



Common Council

Regular Meeting

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

Minutes

Tuesday, January 5, 2021

7:30 PM

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 December 15, 2020 Common Council meeting.

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

3. Public Hearing on the rezoning of Parcels WD-2021, WD-L482-2, WD-L483-1, WD-L484-1, WD-L485, WD-L486, WD-L510, WD-L511, WD-L514, and WD-L515 at the 2400 block of American Blvd, from R-1 (Single Family Residence District) to I-B-2 (Industrial-Business-2 District).

A. Notice of Public Hearing.

City Clerk Carey Danen announced that the public hearing notice was published in the Green Bay Press-Gazette on December 21st and 28th, 2020.

B. Recommendation from the Plan Commission.

Development Services Director Dan Lindstrom reported that this land was annexed into the City many years ago as residential; he noted that the Comprehensive Plan does have it listed as potential business park. He stated that the Plan Commission did not hear from any members of the public at its meeting, but staff has heard from several residents in the last few weeks.

C. Ordinance #21-01 Rezoning Certain Property from R-1 Single Family Residence to I-B-2 Industrial-Business-2(Parcels WD-2021, WD-L482-2, WD-L483-1, WD-L484-1, WD-L485, WD-L486, WD-L510, WD-L511, WD-L514 and WD-L515; southern end of American Boulevard).

Mayor Boyd declared the public hearing open. De Pere resident Scott Borley expressed concern about the developer's advertisement to build up to a one

million square foot facility. He also requested that the City consider creating a berm for any potential development to provide a buffer for the nearby residences. Dan explained that staff has not yet received any site plans, so he cannot speak to the size of a potential facility built there. He pointed out that any development would have to comply with landscaping and buffering requirements, noting that wider transitional yards are required when abutting residential land. No one else wished to speak, so Mayor Boyd declared the public hearing closed. Discussion followed regarding Plan Commission and Council oversight of potential site plans. Dan confirmed that the City's zoning code does not set a maximum size for a facility; it is instead dependent upon the ratio of building footprint to parcel size. Alderperson Hansen expressed concern about parcel WD-2021 and its proximity to the new Garrity's Glen South subdivision. Dan stated that staff has already had discussions with the developer about the benefits of expanding the existing storm water retention pond and allowing for additional buffering.

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

4. Public Hearing on the vacation of a public thoroughfare (500 block Charles Street adjacent to Parcels ED-914 and ED-920).

A. Notice of Public Hearing.

City Clerk Carey Danen reported that the public hearing notice was published in the Green Bay Press-Gazette on December 14th, December 21st, and December 28th, 2020.

B. Recommendation from the Plan Commission.

C. Resolution #21-01 (Renumbered Resolution #20-121) Regarding the Vacation of a Public Thoroughfare (500 Block of Charles Street; adjacent to Parcels ED-914 and ED-920).

Mayor Boyd declared the public hearing open; no one wished to speak so he declared the public hearing closed.

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

5. Resolution #21-02 Disallowance of Claim (Threse & Brent Martin).

Alderperson Ledvina moved, seconded by Alderperson Ruh to approve the disallowance; Alderperson Ruh then rescinded her second. Alderperson Hansen seconded the motion on the floor.

Alderson Carpenter asked if there are any photos to substantiate the City's assertion that the cracks in the curbing were pre-existing. City Attorney Judy Schmidt-Lehman confirmed that City crews routinely take photographs of existing conditions before starting a project.

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

6. Resolution #21-03 (Revised Resolution #20-124) Final Resolution Authorizing Sanitary Sewer, Water Main, Storm Sewer and Storm Water Management Improvements and Levying Special Assessments Against Benefited Property (Garroman Drive).

Alderson Raasch moved, seconded by Alderson Hansen to approve the resolution. Discussion followed about the Board of Public Works' intent regarding the repayment terms. Alderson Raasch then moved, seconded by Alderson Hansen to amend the motion to allow a two year repayment period with interest deferred. If not paid after two years, assessment to be placed on the tax roll with statutory interest to accrue. Upon vote, motion carried unanimously.

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

7. Resolution #21-04 Supporting Letter Regarding Amendment to Official City Newspaper Statute.

Alderson Raasch moved, seconded by Alderson Nelson to amend the letter to state representatives by adding the phrase "consider allowing a social media or internet-based method for publishing notices". Upon vote, the motion to amend carried unanimously.

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

8. Discussion and Possible Action on Resumption of In-Person Governmental Meetings

Mayor Boyd commended staff for their work in preparing the Council Chambers for the resumption of in-person meetings. He noted that they are still waiting for a part for the audio system, which is supposed to ship January 20th. City Attorney Judy Schmidt-Lehman asked Council members to keep in mind that a quorum of members is required to be present in the chambers for an in-person meeting, and that the public is entitled to attend in person as well. The City can work to provide options to accommodate the public due to the reduced capacity of the chambers, which is approximately 15 spectators given the increased spacing of Council members and staff. Discussion followed regarding alternatives, such as using the conference rooms for overflow and streaming

the meeting, scheduling meetings as virtual when topics are anticipated to draw high attendance, or cycling residents in and out of the chambers to give them a turn to speak. Management of distancing rules would be handled by extra City staff. Judy pointed out that the current Phase Two guidelines for returning to in-person meetings have not been met, and that Council would need to revise those guidelines if they wish to pursue it. Alderperson Ledvina asked if a meeting could be converted back to virtual in the event there would not be an in-person quorum. Judy replied that it could as long as there was enough time to publish a new meeting notice; otherwise the meeting would have to be cancelled.

9. COVID-19 update from the Health Department.

Health Director Debbie Armbruster reported that they have received 100 doses of the Moderna vaccine, and have begun vaccinating City EMS workers and school district nurses. They will also provide vaccinations at St. Norbert Abbey, which was not included in the state's long term care program. Staff is also reaching out to dentists, chiropractors, optometrists, and behavioral health providers in the City to determine who would like to be vaccinated once they receive another shipment. Discussion followed regarding the difficulty of ordering more vaccine from the state.

10. Appointments to boards and commissions by Mayor Boyd.

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

11. Voucher approval.

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

12. Future agenda items.

Alderperson Carpenter requested that staff work on potential revisions to the Phase Two reopening plan as it relates to in-person meetings.

13. Consideration and Action on Request From the Axley Byrnelson, LLP Law Firm for a Waiver of Conflict of Interest

Alderperson Raasch moved, seconded by Alderperson Carpenter to close the meeting at 8:44 PM. Upon roll call vote, motion carried unanimously. Alderperson Raasch moved, seconded by Alderperson Carpenter to open the meeting at 8:51 PM. Upon roll call vote, motion carried unanimously. Alderperson Raasch moved, seconded by Alderperson Hansen to authorize the City Attorney to execute the waiver agreement.

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

14. Adjournment.

Alderperson Nelson moved, seconded by Alderperson Carpenter to adjourn the meeting at 8:52 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk