Common Council

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

Regular Meeting

Minutes

Tuesday, November 3, 2015 | **7:30 PM** | **De Pere City Hall Council Chambers**

1. Call to order.

The Common Council Meeting was called to order by Alderperson Donovan on November 3, 2015 at 7:30 PM, De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

Attendee Name	Title	Status
Michael J. Walsh	Mayor	Excused
Kevin Bauer	Alderperson	Present
James Boyd	Alderperson	Present
Scott Crevier	Alderperson	Present
Michael Donovan	Alderperson	Present
Jim Kneiszel	Alderperson	Present
Larry Lueck	Alderperson	Present
Dean Raasch	Alderperson	Present
Lisa Rafferty	Alderperson	Present

2. Pledge of allegiance to the Flag.

3. Approval of the Minutes of the Common Council and Redevelopment Authority Special Meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

4. Approval of the Minutes of the October 20, 2015 Common Council Meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

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

6. Recommendation from the Finance/Personal Committee to approve addition to wage scale to accommodate WIAA Certified Basketball officials at a rate of $22 per game.

   Alderperson Crevier motioned, seconded by Alderperson Raasch to approve the recommendation. Upon roll call vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

7. Recommendation of the Finance & Personnel Committee to appropriate $2,500 from unassigned reserves to 100-52200-122 for 2015 Part-Time Training & Safety Officer salary.

Alderperson Raasch inquired if this was part of the original budget or added later. Chief Rubin replied that the request is for a part time training officer to maintain safety certification and will be advertised as a new position. City Administrator Delo provided background that the City used to have two assistant chiefs, one of whom handled training, and that position was eliminated. The department found that they were not maintaining safety levels as they wanted to. Upon roll call vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Kevin Bauer, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

8. Ordinance #15-27, Creating §106-4(c) De Pere Municipal Code Relating to Mobile Food Establishments (request of Alderperson Raasch) (referred back to staff at October 20, 2015 Common Council meeting).

Alderperson Raasch motioned, seconded by Alderperson Crevier to approve the ordinance. Alderperson Rafferty inquired about section 6(e) regarding inspections, and whether City staff would conduct inspections if the service base is not in De Pere. City Attorney Schmidt-Lehman responded that inspections would be handled by the jurisdiction where the service base is located. Discussion followed regarding section 7(c)(4) and the definition of city official.

Alderperson Rafferty motioned, seconded by Alderperson Boyd to amend the ordinance to include language that food trucks cannot be left unattended during operation. Alderperson Crevier requested clarification on whether a food truck can park in any public parking space. Discussion followed regarding the provisions in the proposed ordinance about city streets versus public/private parking lots, duration, the potential for enforcement problems, and hours of operation. Upon vote, motion carried with Alderperson Crevier voting nay.

Alderperson Boyd inquired about feedback from restaurants in the city. City Planning Director Kim Flom reported that restaurant owners were surveyed and staff received no responses. Boyd clarified that trucks are not allowed in parking lots; only with express permission of owner. Rafferty reported that she has asked several restaurants and did not get any negative feedback. Discussion followed regarding the definition of lunch/dinner hour and buffer zone restrictions.

Crevier requested additional clarification as to where in the ordinance it states food trucks cannot park in lots, and Attorney Schmidt-Lehman referred him to paragraph 7(c), Zoning Restrictions. Discussion followed. Administrator Delo stated that language could be added in addition to "premise" to say "public parking lots"; he did point out that staff duplicated Green Bay's ordinance for consistency sake, and any changes we make now could create more confusion for vendors.

Alderperson Crevier motioned, seconded by Alderperson Boyd to amend section 7(a) to state that properly licensed mobile food truck establishments may vend from city street right-of-way under the terms and conditions of this section. Upon vote, motion carried unanimously.

Alderperson Kneiszel inquired about the basis for the proposed $500 license fee. Attorney Schmidt-Lehman reported that the Finance Committee was given the opportunity to discuss the fees and did not, so staff drafted the ordinance using the same figure as Green Bay. Planning Director Flom reported that the ordinance in Green Bay was developed using feedback from a number of restaurants in the area. As "brick and mortar" businesses, they wanted the food trucks to have some sort of investment in the community as well. Discussion followed regarding fees in communities of similar size. Alderperson Crevier motioned, seconded by Alderperson Kneiszel to amend the ordinance to require a fee of $400 annually for new food trucks, and $200 for established restaurants. Upon roll call vote, motion failed 3-5 with Bauer, Boyd, Donovan, Lueck and Raasch voting nay.

Upon vote, original motion passed as amended unanimously.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

9. Ordinance #15-30, Amending §54-8 De Pere Municipal Code Regarding Razing Permit Waiting Period.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Scott Crevier, Alderperson
SECONDER:	Kevin Bauer, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

10. Introduction of Resolution #15-122, Regarding the Vacation of a Portion of Public Thoroughfare (George Street Right-of-Way Adjacent to ED-844) (refer to public hearing).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

11. Resolution #15-123, Authorizing Agreement Regarding the Sale and Purchase of Certain Property Between the City of De Pere and JDL3 Properties, LLC.

    Alderperson Bauer inquired what the buyer is planning to build at the site. Planning and Economic Development Director Kim Flom replied that it will be a 51,000 square foot production facility.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Boyd, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

12. Resolution 15-124, Authorizing Submission of Wisconsin Economic Development Corporation Community Development Investment Grant Application.

Alderperson Bauer motioned, seconded by Alderperson Boyd to approve the resolution. Alderperson Lueck inquired about any financial obligations on the part of the City. Planning Director Kim Flom reported that the grant does not require a City match. If awarded, New Leaf would need to expend the funds before the grant money would be disbursed to the City and then filtered through to the project. New Leaf also plans to apply for a Revolving Loan Fund from the City, but that would be addressed separately.

Alderperson Crevier inquired if the City's reputation would be negatively affected if the company defaulted. Planning Director Flom stated that WEDC has no recourse if the business does not succeed; she pointed out that they do have a fairly stringent review and underwriting process. Projects that have their financing already in place receive a higher score. Alderperson Raasch stated he is very familiar with New Leaf and has a number of concerns about the proposed project, including their attempts to get financial backing from membership sales. The information he's seen indicates they are underfunded, and he questions whether they have the cash flow to get off the ground. Planning Director Flom stated that there is a representative from New Leaf in attendance who would be able to answer questions. She also stated that the City can only apply for one grant per year. It is a very competitive process with many applicants. The City has not applied for this grant for several years. Alderperson Raasch asked how long New Leaf has been looking in De Pere. Administrator Delo stated that he was first approached by New Leaf over a year ago, and his understanding is that they are no longer focusing on being a low-income food source, but rather focusing on being a regional food source co-op, and providing an option which would be within walking distance for many residents near downtown.

Alderperson Kneiszel motioned, seconded by Alderperson Rafferty to open the meeting to the public. Upon vote, motion carried unanimously.

Lynn Walter, president of New Leaf, Inc, addressed the board. She reported that they are currently at 835 members, and need 1000 in order to put the shovel in the ground. They have also conducted a member loan campaign, and they expect to bring the total member contribution to $870,000. Alderperson Raasch inquired what would happen to New Leaf if the grant is approved but the City does not offer the RLF funds. Ms. Walter responded that although they are hoping for RLF funds, they are also looking at cost cutting measures and a leasing scenario to put the package together. Their plan is to provide 70% organic and 30% conventional foods. Alderperson Raasch asked how they would be competitive with stores such as Festival, Waseda Farms, Austins, etc. Ms. Walter replied that they are a community-owned grocery, and they have conducted two market studies that show they are competitive. They anticipate profitability within Year 3. Administrator Delo reminded Council members that the item before them tonight is not a request for a revolving loan fund. Alderperson Crevier requested a breakdown of where New Leaf members live; approximately 2/3 live in the Astor Park/Allouez/East De Pere corridor. Alderperson Kneiszel asked what New Leaf likes about the location, and Ms. Walter replied that they like the small city/downtown ambiance. They feel it will attract the kinds of shoppers that will appreciate their products and support local growers.

Alderperson Kneiszel motioned, seconded by Alderperson Boyd, to return to regular order. Upon vote, motion carried unanimously.

Alderperson Bauer observed that he does not have a problem supporting the grant application, but that it will be a lot harder to say yes down the road to an RLF application. Discussion followed regarding the WEDC grant application timeline and review process. Administrator Delo pointed out that it is not the role of the Council to determine the feasibility of the plan, but only whether members are willing to have the City be the conduit to receive the funds if the grant is awarded. Upon roll call vote, motion carried with Raasch voting nay.

RESULT:	**ADOPTED [7 TO 1]**
MOVER:	Kevin Bauer, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Rafferty
NAYS:	Dean Raasch

13. Appointment to Brown County Plan Commission by Mayor Walsh.

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

14. Voucher Approval.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Lueck, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Bauer, Boyd, Crevier, Donovan, Kneiszel, Lueck, Raasch, Rafferty

15. Operator License Applications.

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ITEM	NAME	ADDRESS	CITY	ST	ZIP
Previously Tabled Operator Licenses					
1	WALENTOWSKI II, PHILLIP A.	24 WENDY WAY	MENASHA	WI	54952
2	WILHITE, ERIC R.	126 ACREVIEW DR.	DE PERE	WI	54115
New Operator License Applications for the 2014-2016 Licensing Period					
1	DECLEENE, STEVEN L.	1334 SCHEURING ROAD	DE PERE	WI	54115
2	DELANEY, NICHOLAS A.	1320 SCHEURING ROAD APT. 8	DE PERE	WI	54115

Alderperson Bauer motioned, seconded by Alderperson Raasch to table Previously Tabled Operator License Application #1 and deny Previously Tabled Operator License Application #2. Upon vote, motion carried unanimously.
Alderperson Bauer motioned, seconded by Alderperson Boyd to table New Operator License Application #1 and approve New Operator License Application #2. Upon vote, motion carried unanimously.

16. Future Agenda Items.

Alderperson Crevier asked what the schedule is for agenda item #10, the vacation request for a portion of George St right-of-way. Attorney Schmidt-Lehman stated that the public hearing must be scheduled not less than 40 days from today, which will be the second Council meeting in December.
Alderperson Lueck requested an update on traffic changes at Dickinson School and the school crossing areas on the West side.

17. Adjournment. Alderperson Bauer motioned, seconded by Alderperson Crevier to adjourn the meeting at 8:47 PM. Upon vote, motion carried unanimously.

Respectfully submitted,

Carey Danen, Administrative Assistant