



Common Council

Regular Meeting

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

Minutes

Tuesday, October 6, 2020

7:30 PM

1. Call to Order. The meeting was called to order at 7:30 PM by Alderperson Dean Raasch.

Attendee Name	Title	Status	Arrived
Dan Carpenter	Alderperson	Present	
Mike Eserkaln	Alderperson	Present	
Jonathon Hansen	Alderperson	Present	
Amy Chandik Kunding	Alderperson	Present	
Shana Defnet Ledvina	Alderperson	Present	
Casey Nelson	Alderperson	Present	
Dean Raasch	Alderperson	Present	
Kelly Ruh	Alderperson	Present	
James Boyd	Mayor	Excused	

2. Approval of the minutes of the September 15, 2020 Common Council meeting.

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

3. Public Hearing on a request to amend the 2010 City of De Pere Comprehensive Plan Update for the following property: part of Parcel ED-649-H-3-2 at 347 Libal Street to change the Future Land Use from 'Institutional/Governmental Facilities' to 'Commercial'.

A. Notice of Public Hearing.

City Clerk Carey Danen reported that the public hearing notice was published in the Green Bay Press-Gazette on September 5, 2020.

B. Recommendation from the Plan Commission.

Development Services Director Dan Lindstrom reviewed the proposal to amend the City's Comprehensive Plan, explaining that when a proposal doesn't meet the future land use designation, applicants have a right to request a review. He noted that tonight is only the first step of the process; any potential parcel split, rezoning, and site plan would be reviewed at a later date. Dan reported that the petitioner hosted a virtual neighborhood information meeting, and he reviewed the steps taken by the City to notify the public as required by statute.

C. Ordinance #20-15 Adopting Amendment #1 to the 2010 Update of the City of De Pere Comprehensive Plan.

Aldersperson Raasch declared the public hearing open. The following residents expressed their opposition to the proposed amendment to the Comprehensive Plan: Terry Hendricks, Cheryl Roarty, Deidre Egan-Ryan and Tom Ryan, Glen Strebel, Amy Koffunus, John & Mary Thoele, Mark Higgins, Brian Rabas, and Dennis Resnowski. Eric Miller, senior warden of St. Anne's Episcopal Church, and De Pere resident and church member Mary Jo Van Gemert spoke in favor of the proposal. Maria Grishina and Andrew Veatch, representatives of development group SimonCRE, explained elements of the applicant's plan that would address neighbors' concerns. No one else wished to speak, so Aldersperson Raasch declared the public hearing closed.

Discussion followed regarding allowed uses for the parcel if the amendment is not approved. Aldersperson Ledvina stated that an exception was made for Aurora back in 1996 for the benefit of the community to have a clinic in that area; she doesn't feel this proposal is in the best interest of the public.

Aldersperson Kunding requested an explanation of the process going forward if the amendment is approved. Dan Lindstrom reported that the applicant would apply for a CSM, rezoning, and site plan review, either separately or together, which would go to Plan Commission and then Council. He explained that if the residents who submitted the petition in tonight's agenda packet wish to do so again, they would have to submit a notarized protest petition, because the rules are different for rezoning. If the protest petition is determined to be valid, then the ordinance requires a 3/4 vote for the rezoning to be approved. Aldersperson Kunding asked if an exclusion could be placed on a rezoning, such as a stipulation against chain retail stores. Dan explained that the City cannot do that, unless it is specifically written in the City's zoning code.

Aldersperson Hansen stated that he thinks there are some commercial uses which could potentially fit this parcel, but he's not comfortable voting for the amendment because it opens up too many issues.

Alderspersons Ruh and Carpenter both stated they think the potential business type is a separate consideration, and that this process should go forward with due diligence from Council.

Aldersperson Nelson stated that he doesn't feel this amendment would alter the character of the neighborhood. He supports the change because he feels that Council should look at the benefit to the entire City; Council members would still have input on what type of business goes in there.

Aldersperson Raasch indicated that he is in favor of the amendment, and that Council should consider opportunities for the City as a whole; he feels it is already part of a commercial district because of the business zoning across the street in Ledgeview.

A roll call vote on the motion resulted in a tie; because Mayor Boyd was not present to cast a tie-breaking vote, the motion failed.

RESULT:	DEFEATED [4 TO 4]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Kelly Ruh, Aldersperson
AYES:	Carpenter, Nelson, Raasch, Ruh
NAYS:	Eserkaln, Hansen, Kunding, Ledvina

4. Recommendation from Plan Commission to approve a proposed extraterritorial 2 lot certified survey map, with right-of-way dedication, at the 2800 BLK Lawrence DR in the Town of Lawrence (Parcels L-472, L-473).

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

5. Recommendation from the Board of Park Commissioners to Accept a \$250 Donation from the Pink Flamingos to the Recreation Scholarship Fund.

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

6. Recommendation from the Board of Park Commissioners to Approve Proposed Membership Rates for De Pere Pool Facilities in 2021.
- Alderperson Ledvina inquired why seasonal membership rates are double for non-residents, but daily fees are not. Parks Director Marty Kosobucki explained that staff tried to replicate other communities' rates.

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

7. Request from Parks Director to accept donation from De Pere Baseball in the amount of \$12,700 toward Gandrud Field at Southwest Park.

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

8. Recommendation from the License Committee for the application for Class "A" Fermented Malt Beverage License and "Class A" Intoxicating Liquor License for M & H Mart LLC (DBA De Pere Mini Mart), 821 George St. Submitted by M & H Mart, LLC; Agent Min Bahadur Bogati Green Bay, WI.

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

9. Ordinance #20-16 Amending Chapter 46 of the De Pere Municipal Code Related to Applicability to Condominiums.

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

10. Ordinance #20-17 Amending Sections 7-2(e)(3), 7-2(e)(5), and 7-13(I) De Pere Municipal Code Authorizing the City Clerk to Grant Operator's Licenses.

Alderperson Carpenter thanked the Legal Department and Clerk's Office for their work on this item. In response to Alderperson Hansen's question, City Clerk Carey Danen explained that the License Committee will retain authority to approve retail liquor licenses for restaurants, taverns, and convenience stores. The License Committee will also hear the appeal of any operator license applications denied by the Clerk's Office.

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

11. Resolution #20-104 Ratifying Mayoral Proclamations from August 15, 2020 through October 2, 2020.

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

12. Resolution #20-105 Regarding the Vacation of a Public Thoroughfare (200 Block South Wisconsin Street Adjacent to Parcels ED-812 and ED-920).

City Attorney Judy Schmidt-Lehman explained that the vacation request will be referred to a public hearing.

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

13. Resolution #20-106 Acceptance of Grant in the amount of \$1,780 from Unisom Credit Union to the Police Department for Training Equipment.

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

14. Operator License Applications.

Alderperson Carpenter moved, seconded by Alderperson Eserkaln to approve New Operator applications #1-13. Upon vote, motion carried unanimously.

15. Voucher approval.

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

16. COVID-19 update from Health Department.

Health Director Debbie Armbruster reported that the area's public health departments and health care systems have been very busy over the last few weeks, and have had difficulty keeping up with contact tracing due to the high number of cases. She noted that this tracing has identified a lot of cases from mass gatherings such as weddings and funerals. She stated that all City residents will receive a letter in the next couple of days outlining mitigation strategies that can be taken, and urging the whole community to pitch in to help get a handle on the increase in positive cases.

17. Future agenda items.

None.

18. Adjournment.

Alderperson Kunding moved, seconded by Alderperson Ledvina to adjourn the meeting at 9:35 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk