



Common Council

Regular Meeting

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

Minutes

Wednesday, February 19, 2020

7:30 PM

De Pere City Hall Council Chambers

1. Call to Order. The meeting was called to order at 7:30 PM by Mayor Michael J. Walsh.

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Present	
James Boyd	Aldersperson	Present	
Dan Carpenter	Aldersperson	Present	
Scott Crevier	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Ryan Jennings	Aldersperson	Present	
Amy Chandik Kundinger	Aldersperson	Present	
Casey Nelson	Aldersperson	Excused	
Dean Raasch	Aldersperson	Present	

2. Pledge of Allegiance to the Flag.
3. Approval of the minutes of the February 4, 2020 Common Council meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Aldersperson
SECONDER:	Dan Carpenter, Aldersperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kundinger, Raasch
EXCUSED:	Casey Nelson

4. Public Hearing on a request to rezone Parcel ED-1128-31 at 1602 Chicago Street from R-1 (Single Family Residence District) to R-4 (General Residence Office District).

A. Notice of Pubic Hearing.

City Clerk Carey Danen announced that the notice of public hearing was published in the Green Bay Press-Gazette on February 3 and February 10, 2020.

B. Recommendation from the Plan Commission.

Mayor Walsh introduced Dan Lindstrom, the City's new Director of Development Services. Dan explained the recommendation of the Plan Commission, noting that they voted to deny based on resident concerns and lack of alignment with the City's comprehensive plan.

C. Ordinance #20-01 Rezoning Certain Property from R-1 Single Family Residence District to R-4 General Residence Office District (Parcel ED-1128-31; 1602 Chicago Street).

Mayor Walsh declared the public hearing open and invited members of the public to speak.

Mac Dental representatives Joel Erfurth (Mach IV Engineering) and Mike Cashman (DeLeers Construction) addressed the Council, explaining some of the history behind Mac Dental's proposal. They stated that City staff has been helpful in pointing out

alternative sites, but they keep bumping into roadblocks such as adequate parking, room for future growth, etc. They feel that as a community grows and changes, a comprehensive plan has to be flexible. With the current zoning, potential buyers are limited, which is hampering the owner's ability to sell at a fair price.

Residents Holly Arnold, Bonnie Johnson, Becky Dorsey, and Luther Swenson spoke against the proposed rezoning.

Property owner Gerald Henrigillis spoke in favor of the rezoning. He pointed out that City staff recommended approval of Mac Dental's original request to rezone the property at 233 S Erie St and asked why this request did not also receive the same recommendation.

No one else wished to speak and Mayor Walsh declared the public hearing closed.

Alderson Boyd moved, seconded by Alderson Crevier to approve the Plan Commission's recommendation to deny the proposed rezoning from R-1 to R-4.

City Administrator Larry Delo explained that the original request received a recommendation of approval because it was an existing location and staff felt that it actually enhanced the site and solved some problems such as parking.

Discussion followed regarding whether rezoning would be required if the school district were to purchase the property for an office building or clinic. Development Services Director Dan Lindstrom explained that permitted uses are dependent on several factors, such as whether it involves a standalone parcel vs combined parcels, the location of access points, and the primary use of the building. Discussion and debate followed.

Alderson Boyd moved, seconded by Alderson Kunding to open the meeting.

Upon vote, motion carried unanimously.

De Leers representative Mike Cashman explained that other sites within the City that are currently available do not meet their requirements. City Administrator Larry Delo stated that Mac Dental's intent is to stay within a certain radius of where they are now in order to accommodate their patient demographics.

Alderson Raasch moved, seconded by Alderson Crevier to close the meeting.

Upon vote, motion carried unanimously.

RESULT:	MOTION TO DENY APPROVED [5-2]
MOVER:	James Boyd, Alderson
SECONDER:	Scott Crevier, Alderson
AYES:	Boyd, Crevier, Hansen, Jennings, Kunding
NAYS:	Carpenter, Raasch
EXCUSED:	Casey Nelson

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

Alderson Raasch expressed anger over the acts of vandalism to the artwork in Nicolet Alley. He also thanked nearby businesses The Longbranch and Nickys, which are using their own funds to install security cameras in order to help protect the art installation.

Alderson Crevier stated that he had the fortunate opportunity to work at the District 3 polling place during Tuesday's election. He thanked all of the poll workers and staff in the Clerk's office for their hard work. He described the efforts that workers go through to maintain the integrity of the election, and to ensure that every ballot is counted and every voter treated with respect.

6. Recommendation from Finance & Personnel Committee to Accept Three K-9 Tactical EMS Field Kits from the Bark & Blue Foundation to the Fire Department (valued at approximately \$900).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

7. Recommendation from Plan Commission to approve a Proposed Extraterritorial 3 Lot Certified Survey Map at 2048 Lasee Road in the Town of Rockland (Parcel R-329).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

8. Recommendation from Plan Commission to approve a proposed 34 lot preliminary plat of Honeysuckle Acres Fourth Addition at 1500 BLK Red Maple Rd (Parcels WD-L183-4 & WD-L183-4-1).

Alderperson Jennings asked if the plat allows enough roadway for potential expansion/traffic needs because it is along the preferred southern bridge route. Development Services Director Dan Lindstrom confirmed this was taken into consideration. Alderperson Crevier asked if any neighboring residents have expressed opposition to this plan; staff is not aware of any.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

9. Recommendation from the Board of Public Works regarding the future pavement maintenance of Main Avenue & Reid Street

Alderperson Hansen stated that he is very disappointed with state elected officials and the DOT over their position that the City should use connecting highway aid for this project. No other municipalities have been expected to do this in the past. He noted that the latest DOT estimate for replacement is 2030, and there is no way the road will last that long. Alderperson Raasch observed that the City is being penalized for doing the right thing for our community - if staff had not done such an excellent job of maintaining the road over the years, it would have been replaced last year. Alderperson Hansen encouraged viewers to contact state legislators and the governor's office to put pressure on the DOT.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

10. Recommendation from the Board of Public Works to deny a request regarding Tree Preservation at 307 Grandeur Oaks Ct.

Alderperson Raasch moved, seconded by Alderperson Carpenter to approve the Board of Public Works' denial of the request. Alderperson Hansen stated that he understands the reasons for denial, because the majority of the runoff is coming from private farmland, but he is in favor of this request because the conservancy is a big part of this neighborhood. He noted that Old Plank Rd is also an official State Rustic Road. Public Works Director Scott Thoresen stated that the conservancy is privately owned, and the City has only ever stepped in to do repairs when it involves City storm water drainage that has caused damage. When that happened in this area three years ago, staff did consider including the conservancy in the repair project but did not pursue it because 100% of the homeowners were not in favor. City Administrator Larry Delo confirmed that property owners could ask for guidance or suggestion from City staff, but they would not be able to do any engineering or design services.

RESULT:	MOTION TO DENY APPROVED [6 TO 1]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Jennings, Kunding, Raasch
NAYS:	Jonathon Hansen
EXCUSED:	Casey Nelson

11. Recommendation from the Board of Public Works to Supply Sandbags to Residents for Flooding Purposes

Public Works Director Scott Thoresen explained that this is a trial program, and the sandbags will be available for pick up at the Municipal Service Center. Discussion followed regarding options for informing residents about the trial program.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Hansen, Jennings, Kunding
NAYS:	Scott Crevier, Dean Raasch
EXCUSED:	Casey Nelson

12. Recommendation from the Board of Public Works to not construct sidewalk on Lost Dauphin Road from the subdivision south of Red Maple Road to the existing sidewalk at Terry Lane

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

13. Recommendation from the Board of Public Works to approve award of Contract 20-01A West Sewer and Water Relay and Street Resurfacing to Superior Sewer and Water, Inc. in the amount of \$1,836,027.00

Alderperson Kunding requested clarification on some of the considerations used during the bidding process. City Administrator Larry Delo explained that pre-bid qualifications are established to make sure that bidders meet criteria. If something unusual comes up the City is not required to take the low bid; if this occurs, it is usually discussed at Board of Public Works.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

14. Recommendation from the Board of Public Works approve award of Contract 20-03 CIPP Sewer Lining to Hydro-Klean, LLC in the amount of \$256,533.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

15. Recommendation from the Board of Public Works to approve awarding Contract 20-05 Sidewalk and Curb Repairs to RJM Construction, LLC in the amount of \$230,020.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

16. Recommendation from the Board of Public Works to approve award of Contract 20-06 Concrete Street Repairs to Vinton Construction Co. in the amount of \$401,885.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

17. Recommendation from the Board of Public Works to approve award of Contract 20-11 Fire Station #1 Boiler Replacement to Automated Comfort Controls in the amount of \$116,700.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

18. Recommendation from the Board of Public Works to approve award of Contract 20-15 Sewer Cleaning and Televising to Green Bay Pipe & TV, LLC in the amount of \$39,049.06

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

19. Recommendation from the License Committee on an Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License for Juan A. Aviles, On the Rocks 2, 413 Main Ave. Submitted by Juan A. Aviles, Pulaski, WI.

Mayor Walsh moved this item forward after public announcements.

Alderperson Boyd moved, seconded by Alderperson Hansen to deny the application based on the Chief of Police's recommendation that the applicant's conviction record substantially relates to the licensed activity.

Alderperson Boyd moved, seconded by Alderperson Raasch to open the meeting. Upon vote, motion carried unanimously.

Applicant Juan Aviles explained his background and answered Council members' questions.

Alderperson Carpenter suggested tabling the agenda item in order to obtain more information from Chief Beiderwieden.

Alderperson Carpenter moved, seconded by Alderperson Raasch to close the meeting. Upon vote, motion carried unanimously.

RESULT:	TABLED [UNANIMOUS]
	Next: 3/3/2020 7:30 PM
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

20. Consideration of request by the City Clerk to designate the Norman Miller Center Office in the Michels Commons building on the St. Norbert College Campus as an alternate in-person absentee voting site.

Alderpersons Kunding and Crevier expressed their support of the plan. City Clerk Carey Danen confirmed that any De Pere resident would be able to use this in-person absentee voting site.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Chandik Kunding, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

21. Resolution #20-12 Disallowance of Claim (Heather Schmidt).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

22. Resolution #20-13 Approving the Proposed Project Plan Amendment to Modify the District Boundaries of Tax Incremental Financing District Number 12, City of De Pere, Wisconsin.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

23. Resolution #20-14 Establishing the District Boundaries of and Approving the Project Plan for Tax Incremental Financing District Number 15, City of De Pere, Wisconsin.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

24. Resolution #20-15 Establishing the District Boundaries of and Approving the Project Plan for Tax Incremental Financing District Number 16, City of De Pere, Wisconsin.

Alderperson Hansen asked if staff considered extending the TID to any other properties. City Administrator Larry Delo replied that staff did evaluate this, and determined that it did not make sense financially.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

25. Resolution #20-16 Authorizing Agreement Regarding the Sale and Purchase of Business Park Property Between And Beyond, LLC and the City of De Pere (WD-1138-1).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

26. Resolution #20-17 Authorizing Agreement Regarding the Sale and Purchase of Business Park Property Between the City of De Pere and Clover Properties LLC (Parcel WD-1626).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

27. Resolution #20-18 Accepting Wisconsin Bureau of Transportation Safety Grant.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ryan Jennings, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

28. Resolution #20-19 Authorizing Operation and Maintenance Assistance Agreement with Carrico Aquatic Resources, Inc. (2020 Water Management Assistance Program).

Alderperson Carpenter asked if this agreement would be funded by the pool referendum. Parks, Recreation & Forestry Director Marty Kosubucki stated that because it is directly related to the existing Legion Pool, it will be funded by the City's current operations budget.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

29. Resolution #20-20 Authorizing Agreement for Contractor Services Between the City of De Pere and Bay Area Testing and Consulting, LLC (2020 Construction Materials Testing).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

30. Resolution #20-21 Authorizing Agreement for Contractor Services Between the City of De Pere and Professional Service Industries, Inc. (2020 Soil Boring).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Ryan Jennings, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

31. Operator License Applications.

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve New Operator Applications #2-5. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Hansen to approve Temporary Operator Applications #1-3. Upon vote, motion carried unanimously.

32. Voucher approval.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Raasch
EXCUSED:	Casey Nelson

33. Future agenda items.

None.

34. Consideration of potential economic development opportunities involving City properties.

Alderperson Crevier moved, seconded by Alderperson Carpenter to enter into closed session at 9:20 PM. Upon vote, motion carried unanimously. Discussion on this item concluded at 10:00 PM.

35. City Administrator annual performance appraisal.

Discussion on this closed session item began at 10:00 PM.

Alderperson Raasch moved, seconded by Alderperson Boyd to return to regular order at 10:43 PM. Upon vote, motion carried unanimously.

Alderperson Crevier moved, seconded by Alderperson Kunding to approve the City Administrator's salary in the amount of \$152,000. Upon vote, motion carried unanimously.

36. Adjournment.

Alderperson Raasch moved, seconded by Alderperson Boyd to adjourn the meeting at 10:44 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk