



Common Council

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

Regular Meeting

Minutes

Tuesday, July 16, 2019

7:30 PM

De Pere City Hall Council Chambers

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

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

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the July 2, 2019 Common Council meeting.

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

4. Approval of the minutes of the June 25, 2019 Special Common Council meeting.

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

5. Public Hearing Exercising Special Assessment Powers Under Section 66.0703, Wis. Stats. For Sidewalk on the East Side of Lawrence Drive from Scheuring Road to Main Avenue.

a. Notice of Public Hearing

Clerk Carey Danen announced that the public hearing notice was published in the Green Bay Press-Gazette on June 28, 2019.

b. Recommendation from the Board of Public Works

Public Works Director Scott Thoresen reported that the Board of Public Works voted unanimously to recommend approval at its June 10, 2019 meeting.

c. Resolution #19-78 Final Resolution Authorizing Sidewalk Improvements and Levying Special Assessments Against Benefited Property (East Side of Lawrence Drive from Scheuring Road to Main Avenue).

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

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

6. Public Hearing on the rezoning of Parcel ED-1013 at 100 S. Huron Street from R-2 (Single and Two-Family Residence) to R-2 PDD (Single and Two-Family Residence with a Planned Development District Overlay) for a proposed educational institution.

a. Notice of Public Hearing

Clerk Carey Danen announced that the public hearing notice was published in the Green Bay Press-Gazette on July 2 and July 9, 2019.

b. Recommendation from the Plan Commission

Development Services Director Kim Flom reported that the Plan Commission voted 6-0 at its June 24, 2019 meeting to recommend approval of the PDD rezone and General Plan for this project.

c. Ordinance #19-17 Rezoning Certain Property From R-2 (Single and Two-Family Residence) to R-2 PDD (Single and Two-Family Residence with a Planned Development District overlay) (Parcel ED-1013; 100 South Huron Street).

Mayor Walsh declared the public hearing open. Business and property owner Brent Felchlin expressed opposition to the proposal to make the 100 block of S. Huron a one-way street. No one else wished to speak and Mayor Walsh declared the hearing closed. Alderperson Boyd moved, seconded by Alderperson Raasch to approve Ordinance 19-17. Development Services Director Kim Flom reviewed the project and explained the need for the rezoning. The applicant is proposing that the 100 block of S. Superior St and S. Huron St be converted to one-way southbound traffic only; however staff is recommending to create one-way southbound traffic on S. Superior St only, to allow parking on the north side of Charles St, to maintain two-way traffic on S. Huron St, and to conduct a review of current signage in the area to facilitate traffic flow. Kim noted that due to the expedited review schedule for this project, some of these details were not completely fleshed out at the time of the Plan Commission meeting. She provided Council members with an updated staff memo as well as several letters from the applicant and contractors in support of their proposal. Kim also provided two revised options to ordinance 19-17: Ordinance 19-17-A, which would retain two-way traffic on the 100 block of S. Huron St; and Ordinance 19-7-B, which would convert both S. Superior St and S. Huron St to one-way southbound traffic. Discussion followed regarding the proposed traffic patterns for student drop off and potential alternatives. City Attorney Judy Schmidt-Lehman clarified that Ordinance 19-17 as included in the agenda packet reflects the action of the Plan Commission on June 24th. If Council wishes to adopt either 19-17-A or 19-17-B, it would require an amendment to the motion currently on the floor.

Aldersperson Jennings moved, seconded by Aldersperson Hansen to amend the original motion in order to accept Ordinance 19-17A which preserves two-way traffic on S. Huron St.

Public Works Director Scott Thoresen provided information describing the difficulties presented for garbage collection on S. Huron St if it were to be converted to a one-way street.

Aldersperson Raasch moved, seconded by Aldersperson Nelson to open the meeting. Upon vote, motion carried unanimously.

Craig Sachs with Miron Construction, Peter Schneider from Groth Design Group, and Marv Wall representing St. Mary/St. Francis answered Council members' questions. Mr. Sachs stated that they are very excited about the project, and appreciate staff input. Their biggest concern is student drop off on S. Huron St, and they feel one-way traffic would be safer due to the age group on that side of the building.

Aldersperson Boyd asked about the impact of traffic flowing onto Charles St with the option of one-way traffic on both Superior & Huron. Mr. Sachs replied that they heard from three neighbors who had concerns and were able to address most of them.

Mr. Wall stated that they support the Council's decision either way.

Mayor Walsh stated that as the project progresses, traffic flow can be revisited to make sure it is as safe and efficient as possible.

Aldersperson Raasch moved, seconded by Aldersperson Boyd to close the meeting. Upon vote, motion carried unanimously.

Upon vote, the motion to amend by approving Ordinance 19-17-A passed unanimously.

Upon vote, the original motion as amended passed unanimously.

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

7. Public Hearing on the rezoning of Parcel ED-1114 (221 S. Erie St) from R-2 (Single and Two-Family Residence District) to R-3 (Multiple Family Residence District).

a. Notice of Public Hearing

Clerk Carey Danen announced that the public hearing notice was published in the Green Bay Press-Gazette on July 1 and July 8, 2019.

b. Recommendation from the Plan Commission

Development Services Director Kim Flom reported that the Plan Commission voted 7-0 at its June 24, 2019 meeting to recommend approval. She stated that several residents were in attendance that were not in support of the request, and that at a prior meeting, a petition signed by many residents was submitted. Staff also received several e-mails and calls expressing opposition to the rezoning.

c. Ordinance #19-18 Rezoning Certain Property From R-2 Single and Two-Family Residence District to R-3 General Residence District (Parcel ED-1114; 221 South Erie Street).

Mayor Walsh declared the public hearing open.

Resident Jerry Daanen stated that he is against the rezoning request and does not feel that the building will fit the neighborhood.

Residents Dave and Elaine Flora read a statement against the rezoning request. They reported that they presented the Plan Commission with over 100 statements signed by De Pere residents. Mrs. Flora asked Mayor Walsh to explain the purpose of the City's Comprehensive Plan if it is not going to be followed. Mayor Walsh explained that he would answer the question after the public hearing was closed.

Resident Lisa Cherney owns the property immediately adjacent to the project. She is concerned about losing green space and sunlight due to the size of the building. She stated that she would not have purchased her home if she had known about the project. Resident Jack Pasterski formerly lived in the home at 221 S Erie St. He does not support the rezone request because he thinks it should remain a residential property. He also stated that traffic is a big problem.

Resident Robert Olmsted spoke against the rezoning request, stating that he would not have bought his home if he had known about the expansion.

Resident Matt Roloff spoke about increased traffic and concern for the devaluation of surrounding properties.

Resident Eric Debrosky expressed concern for his three young children, stating that they have already had incidents where people pull through their driveway to get to Mac Dental.

Resident Dan Van Straten stated that a new home was built on the empty lot next to him last year and it was a great thing, noting that there are not many opportunities for new construction in an established neighborhood.

Resident Glenn Leonard stated that he would not want a building like this in his neighborhood, and expressed the opinion that this parcel needs to remain single or two family.

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

Aldersperson Hansen moved, seconded by Aldersperson Kundinger to deny the rezoning request.

Mayor Walsh responded to the question about the comprehensive plan, explaining that it is created as a guide and is not etched in stone; projects can evolve and change over time. Development Services Director Kim Flom reviewed the developer's plan for providing a residential buffer, including landscaping and a fence along the north property line. She stated that driveway access will be off Lewis St, and that the parking spaces reached via the alley will be for the dentists only.

Aldersperson Raasch asked if Mac Dental could construct a project such as an apartment building on the two lots that are already zoned R-3. Kim confirmed that is an allowable use as long as bulk requirements are met.

Aldersperson Hansen stated that it is important to recognize the 111 signatures, noting that it is hard to get that many people engaged in any City issue. He stated that he was called last summer about the poor upkeep at 221 S Erie St; he feels it set a bad precedent for a business to buy a neighboring property and then fail to keep it up, and also created a lack of trust between residents and Mac Dental.

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

Property owner Gary Noble and architect Chris Helwig responded to questions about the building height of the proposed project, and about the number of staff and patients at the new facility.

Mr. Helwig stated he feels there was a lot of misinformation as far as the petitions. The developers made several changes to the plan in order to accommodate neighbors' concerns. Mr. Noble added that they have tried really hard to make it a win-win.

Aldersperson Raasch stated that Mac Dental has been a good business partner for many years, and he appreciates that they are making an effort to make this building fit. He understands that people have concerns about the size, and suggested that maybe there's another way that things can be done. He does not want to stand in the way of the business; he thinks it is a decent plan but feels it is not 100% there yet.

Mr. Noble stated that they are proud to have been a partner in the community for 20 years.

Resident Jerry Daanen inquired if the original building had conditions placed on it in the 1970s. Kim replied that there were no conditions other than approval for use as a dentist office.

Aldersperson Raasch moved, seconded by Aldersperson Boyd to close the meeting. Upon vote, motion carried unanimously.

Mayor Walsh explained the impact of the six valid protest petitions that were filed with the City. These petitions trigger the requirement of a 3/4 vote (six votes) of the Council to approve.

Upon vote, the motion to deny the rezoning request passed 5-2, with Alderspersons Boyd and Raasch voting nay.

8. Public Hearing on a conditional use permit in order to allow the operation of a health/medical institution (specifically a dental office) in an R-3 Residence Zoning District.
 - a. Notice of Public Hearing
 - b. Recommendation from the Plan Commission
 - c. Resolution #19-79 Authorizing and Approving a Conditional Use Permit (Parcel ED-1114; 221 S. Erie Street)

This item was not taken up due to the defeat of the rezoning ordinance (agenda item #7).

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

Aldersperson Hansen announced that a Summer Carnival will be held at Legion Park on August 7th from 5:30 - 7:30 PM.

10. Recommendation from the Finance/Personnel Committee to accept a \$1000 Donation from Walmart to the Police Department.

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

11. Recommendation from the Finance/Personnel Committee to accept a \$1000 Donation from Kwik Trip for the Police Department K-9.

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

12. Recommendation from the Finance/Personnel Committee to accept \$1000 Donation from Kwik Trip, Inc. to the Fire Department.

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

13. Recommendation from Finance/Personnel Committee to Obtain Drone Liability Insurance through Global Aerospace.

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

14. Plan Commission Recommendation to approve a Proposed Extraterritorial 47 Lot and 2 Outlot Preliminary Plat of Lawrence Parkway at French Road in the Town of Lawrence (Parcels L-454-3, L-455-2, L-455-1, L-457-1, and L-453 & L-458-3). Submitted by David M. Schmalz, McMahon Associates, authorized representative for the Town of Lawrence, CCLW LLC, and Integrated Public Resources LLC, property owners.

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

15. Plan Commission Recommendation to approve a Precise Implementation Plan (PIP) for 1881 Southbridge Road (Parcels WD-1831 through WD-1838). Submitted by Brandon Robaidek, EIT, authorized representative for Crosspoint Church INC ETAL, property owner.

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

16. Recommendation of the Board of Public Works to Approve Wisconsin Public Service Meter Installation for Speed Feedback Sign on North Broadway Street (Referred back to staff as Resolution #19-67).

Public Works Director Scott Thoresen answered questions about the location of the sign and stated that the project will hopefully be completed this summer.

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

17. Recommendation from the Board of Public Works to approve award of Contract 19-16 Marquette Square Dumpster Enclosure Construction to RJM Construction, LLC in the amount of \$46,357.50.

Public Works Director Scott Thoresen answered questions about funding for the project and stated that annual fees will go into the general revenue fund to cover the costs of the dumpster enclosure, maintenance, and collection.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Scott Crevier, Alderperson
AYES:	Boyd, Crevier, Hansen, Kundinger, Nelson, Raasch
ABSTAIN:	Ryan Jennings
EXCUSED:	Dan Carpenter

18. Recommendation from the License Committee on applications for "Class A" Intoxicating Liquor Licenses for the following:

A. Application for a "Class A" Intoxicating Liquor License for De Pere Shell, Inc (DBA De Pere Shell), 841 Main Av. Submitted by De Pere Shell, Inc, Agent: Michael Shilawski, Green Bay WI.

B. Application for a "Class A" Intoxicating Liquor License for GCS Landing, LLC (DBA GCS Landing Shell), 1063 N. Broadway. Submitted by GCS Landing, LLC, Agent: Jacob P. Anderson, Green Bay WI.

C. Application for a "Class A" Intoxicating Liquor License for GCS Holdings of De Pere, LLC (DBA Scheuring Shell), 1511 Lawrence Dr. Submitted by GCS Holdings of De Pere, LLC, Agent: Daniel J. Pamperin, De Pere WI.

D. Application for a "Class A" Intoxicating Liquor License for GCS Operations, LLC (DBA Riverside Shell), 1010 S. Broadway. Submitted by GCS Operations, LLC, Agent: Daniel J. Pamperin, De Pere WI.

Alderperson Hansen moved, seconded by Alderperson Boyd to suspend the rules and approve items 18 A - D.

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

19. Resolution #19-80 Authorizing Utility Easements (Lawrence Drive).

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

20. Resolution #19-81 Authorizing Sewer Easements (Fox River Drive and Bomier Street).

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

21. Resolution #19-82 Authorizing Agreement for Consulting Services Between the City of De Pere and IEI General Contractors, Inc. (Water Utility Building Condition Assessment).

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

22. Resolution #19-83 Approving Facade Improvement Project and Authorizing Disbursement of Grant (421 Main Avenue; Parcel WD-889).

Alderperson Hansen thanked the applicant for their work on the renovation project. Development Services Director Kim Flom reported that there is approximately \$11,000 left in the facade grant budget for TID 9 after this project. Alderperson Crevier stated that he loves what's going on with the Main Av facade grant projects in the past year, and thanked staff for their work on this program.

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

23. Resolution #19-84 Approving Facade Improvement Project and Authorizing Disbursement of Grant (416 George Street; Parcel ED-816).

Development Services Director Kim Flom confirmed that this project is part of the same facade grant program as the previous item, but is funded from a different TID. City Attorney Judy Schmidt-Lehman noted that the scrivener's error in the resolution that refers to a 100% reimbursement will be corrected to reflect the actual 50% reimbursement rate.

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

24. Resolution #19-85 Approving Closure of Community Development Block Grant (CBDG) Funded Economic Development Revolving Loan Program and Directing the Fund Balance of the Same be Moved into a City Fund Designated for Economic Development Purposes Until Further Action of the Common Council.

Alderperson Raasch asked for clarification on the direction of these funds. Development Services Director Kim Flom said that staff will be refining things and bringing ideas forward. City Attorney Judy Schmidt-Lehman stated that the funds are restricted solely for economic development purposes. Alderperson Hansen suggested that the idea for a facade grant for properties outside the TID should be considered.

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

25. Resolution #19-86 Creating Academy Trainee Position in Police Department and Assigning Position to City's Table of Organization and to the Appropriate Pay Grade in City's Compensation Plan.

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

26. Resolution #19-87 Authorizing Hold Harmless Agreement with Northeast Wisconsin Technical College.

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

27. Resolution #19-88 Accepting Elevate Communities Grant in the Amount of \$9,846.00 from Capital Credit Union.

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

28. Voucher approval.

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

29. Operator License Applications.

Alderperson Boyd moved, seconded by Alderperson Hansen to approve Previously Tabled Applications #1 and 2. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Hansen to deny Previously Tabled Application #3 due to a conviction record which substantially relates to the licensed activity and not appearing before the License Committee when requested. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Hansen to approve Temporary Operator Applications #1 and 2. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Hansen to approve New Operator Applications #1-12, 14, and 16-18. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Hansen to table New Operator Applications #13 & 15. Upon vote, motion carried unanimously.

30. Future Agenda Items.

Alderperson Hansen requested that staff provide an update at Board of Public Works regarding the possibility of the City taking control of all street lights from WPS.

31. Adjournment.

Alderperson Nelson moved, seconded by Alderperson Crevier to adjourn the meeting at 9:56 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk