



Common Council

Regular Meeting

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

Minutes

Tuesday, March 15, 2022

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 March 1, 2022 Common Council meeting.

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

4. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC

None.

5. Presentation from Accurate Appraisal regarding 2022 Real Property Assessments.

Josh Sherman and Chris Plamann from Accurate Appraisal attended the meeting to provide educational information about the assessment process. They explained that the annual revaluation process allows for smaller changes from year to year, instead of one large jump if it is only done once every several years. They reported that De Pere has continued to see a very hot residential sales market, and that is what is causing the increase. Sales reviews are broken down by various factors, such as style of home and neighborhood. Accurate did include an increase in land value this year, in order to keep the price per square foot in range. They noted that the City would have fallen out of compliance in only one year if we hadn't been doing annual revaluations.

Josh and Chris explained that the assessment review period starts as soon as the property owners receive their notice. They can contact Accurate all the way up to 48 hours before Board of Review if they wish to dispute their assessment.

Alderson Hansen asked them to address the common viewpoint that increased assessments mean increased taxes. They explained that typically when values go up, mill rates drop. It does depend on the budgets approved by the four taxing jurisdictions, although they do have to abide by levy limits which are based on net new construction. They noted that both the City's and Accurate's websites contain information about this. Municipalities can't increase assessments just to increase taxes.

Alderson Ledvina asked them to explain how commercial assessments can affect the burden on residential property owners. If commercial values don't go up as much as residential, then the burden shifts more to residential property owners. For example, in 2021 based on 2020 sales, commercial values stayed stagnant while residential saw an increase.

Alderson Carpenter asked how residents can get information on the comparables Accurate used to calculate assessed values. Josh stated that property owners can call Accurate and request the sales analysis, which will be emailed to them.

Alderson Raasch asked about the statutory requirement that assessments be done on a regular basis (municipalities are required to stay within 10% of fair market value in a five year period). Chris stated that the impact of being non-compliant is that the state forces the municipality to do a city-wide revaluation with an assessor chosen by the state.

Alderson Hansen asked how much impact they are seeing from the legislature's refusal to close the dark store loophole. Josh stated they are not really seeing a fallout from that; the biggest issue right now in their opinion is a proposed bill in the legislature to do away with income/expense valuations for commercial properties such as big apartment complexes. They feel that this would really hurt the residential base, because commercial would probably be undervalued in that scenario.

6. Recommendation from the Sustainability Commission to approve operating 2022 Farmer's Market Sustainability Booth.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderson
SECONDER:	Amy Chandik Kunding, Alderson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

7. Recommendation from the Board of Public Works on award of Contract 22-03 Sewer Lining to Visu-Sewer, Inc. in the amount of \$672,327.

Alderson Carpenter asked for confirmation that Engineering staff plan to find ways to cut back on the project since it came in over budget. Public Works Director Scott Thoresen confirmed that the overall contract price will decrease on the sanitary sewer side of the project.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

8. Recommendation from the Board of Public Works on award of Contract 22-06 Concrete Street Repairs to Zenith Tech, Inc. in the amount of \$369,637.42.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

9. Recommendation from the Board of Public Works on award of Contract 22-13 Crackfilling to Asphalt Seal & Repair, Inc. in the amount of \$131,400.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	John Quigley, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

10. Recommendation from the Board of Public Works on award of Contract 22-14 Commerce Drive Utility and Street Extension to Peters Concrete Co. in the amount of \$1,121,940.05.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Kelly Ruh, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

11. Recommendation from the Board of Public Works on award of Contract 22-20 American Boulevard and Commerce Drive Concrete Paving to Vinton Construction Company in the amount of \$1,600,171.60.

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

12. Recommendation from the License Committee on an application for a Class "B" Fermented Malt Beverage License and "Class B" Intoxicating Liquor License for La Vie Carrie, LLC, (DBA La Vie) 421 George St., #101. Submitted by La Vie Carrie, LLC; Agent Carrie Cameron-McDonald, De Pere, WI.

Alderperson Carpenter moved, seconded by Alderperson Ruh to approve the application contingent upon receiving Police Department signature on the background check.

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

13. Resolution #22-14 Recognizing No Mow May.

Alderperson Raasch asked if participants will be paying for the yard signs. Public Works Director Scott Thoresen reported that the City is covering the cost, at \$2.50 per sign.

Alderperson Raasch stated that he has friends who are beekeepers and asked their opinion of the program; they told him they feel it has no impact on the bee population. Raasch stated he is not sure this program should be something the City endorses. Alderperson Hansen noted that Green Bay is also implementing the program, and asked if they could help with the cost of the signs. Scott replied that Green Bay is purchasing signs from the same company, and there is no cost difference based on quantity. He noted that the cost will come from the City Administrator's Sustainability budget.

Alderperson Hansen said he heard from residents last year who were frustrated that the City continued to mow grass on City property during the program. He asked if the City will adhere to the program this year if approved. Scott reported that staff is working on a different initiative that will address resident concerns in that area; suspending the mowing of City-owned property would require policy changes.

Alderperson Quigley stated that he is on the Sustainability Commission, and that No Mow May is intended to create awareness about the issue. Commission members acknowledge that it is not going to move the needle as far as pollinators as Alderperson Raasch's resources referenced. The initiative that Thoresen referred to would create more permanent no-mow/grassland areas.

Alderperson Hansen then asked about enforcement of mowing at the conclusion of the program. Scott stated that properties that are not mowed after June 1st will be cut by City staff and the owner will be billed. Staff does not intend to put height restrictions on lawns during the month of May.

Alderperson Ruh asked how many residents participated last year; staff reported approximately 150. Scott acknowledged that because 2021 was the initial year of the program, the education piece wasn't really out there. The City is now collaborating with Green Bay and will do more social media and news promotions to get the word out.

RESULT:	ADOPTED [6 TO 2]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley
NAYS:	Dean Raasch, Kelly Ruh

14. Resolution #22-15 Approving Right of Entry License Agreement Between the City of De Pere and Wisconsin Central Ltd.

City Attorney Judy Schmidt-Lehman distributed a revised resolution that includes language to allow subsequent agreements for additional areas around the tracks that may need attention, instead of needing to bring a new agreement to Council every time. The revised resolution is attached to these minutes as Exhibit A.

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

15. Resolution #22-16 Approving Annual Report Under Municipal Separate Storm Sewer System (MS4) Permit and its Submission to the Wisconsin Department of Natural Resources (DNR).

Alderperson Raasch thanked staff for their efforts in completing the report. Alderperson Hansen noted the addition of a list of all stormwater ponds in the City along with any repairs/improvements, and would like to see this list continue to be updated year to year.

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

16. Resolution #22-17 Authorizing Agreement for Contractor Services Between the City of De Pere and Bay Area Testing and Consulting, LLC (2022 Construction Materials Testing).

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

17. Resolution #22-18 Authorizing Agreement for Contractor Services between the City of De Pere and Professional Service Industries, Inc (2022 Soil Borings).

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

18. Resolution #22-19 Authorizing Agreement for Consultant Services Between City of De Pere and Ruekert & Mielke, Inc. (2022 Box Culvert Inspection).

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

19. Resolution #22-20 Authorizing Sponsored Research Agreement for Consulting Services Between the City of De Pere and the Board of Regents for the University of Wisconsin System on behalf of the University of Wisconsin-Milwaukee (Mystic Creek Subdivision Archeological Investigation).

Aldersperson Hansen asked why this specific area is considered archeologic in nature; Public Works Director Scott Thoresen stated that he does not know the specifics. Development Services Director Dan Lindstrom explained that there is a state database, and if a property gets flagged then the municipality has to comply. It could be that there is a historic structure, or an indigenous burial site, etc. Dan will look into it and update Council members.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Jonathon Hansen, Aldersperson
SECONDER:	Dan Carpenter, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

20. Resolution #22-21 Approving Parks & Recreation Management Software-as-a-Service (SaaS) Agreement with RecDesk LLC.

Aldersperson Carpenter asked if the credit card service fees will be charged back to the Parks Department. Parks Director Marty Kosobucki said that the transaction fee will be absorbed by the City. Carpenter then asked if a minimum fee to use a credit card could be established. Marty said that staff will look at implementing a minimum.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Amy Chandik Kunding, Aldersperson
SECONDER:	Jonathon Hansen, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

21. Resolution #22-22 Approving Grant Agreement Modification to Division of Public Health DPH Contract No. 47645-5.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Aldersperson
SECONDER:	John Quigley, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

22. Resolution #22-23 Approving Facade Improvement Project and Authorizing Disbursement of Grant (820 George Street; Parcel ED-1048).

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Jonathon Hansen, Aldersperson
SECONDER:	Dan Carpenter, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

23. Resolution #22-24 Directing the Return of City Funding for COVID Relief Programs to the Revolving Loan Fund.

Aldersperson Raasch explained that he originated this request with the intent to return the funds to the Revolving Loan Fund. At the Finance-Personnel Committee meeting, Aldersperson Kunding asked if there were other options, and Committee members asked City staff to provide some insight. Development Services Director Dan Lindstrom outlined five example programs that could be established using the funds: a City-run redevelopment loan program, development fund, property acquisition fund, brownfield redevelopment program, or a façade grant program for non-TID areas of the City. Council members discussed the pros and cons of the different options. They agreed to return the monies to the Redevelopment Load Fund for now, and then direct staff to work on developing new programs.

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

24. Resolution #22-25 Approving Lease Agreement with Wisconsin Document Imaging (Photocopier City Hall 1st Floor).

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Amy Chandik Kunding, Aldersperson
SECONDER:	Shana Defnet Ledvina, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

25. Resolution #22-26 Creating Fee Credit for Early Alcohol Beverage License Applications.

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

26. Voucher approval.

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

27. Future agenda items.

Aldersperson Hansen stated that the governor announced today that ARPA funds will be awarded to municipal police departments, and requested that a discussion be scheduled on what those funds could be used for.

28. Discussion and Possible Action on Potential Intergovernmental Agreement for Services.

Aldersperson Raasch moved, seconded by Aldersperson Kunding to enter into closed session at 8:44. Upon roll call vote, motion carried unanimously.

Aldersperson Kunding moved, seconded by Aldersperson Ledvina to open the meeting at 8:55 PM. Upon roll call vote, motion carried unanimously.

29. Adjournment.

Aldersperson Carpenter moved, seconded by Aldersperson Ledvina to adjourn the meeting at 8:56 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk

COMMON COUNCIL MINUTES EXHIBIT A

RESOLUTION #22-15

APPROVING RIGHT OF ENTRY LICENSE AGREEMENT BETWEEN THE CITY OF DE PERE AND WISCONSIN CENTRAL LTD.

WHEREAS, the City is in need of entering railroad right-of-way owned by Wisconsin Central Ltd. in the vicinity of Terry Lane for the purpose of cutting phragmites in order to clear the drainage ditch that drains city streets in that area; and

WHEREAS, Wisconsin Central Ltd. requires a right of entry license agreement for city staff to perform its cutting operations on, over and near its tracks and right-of-way pursuant to the terms and conditions as shown in the attached Right of Entry License Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and City Clerk are authorized and directed to execute the attached Right of Entry License Agreement Between the City of De Pere and Wisconsin Central Ltd., subject to such changes as deemed necessary by the City Attorney, together with any subsequent agreements as required by the railroad to enable the City to conduct normal road maintenance, snow plowing, street sweeping, lawn mowing, or similar related activities along railway property.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 15th day of March,

2022.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____