



# Finance/Personnel Committee

## Regular Meeting

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

### Minutes

Tuesday, March 8, 2022

7:30 PM

Council Chambers and Virtual

1. Call to Order. The meeting was called to order at 7:34 PM by Mayor James Boyd.

| Attendee Name       | Title        | Status  | Arrived |
|---------------------|--------------|---------|---------|
| James Boyd          | Mayor        | Present |         |
| Mike Eserkaln       | Aldersperson | Present |         |
| Amy Chandik Kunding | Aldersperson | Present |         |
| John Quigley        | Aldersperson | Present |         |
| Kelly Ruh           | Aldersperson | Present |         |

Also Present: Finance Director Joe Zegers, City Attorney Judith Schmidt-Lehman, Assistant City Attorney Kristen Johnson, Battalion Chief Joseph Beard, Aldersperson Daniel Carpenter and members of the public.

(Remote): Sanitarian Trista Groth, City Clerk Carey Danen, Health Director/Officer Deborah Armbruster, Development Services Director Daniel Lindstrom and Aldersperson Dean Raasch.

2. 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 Finance/Personnel Committee, §6-3(f) DPMC.

The Mayor offered the audience, either in person or virtually, to speak on any item not on the agenda. No one requested to speak.

3. Approval of the Minutes of the February 8, 2022, Regular Meeting of the Finance/Personnel Committee.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Kelly Ruh, Aldersperson               |
| <b>SECONDER:</b> | John Quigley, Aldersperson            |
| <b>AYES:</b>     | Boyd, Eserkaln, Kunding, Quigley, Ruh |

4. Consideration and Possible Action on the February 2022 Police Overtime Report

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | James Boyd, Mayor                     |
| <b>SECONDER:</b> | Mike Eserkaln, Aldersperson           |
| <b>AYES:</b>     | Boyd, Eserkaln, Kunding, Quigley, Ruh |

5. Fire Department Overtime and LifeQuest Services for March, 2022.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | John Quigley, Aldersperson            |
| <b>SECONDER:</b> | Kelly Ruh, Aldersperson               |
| <b>AYES:</b>     | Boyd, Eserkaln, Kunding, Quigley, Ruh |

6. Consideration and possible action on copier lease for City Hall First Floor.\*

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | James Boyd, Mayor                     |
| <b>SECONDER:</b> | Mike Eserkaln, Alderperson            |
| <b>AYES:</b>     | Boyd, Eserkaln, Kunding, Quigley, Ruh |

7. Discussion and Possible Action on the Request of Ald. Raasch to Consider Amending City Funding for City COVID Relief Programs.\*

City Attorney Judith Schmidt-Lehman advised the Committee that the Memo in the agenda packet indicated that of the six programs created as funding mechanisms for COVID relief, three programs still have available funds. If the Committee would like to have funds restored to the Revolving Loan Fund (RLF), it would need to occur by resolution since that is how the relief programs were created; however, the Committee could recommend funds be restored to other account(s). Planning Department staff recommends funds go back to the RLF, unless the Common Council has another preferred use. A resolution to return the funds will be drafted by the Legal Department for Council approval. Alderperson Raasch advised he is attending virtually, and the Mayor explained that Judy had just summarized the memo in the agenda packet with the recommendation of a motion for a resolution to return the funds to the RLF. Alderperson Raasch agreed with this approach and said his intent for bringing this item forward was to look at other ways to utilize the remaining funds to support small businesses and he is satisfied to bring the discussion forward to Council.

Upon further discussion following Mayor Boyd's motion, Alderperson Chandik Kunding asked that alternative recommendations for use of the funds be included for review and consideration by the Council. CA Schmidt-Lehman advised that a resolution to return funds to the RLF would be brought forward, with an accompanying memo setting out alternative uses for funds, and the Council could amend the resolution at that time, if desired. Mayor Boyd agreed with this approach as did Alderpersons Chandik Kunding and Raasch.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | James Boyd, Mayor                     |
| <b>SECONDER:</b> | Amy Chandik Kunding, Alderperson      |
| <b>AYES:</b>     | Boyd, Eserkaln, Kunding, Quigley, Ruh |

8. Discussion and Possible Action Related to Noise Complaints and Potential Revisions to the Noise Ordinance.\*

Assistant City Attorney (ACA) Johnson gave an overview of the information included in the packet by referencing her memo summarizing several recent and ongoing noise complaints, as well as a 2017 memo from the City Attorney; the City's ordinance is from 1974 and could use some updates or revisions. The current noise ordinance does not address the concerns being seen in the downtown and business parks. There is background information in the packet regarding the last five years of complaints. ACA Johnson further shared several options to address the issue: (1) hire a consultant - there are noise experts throughout the country who work with municipalities to perform ordinance review, testing and sampling work and make recommendations. In 2017, the Board of Health approved updating the noise ordinance in conjunction with the Zoning Code rewrite; (2) not hire consultant and work within the City's current ordinance to revise/update; (3) determine if the building code could be amended to address some of the issues; and (4) review sample ordinances from other communities to model changes.

ADA Johnson further reported that she recently had conversations with a consultant located in Michigan, who gave some helpful advice; he did also indicate that the standard Uniform Building Code does not sufficiently address noise.

Mayor Boyd proposed the option of Committee discussion or public comment to occur first and suggested that the Committee discuss first. Mayor Boyd stated that the noise ordinance hasn't been updated since 1974 and should be looked at; he would like to use a consultant to get some insight. Although decisions cannot be made tonight, he would recommend seeking a consultant for more information. Alderperson Eserkaln advised that he has a personal connection to this issue and has tried to address it but would like to have an expert guide the resolution. Mayor Boyd indicated the intent is for everyone to coexist; he does not want to punish business and would like to work together to resolve. Alderperson Quigley agreed to the use of a consultant, and based upon conversations with a constituent, suggests that the ordinance include sounds coming off the river and blaring music. Alderperson Chandik Kunderer expressed that the goal is to provide workable guidelines for both businesses to thrive and residents to enjoy their homes.

Mayor Boyd made a Motion to open the meeting at 7:53 PM, seconded by Alderperson Eserkaln (both Alders Ruh and Eserkaln seconded simultaneously). Motion carried by unanimous vote.

Ron Manning spoke first and expressed his appreciation to the Committee for looking at the ordinance and for reviewing his packet of information. He hopes the process includes consideration of common wall situations and added that he believes his business is currently disadvantaged and his property is worth less due to these issues and appreciates having a consultant assist with resolution.

Carla Nicks spoke next, stating that she is addressing concerns different from her husband and their complaints and phone calls have repeatedly been made to the City due to noise as a result of a business park being located in the middle of the city. She recalls a specific telephone call that was made back in 2010. The noise is heard at all different levels at all hours and limits their ability to enjoy their home, especially outdoor space.

Joe Nicks then spoke, indicating that he resides a few blocks south of college and the noise in his neighborhood has been going on for a long time; it is a constant noise that modulates and is sometimes at a higher frequency. The noise is enough to wake him from sleep and disrupts his quality of life. He monitors the noise with a decibel reader on his cell phone; the City's current ordinance is 64 decibels for daytime and during the night is 60; the noise is annoying, but not to the limit. Calls to the City have occurred for a long time and complaints have been ignored. Mr. Nicks also believes the penalty provisions are not sufficient to be a deterrent for noise and does not believe the current ordinance has ever been enforced. In conclusion, he would like the City to adopt an ordinance that is appropriate and then enforce it and suggests hiring a consultant or modeling an ordinance after the noise ordinance of La Crosse.

Mary Baeten spoke last advising the Committee that she rents business space at 310 North Wisconsin and a nearby restaurant plays music at volumes which causes items in her office to vibrate. She would like to see the ordinance address the effects she is experiencing due to the volume of music played. She finds it frustrating that she is paying rent for an office space and cannot work from there due to noise.

Mayor Boyd moved to return to regular session at 8:07 PM; seconded by Alderperson Chandik Kunding. ACA Johnson added that while the City should have an ordinance that can address some of these situations, there are options that can be considered for enforcement, such as disorderly conduct or public nuisance. She agreed that the situations presented are not adequately addressed in the current ordinance.

Mayor Boyd expressed his appreciation to everyone for the input and advised that although the ordinance will take some time to rewrite, he does appreciate the input of the residents present. He then made a Motion to refer this item back to staff to seek proposals for a consultant; seconded by Alderperson Eserkaln.

Following the unanimous vote on this item, City Attorney Schmidt-Lehman advised the Committee that the Law Department, with assistance of the Health Department, will prepare a Request For Proposal to solicit noise consultants including some of those mentioned during discussion of this item (and several others), with a staff recommendation being brought forward to a future meeting, as well as discussion to occur on possible funding sources versus whether this item should be budgeted for 2023.

**RESULT: REFERRED BACK TO STAFF [UNANIMOUS]**

**Next: 5/10/2022 7:30 PM**

**MOVER:** James Boyd, Mayor

**SECONDER:** Mike Eserkaln, Alderperson

**AYES:** Boyd, Eserkaln, Kunding, Quigley, Ruh

9. Consideration and Possible Action on Division of Public Health DPH Contract #47645-5 Modification\*

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** James Boyd, Mayor

**SECONDER:** John Quigley, Alderperson

**AYES:** Boyd, Eserkaln, Kunding, Quigley, Ruh

10. Review and possible action on City of De Pere Investments and Cash Detail report for January 2022.

Finance Director Zegers advised that as of January 31, the City had a \$4 million balance in checking (City \$1.8 million, Health \$2, Dental \$100,000). Investment losses continued due to market depreciation. For next month's meeting, he is planning to have a report from representatives of Associated and Charles Schwab on target investment returns and trends. The City has \$18.8 million in a money market account from tax collection; this is remaining from the \$36 million of tax money collected by the City (less the shares to the schools and taxing jurisdictions). The money market is drawing better interest at this point. Over the last four years, the rates of return are 1.55 percent for Associated and 1.84 percent for Schwab. Mayor Boyd made a Motion to place the report on file; seconded by Alderperson Chandik Kunding.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | James Boyd, Mayor                     |
| <b>SECONDER:</b> | Amy Chandik Kunding, Alderperson      |
| <b>AYES:</b>     | Boyd, Eserkaln, Kunding, Quigley, Ruh |

11. Future agenda items.

None.

12. Adjournment

Mayor Boyd made a Motion to Adjourn, seconded by Alderperson Chandik Kunding; upon unanimous vote, the meeting adjourned at 8:17 PM.

**\*Items with an asterisk require City Council approval.**

Respectfully submitted,  
Angela Zills