



Common Council

Regular Meeting

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

Minutes

Tuesday, March 16, 2021

7:30 PM

GoToMeeting

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	
Casey Nelson	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	
Kelly Ruh	Aldersperson	Present	
James Boyd	Mayor	Present	

2. Approval of the Minutes of the March 2, 2021 Common Council Meeting.

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

3. COVID-19 update from the Health Department.

Health Director Debbie Armbruster reported that the next phase of vaccine eligibility will start on March 22nd instead of the 29th. This group will include people with health conditions; specifics are listed on the DHS website. Debbie explained that vaccine recipients do not need to show proof of their medical condition, because they are attesting to it on the document they sign. The Health Department continues to conduct clinics at the Community Center 2-3 times a week, and they have received many positive comments. Debbie reported that testing is down, and the positivity rate is currently at 4%; hospitalization capacity is at 72%. The activity rate in Brown County is still considered high. In response to Aldersperson Raasch's question about the number of active cases that the Health Department posts on social media, Debbie acknowledged that they do often show climbing numbers followed by large drops. She explained that this happens because staff can fall behind on clearing cases. She noted that this is happening with all health departments, and while the number in the posts might not be indicative of the exact number of cases on a certain day, it does provide valuable information. Aldersperson Raasch then asked if these statistics are used to determine the "high" rate classification, and Debbie replied that those classifications are determined by the state.

4. Proclamation in Appreciation and Gratitude to the De Pere Area Men's Club for Continued Service during the COVID-19 Pandemic.

Mayor Boyd read the proclamation, which recognizes the efforts of the De Pere Area Men's Club in delivering meals to those in need during the pandemic.

5. Recommendation from Finance/Personnel Committee to approve Health Plan Budget Adjustments (Three Premium Holiday Months).

In response to Alderperson Hansen's question about the proposal in the agenda packet to reduce employee contributions from 15% to 10%, Human Resources Director Shannon Metzler explained that piece is not under consideration tonight, but will be brought forward next fall as part of the 2022 insurance renewals. She stated that staff has not determined which three months of 2021 will be designated as the premium holiday months. Alderperson Carpenter thanked staff for their efforts in building this fund. He asked if it is funded through property tax, and where the City's portion of the holiday savings will go. City Administrator Larry Delo explained that it is funded by a combination of property tax and utility funds. That premium amount has already been budgeted under the utility and general funds; because those dollars won't be expended, they will remain in those funds. If there is a positive balance in the general fund at the end of the year, it will go to unassigned reserves. Larry noted that Council members would have to approve a budget amendment in order for it to be expended somewhere else. Alderperson Carpenter stated that because employees have contributed to the fund for many years, he feels they should get more than three months back. Alderperson Raasch asked what the City's exposure is each year. Shannon replied that the City must pay up to \$100,000 per individual before stop loss insurance takes over; she noted that the City already has two or three employees approaching that amount this year. She explained that reducing the surplus too much could be risky if there are several high cost claims through the year. She noted that the City spends an average of about two million per year on claims. Discussion followed regarding the City's risk exposure from drawing down the surplus via a premium holiday versus a premium reduction. Jason Shanda from M3 insurance explained the process they used in evaluating both options. Alderperson Carpenter moved to amend the proposed budget adjustment by implementing a four month premium holiday instead of three; the motion failed for lack of a second. Upon vote, the original motion was approved unanimously.

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

6. Recommendation from the Board of Public Works to Approve Definitely De Pere's Request to Use \$10,000 from the Stadium Tax Street Scape Allocation for Replacing Downtown Summer Light Pole Banners.

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

7. Recommendation from the Board of Public Works to Approve Definitely De Pere's Request for to Use \$25,000 from the Street-Scape Stadium Tax Allocation for a 2021 Sculpture Walk Project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Carpenter, Es.kaln, Hansen, Kundinger, Ledvina, Nelson, Raasch, Ruh

8. Recommendation from Board of Public Works to award Contract 21-03 Sewer Lining to Michels Pipe Services in the amount of \$422,301.00.

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

9. Recommendation from the Board of Public Works to award Contract 21-15 Sewer Televising to Green Bay Pipe & TV, LLC in the amount of \$40,634.94.

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

10. Recommendation from the Board of Public Works to award Contract 21-20 Commerce Drive Concrete Paving to Sommers Construction Company, Inc in the amount of \$93,947.50.

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

11. Recommendation from the License Committee regarding the application for Class "A" Fermented Malt Beverage License and "Class A" Intoxicating Liquor License for Saeva Johnson Liquor, LLC (DBA The Wine Cellar), 813 Main Ave. Submitted by Saeva Johnson Liquor, LLC; Agent Patrick Johnson, Green Bay, WI.

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

12. Resolution #21-30 Authorizing First Amendment to Tower Lease Agreement with New Cingular Wireless PCS, LLC (Merrill Water Tower).

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

13. Resolution #21-31 Approving Annual Report Under Municipal Separate Storm Sewer System (MS4) Permit and its Submission to the Wisconsin Department of Natural Resources (DNR).

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

14. Resolution #21-32 Authorizing Agreement for Contractor Services Between the City of De Pere and Cummins Inc. (Backup Generator Preventative Maintenance).

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

15. Resolution #21-33 Ratifying State Department of Health Grant Agreement and Grant Modification Agreements.

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

16. Resolution #21-34 Establishing the District Boundaries of and Approving the Project Plan for Tax Incremental Financing District No. 17, City of De Pere, Wisconsin.

Alderperson Hansen thanked staff for their efforts in creating this new TIF district.

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

17. Resolution #21-35 Authorizing Agreement Regarding the Sale/Purchase, Right of First Refusal and Repurchase of Certain Property Between the City of De Pere and Green Bay Packaging, Inc.

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

18. Resolution #21-36 Authorizing an Amendment to the 2016 Agreement Regarding the Sale/Purchase and Right of First Refusal of Certain Property Between the City of De Pere and Green Bay Packaging, Inc.

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

19. Resolution #21-37 Authorizing Third Amendment to the Development Agreement Between the City of De Pere and Irwin School Development (428 North Superior Street; Parcel ED-477).

Alderperson Carpenter asked if standalone TIF districts create more risk for the City. Development Services Director Dan Lindstrom agreed that standalone districts (as well as extremely large ones) are more challenging because they are accompanied by more risk. He noted that staff evaluates them on a case by case basis; and that guaranteed revenues work to protect the City's interest in these cases.

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

20. Resolution #21-38 Terminating the Declaration of a Public Health Emergency in the City of De Pere (Request of Ald. Raasch).

Alderperson Raasch explained his intentions for requesting the termination of the health emergency. City Attorney Judy Schmidt-Lehman reviewed the measures that will expire once the emergency declaration is terminated. Discussion followed on several of the items that would be affected. Alderperson Eserkaln asked if items could be taken up separately before terminating the emergency declaration. Judy confirmed this, noting that if there are items the Council wants to take up separately in order to adopt them permanently; staff could prepare those for the next meeting on April 7th. Council could then rescind the state of emergency at that time. Discussion followed regarding the impact of terminating the declaration of emergency, as well as timing considerations. City Administrator Larry Delo requested that alderpersons inform staff by the end of the week of any items they want to see on the next Council agenda.

RESULT:	DEFEATED [2 TO 6]
AYES:	Dean Raasch, Kelly Ruh
NAYS:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Nelson

21. Proposed revisions to the City's Facilities Reopening Plan (requested by Mayor Boyd and Alderperson Raasch).

Parks Director Marty Kosobucki explained staff's intention regarding the proposed limits for outdoor recreational facilities: 100 people maximum if concessions are occurring, and 150 maximum without concessions (per field, not per park). He believes it is beneficial to have a number for guidance, in order to preclude very large gatherings such as a tournament with 5,000 people. Alderperson Raasch asked if an event of that size could be denied through the special event process; City Attorney Judy Schmidt-Lehman explained that if an applicant meets the criteria outlined in the special event ordinance, the City is obligated to issue the permit. In response to Alderperson Kunding's question, staff confirmed that COVID mitigation plans would still be required from field users.

Alderperson Kunding moved, seconded by Alderperson Raasch to open the meeting. Upon vote, motion carried unanimously. The following people spoke in favor of increasing capacity limits: Jim Westerman, president of De Pere Rapides soccer; Derek Rhodes, executive director of De Pere Select; John Suss, President of De Pere Baseball; and Annette Krutz, vice president of De Pere Girls Softball. Alderperson Raasch moved, seconded by Alderperson Ledvina to close the meeting. Upon vote, motion carried unanimously.

Discussion followed about the definition of "facility" for the purposes of the reopening plan, as well as enforcement of social distancing and mask use.

Alderperson Raasch moved, seconded by Alderperson Ruh to amend the original motion to stipulate that baseball diamonds and sports fields have a capacity of 200 for both phases of the reopening plan, and that the word "facilities" be removed from the second bullet point in the plan. Upon vote, motion carried unanimously.

Alderperson Hansen moved, seconded by Alderperson Nelson to amend the plan to be effective April 15th. Upon vote, motion carried unanimously.

Discussion then followed regarding mask enforcement at the pools. In response to Alderperson Raasch's request, staff agreed to provide an update on the policy they are developing in an upcoming Friday Memo.

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

22. Consideration and Possible Action on Bond Security Requirement for Official City Newspaper Bids

In response to Alderperson Raasch's question, City Attorney Judy Schmidt-Lehman explained that this measure allows the City to take advantage of the tools provided by state statute to make sure that appropriate bids are received. The statute requires that Council set the bond amount.

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

23. Discussion and Possible Action Concerning Resumption of including Announcement and/or Public Comment Items on Council Agendas.

Aldersperson Raasch moved, seconded by Aldersperson Carpenter to include the “Public Comment Period” in meeting agendas going forward.

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

24. Voucher approval.

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

25. Future agenda items.
None.

26. Adjournment.

Aldersperson Raasch moved, seconded by Aldersperson Nelson to adjourn the meeting at 9:57 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk