



# Common Council

335 South Broadway

## Regular Meeting

De Pere, WI 54115  
<http://www.de-pere.org>

### Minutes

Tuesday, March 4, 2014

7:30 PM

De Pere City Hall Council Chambers

1. Call to order. The Common Council Meeting was called to order on March 4, 2014 at 7:30 PM, De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

| Attendee Name    | Title    | Status  | Arrived |
|------------------|----------|---------|---------|
| Michael J. Walsh | Mayor    | Present |         |
| Kevin Bauer      | Alderman | Present |         |
| James Boyd       | Alderman | Present |         |
| Scott Crevier    | Alderman | Present |         |
| Michael Donovan  | Alderman | Present |         |
| Bob Heuvelmans   | Alderman | Excused |         |
| Jim Kneiszel     | Alderman | Present |         |
| Larry Lueck      | Alderman | Present |         |
| Lisa Rafferty    | Alderman | Present |         |

2. Pledge of allegiance to the Flag. The Council said the Pledge of Allegiance.

3. Approval of the Minutes of the February 18, 2014 Common Council Meeting.

|                  |                                                          |
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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | Scott Crevier, Alderman                                  |
| <b>SECONDER:</b> | Jim Kneiszel, Alderman                                   |
| <b>AYES:</b>     | Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty |
| <b>EXCUSED:</b>  | Bob Heuvelmans                                           |

4. Public Hearing for a Rezoning & Conditional Use Application for 115 North Erie Street is scheduled for 7:35 p.m. or soon after.

A. Notice of Public Hearing.

Clerk-Treasurer Shana Defnet stated that the public hearing was published in the De Pere Journal, on February 6th and February 13th, 2014.

B. Recommendation from the Plan Commission.

City Planner Ken Pabich stated that the Plan Commission recommended both Ordinance 14-03 and Resolution 14-16 and reviewed the map with the Council.

C. Ordinance #14-03, Rezoning Certain Property (Parcel ED-1064).

Mayor Walsh declared the Public Hearing open; no one wished to speak and the Mayor declared the public hearing closed. Alderman Boyd moved, seconded by Alderman Lueck to approve the ordinance. Discussion followed. Upon vote, motion carried unanimously.

|                  |                                                          |
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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | James Boyd, Alderman                                     |
| <b>SECONDER:</b> | Larry Lueck, Alderman                                    |
| <b>AYES:</b>     | Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty |
| <b>EXCUSED:</b>  | Bob Heuvelmans                                           |

D. Resolution #14-16, Authorizing and Approving a Conditional Use Permit (Parcel ED-1064).

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | Larry Lueck, Alderperson                                 |
| <b>SECONDER:</b> | Lisa Rafferty, Alderperson                               |
| <b>AYES:</b>     | Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty |
| <b>EXCUSED:</b>  | Bob Heuvelmans                                           |

5. Public Hearing on Chapter 98 - De Pere Sign Ordinance is scheduled for 7:35 p.m. or soon after.

A. Notice of Public Hearing.

Clerk-Treasurer Shana Defnet stated that the public hearing was published in the De Pere Journal, on February 6th and February 13th, 2014.

B. Recommendation from the Plan Commission.

City Planner Ken Pabich stated that the Plan Commission recommended approval of Ordinance 14-04.

C. Ordinance #14-04, Repealing and Recreating Chapter 98, De Pere Municipal Code Regulating Signs.

Mayor Walsh declared the Public Hearing open; no one wished to speak and the Mayor declared the public hearing closed. Alderperson Boyd moved, seconded by Alderperson Rafferty to approve the ordinance. Discussion followed regarding digital signs and animations.

Alderperson Bauer moved, seconded by Alderperson Crevier to amend the ordinance to remove the prohibition of manual change signs and animations portion of the ordinance. Discussion followed. Mayor Walsh spoke against this ordinance change stating that the MainStreet Program is in favor of the ordinance, stated that trying to limit these types of signs is the right thing to do for the City. Upon vote on the amendment, motion failed 2-5 with Alderpersons Bauer and Crevier voting ay.

Alderperson Bauer moved, seconded by Alderperson Crevier to amend the ordinance to remove only the prohibition on the use of animations in electronic signs. Upon vote, motion failed 3-4 with Alderpersons Bauer, Crevier, and Kneiszel voting ay.

Discussion followed regarding street facing window signs. Alderperson Crevier moved, seconded by Alderperson Donovan to delete Sec. 98-14, H1. Upon vote, motion carried unanimously.

Discussion followed regarding animation. Alderperson Bauer moved, seconded by Alderperson Crevier to remove the prohibition of figures, images and animation on electronic signs. Upon vote, motion carried 6-1 with Alderperson Lueck voting nay.

Upon vote on the ordinance as amended, motion carried unanimously.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | James Boyd, Alderperson                                  |
| <b>SECONDER:</b> | Lisa Rafferty, Alderperson                               |
| <b>AYES:</b>     | Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty |
| <b>EXCUSED:</b>  | Bob Heuvelmans                                           |

6. Public comment upon matters not on the agenda or other announcements. None.

7. Recommendation from the License Committee on an Application for a Premise Description Change for the Wine Cellar, 813 Main Ave., De Pere, WI. Submitted by The Wine Cellar II, Inc., Agent: Dale Dombroski, 1159 Drews Dr., De Pere, WI 54115.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Kevin Bauer, Alderperson  
**SECONDER:** Jim Kneiszel, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

8. Recommendation from the Board of Park Commissioners for Approval of Donation from Cellcom.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Michael Donovan, Alderperson  
**SECONDER:** Lisa Rafferty, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

9. Recommendation from Board of Park Commissioners for Approval of Donation from De Pere Optimist Club for Summer Day Camp.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Kneiszel, Alderperson  
**SECONDER:** Scott Crevier, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

10. Recommendation from the Plan Commission to accept the new City of De Pere Downtown Design Guidelines.  
City Planner Ken Pabich explained that the City of De Pere had a previous version of downtown design guidelines on file; over the past two years a committee put together by the Mainstreet Program recreated this as a resource for downtown business owners. Alderperson Boyd moved, seconded by Alderperson Rafferty to approve the recommendation. Discussion followed. Upon vote, motion carried unanimously.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** James Boyd, Alderperson  
**SECONDER:** Lisa Rafferty, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

11. Ordinance #14-05, Amending §8-2, De Pere Municipal Code Relating to Bow Hunting within the City.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Kevin Bauer, Alderperson  
**SECONDER:** Larry Lueck, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

12. Resolution #14-17, Authorizing Release of Utility Easements (Shelley Lane).

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Lisa Rafferty, Alderperson  
**SECONDER:** Kevin Bauer, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

13. Resolution #14-18, Authorizing Partial Release of Drainage Easement (Shelley Lane).

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Kevin Bauer, Alderperson  
**SECONDER:** James Boyd, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

14. Resolution #14-19, Authorizing Acceptance of Wisconsin Economic Development Corporation Grant for Community Development Investment Program.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Larry Lueck, Alderperson  
**SECONDER:** Scott Crevier, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

15. Resolution #14-20, Designating the Green Bay Press Gazette as the Official City Newspaper after February 27, 2014.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Michael Donovan, Alderperson  
**SECONDER:** Scott Crevier, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

16. Voucher Approval.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Kevin Bauer, Alderperson  
**SECONDER:** Lisa Rafferty, Alderperson  
**AYES:** Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty  
**EXCUSED:** Bob Heuvelmans

17. Operator License Applications.

| CITY OF DE PERE - MARCH 4, 2014                                  |                        |                         |           |    |       |
|------------------------------------------------------------------|------------------------|-------------------------|-----------|----|-------|
| ITEM                                                             | NAME                   | ADDRESS                 | CITY      | ST | 54115 |
| Previously Tabled Operator License Applications                  |                        |                         |           |    |       |
| 1                                                                | CORRIGAN, NICOLE L.    | 733 OAK ST.             | DE PERE   | WI | 54115 |
| 2                                                                | KENNEDY, DERIK R.      | 843 ASH ST., APT. A     | DE PERE   | WI | 54115 |
| 3                                                                | MANN, BRADLEE J.       | 210 FERNARDO DR.        | DE PERE   | WI | 54115 |
| 4                                                                | SANDOVAL, CHRISTIAN A. | 500 MAIN AVE., APT. 203 | DE PERE   | WI | 54115 |
| Operator License Applications for the 2012-2014 Licensing Period |                        |                         |           |    |       |
| 1                                                                | CAYO, CRAIG S.         | 1020 W. SPRING ST.      | APPLETON  | WI | 54914 |
| 2                                                                | COFFEN, CHAD N.        | 1535 CAPITOL DR.        | GREEN BAY | WI | 54303 |
| 3                                                                | COFFEY, HEATHER M.     | 1848 VERLIN RD., APT. 8 | GREEN BAY | WI | 54302 |
| 4                                                                | NIKOWITZ JR., NEAL R.  | 801 MARVELLE LN., #102  | GREEN BAY | WI | 54304 |
| 5                                                                | PAUL, CINDY L.         | 1680 W. MAIN CIR. #86   | DE PERE   | WI | 54115 |
| 6                                                                | STUERMER, RYAN M.      | 2383 S. LENEX ST.       | MILWAUKEE | WI | 53207 |
| 7                                                                | TELLER, DAOMA M.       | 1220 S. ERIE ST.        | DE PERE   | WI | 54115 |

Alderperson Bauer moved, seconded by Alderperson Boyd to table Previously Tabled Operator License #1 and to deny Previously Tabled Operator Licenses #2-4. Upon vote, motion carried unanimously.

Aldersperson Bauer moved, seconded by Aldersperson Boyd to table Operator License Applications #1, 3, 5, and 7 and to approve Operator License Applications #2, 4, and 6. Upon vote, motion carried unanimously.

18. Future agenda items. None.
19. Consider request of Davis & Kuelthau for Conflict Waiver.  
Aldersperson Donovan moved, seconded by Aldersperson Kneiszel to go into closed session at 8:34 p.m. Upon roll call vote, motion carried unanimously. Aldersperson Crevier moved, seconded by Aldersperson Kneiszel to return to open session at 8:37 p.m. Upon vote, motion carried unanimously. Aldersperson Bauer moved, seconded by Aldersperson Boyd to allow the City Attorney to execute the conflict of interest waiver. Upon vote, motion carried unanimously.

|                  |                                                          |
|------------------|----------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | Kevin Bauer, Aldersperson                                |
| <b>SECONDER:</b> | James Boyd, Aldersperson                                 |
| <b>AYES:</b>     | Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty |
| <b>EXCUSED:</b>  | Bob Heuvelmans                                           |

20. Consideration of Amendments to Sale and Purchase Agreement Between the City and Cleo Klubertanz. The Council did not address agenda item #20.
21. Adjournment. Upon motion by Aldersperson Crevier, seconded by Aldersperson Bauer, the Common Council Meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Shana Defnet  
Clerk-Treasurer