June 1, 2021 Common Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jonathon Hansen, Aldersperson
SECONDER:	Shana Defnet Ledvina, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunderger, Ledvina, Quigley, Raasch, Ruh

4. Public Hearing on a request for a conditional use permit for part of Parcel WD-1047, at 2077 Lawrence Drive.

A. Notice of Public Hearing.

City Clerk Carey Danen reported that the notice of public hearing was published in the Green Bay Press-Gazette on May 31 and June 7, 2021.

B. Recommendation from the Plan Commission.

Development Services Director Dan Lindstrom reviewed the request. Mayor Boyd declared the public hearing open; no one wished to speak so he then declared the public hearing closed.

C. Resolution #21-63 Authorizing and Approving a Conditional Use Permit (Parcel WD-1047; 2077 Lawrence Drive).

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

5. Public comment upon matters not on the agenda.

None.

6. Proclamation dedicating and renaming City location in honor of former Mayor Michael J. Walsh.

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

7. Recommendation from the Sustainability Commission to approve Farmer's Market Booth Proposal.

Alderperson Hansen thanked Commissioner Renee Gasch for her work with Definitely De Pere in organizing this initiative.

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

8. Recommendation from Finance/Personnel Committee to Approve Changes to Seasonal/Part-time Employee Wages.

Alderperson Hansen asked if staff is confident that these higher wages are sufficient to attract the employees needed for seasonal positions. Human Resources Director Shannon Metzler said that staff polled various communities to make sure the City stays competitive. She noted that they are asking for approval to make changes as needed as part of this request; if they are having trouble filling a position they would have discretion to increase it. Alderperson Hansen asked if there are reserves in the budget to cover the increased wages, or if the City will need to budget more next year. Shannon stated that any approved increases will be budgeted for in 2022.

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

9. Recommendation from the Board of Public Works to approve Project Approach and Timeline for Gap Sidewalk Installation with exception granted to Lot 42 of Pine Trail Crossing (2562 E. Scarlet Oak Cir).

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

10. Recommendation of Board of Public Works to Approve Definitely De Pere's Request to Waive Public Works Fees Downtown Special Events Including: Farmer's Market, Art Walk, East/West Music Series, Food Truck Rally, Doggie Block Pawty and Holly Day.

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

11. Recommendation from the Board of Public Works to approve inclusion of Pedestrian and Bike Facilities for the Southern Bridge Corridor Design.

Alderperson Carpenter pointed out that this approval request is simply for the County to pursue the inclusion of these facilities, because costs are not known yet.

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

12. Recommendation from the License Committee on an application for a premises description change submitted by La Vie Boheme.

Alderperson Carpenter expressed his appreciation for the detailed maps the applicant provided to describe the sidewalk cafe expansion, and suggested that it would be a good guideline for future applicants.

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

13. Recommendation from the License Committee on the application for a Special Permit allowing consumption of alcohol beverages on public ways. Submitted by Definitely De Pere for the EastWest Music Series on Friday, June 25, July 23 and August 27 from 5:00pm to 9:00 pm.

Alderperson Carpenter inquired why the event is scheduled on the same nights, instead of alternating activities on each side of the river. City Administrator Larry Delo did not know, other than that Definitely De Pere wanted to provide activity to serve businesses

on both sides of the downtown. He stated that he will provide further information in an upcoming Friday Memo.

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

14. Recommendation from the License Committee on the renewal applications for the licensing period of July 1, 2021 to June 30, 2022.

A. Class "A" Fermented Malt Beverage & "Class A" Intoxicating Liquor License.

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

B. Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor Licenses.

Alderperson Carpenter moved, seconded by Alderperson Eserkaln to approve all applications with the following contingencies: application #1 for Baffidilucio must provide a more specific description of the premises; application #3 for Eat30 Cafe must complete question C3; application #4 for Strada Pizzeria must complete question C7; and application #5 for ReDesign & Consign must complete question C8.

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

15. Ordinance #21-13 Amending Section 106-6(b)(2)B De Pere Municipal Code Regarding Sidewalk Cafe Permits.

A revised ordinance with redline changes was distributed at the meeting, and has been attached to these minutes as Exhibit A. City Attorney Judy Schmidt-Lehman explained that since the agenda was published, staff made a couple of minor language updates to the ordinance. The final sentence states that an exemption allowing outside furniture storage shall not be approved in an area where the City has invested in beautification efforts. Discussion followed.

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

16. Resolution #21-61 Authorizing Agreement for the Conveyance of Real Property By and Between the City Of De Pere and Scannell Development Company III, Inc. - referred back to staff on May 18, 2021.

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

17. Resolution #21-64 Authorizing Agreement for Consulting Services Between the City of De Pere and Ruekert & Mielke, Inc. (Sanitary Sewer Smoke Testing).

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

18. Resolution #21-65 Authorizing Agreement for Contractor Services Between the City of De Pere and Suburban Wildlife Solutions, LLC (Storm Water Detention Pond Trapping Services).

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

19. Resolution #21-66 Approving Compliance Maintenance Annual Report for Wastewater Collection System.

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

20. Resolution #21-67 Approving Reclassification of Office Assistant Positions to Administrative Assistants and Adjustment to Compensation Plan Grade Level.

Human Resources Director Shannon Metzler distributed a memo at the meeting regarding a correction to this item, explaining that one position was not identified in the request. The memo has been attached to these minutes as Exhibit B.

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

21. Resolution #21-68 Approving Purchase of Online Safety Data Sheet Management Services of Kelleher, Helmrich and Associates, Inc.

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

22. Resolution #21-69 Awarding Official City Newspaper Contract.

Alderperson Carpenter inquired how publication deadlines are handled when they fall near holidays. City Administrator Larry Delo will find out and inform Council members in the next Friday Memo.

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

23. Resolution #21-70 Adopting Brown County All Hazards Mitigation Plan.

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

24. Resolution #21-71 Authorizing Agreement for Consulting Services Between City of De Pere and Vierbicher Associates, Inc. (Community Development Block Grant Special Project Grant Program).

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

25. Consideration and possible action on Community Service Grant applications from the Master Gardeners of Brown County and the Health and Wellness Committee (Resurrection Parish).

Alderperson Ledvina moved, seconded by Alderperson Kundinger to award \$300 to each applicant. Alderperson Hansen asked if these were the only applicants, and why only half of the budgeted amount is being awarded. City Clerk Carey Danen explained that applications are solicited twice a year, and are presented at the second Council meetings in June and July. Council has traditionally awarded half of the budgeted amount at each meeting.

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

26. Voucher approval.

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

27. Future agenda items.

None.

28. Consideration and Possible Action on Proposed Settlement of Cornerstone Pavers, LLC v. Relyco, Inc., Carew Concrete & Supply Co., Inc. and the City of De Pere; Brown County Case No. 2017 CV 1034.

Alderperson Carpenter moved, seconded by Alderperson Raasch to approve the settlement proposal.

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

29. Adjournment.

Alderperson Kunding moved, seconded by Alderperson Hansen to adjourn the meeting at 8:09 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk

EXHIBIT A

ORDINANCE #21-13

AMENDING § 106-6(b)(2)B DE PERE MUNICIPAL CODE REGARDING SIDEWALK CAFÉ PERMITS

THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DO ORDAIN AS
FOLLOWS:

SECTION 1. Section 106-6(b)(2)B is hereby amended by repealing subsection a. under i.

Definitions, and replacing it with:

- a. Sidewalk café shall mean any group of tables, chairs, benches, or partitions maintained upon the City's right-of-way or public sidewalks and walkways for use directly adjacent to an establishment with a valid restaurant license.

SECTION 2. Section 106-6(b)(2)B is hereby amended by repealing subsection b. under

ii. Sidewalk café permit, and replacing it with:

Outdoor furniture and equipment.

1. All tables, chairs and other materials and equipment placed on the permitted area for operation of the sidewalk café shall be portable and shall not be permanently affixed to the surface of the permitted area.
2. All outdoor furniture and equipment shall be removed from the permitted area before the close of business and not returned to the permitted area until the usual and customary opening of the sidewalk café each day. A permit applicant may request to be exempt from this section, which must be indicated on the permit application. Such requests are subject to the approval of the director of public works and the director of development services or their designees. If the request is approved, all furniture and equipment left outside overnight shall be stacked and secured in a single location against the permittee's building in a manner that prevents the furniture and equipment from being removed from the permitted area. An exemption shall not be approved under this section if requested in an area where the City has invested in beautification efforts.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 15th day of June,
2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Committee Review: 06/07/2021

Publication Date: _____

B. *Sidewalk café permit.* In addition to the requirements of (b)(1) above, requests for a café permit for use of city right-of-way or other city property (non-park) shall meet the following:

i. Definitions:

- a. *Sidewalk café* shall mean any group of tables, chairs, benches, or partitions maintained upon the City's right-of way or public sidewalks and walkways for use directly ~~in front of~~ adjacent to an establishment with a valid restaurant license.
- b. *Class B license* shall mean such alcohol beverage license as is issued by the common council allowing the sale and consumption of alcohol beverages on a licensed premises.

ii. Sidewalk café permit:

- a. Any sidewalk café permit applicant seeking to serve alcohol beverages in the sidewalk café shall make separate application to amend the applicant's "Class B" license to conform with the location of the sidewalk café.
- b. ~~All tables, chairs and other materials and equipment placed out on the sidewalk for operation of the sidewalk café shall be removed from the site before the close of business and not returned to the sidewalk area until the usual and customary opening of the sidewalk café each day.~~

Outdoor furniture and equipment.

1. All tables, chairs and other materials and equipment placed on the permitted area for operation of the sidewalk café shall be portable and shall not be permanently affixed to the surface of the permitted area.

2. All outdoor furniture and equipment shall be removed from the permitted area before the close of business and not returned to the permitted area until the usual and customary opening of the sidewalk café each day. A permit applicant may request to be exempt from this section, which must be indicated on the permit application. Such requests are subject to the approval of the director of public works and the director of development services or their designees. If the request is approved, all furniture and equipment left outside overnight shall be stacked and secured in a single location against the permittee's building in a manner that prevents the furniture and equipment from being removed from the permitted area. An exemption shall not be approved under this section if requested in an area where the City has invested in beautification efforts.

**CITY OF DE PERE
MEMO**



To: City Council
From: Shannon Metzler, Human Resources Director
Date: June 15, 2021
RE: Correction to Agenda Item Recommendation to Reclassify Office Assistants to Administrative Assistant and Increase One Pay Grade Level

We had one Office Assistant position formally studied by our compensation consultant and they recommended the position be reclassified to Administrative Assistant. We did not bring that position reclassification formally forward for approval yet and missed including that position in the number count that went forward to Finance/Personnel Committee. Including the position that was recommended to be reclassified by the compensation consultant, there are four departments with Office Assistants (5 total employees). The impact to this year's budget to move the five employees to the Administrative Assistant pay grade effective July 1, 2021 is \$2,650 versus \$2,400.

Thank you.