



Common Council

Regular Meeting

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

Minutes

Tuesday, May 4, 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 Kundinger	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 April 20, 2021 Common Council meeting.

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

4. Public hearing on the rezoning of Parcel WD-708-X-3 at 525 N Tenth St from R-3 (Multiple Family Residence District) to R-4 (General Residence Office District).

A. Notice of Public Hearing.

City Clerk Carey Danen reported that the public hearing notice was published in the Green Bay Press-Gazette on April 19 and April 26, 2021.

B. Recommendation from the Plan Commission.

Development Services Director Dan Lindstrom reported that this request is to transform a former assisted living facility back into a senior housing facility. The developer plans to remodel this as affordable housing, and is working with a couple of different funding sources for the project. Approval of the rezoning is required to meet density and parking requirements. Mayor Boyd declared the public hearing open. No one wished to speak so he declared the hearing closed.

C. Ordinance #21-08 Rezoning Certain Property from R-3 Multiple Family Residence District to R-4 General Residence Office District (Parcel WD-708-X-3; 525 North Tenth Street).

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

5. Public hearing to amend the City of De Pere Code of Ordinances Section 14-11 (Zoning - Minimum lot size) to remove "Special Minimum Yard Requirements" from yards abutting or adjacent to George St.

A. Notice of Public Hearing.

City Clerk Carey Danen reported that the public hearing notice was published in the Green Bay Press-Gazette on April 19 and April 26, 2021.

B. Recommendation from the Plan Commission.

Development Services Director Dan Lindstrom explained that this small section of City ordinance was put in place many years ago. Staff is proposing removal of these special setback requirements because they could impede future development and/or redevelopment of this corridor. He noted that two projects were approved recently before staff became aware of this section of code. Returning to the usual setback requirements for this zoning designation is in alignment with the City's Downtown Master Plan. Mayor Boyd declared the public hearing open. No one wished to speak so he declared the public hearing closed.

C. Ordinance #21-09 Amending Section 14-11 De Pere Municipal Code Regarding Minimum lot Size.

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

6. Public comment upon matters not on the agenda.

None.

7. COVID-19 update from the Health Department.

Interim Health Officer Sara Lornson reported that the CDC and FDA recently lifted the suspension on the Johnson & Johnson vaccine. The City's Health Department does have that vaccine in stock, and they are planning to use it in their upcoming clinics. They are working with community partners to share vaccine supply with populations that would be helpful, such as NEW Clinic and area homeless shelters. Sara noted that supply has now outpaced demand; they are working with state and federal strategies to encourage

vaccination. Beginning tomorrow, De Pere Health will also be doing walk-in clinics for the first time. Pfizer hopes to be approved for use with ages 12-15 by the end of May. Staff will work with area schools on how they can best support that. The Health Department has conducted 41 clinics to date, administering a total of 2,645 vaccines. Alderperson Hansen asked Sara to review possible causes of the 63% increase in cases that Brown County has seen in the last two weeks. Sara reported that they are seeing more cases of the variants, as well as more gatherings. She noted that a good percentage of the older population has been vaccinated, so the recent cases are appearing more in the younger population.

8. Recommendation from the Board of Park Commissioners to Accept a Donation from Joe Wollin and Family for a Disc Golf Practice Basket at the Legion Park Disc Golf Course valued at \$450.

Parks Director Marty Kosobucki stated that staff is going to consult with the people who helped design the disc golf course regarding specific placement of the basket. Alderperson Hansen thanked the Wollin family for their generosity.

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

9. Recommendation from the Board of Park Commissioners to Accept a \$2,500 Donation from Greta Johnson to the Recreation Scholarship Fund.

Mayor Boyd thanked Ms. Johnson for her generous donation.

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

10. Recommendation from Plan Commission to approve a proposed 3 lot and 1 outlot certified survey map at the 2400-2500 BLK American BL (Parcels WD-1759, WD-L486, WD-L510, WD-L485, WD-L511, WD-2021, WD-L484-1, WD-L514, WD-L483-1, WD-L515, WD-L482-2, Part of WD-1753).

Development Services Director Dan Lindstrom reported that staff is currently working with a potential developer, and is requesting flexibility in the final CSM as they work through the negotiation of agreements. He displayed two versions of the CSM for Council to view. The overall intent of both versions is the same, there are just some differences in the potential structure of the outlot.

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

11. Recommendation from the License Committee on an application for Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor License for Trackside Fort, LLC (DBA Trackside BP) 1605 Fort Howard Av. Submitted by Trackside Fort LLC; Agent Tark Ojna, Green Bay, WI.

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

12. 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 Licenses

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

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

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

C. Class "B" Fermented Malt Beverage Licenses

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

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

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

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

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

13. Ordinance #21-10 Amending Section 46-13(b) De Pere Municipal Code Regarding Review of Condominium Plats.

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

14. Ordinance #21-11 Amending Section 10-17 De Pere Municipal Code Regarding Public Records Related to Electronic Records and Signatures.

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

15. Resolution #21-53 Authorizing Reciprocal Parking Lot Use and Maintenance Agreement (Voyageur Lot Between Williams and Cass Streets).

Alderperson Hansen thanked staff for their work in obtaining this agreement. Without it, the City had no recourse to get the parking lot resurfaced. The Engineering Department will be rating all streets and parking lots this summer; if this lot is scored at a 4 or below, it will require resurfacing.

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

16. Resolution #21-54 Authorizing Contractor Service Agreements for Limited General Forestry Operations Services.

Alderperson Hansen asked if staff will have discretion on choosing which contractor to use. Parks Director Marty Kosobucki explained that it will depend on their availability, and is intended mostly for emergency use.

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

17. Resolution #21-55 Terminating the Declaration of Public Health Emergency (Request of Ald. Raasch).

Alderson Raasch moved, seconded by Alderson Ruh to approve the resolution. City Attorney Judy Schmidt-Lehman pointed out that there is no effective date listed on the resolution. Alderson Raasch stated that he would like to propose termination after tonight's Council meeting, but is willing to hear other suggestions. Alderson Kunderer requested a review of the items that will go away after the termination of the emergency. Judy said that the list includes the cancellation clause for special events, the waiver of late fees, and the suspension of garbage/recycling limits. Discussion followed about continuing the state of emergency for another week or two, in order to get the message out. Alderson Hansen asked about the proclamation regarding emergency procurement. City Administrator Larry Delo stated that he thinks the City is past the point where staff would need to move really fast in order to access supplies. Alderson Hansen then asked about the public notice requirement for an emergency meeting of the Council. Judy confirmed that it requires a two hour minimum notice. Alderson Quigley requested that staff evaluate what else can be done to increase messaging about vaccination; Larry confirmed that this is being addressed. Alderson Carpenter moved, seconded by Alderson Kunderer to amend the original motion to add an expiration date of May 10, 2021 for the declaration of public health emergency. Upon vote, the motion to amend carried unanimously.

RESULT:	ADOPTED AS AMENDED [7 TO 1]
MOVER:	Dean Raasch, Alderson
SECONDER:	Kelly Ruh, Alderson
AYES:	Carpenter, Eserkaln, Kunderer, Ledvina, Quigley, Raasch, Ruh
NAYS:	Jonathon Hansen

18. Voucher approval.

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

19. Future agenda items.

Alderson Kunderer requested an update regarding the park fine that was recently approved by Council. She has heard from several constituents that it is not helping. This will be placed on the next Council agenda for the Chief of Police to give a report. Alderson Hansen requested that staff begin the process to allow for the continuation of the 80 hours of emergency COVID leave for employees. This will go to the Finance/Personnel Committee.

20. Adjournment.

Alderson Carpenter moved, seconded by Alderson Quigley to adjourn the meeting at 8:22 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk