



Common Council

Regular Meeting

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

Minutes

Tuesday, May 19, 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 May 5, 2020 Common Council meeting.

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

3. Recommendation from the Finance & Personnel Committee to Purchase Nine Hand Held Thermal Image Cameras for the Fire Department.

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

4. Recommendation from Finance & Personnel Committee to accept donation of 30 gallons of hand sanitizer from De Pere High School Students.

RESULT: ACCEPTED [UNANIMOUS]

MOVER:	Amy Chandik Kunding, Alderman
SECONDER:	Dan Carpenter, Alderman
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

5. Recommendation from Finance & Personnel Committee to Accept \$1,200 Donation from Gerald Grunewald Memorial Fund.

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

6. Recommendation from Personnel/Finance Committee to Suspend 2019 Monetary Pay for Performance Awards (Payable in 2020.)

In response to Council members' questions, City Administrator Larry Delo explained that this proposal relates to 2019 performance that would typically be awarded in 2020. The intent is to reestablish the entire program for 2020 performance payable in 2021. This change would affect all employees not covered by a collective bargaining agreement.

RESULT:	APPROVED [7 TO 1]
MOVER:	Amy Chandik Kundinger, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Carpenter, Eserkaln, Kundinger, Ledvina, Nelson, Raasch, Ruh
NAYS:	Jonathon Hansen

7. Recommendation from the Board of Public Works to approve award of Contract 20-08 Manhole Repair and Rehabilitation to Great Lakes TV Seal, Inc. in the amount of \$20,974.00

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

8. Recommendation from the Board of Public Works to approve award of Contract 20-13 Crackfilling and Seal Coating to Asphalt Seal & Repair, Inc. in the amount of \$158,029.50

Alderperson Kundinger inquired if these annual maintenance costs are similar to last year's. Public Works Director Scott Thoresen replied that the crack filling costs are similar, and the manhole repair costs are a little less.

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

9. Recommendation from the Board of Public Works to approve awarding Contract 20-16 City Hall Generator to Northern Electric, Inc. in the amount of \$127,485.00.

Alderperson Nelson asked for details on the solar panel and battery back-up options. Public Works Director Scott Thoresen stated that he does not have those costs in front of him, but that they were not feasible options.

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

10. Renewal applications for the licensing period of July 1, 2020 to June 30, 2021.

A. Class "A" Fermented Malt Beverage Licenses

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

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

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

C. Class "B" Fermented Malt Beverage Licenses

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

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

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

E. Class "B" Beer & "Class C" Wine Licenses

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

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

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

11. Ordinance #20-05 Amending § 6-3 De Pere Municipal Code Regarding Rules of Order.

Alderson Raasch explained that the intent of the amendment is to allow as many people as possible a chance to speak during public hearings and public comments. Alderson Hansen stated that while he is sympathetic to the request in terms of the public comment period because citizens can speak on any topic they would like, he has concerns on the time limit for public hearings. Alderson Hansen moved to amend the original motion by striking 'public hearing' and leaving the 'public comment period' only. The motion failed for lack of a second. Alderson Raasch pointed out that the ordinance change does allow for a two-thirds vote to waive the five-minute limit.

RESULT:	SECOND READING REQUIRED [7 TO 1]
MOVER:	Dean Raasch, Alderson
SECONDER:	Dan Carpenter, Alderson
AYES:	Carpenter, Eserkaln, Kundering, Ledvina, Nelson, Raasch, Ruh
NAYS:	Jonathon Hansen

12. Resolution #20-41 Authorizing Donation to De Pere Area Chamber of Commerce for COVID-19 De Pere Business Relief Grant Fund.

Development Services Director Dan Lindstrom summarized the work that staff and the De Pere Chamber of Commerce have done to address Council members' concerns. The Chamber has agreed not to exclude a business that is located in the Main Street district, provided that the grant combination from both organizations cannot exceed \$2,500. Both organizations felt that a \$50,000 fund would be equitable; therefore Definitely De Pere will not revise their original request which was for matching funds only. Dan also provided information to address Alderson Nelson's question about return on investment from the previous meeting. He stated that most studies regarding COVID-19 pandemic response grants are not going to be available for some time; however, studies from the University of Minnesota and Purdue University (based on business retention and expansion programs) indicate that the primary job creators are existing businesses. He noted that these businesses generate between 70-85% of annual job growth in the Midwest, which highlights the need to retain as many businesses within the City as possible. Dan reported that \$280,000 in requests for the pandemic loan program have been approved and signed to date. Staff has not received an application in almost two weeks; however the plan is to keep the program open for the rest of the year.

Alderson Kundering moved, seconded by Alderson Raasch to open the meeting. Upon vote, motion carried unanimously. Amber Thiel, De Pere Chamber of Commerce president, explained that applications will be scored based on a number of factors such as number of employees, business type, and whether they have already received any funding from Definitely De Pere. Decisions will be made by the Chamber's executive committee. She reported that there are 48 Main Street district businesses who have requested a total of \$118,000 from Definitely De Pere. Alderson Raasch moved, seconded by Alderson Carpenter to close the meeting. Upon vote, motion carried unanimously. Alderson Raasch reminded listeners about the City's 0% loan program; Alderson Hansen added that the maximum request for this loan program is \$10,000.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Ledvina, Nelson, Raasch, Ruh
ABSTAIN:	Amy Chandik Kunding

13. Resolution #20-47 Ratifying Mayoral Proclamations Issued from May 1, 2020 Through May 15, 2020.

Alderperson Hansen moved, seconded by Alderperson Nelson to approve the resolution. Alderperson Raasch asked how Resolution 20-43, which gave the mayor the authority to issue proclamations, is still in place after the recent Supreme Court decision. City Attorney Judy Schmidt-Lehman explained that Resolution 20-34 was a declaration of a state of emergency in the City; the resolution states that the emergency remains in effect as determined by local health officials in coordination with the State Division of Health Services. Judy noted that Health Director Deborah Armbruster has determined that we are still in a state of public health emergency.

Alderperson Raasch stated it is his understanding that the state's emergency declaration had ended, and the extension was then struck down as unenforceable. Judy reiterated that Resolution 20-43 is not an order of the Health Department, but rather a declaration by the Council of a state of emergency, and is completely different than the governor's Safer at Home order. The resolution was adopted by the Council under a section of state statute that discusses emergency management, to allow local governments to move more nimbly during a crisis. It allows the mayor to take action via proclamation, which the City Council can then approve, modify, or rescind at its next meeting. Health Director Deborah Armbruster addressed the Council and explained that the Safer at Home order was issued to limit the spread of infection. She also provided information about the status of the pandemic.

Alderpersons Hansen and Nelson rescinded their motion and second so that the proclamations could be taken up separately.

Alderperson Raasch moved, seconded by Alderperson Hansen to approve the 10th mayoral proclamation. Alderperson Raasch then moved, seconded by Alderperson Ruh to amend the proclamation by removing the City Administrator from the event cancellation process. Upon vote, the motion to amend failed with Alderpersons Carpenter, Raasch, and Ruh voting aye.

10th Mayoral Proclamation:

RESULT:	ADOPTED [5-3]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Eserkaln, Hansen, Kunding, Ledvina, Nelson
NAYS:	Carpenter, Raasch, Ruh

11th Mayoral Proclamation:

RESULT:	ADOPTED [5-3]
MOVER:	Casey Nelson, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Eserkaln, Hansen, Kunding, Ledvina, Nelson
NAYS:	Carpenter, Raasch, Ruh

14. Resolution #20-48 Accepting Elevate Communities Grant from Capital Credit Union.

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

15. Resolution #20-49 Approving Memorandum of Understanding with the De Pere Professional Firefighter's Association IAFF Local 141 Regarding Light Duty Schedule.

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

16. Resolution #20-50 Authorizing Grant of Electric Underground Easement (WD-91, WD-93-3, WD-93-1-A, WD-94 and WD-95-3-A; VFW Park).

Alderperson Carpenter asked if this easement helps the aquatic center project, and also why WPS is not being charged a fee for the easement. Parks Director Marty Kosobucki explained that this project is completely separate and has no impact either way on the aquatic center. Marty stated that WPS already holds an easement in this location for overhead wires; this resolution is just to accommodate underground wires as well.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Casey Nelson, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson, Raasch, Ruh

17. Resolution #20-51 Approving Professional Services Agreement with Green Bay Metropolitan Sewerage District - NEW Water (Sub-Award for US Forest Service GLRI Grant for Tree Planting) .

In response to a question from Alderperson Hansen, Parks Director Marty Kosobucki explained that Forestry staff will proactively approach homeowners, and that the Board of Park Commissioners decided to use January 1, 2020 as the start date for the program.

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

18. Resolution #20-52 Authorizing State/Municipal Project Agreement for Merrill Street Resurfacing.

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

19. Resolution #20-53 Supporting the Village of Ashwaubenon DNR Grant Application for Bicycle and Pedestrian Improvements on West Main Avenue.

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

20. Resolution #20-54 Authorizing Installment Payment of Sidewalk Repair and Replacement Expenses in Excess of \$1,000 Ordered Under Wis. Stats. § 66.0907.

Alderperson Kunding asked if property owners have an option whether to repair or replace their sidewalks. Public Works Director Scott Thoresen gave a few typical examples, and explained that sometimes it is in the best interest of the property owner to do the repair on their own, while sometimes it is better for the City to do it.

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

21. Resolution #20-55 Authorizing Agreement for Consulting Services Between the City of De Pere and Water Tower Clean and Coat (Inspection of Merrill Street and Scheuring Road Reservoirs).

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

22. Resolution #20-56 Authorizing Agreement for Contractor Services Between the City of De Pere and Badger Concrete Lifting, LLC (Mudjacking-Curb & Gutter and Sidewalk).

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

23. Resolution #20-57 Authorizing Agreement for Contractor Services Between City of De Pere and All-Star Cutting and Coring, LLC (Concrete Grinding Sidewalk-Variou Locations).

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

24. Resolution #20-58 Awarding Official City Newspaper Contract.

RESULT:	TABLED [UNANIMOUS]
	Next: 6/2/2020 7:30 PM
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Kelly Ruh, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

25. Presentation and discussion on the Mulva Cultural Center project.

Rick Bilotto, owners' representative for the project, and Mike Van Asten, CEO of the Mulva Cultural Center shared renderings of the facility and presented information on the Center's amenities and offerings. They reported that the project is moving into the final design phase this summer. Mr. Bilotto and Mr. Van Asten answered Council members' questions regarding alternative energy sources for the building, plans for free admission, and the timeline for demolition of Notre Dame Middle School.

26. Review and Possible Action on Plan for Re-opening of City Facilities and Programs

City Administrator Larry Delo reported that a team of City staff was assembled to create a draft plan for Council review. He explained that staff did not include a set date for the proposed Phase I reopening due to a lack of guidance from state and federal officials. Health Director Deborah Armbruster provided information and statistics that were used to develop the team's proposals. She stated that the Department of Health Services provided recommendations yesterday advising the continuation of social distancing, wearing masks when able, and limiting gatherings to 10 or less. Debbie reported that at 6 PM tonight, she received a new communication from DHS recommending that youth sports be postponed or cancelled until the benchmarks outlined in the Badger Bounce Back plan are met. Larry stated that staff is trying to follow DHS recommendations, and therefore is no longer recommending small groups of less than 50 as outlined in the draft. Council members were then given the opportunity to express their thoughts on the draft plan as it relates to the Parks Department and youth sports.

Staff answered questions regarding potential liability to the City during reopening, the responsibility of event leaders/facility renters to monitor adherence to social distancing guidelines and/or submit a plan to the City, and COVID transmission potential in children. Discussion followed regarding timelines and benchmarks for the reopening plan. Larry pointed out that staff wants to match reopening dates with Green Bay and Brown County as two of the other large government employers in the area, and that employee concerns about reopening and safe operation must also be considered.

Alderson Raasch moved, seconded by Alderson Carpenter to open the meeting. Upon vote, motion carried unanimously. The following people spoke in favor of opening City fields to youth sports groups: Jonathan Webb, President of De Pere Baseball; Brian Walters, De Pere resident; Jim Westerman, Vice President of De Pere Rapides Soccer; Tara Czachor, Lawrence resident; Jed Vandenlangenberg, Lawrence resident; Rex Coldagelli, Ledgeview resident; Kevin Norman, De Pere resident; Sarah Deutche, Allouez resident; and Mike Louison, Ledgeview resident. Alderson Raasch moved, seconded by Alderson Carpenter to close the meeting. Upon vote, motion carried unanimously.

Mayor Boyd spoke in favor of staff recommendations on the Phase I reopening plan and following the guidance of the City's Health Director.

Alderson Raasch moved, seconded by Alderson Carpenter to approve the Phase I reopening plan as it is written currently, with a May 26th opening date. Discussion followed regarding factors that need to be in place before opening, such as hiring of seasonal staff and placement of signage and partitions in City buildings. Larry suggested using the date of June 15 "or when staffing and physical structures are in place".

Aldersons Raasch and Carpenter agreed to revise their original motion in order to change to the June 15th date with the caveat stated above.

Alderson Ledvina asked for the Health Director's opinion of the proposed extension to June 15th. Debbie stated that prolonging the opening as much as we can is a good thing, but reiterated the DHS recommendation to postpone until benchmarks are met.

Alderson Ledvina suggested reviewing the plan again with input from staff at the next Council meeting. Larry confirmed that it can be placed on the June 2nd agenda, and that adjustments to the plan could be made at that time as well.

RESULT:	ADOPTED [5-3]
MOVER:	Dean Raasch, Alderson
SECONDER:	Dan Carpenter, Alderson
AYES:	Carpenter, Eserkaln, Ledvina, Raasch, Ruh
NAYS:	Hansen, Kundering, Nelson

27. Request to approve funding for safety partitions in City Buildings.

Alderson Raasch asked how this purchase would be funded. City Administrator Larry Delo reported that it would come from unassigned reserves, and that staff is hoping to apply for reimbursement from the CARES Act fund.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderson
SECONDER:	Casey Nelson, Alderson
AYES:	Carpenter, Eserkaln, Hansen, Kundering, Ledvina, Nelson, Raasch, Ruh

28. Appointments and reappointments to Boards and Commissions by Mayor Boyd.

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

29. Operator license applications.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to approve Renewal applications #1-9 and 11. Upon vote, motion carried unanimously.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to table Renewal application #10. Upon vote, motion carried unanimously.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to table Previously Tabled application #1. Upon vote, motion carried unanimously.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to approve Previously Tabled application #2. Upon vote, motion carried unanimously.

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

30. Voucher approval.

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

31. Future agenda items.

Alderperson Ledvina requested that the Phase I reopening plan for City facilities be placed on the next Council agenda for review.

Alderpersons Raasch and Hansen inquired about the possibility of allowing expanded outdoor dining and alcohol service for downtown establishments, to give these businesses additional capacity while social distancing restrictions are in place. The Legal department is already researching this topic.

32. Adjournment.

Alderperson Hansen moved, seconded by Alderperson Nelson to adjourn the meeting at 11:07 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk