



Common Council

Regular Meeting

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

Minutes

Tuesday, October 19, 2021

7:30 PM

Council Chambers and Virtual

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 Kunding	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Present	
John Quigley	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	
Kelly Ruh	Aldersperson	Present	
James Boyd	Mayor	Present	

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the October 5, 2021 Common Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Kelly Ruh, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

4. Public comment upon matters not on the agenda.

None.

5. Recommendation from Board of Public Works to approve Phragmites Management Plan.

Aldersperson Hansen thanked the residents in the area of Trailside Pond for bringing this to the City's attention, and thanked staff for their work in developing the management plan.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jonathon Hansen, Aldersperson
SECONDER:	Dan Carpenter, Aldersperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

6. Recommendation from the Finance and Personnel Committee to Accept a \$2,000 Grant from Wisconsin Public Service Foundation to the Police Department for Ballistic Shield Replacement.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Kelly Ruh, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

7. Recommendation of the Finance/Personnel Committee to Accept Quote of Petroleum Equipment Service of Wisconsin, LLC in the amount of \$16,250.35 to replace Fuel Tank Monitoring System.

Alderperson Carpenter asked if the system had completely failed, and whether the replacement would be impacted by the proposed Municipal Services Center expansion. Public Works Director Scott Thoresen said that the system has failed and been rebuilt three times. He indicated that the replacement system can still be used after the MSC expansion is complete.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike Eserkaln, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

8. Recommendation from Finance/Personnel Committee to approve 2022 Benefit Renewal and Plan Design Changes.

Alderperson Carpenter asked if all City employees will be required to get vaccinated according to the federal government and OSHA rules. Mayor Boyd stated that no requirement has been implemented at this time, because staff is still waiting for guidance from the federal government. Alderperson Hansen asked for clarification of the co-payment versus co-insurance for the mental health gatekeeper program. Human Resources Director Shannon Metzler stated that the co-insurance is 20% of the cost of service; in some instances under a co-pay structure, it could be more expensive. Therefore staff is recommending that fees be waived for mental health services if the Employee Assistance Program is used. Alderperson Hansen then inquired about how extensive the referral program is, and whether it includes local providers. Shannon stated that plan members would have to go through EAP first, and if needed would then be referred out after the eight included sessions.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Amy Chandik Kunding, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

9. Recommendation from the License Committee on an application for Class "B" Fermented Malt Beverage License for De Pere Deacons Hockey Team, Inc. (DBA De Pere Deacons Hockey), 450 Ft. Howard Av. Submitted by De Pere Deacons Hockey Team, Inc.; Agent David Lepp, De Pere, WI.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

10. Recommendation from the License Committee on an application for Class "B" Fermented Malt Beverage License and "Class B" Intoxicating Liquor License for Little Mexico of East De Pere, LLC, (DBA Little Mexico of East De Pere, LLC) 310 N. Wisconsin St. Submitted by Little Mexico of East De Pere, LLC; Agent Anakaren Garcia, Sturgeon Bay, WI.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

11. Ordinance #21-24 Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations (Schedule G Parking).

City Attorney Judy Schmidt-Lehman reported that the ordinance in the agenda packet contains an error. She distributed a revised version at the meeting, which has been attached to these minutes as Exhibit A.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

12. Ordinance #21-26 Amending Section 7-2, DPMC, Regarding Licenses and Fees (Material Falsification on Liquor License Application).

Alderperson Hansen asked if staff has encountered a situation where an application has been falsified. City Attorney Judy Schmidt-Lehman indicated staff is not aware of any instances; she explained that the purpose of the amendment is to ensure the ordinance conforms to the policy adopted by the License Committee and Council last year. If a situation would occur, determinations would be made dependent on the facts and circumstances of the case, and any falsification would need to be of such import that it would have likely changed the decision of the License Committee and/or Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

13. Ordinance #21-25 Repealing and Recreating Sections 2-2 and 2-5 De Pere Municipal Code Regarding Ward Creation and Map.

Alderperson Raasch asked for clarification on the reason for the change from ordinance to resolution. Assistant City Attorney Kristen Johnson explained that this change was

intended to happen back in 2011, but for some reason that ordinance was never sent to Municode and thus City code was never updated. She explained the intent is to make it easier to implement changes such as moving a polling location. City Attorney Judy Schmidt-Lehman explained that the main difference is that even if a resolution is not approved unanimously, it is still adopted. If an ordinance is not unanimous, it has to come back for a second reading. In the scenario that occurred during the pandemic, the consolidation of polling places would not have been able to happen in time if the ordinance had not been unanimously approved.

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

14. Resolution #21-112(A) or #21-112(B) Establishing Wards.

Assistant City Attorney Kristen Johnson explained the collaboration between the Legal department, GIS, and the Clerk's office on the redistricting project. She outlined the process and requirements prescribed by the state. She also described the shortened timeline staff faced due to COVID-related delays in the release of census data, and the County's delay in approving their supervisory district plan. GIS Manager Bill Boyle reported that staff used the state-provided GIS platform to create the ward options being presented tonight; staff worked hard to ensure that all requirements were met, including the <10% size deviation between the smallest and largest districts. Bill reported that Option A has a deviation of 9%, and Option B has a deviation of 6.3%, both of which fall within the requirement. Alderperson Quigley asked why two ward map versions were provided. Bill explained that staff was asked to create two in order to give Council members a choice. If Council approves one of these options tonight, the next step will be to approve the aldermanic districts. He then answered Council members' questions about the composition of the census blocks that are used to build wards, as well as the impact of County supervisory district lines. Alderperson Ledvina asked for clarification on the difference between the total number of wards in the two options. Bill explained that option A is more similar to the existing ward plan that has been in use since 2011; staff wanted to provide something different with option B. He noted that it was very challenging to create options that contained significant differences due to the City's geography and the constraints of the census blocks. Alderperson Raasch asked if population growth in coming years would put the City over the allowable deviation. Bill explained that the deviation would only be evaluated again in ten years after the next census. City Clerk Carey Danen answered questions about the possible impact on voters with an increased number of wards. Mayor Boyd thanked staff for their work in creating the ward plans.

A. Resolution #21-112(A) Establishing Wards.

RESULT:	NO ACTION
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B. Resolution #21-112(B) Establishing Wards.

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

15. Resolution #21-107 Approving Grant Agreement Modification to Division of Public Health DPH Consolidated Contract #47645-3.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Quigley, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

16. Resolution #21-108 Ratifying Fire Department Grant Application to Wisconsin Department of Natural Resources Forest Fire Protection for Dry Fire Hydrant Installation.

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

17. Resolution #21-109 Authorizing Extension of Loan Agreement Between the City of De Pere and HZ Properties LLC.

In response to Alderperson Raasch's question, staff indicated that there have been no missed or delinquent payments during the term of the original loan agreement.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Amy Chandik Kundinger, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kundinger, Ledvina, Quigley, Raasch, Ruh

18. Resolution #21-110 Authorizing First Amendment to (Real Estate) Option to Purchase Between the City of De Pere and Greater Green Bay YMCA, Inc.

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

19. Resolution #21-111 Authorizing Development Agreement Regarding the Sale and Purchase of Property Between the City of De Pere and Belmark Inc. (Part of Parcels ED-F0083, ED-F0082 and ED-D43-1).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

20. Presentation of and action on 2020 Executive Audit Summary and Financial Statements.

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

21. Appointment to Boards and Commissions by Mayor Boyd.

Alderperson Hansen thanked Chris Renier for accepting the appointment, noting that the Historic Preservation Commission has been without an architect member for the past year.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Carpenter, Eserkaln, Hansen, Kunding, Ledvina, Quigley, Raasch, Ruh

22. Voucher approval.

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

23. Future agenda items.

None.

24. Adjournment.

Alderperson Kunding moved, seconded by Alderperson Ledvina to adjourn the meeting at 8:08 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk

COMMON COUNCIL MINUTES 10/19/2021 – EXHIBIT A

ORDINANCE #21-24

AMENDING CHAPTER 150 DE PERE MUNICIPAL CODE REGARDING TRAFFIC REGULATIONS (Schedule G Parking)

THE COMMON COUNCIL OF THE CITY OF DE PERE DO ORDAIN AS FOLLOWS:

Section 1: Section 150-23, Schedule G (PARKING), is hereby amended as follows:

A. DELETIONS:

<i>No Parking</i>			
<i>Street</i>	<i>Side of Street</i>	<i>From Curbline or Feet/Dir. Of Curbline</i>	<i>To Curbline or Feet/Dir. of Start</i>
Huron	W	George	85/S

B. ADDITIONS:

<i>No Parking</i>			
<i>Street</i>	<i>Side of Street</i>	<i>From Curbline or Feet/Dir. Of Curbline</i>	<i>To Curbline or Feet/Dir. of Start</i>
Richco Court	N	260/E American Boulevard	530/E American Boulevard
Richco Court	S	390/E American Boulevard	490/E American Boulevard
Tenth Street	W	Main Avenue	Oak St.(Southern Right-of-way)

<i>No Standing Stopping or Parking</i>			
<i>Street</i>	<i>Side of Street</i>	<i>From Curbline or Feet/Dir. Of Curbline</i>	<i>To Curbline or Feet/Dir. of Start</i>
Huron	W	George	85/S

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect on and after its passage and publication.

Ordinance #21-23

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Adopted by the Common Council of the City of De Pere, Wisconsin, this 19th day of
October, 2021.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 10/11/2021

Publication Date: _____

Effective Date: _____