



Common Council

Regular Meeting

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

Minutes

Tuesday, June 6, 2017

7:30 PM

De Pere City Hall Council Chambers

1. Call to order. The Common Council Meeting was called to order on June 6, 2017 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
James Boyd	Aldersperson	Present
Dan Carpenter	Aldersperson	Present
Scott Crevier	Aldersperson	Present
Jonathon Hansen	Aldersperson	Present
Ryan Jennings	Aldersperson	Present
Larry Lueck	Aldersperson	Present
Casey Nelson	Aldersperson	Present
Dean Raasch	Aldersperson	Present

2. Pledge of allegiance to the Flag.
3. Approval of the Minutes of the May 16, 2017 Common Council Meeting

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Jonathon Hansen, Aldersperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

4. Public comment upon matters not on the agenda or other announcements.

Aldersperson Jennings announced that the first ArtWalk of the summer is this Friday, June 9, from 4:00 p.m. - 8:00 p.m., at 25 different venues showcasing 100's of pieces of art and live music. June 15 is the first Farmer's Market in the George Street Landing parking lot, from 3:00 p.m. - 7:00 p.m. There will be 30 vendors and the market will be held every Thursday through September.

5. Recommendation from the License Committee on an Application for a Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License for Beakers, LLC (DBA Buddha's Still), 363 Main Ave. Submitted by Beakers, LLC, Agent: FayeAnne Matuszek, Green Bay, WI.

Ryan Jennings stated that he no longer feels the license should be approved. He shared a spreadsheet listing the density of bars in the Main Avenue area and suggested a future agenda item to implement a density ordinance. Discussion followed regarding the handout and the agenda item. Aldersperson Raasch moved, seconded by Aldersperson Lueck to open the meeting. Upon vote, motion carried unanimously.

Bridget O'Connor, property owner at 355 Main Avenue, read a statement outlining the issues she has had with Buddha's Still since moving into the property in 2015.

Matthew Lutsey, owner of 330 Reid Street, expressed his disappointment with the City and the agreement they entered into with the current license holder.

FayeAnne Matuszek, the license applicant, came forward to express that she understands the frustrations the neighbors experienced with the current license holder. As an

employee of the current license holder, she could only do so much to control the problems the bar was causing. She expressed her wishes to work with the neighboring property owners. She is hiring new bartenders and security to work both doors on the weekends and plans to work with the Police Department on training staff.

Discussion followed regarding the stipulation agreement and the City's revocation process.

Ron Manning, owner of 345 Main Avenue, came forward to stress the importance of maintaining consequences when these businesses cause problems and hopes that violations will be enforced.

Alderson Raasch moved, seconded by Alderson Boyd to close the meeting. Upon vote, motion carried unanimously.

Discussion followed regarding the stipulation agreement, what might happen if the license is not issued, the consequences of not issuing the license to the applicant based on preference and not qualifications, and enforcing the stipulation agreement if the license is approved. Chief Beiderwieden expressed that he was made aware of violations by the current license holder and is researching those violations, but that those violations have nothing to do with the new applicant. He explained that he did the background check on the new applicant and that she meets all qualifications to hold a liquor license. Discussion followed regarding what is reviewed in a background check.

RESULT:	ADOPTED [6 TO 2]
MOVER:	James Boyd, Alderson
SECONDER:	Dan Carpenter, Alderson
AYES:	Boyd, Carpenter, Hansen, Lueck, Nelson, Raasch
NAYS:	Scott Crevier, Ryan Jennings

6. Recommendation from the License Committee on an Application for a Class "A" Beer & "Class A" Liquor License for Ganesh Enterprise Inc.,(DBA Reid Street Mobil Station) 401 Reid Street, submitted by Ganesh Enterprise Inc., Agent: Pradip A. Patel, De Pere, WI.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderson
SECONDER:	Dan Carpenter, Alderson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

7. Recommendation from the License Committee on Renewal Applications for Class "A" Fermented Malt Beverage Licenses, "Class A" Intoxicating Liquor Licenses, Class "B" Fermented Malt Beverage Licenses, "Class B" Intoxicating Liquor Licenses, and Class "C" Wine Licenses for the licensing period of July 1, 2017 to June 30, 2018.

Alderson Boyd moved, seconded by Alderson Carpenter to approve Class "A" Beer License Applications #1-2. Upon vote, motion carried unanimously.

Alderson Boyd moved, seconded by Alderson Carpenter to approve Class "A" Beer/"Class A" Liquor License Applications #1-5. Upon vote, motion carried unanimously.

Alderson Boyd moved, seconded by Alderson Carpenter to approve Class "B" Beer License Application #1. Upon vote, motion carried unanimously.

Alderson Boyd moved, seconded by Alderson Carpenter to approve "Class "B" Beer/Class "C" Wine License Application #1. Upon vote, motion carried unanimously.

Alderson Boyd moved, seconded by Alderson Carpenter to approve Class "B" Beer/"Class B" Liquor License Applications #1-20. Upon vote, motion carried unanimously.

8. Recommendation by City Attorney to Rescind Motion to Schedule Hearing on Studio 1Thirty2 L.L.C. License.

City Attorney Judy Schmidt-Lehman shared that a renewal application for Studio 1Thirty2 was not received and therefore will expire.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderson
SECONDER:	Jonathon Hansen, Alderson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

9. Recommendation from the Plan Commission regarding an Area Development Plan generally located at the Main Avenue and Lawrence Drive intersection.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderson
SECONDER:	James Boyd, Alderson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

10. Recommendation from Plan Commission regarding a Proposed Extraterritorial Two Lot Certified Survey Map at 1644 Sand Acres Drive in Lawrence (Parcel L-258). Submitted by Steven M. Bieda, PLS.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderson
SECONDER:	James Boyd, Alderson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

11. Recommendation from Plan Commission regarding a Proposed Extraterritorial Two Lot Certified Survey Map at 1845 Williams Grant Drive in Lawrence (Parcel L-169-1). Submitted by Troy E. Hewitt, PLS.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderson
SECONDER:	Ryan Jennings, Alderson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

12. Recommendation from Plan Commission regarding a Proposed Extraterritorial Two Lot Certified Survey Map at 2484 Shirley Road in T. Wrightstown (part of Parcels W-546 & W-547). Submitted by Adam T. Van De Walle, Applicant.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderson
SECONDER:	Ryan Jennings, Alderson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

13. Ordinance #17-09, Amending Sections 106-3 and 106-4 De Pere Municipal Code Regarding Licenses and Regarding Health Department Agent Status.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ryan Jennings, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

14. Ordinance #17-10, Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations To Accommodate 2017 De Pere Farmers Market.

Alderperson Crevier asked if the City has received any feedback from residents that use the lot. City Administrator Larry Delo explained that the City put the onus on Definitely De Pere to reach out to the residents and businesses to seek out public opinion on use of the lot for a Farmer's Market.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

15. Ordinance #17-11, Amending Section 13-10 De Pere Municipal Code Regarding Assessment Deferral For Indigent Persons.

City Attorney Judy Schmidt-Lehman explained that the payment is deferred until the property owner pays or the property is transferred. The applicant has to provide their financial information by application and the Finance Committee will be provided with Federal Poverty Guidelines to make a determination and recommendation to the Common Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

16. Resolution #17-45, Disallowance of Claim (Acuity).

City Attorney Judy Schmidt-Lehman explained negligence law.

RESULT:	ADOPTED [7 TO 1]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Hansen, Jennings, Lueck, Nelson, Raasch
NAYS:	Scott Crevier

17. Resolution #17-46, Authorizing Amendment to Agreement With eGov Strategies, LLC.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

18. Consider location of future bandshell/amphitheater.

Parks Director Marty Kosobucki explained their process of meeting with the City Band, Definitely De Pere and the Celebrate De Pere Committee to provide input. He explained that the Park Board did not feel the Common Council gave enough direction for them to make a decision, and they requested that the item be taken back to the Council for more

information. Discussion on the 5 options took place with Park Director Marty Kosobucki, the Common Council, the Mayor and City Administrator Larry Delo. Alderperson Raasch moved, seconded by Alderperson Boyd to remove options #2 and 5 and to keep options #1, 3 and 4 and to keep costs under \$125,000. Alderperson Nelson moved, seconded by Alderperson Hansen to put option #5 back in the list of options to consider. Upon vote, motion failed with Alderpersons Nelson and Hansen voting ay. Motion carried 6-2 to remove options #2 and 5 and to keep options #1, 3 and 4 with Alderpersons Nelson and Hansen voting nay.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

19. Voucher Approval.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson, Raasch

20. Operator License Applications.

CITY OF DE PERE
License Committee - June 6, 2017

Previously Tabled Operator License Applications	
1	MATENAER, ALLAN J.
2	MUMBRUE, TROY N.

Temporary Operator License Applications	
1	MASON, PAUL T.

New Operator License Applications	
1	COLLINS, MARA C.
2	FRENCH, HANNAH M.
3	HARRIS, MAXIMILLIAN J.
4	SWIECICHOWSKI, TANYA L.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Previously Tabled Operator License Applications #1 and to table Previously Tabled Operator License #2. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Temporary Operator License Application #1. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Operator License Applications #1-4. Upon vote, motion carried unanimously.

21. Future Agenda Items

Alderperson Jennings requested that the License Committee review the possible implementation of a density ordinance for all alcohol licenses in downtown areas. He

also requested discussion of a possible requirement for all Class B licensed establishments to clean around their front and rear entries after closing.

Aldersperson Raasch requested an update on the Mulva Center. Mayor Walsh explained that will have to be a joint Common Council and Redevelopment Authority Meeting.

22. Adjournment.

Aldersperson Boyd moved, seconded by Aldersperson Lueck to adjourn the meeting at 10:07 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer