



Common Council

Regular Meeting

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

Minutes

Tuesday, March 19, 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 Mayor Michael J. Walsh.

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

2. Pledge of Allegiance to the Flag.
3. Approval of the Minutes of the March 5, 2019 Common Council Meeting.

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

4. Public Hearing on an amended conditional use permit for Parcel ED-1128-E-1 at 1081 N. Broadway St. to allow residential dwelling units and rooming units above ground level (second floor and above).

A. Notice of Public Hearing.

Clerk Carey Danen announced that the public hearing notice was published in the Green Bay Press-Gazette on March 4th & 11th, 2019.

B. Recommendation from the Plan Commission.

Development Services Director Kim Flom reported that the Plan Commission voted 6-0 at its February 5th meeting to recommend approval of the amended Conditional Use permit. The developer has proposed a mixed use building at the rear of the site, and they are now contemplating a three story building.

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

C. Resolution #19-24 Rescinding Resolution #18-86 and Authorizing and Approving a Conditional Use Permit (Part of Parcel ED-1128-E-1-3; 1081 North Broadway Street).

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

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

Alderperson Hansen noted that the local "community snapshots" edition of the Green Bay Press Gazette is delivered once a week and is usually left on driveways, City sidewalks, and front walks which causes problems. He implored the Press Gazette (owned by USA Today/Gannett) to deliver the paper on porches rather than dropping them wherever they want. If not, he suggested that the Council should consider taking action.

City resident Dennis Collins asked for an update on the start date of the project to relieve the retention ponds south of Bridge Port Lane. This project was approved last year but has been delayed. He stated that the City has been very responsive when residents have had water issues, but he needs more communication about the project. Mayor Walsh responded that Public Works Director Scott Thoresen will follow up with Mr. Collins.

6. Recommendations from the Board of Public Works Regarding Main Avenue Bump Outs:
- A. Approve Option #3 for South Side of Main Ave
 - B. Consider Option #4 for North Side of Main Ave

Alderperson Hansen moved, seconded by Alderperson Carpenter to approve option #4.

Alderperson Crevier moved, seconded by Alderperson Jennings to open the meeting. Upon vote, motion carried unanimously.

Business owner Kevin Bauer stated that he has spoken to the owner of the Firehouse, and that they would support option # 4 with the contingency that they be allowed to serve alcoholic beverages at outdoor cafes on the bumpouts. He noted that there is a conflict with existing ordinance regarding alcohol regulations. He feels that option #4 would only be beneficial to businesses if they can serve patrons outside.

Alderperson Jennings moved, seconded by Alderperson Nelson to close the meeting. Upon vote, motion carried unanimously.

Mayor Walsh stated that since the Board of Public Works meeting, another alternative has been proposed - to do option #3, keep the parking stalls, and give business owners the option to do a parklet instead. If a business wanted to do outdoor seating, they would be responsible for funding, building, and storing the parklet. This option would retain parking during the winter months.

Public Works Director Scott Thoresen provided more information on parklets, stating that there is interest from east side businesses as well. He stated that stakeholders are concerned about the loss of public parking. He indicated that Definitely De Pere supports option # 3 with the ability to allow parklets. He also stated that Council needs to make a decision tonight so the mid-block crossing can be built this summer.

City Administrator Larry Delo reported that a number of businesses were concerned about parking and the City is trying to come up with a compromise. The recommended alternative would be to do a gathering place on the south side, no additional bumpouts on the north, but then allow parklets there as well as other places downtown. He did point out that if Council goes with

larger bumpouts on the north side, the sidewalks could be pushed out to the street so that a seating area could be placed adjacent to the building. If it is built without stamped concrete, the sidewalk could be moved back and forth. Larry feels that allowing parklets on the north side is a good compromise because it retains parking spaces in the winter months. He explained that the bumpouts on the south side are intended to be more of a gathering space and launching pad for the alleyway (rather than providing outdoor seating). It was not staff's intent to balance out benefits for all businesses.

Scott Thoresen stated that there is no difference to pedestrian safety with options #3 and #4, and confirmed that the alignment for the midblock crossing does not change with any of the options. City Attorney Judy Schmidt-Lehman stated that staff has not yet done any work on modifications to the liquor license ordinance, but they recognize that some adjustments need to be made.

Larry Delo clarified that no matter what option Council chooses, the plan is to bring forward a policy on parklets. Development Services Director Kim Flom added that staff will be utilizing best practices from other Wisconsin communities in developing a parklet policy.

Scott Thoresen confirmed that the preferred alternative at the Board of Public Works was option #3; the idea for option #4 came up at the meeting, and the Board asked staff to develop and present this fourth option to Council. Discussion followed about the two alternatives.

Aldersperson Crevier shared an e-mail he received from Luna Cafe. They are excited for pedestrian friendly improvements, but they are wary of losing parking spots, and they are in favor of option #3. They also hope the discussion includes parking solutions.

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

Kevin Bauer stated that he liked the suggestion to leave the sidewalk unstamped so that a sidewalk cafe could be placed adjacent to the building. He had been told earlier that wasn't possible because of ADA requirements. He stated that he would like to update the aging facade of his building, pending the outcome of the decision on outdoor alcoholic beverage service. He also suggested that the angled radius of the bumpouts would be ideal for one or two motorcycle parking spots.

Aldersperson Crevier moved, seconded by Aldersperson Jennings to close the meeting. Upon vote, motion carried unanimously.

Scott Thoresen pointed out that the ramps for the mid-block crossing would need to be altered if the sidewalk is moved out. He added that his department sent renderings of option #3 and #4 to every business owner, and has not received a response from anyone other than Luna Cafe and The Longbranch.

Upon roll call vote, the motion to approve option #4 failed with Alderspersons Carpenter, Hansen, and Nelson voting aye; Crevier, Jennings, and Lueck voting nay; and Mayor Walsh voting nay to break the tie.

Aldersperson Crevier moved, seconded by Aldersperson Jennings to approve option #3. Upon roll call vote, the motion passed with Alderspersons Crevier, Jennings, and Lueck voting aye; Hansen, Nelson, and Carpenter voting nay; and Mayor Walsh voting aye to break the tie.

7. Recommendation from the Board of Public Works to Award Contract 19-01 Sewer and Water Relay and Street Resurfacing to Jossart Brothers, Inc. in the amount of \$2,247,515.85.

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

8. Recommendation from the Board of Public Works to Award Contract 19-13 Crackfilling to Asphalt Seal and Repair, Inc. in the amount of \$115,200.00

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

9. Recommendation from the Finance & Personnel Committee to accept donation in the amount of \$250.00 from Vietnam Veterans of America Chapter 224 to the Fire Department.

Alderperson Hansen inquired if it is up to the Fire Department to decide how to spend the money. City Administrator Larry Delo stated that if a donor identifies a purpose, it is obviously used for that. Otherwise it is deposited into an account, and when the department wants to use the money, it has to be approved through the budget process, or authorized by the Finance/Personnel Committee and Council.

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

10. Recommendation from the Finance Committee to Approve Bid for Asbestos Inspection and Removal from North Star Environmental Testing in the amount of \$1,450.00 and to recommend additional funds up to \$20,000.00 for asbestos removal if needed.

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

11. Recommendation from the Finance Committee to Approve approximately \$19,000.00 in additional funding for the surfacing at VFW Playground.

Alderperson Carpenter inquired why this project could not wait for the VFW pool construction; he suggested that since the Patriot Park project was also over budget, the projects could be reversed.

Parks Director Marty Kosobucki stated that the reason they are moving forward with the VFW playground is because the equipment has already been purchased, and they plan to do a volunteer build with the Kiwanis Club this summer. Alderperson Carpenter then asked if they knew the project was going over budget before the purchase. Marty stated that the budget is developed based on past history, and they were able to purchase more

equipment than they thought; it covers more square footage so it requires more sidewalk and poured surface.

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

12. Recommendation from the Finance Committee to Approve Park Department Run Beer Garden with all net proceeds therefrom deposited into a Park Fund established exclusively for park improvements.

Alderperson Nelson explained that before he brought this idea to the Parks Department, he went back and forth over his concern about the perception of the City promoting alcohol. He ultimately decided that a beer garden was about promoting our parks; he is hopeful that it will showcase our parks and community events. He referenced similar beer gardens in Milwaukee, which are designed more for socializing, and are priced in such a way to discourage excessive drinking.

Alderperson Hansen inquired if the park fund will be separated out in the budget; he would like it to be able to show what projects it is funding. City Administrator Larry Delo said that while it has not been discussed yet, he assumes it will be separated for tracking.

Alderperson Carpenter shared some statistics from last year's OWI task force: the City of De Pere had 105 OWIs, six of which were felonies (four or more offenses), 11 misdemeanors (two or three offenses), and 88 first time offenders. He stated that he is against the proposal because he does not feel that the City should be running it. Larry Delo reported that staff put information out on social media and got a fair amount of responses. While there were a few negative comments, most were positive, and several referenced the Milwaukee beer gardens. He reiterated that the City's goal is to create a family oriented atmosphere.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Ryan Jennings, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	Crevier, Hansen, Jennings, Lueck, Nelson
NAYS:	Dan Carpenter
EXCUSED:	James Boyd, Dean Raasch

13. Recommendation from the License Committee on an Application for a Temporary Premises Description Change for St. Norbert College.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Carpenter, Hansen, Jennings, Lueck, Nelson
ABSTAIN:	Scott Crevier
EXCUSED:	James Boyd, Dean Raasch

14. Ordinance #19-07 Repealing and Recreating Chapter 62 - Electrical Code.

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

15. Resolution #19-25 Authorizing Agreement for Consulting Services Between the City of De Pere and Cedar Corporation (2019 Consulting Services).

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

16. Resolution #19-26 Approving Agreement for Consulting Services Between The City of De Pere and Dixon Engineering, Inc. (AT&T Wireless Antenna Installation - Matthew Street Water Tower).

RESULT:	ADOPTED [5 TO 0]
MOVER:	Casey Nelson, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	Carpenter, Crevier, Hansen, Jennings, Nelson
ABSTAIN:	Larry Lueck
EXCUSED:	James Boyd, Dean Raasch

17. Resolution #19-27 Authorizing State/Municipal Agreement for Main Avenue & Eighth Street Signal Retrofit Project.

Public Works Director Scott Thoresen answered questions about the project, stating that it is scheduled for 2020. He explained that he will have discussions with Department of Transportation designers about reconfiguring the signal timing to potentially improve traffic flow. His hope is to have the timing be similar to the Broadway/Merrill St intersection.

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

18. Resolution #19-28 Approving Annual Report Under Municipal Separate Storm Sewer System (MS4) Permit and its Submission to the Wisconsin Department of Natural Resources (DNR).

Public Works Director Scott Thoresen explained that the DNR requires that this report be filed annually. The report describes the City's efforts to treat and monitor stormwater, as well as education programs undertaken by the department.

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

19. Voucher Approval.

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

20. Operator License Applications.

Alderperson Carpenter moved, seconded by Alderperson Hansen to table Previously Tabled Applications #1 and 2. Upon vote, motion carried unanimously.

Alderperson Carpenter moved, seconded by Alderperson Hansen to approve Temporary Operator Applications #1-3. Upon vote, motion carried unanimously.

Alderperson Carpenter moved, seconded by Alderperson Hansen to approve New Operator Applications #1-9. Upon vote, motion carried unanimously.

21. Future Agenda Items.

Alderperson Hansen stated that there are currently two bipartisan companion bills under consideration at the State Legislature that would make a first time DUI a criminal misdemeanor instead of a civil offense. He noted that Wisconsin is the only state that does not criminalize a first time DUI, and asked the Legal Department to draft a resolution urging legislators to support those bills.

Alderperson Lueck requested that the Cultural District Plan proposal about the possibility of rerouting Broadway traffic to Wisconsin Street be revisited with the closing of Shopko. He also requested information from staff on steps the City is or can be taking regarding the prevention of human trafficking. Larry Delo stated that he will speak to the Chief of Police on this topic and determine if an update can be provided at a future Council meeting or if an action item needs to be developed.

22. Resolution #19-29 Authorizing Tax Refund (DORO - 741 Morning Glory Lane).

Alderperson Nelson moved, seconded by Alderperson Crevier to open the meeting. Upon vote, motion carried unanimously.

Property Owner Dan Doro provided an overview of his claim regarding the error in square footage used in assessing his property.

City Attorney Judy Schmidt-Lehman provided additional information from Accurate Appraisal - they determined that the square footage error occurred during the 2005 city-wide revaluation. Accurate was not our assessor at that time. Under state law, the City is given authority to issue a tax refund for palpable error; in the past Council has authorized going back an additional year. The resolution for this agenda item has been drafted to refund two years upon the recommendation of the Finance/Personnel Committee.

Mr. Doro said he's paid incorrect taxes for 12 years, and he feels that a refund of even half of that would be fair and realistic.

City Administrator Larry Delo stated that the City is only able to charge back other taxing jurisdictions for one year.

Alderson Crevier moved, seconded by Alderson Lueck to close the meeting. Upon vote, motion carried unanimously.

Discussion followed regarding the need to share more information with taxpayers on how they can verify their property data, including the City's website and making adjustments to future assessment notice letters.

Several alderpersons expressed their regret that Mr. Doro had a frustrating experience attempting to get answers through this process.

Alderson Crevier moved, seconded by Alderson Nelson to open the meeting. Upon vote, motion carried unanimously.

Mr. Doro stated that he recently received a new assessment letter, and his assessed value dropped \$37,000 so it is obvious that Accurate Appraisal is admitting the error.

Alderson Crevier moved, seconded by Alderson Carpenter to close the meeting. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Casey Nelson, Alderson
SECONDER:	Larry Lueck, Alderson
AYES:	Carpenter, Crevier, Hansen, Jennings, Lueck, Nelson
EXCUSED:	James Boyd, Dean Raasch

23. Adjournment. Alderson Nelson moved, seconded by Alderson Carpenter to adjourn the meeting at 9:08 PM. Upon vote, motion carried unanimously.

Respectfully submitted,

Carey Danen, City Clerk