



Common Council

335 South Broadway

De Pere, WI 54115

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

Regular Meeting

Minutes

Tuesday, April 19, 2016

7:30 PM

De Pere City Hall Council Chambers

1. Call to order. The Common Council Meeting was called to order on April 19, 2016 at 7:30 p.m., De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

Attendee Name	Title	Status
Michael J. Walsh	Mayor	Present
James Boyd	Alderman	Present
Dan Carpenter	Alderman	Present
Scott Crevier	Alderman	Present
Michael Donovan	Alderman	Present
Ryan Jennings	Alderman	Present
Larry Lueck	Alderman	Present
Dean Raasch	Alderman	Present
Lisa Rafferty	Alderman	Present

2. Pledge of allegiance to the Flag.

Mayor Walsh announced that Boy Scout Troop 1038 would lead the Council in saying the Pledge of Allegiance.

3. Approval of the Minutes of the April 6, 2016 Common Council Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderman
SECONDER:	Lisa Rafferty, Alderman
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

4. A Public Hearing on the rezoning of 1104 Honey Ct. (Parcel ED-1469); 621 Cook Street (Parcel ED-1469-1) and 631 Cook St. (Parcel ED-1462-2).

A. Notice of Public Hearing.

Clerk-Treasurer Shana Ledvina announced that the public hearing was published in the Green Bay Press Gazette on April 4th and April 11th, 2016.

B. Recommendation from the Plan Commission.

City Economic Development and Planning Director Kim Flom stated that the Plan Commission unanimously recommended approval of the rezoning.

C. Ordinance #16-04 Rezoning Certain Property (Parcels ED-1469, ED-1469-1 and ED-1469-2)

Mayor Walsh declared the public hearing open; no one wished to speak and he declared the public hearing closed and entertained a motion.

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

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

Alderperson Crevier announced that the Wisconsin Association of Historic Preservation Commissions is holding its annual conference on Friday and Saturday, April 22 and 23 at Heritage Hill State Park. There will be a number of sessions offered at the conference, including a presentation by Scott Hemauer, owner of Ameriprise Financial here in De Pere. Scott will talk about the project he undertook to restore his building at 113 S Broadway, including information on tax credits that he was eligible for. He also mentioned two historic tours at the end of the conference that community members may be interested in, both offered on Saturday afternoon. One is of Tiletown Brewing Company in Green Bay, and the other will be a tour of De Pere's downtown historic district, including the De Pere Riverwalk and Viewing Pier, the Locktender house, as well as a tour of the Performa and Ameriprise offices. The De Pere tour begins at 3:30 p.m. this Saturday, April 23, in the Voyageur Park parking lot. He shared that more information is available at: WisconsinAHPC.org. He also announced that May is National Historic Preservation month. Matt Hohner, Executive Director of Definitely De Pere, will be hosting a contest on Facebook where he'll post close up photos of historic buildings from around the city, and viewers can try to guess what building it is. There will be various prizes donated by local merchants. If interested in participating, visit the Definitely De Pere Facebook page. He also shared that there will be tours offered of historic buildings on the St. Norbert College campus on Saturday, May 7 at the following 4 times: 10:00 a.m., 11:30 a.m., 1:00 p.m., and 2:30 p.m.. The tour guide will be Erick Konop, a junior history major at St. Norbert. Erick has done extensive research on campus buildings, and will feature six buildings in the tour, including two that are on the National Register of Historic Places. This is a one-hour walking tour, which will start and end on the curb in front of Old St. Joseph Church. The tours are free and open to the public, no registration required. Free parking is available in the lot across the street. Alderperson Jennings thanked District 2 for electing him and encouraged constituents to contact him.

6. Creative Economy Week Proclamation presented by Mayor Walsh.

The Mayor read the proclamation and encouraged everyone to get out and enjoy Creative Economy Week.

7. Recommendation from the License Committee on an application for a Class "B" Beer and "Class B" Reserve Liquor License for Shannons Haystack LLC (DBA Chatterhouse 2016), 614 George St., De Pere, WI. Submitted by Shannons Haystack LLC, Agent: Kevin Charles, 1049 Pagels Pl., De Pere, WI 54115.

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

8. Recommendation from the Board of Public Works to Reject Bids Received for Project 16-10 HVAC Maintenance and Rebid the Project.

Public Works Director Scott Thoresen and Parks Director Marty Kosobucki answered questions about the rejected bid and the industry standard for bid time lines.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

9. Recommendation of the Board of Public Works to Award the Contract for Project 16-13 Crackfilling and Seal Coating to Asphalt Seal and Repair, Inc. in the Amount of \$96,633.00.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

10. Recommendation from the Finance & Personnel Committee to approve the purchase of a 2017 Foster-Coach-Horton/International Ambulance.

Alderperson Jennings asked if we would get more for the old ambulance if we sold it ourselves instead of trading it in; Fire Chief Dennis Rubin replied that the standard is to trade in the vehicle to get the best overall value. He also explained the cash rebate to the Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

11. Recommendation from Finance & Personnel Committee to approve Construction Change Orders for Fire Station #2 Renovation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Michael Donovan, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

12. Recommendation by Finance Committee to Approve Police Purchase of Smart Board for Briefing Room

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

13. Recommendation from Finance/Personnel Committee to Increase Video Production Coordinator One Pay Grade Due to Change in Responsibilities

Alderperson Carpenter asked if Carlson Dettman did the review of this position. City Administrator Larry Delo explained that Carlson Dettman did review the position and moved it up and that the City pays a minimal fee as part of the Human Resources budget to have them review these positions when necessary. He explained that the duties and responsibilities of the position have changed significantly and that the funding for this increase comes from unassigned reserves.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Michael Donovan, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

14. Recommendation from the Finance/Personnel Committee to approve \$250 donation from the Kress Inn and Bemis Conference Center in support of De PereTV.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

15. Ordinance #16-05 Amending Chapter 8, De Pere Municipal Code Regarding Possession of Knives

Alderperson Rafferty asked what the ordinance was before the state law changed. City Attorney Judy Schmidt-Lehman explained that the ordinance prohibits knives but was less clear than what the proposed definition is. Discussion followed. Alderperson Rafferty moved, seconded by Alderperson Crevier to amend the definition of a knife to strike box cutters, utility knives, and razor blades, and to change the pocket knife allowance to up to 4 inches in length.

Police Chief Derek Beiderwieden explained that in terms of the damage that can be caused to a person by a knife and that a 2.5 inch knife inflicts much less damage than a 4 inch knife. In terms of box cutters and utility knives, he suggests modifying the ordinance to include an exemption for contractors. City Attorney Judy Schmidt-Lehman explained that the state law has not defined the length of knife, but has rather removed knives from the definition of a dangerous weapon. The definition in the proposed ordinance was taken from TSA regulations. She brought out a ruler for reference.

Alderperson Rafferty withdrew her motion to amend and moved to send the ordinance back to staff. Alderperson Crevier also withdrew his motion to amend the ordinance. Alderpersons Boyd and Donovan withdrew their motions to approve the ordinance. Alderperson Donovan seconded Alderperson Rafferty's motion to send the ordinance back to staff. Discussion followed. Upon vote to refer the ordinance back to staff, motion carried 7-1 with Alderperson Crevier voting nay.

RESULT:	REFERRED BACK TO STAFF [7 TO 1]
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Michael Donovan, Alderperson
AYES:	Boyd, Carpenter, Donovan, Jennings, Lueck, Raasch, Rafferty
NAYS:	Scott Crevier

16. Ordinance #16-06 Amending §10-17 De Pere Municipal Code Regarding Records Custodian

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

17. Ordinance #16-07 Amending 106-4(c) De Pere Municipal Code Regarding Mobile Food Establishment License Fees

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

18. Resolution #16-45 Ordering Installation of Sidewalks at Various Locations

Agenda item #18 was addressed before agenda item #6.

Public Works Director Scott Thoresen explained that vacant lots are not required to have sidewalk put in unless the adjacent lot is owned by the same person. He said that staff researches if a lot is vacant and determines when to order sidewalks in. Discussion followed.

Alderperson Donovan moved, seconded by Alderperson Boyd to open the meeting. Upon vote, motion carried unanimously. Dan Burgoyne came forward and requested a 2-year extension to put the sidewalk in. Alderperson Raasch moved, seconded by Alderperson Jennings to close the meeting. Upon vote, motion carried unanimously.

Alderperson Donovan moved, seconded by Alderperson Carpenter to grant the extension to 2322 Samantha Street. City Attorney Judy Schmidt-Lehman explained that the resolution will be amended to read that he has until July 1, 2018 to construct the sidewalk; if it isn't installed by the property owner, the City will install the sidewalk and charge the property owner. Discussion followed. Upon vote on the motion to amend the resolution, motion failed 2-6 with Alderpersons Lueck and Donovan voting ay. Upon vote on the motion to approve the resolution without amendment, motion carried unanimously.

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

19. Resolution #16-46 Authorizing Development Agreement Between the City of De Pere and BBKP, LLC (Part of Parcel WD-L436-2)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

20. Resolution #16-47 Authorizing Economic Development Grant to Shannon's Haystack LLC (DBA Chatterhouse 2016)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Lisa Rafferty, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

21. Resolution #16-48 Authorizing Software Subscription and License Agreements with Facilities Management eXpress, LLC (FMX)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

22. Resolution #16-49 Authorizing the Negotiation of an Economic Development Loan with Healthy Bellyz, LLC

Alderperson Donovan moved, seconded by Alderperson Raasch to open the meeting. Upon vote, motion carried unanimously. Alicia Stiles, 365 Main Ave, came forward and shared information about her business with the Council. They have acquired property to use as a distribution kitchen and will be selling pre made sandwiches packaged in clamshells with labels with every other day delivery. Alderperson Donovan moved, seconded by Alderperson Crevier to close the meeting. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

23. Resolution #16-50 Accepting Grant from Shopko Foundation

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Donovan, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

24. Resolution #16-51 Establishing Mobile Food Establishment License Fees

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lisa Rafferty, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Crevier, Donovan, Jennings, Lueck, Raasch, Rafferty

25. Elections by the Common Council

A. Alderperson Members of the Plan Commission.

Alderperson Lueck nominated Alderperson Boyd and Alderperson Boyd nominated Alderperson Lueck. Alderperson Donovan requested to close the nominations. Upon vote, motion carried unanimously to approve Alderpersons Boyd and Lueck to the Plan Commission.

B. President of the Common Council.

Alderperson Lueck moved, seconded by Alderperson Raasch to nominated Alderperson Donovan as President of the Common Council. Upon vote, motion carried unanimously.

26. Voucher Approval.

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

27. Operator License Applications.

CITY OF DE PERE -April 19, 2016					
ITEM	NAME	ADDRESS	CITY	ST	ZIP
Previously Tabled Operator Licenses					
1	GREGORASH, RUSS	1335 S. NORWOOD AVE #12	GREEN BAY	WI	54304
2	KRUEGER, ANTHONY C.	700 CANBERRY CT	DE PERE	WI	54115
3	TRIMBERGER, JESSICA R.	405 LAWE ST	GREEN BAY	WI	54301
Temporary Operator License Applications					
1	BRAUER, PETER J.	600 LEWIS ST	DE PERE	WI	54115
2	CIESLEWICZ, SCOTT M.	1812 TROTTER CT	DE PERE	WI	54115
3	MASON, PAUL T.	1875 CHARLES ST	DE PERE	WI	54115
4	OLSEN, BRIAN W.	1313 CHARLES ST	DE PERE	WI	54115
5	OLSEN, DEBRA G.	1313 CHARLES ST	DE PERE	WI	54115
6	SIEBERT, BETH ANN	702 BOMIER ST	DE PERE	WI	54115
New Operator License Applications for the 2014-2016 Licensing Period					
1	JOHNSON, JASMINE S.	1904 FARLIN AVE, APT 1	GREEN BAY	WI	54302
2	SCHIERLAND, KURT J.	237 COOLIDGE ST	GREEN BAY	WI	54301
3	VANDEHEY, ROSS R.	1169 SMITH ST	GREEN BAY	WI	54302
New Operator License Applications for the 2016-2018 Licensing Period					
1	BEGGS, SARAH L.	124 STEWART ST	CLINTONVILLE	WI	54929

Alderperson Boyd moved, seconded by Alderperson Raasch to table Previously Tabled Operator License Applications #1-3. Upon vote, motion carried unanimously.

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

Alderperson Boyd moved, seconded by Alderperson Raasch to approve 2014-2016 Operator License Applications #1 and 3 to and table 2014-2016 Operator License Application #2. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Raasch to approve 2016-2018 Operator License Application #1. Upon vote, motion carried unanimously.

28. Future agenda items.

Alderperson Carpenter requested to review sidewalks and the time frame for putting sidewalk in on vacant properties. Mayor Walsh stated this will go to the Board of Public Works to be addressed there.

29. Recommendation of the Board of Public Works Regarding the Award of Project 16-03 Sewer Lining -CIPP.

The Mayor read the rejection statutes.

A. Reject the Bid of Terra Engineering & Construction Corporation for the following reasons:

1. The Board of Public Works and Common Council find that Terra is not a pre-qualified bidder on Project 16-03 under Wis. Stats.§66.0901(2) based upon an insufficient answer to question #4 of the prequalification form; and

2. The Common Council rejects Terra's bid under Wis.Stats.§66.0901(4) based upon an insufficient answer to question #4 of the prequalification form; and

3. Terra is not the lowest responsible bidder under Wis. Stats.§§62.15(1) and (6) based upon its performance under City Project 11-03 Sewer Lining.

Aldersperson Boyd moved, seconded by Aldersperson Raasch to reject the bid from Terra. Discussion followed. Upon vote, motion carried unanimously to reject the bid.

B. Award Project 16-03 Sewer Lining-CIPP to the lowest responsible bidder, Visu-Sewer, in the amount of \$279,395.60.

Aldersperson Raasch moved, seconded by Aldersperson Lueck to approve the project to Visu-Sewer. Upon vote, motion carried unanimously.

30. Adjournment.

Aldersperson Crevier moved, seconded by Aldersperson Jennings to adjourn the meeting at 9:00 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer