



Common Council

Regular Meeting

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

Minutes

Tuesday, May 21, 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	Present	
Dan Carpenter	Aldersperson	Excused	
Scott Crevier	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Ryan Jennings	Aldersperson	Present	
Amy Chandik Kundinger	Aldersperson	Excused	
Casey Nelson	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	

2. Pledge of Allegiance to the Flag.
3. Approval of the minutes of the May 7, 2019 Common Council meeting.

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

4. Public Hearing on the Rezoning of Parcels WD-1831 through WD-1838 and WD-L183-1-1 (located on Southbridge Road at Lawrence Drive).

a. Notice of Public Hearing.

Clerk Carey Danen announced that the public hearing notice was published in the Green Bay Press-Gazette on May 6 and May 13, 2019.

b. Recommendation from the Plan Commission.

Development Services Director Kim Flom provided an overview of the proposed rezoning. She reported that staff received an objection e-mail after the Plan Commission meeting, which has been included in the agenda packet.

Ordinance #19-13 Rezoning Certain Property (Parcels WD-1831 through WD-1838 & WD-L183-1-1).

Mayor Walsh declared the public hearing open. Jared Schmidt with Robert E. Lee & Associates spoke on behalf of the applicant and the developer of the project. De Pere resident Johnny Leonard asked questions about the distance from Lawrence Drive to the property line of the proposed development. No one else wished to speak, so Mayor Walsh declared the public hearing closed. Aldersperson Raasch moved, seconded by Aldersperson Crevier to approve the rezoning request.

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

Jared Schmidt from Robert E. Lee & Associates reported that the distance from the southern tip of the development to the Lawrence Drive right-of-way is approximately 149 feet. Differences in the figure that Mr. Leonard had received could be attributed to the fact that certain survey types use the center of the road rather than the edge of the right-of-way. Mr. Schmidt stated that he would talk further with the property owner after the meeting.

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

Discussion followed regarding previous plans to limit driveway access onto Southbridge Road. City Administrator Larry Delo clarified that the City's intent with Southbridge is to minimize driveway access when there are other options available, but not to prohibit it.

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

5. Public Hearing Exercising Special Assessment Powers for sanitary sewer system on Parkview Road from Ashwaubenon Creek to Ashland Avenue is scheduled for 7:35 p.m. or soon thereafter.

a. Notice of Public Hearing.

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

b. Recommendation from the Board of Public Works.

c. Resolution #19-49 Final Resolution Authorizing sanitary sewer system construction and levying special assessments against benefited property (Parkview Road from Ashwaubenon Creek to Ashland Avenue).

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

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

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

Mayor Walsh announced that Celebrate De Pere is coming up this weekend, and reminded viewers that the event has moved to the Brown County Fairgrounds. The parade will continue with the same route as in the past. The Mayor wished everyone a good Memorial Day and encouraged everyone to remember the veterans who have passed away in service to our country.

7. Presentation by LifeQuest Services Regarding Billing Services Provided to Fire Department.

Tim Rosin, Vice President of Client Services for LifeQuest, provided the Council with a billing presentation.

8. Presentation on the Status of the Southern Bridge Project

Principal Planner Cole Runge, from Brown County Planning Department Transportation Division, provided an update on the project. He last visited Council in April 2018. At that point the County had completed a traffic analysis, which found that the only viable alternative left on the table is the crossing at Red Maple Road/Rockland Road. The Wisconsin DOT approved those findings in the fall of 2018, and forwarded them to the Federal Highway Administration, which approved the traffic analysis this spring. The FHA has asked the County to re-evaluate some of the information they had previously collected before resuming the environmental study. The County is hoping to wrap up environmental studies by June of 2020. Mr. Runge reported that they are still on track for pre-construction activities (design, right-of-way acquisition and utility installation). They are currently seeking state and federal funds to help offset local costs. He assumes that the project would be done in five phases, working from west to east, and would expect it to be finished roughly 10 years from when it begins.

Aldersperson Hansen thanked Mr. Runge for the update, and encouraged viewers to reach out to their representatives to express their support for the southern bridge project.

Mayor Walsh reiterated the need for residents and businesses to contact their state legislators. It is really essential to communicate the need for the southern bridge with lawmakers in order to get this project off the ground.

Aldersperson Crevier asked for clarification on the term ‘preferred location’, especially for the property owners along those roads. Mr. Runge explained that while the location is not finalized, after the environmental studies are completed planners should know the general location of the facility.

9. Recommendation of the Finance/Personnel Committee to Accept a \$500 Grant Stipend from Children's Hospital of Wisconsin & Affiliates to Purchase a Pediatric Intubation Training Head for Fire Department.

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

10. Recommendation of the Finance/Personnel Committee to approve request for funds from undesignated reserves to repair the Air Handler for City Hall in the amount of \$6,520.

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

11. Recommendation from Plan Commission to approve a Proposed Extraterritorial Four Lot Certified Survey Map at 4609 Cottonwood Lane in the Town of Ledgeview (Parcel D-2027). Submitted by Steven M. Bieda, PLS, Mau & Associates LLP, authorized representative for Ryan Radue, Seville Properties LLC, property owner.

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

12. Recommendation from the Board of Public Works to approve award of Contract 19-07 Asphalt, Curb, and Sewer Repair to Northeast Asphalt, Inc. in the amount of \$650,543.13

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

13. Recommendation from the Board of Public Works to reject all bids for Project 19-04 James Street Reconstruction & Streetscape

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

14. Recommendation from the License Committee on an application for a Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License for ESales Inc (DBA Pasquales), 305 Main Av. Submitted by ESales Inc, Agent: Tye Hartwell, De Pere, WI.

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

15. Recommendation from the License Committee on renewal applications for the licensing period of July 1, 2019 to June 30, 2020.

A. Class "A" Fermented Malt Beverage License

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

B. Class "A" Fermented Malt Beverage/"Class A" Intoxicating Liquor Licenses

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

C. Class "B" Fermented Malt Beverage/"Class B" Intoxicating Liquor Licenses

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

D. Class "B" Fermented Malt Beverage/"Class B" Reserve Intoxicating Liquor Licenses

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

16. Ordinance #19-14 Repealing Sections 8-3, 8-17 and 8-21 De Pere Municipal Code Regarding Smoking and Tobacco Regulations and Creating New Section 8-3, Smoking, Vapor Product and Tobacco Regulations.

Alderperson Hansen thanked the Legal department and City Attorney Judy Schmidt-Lehman for their work on this ordinance. Alderperson Raasch explained that he brought this item to the Board of Public Health because ongoing studies are finding more negative health effects from vaping; restricting the sale of vaping products to minors will hopefully prevent them from taking up the habit. Alderperson Nelson emphasized the statistics prompting this ordinance change: from 2011 – 2017, the rate of high school students who smoke dropped from 16% to 8%. However, in the same time period, use of vapor products by this age group increased from 1.5% to 20.8%. Nelson noted that initially vaping had been touted as a safe alternative to smoking, but research is finding more and more issues with it.

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

17. Ordinance #19-15 Repealing Section 8-8 De Pere Municipal Code Regarding Injury to Animals and Creating Section 86-8 Regarding Miscellaneous Animal Regulations.

Alderson Hansen moved to deny the recommendation of the Finance/Personnel Committee, and to approve the proposed ordinance with the first sentence of section 86-8(b) being stricken. Alderson Boyd seconded the motion. Aldersons Raasch and Crevier spoke against the proposed change to the code.

RESULT:	DEFEATED [2 TO 4]
MOVER:	Jonathon Hansen, Alderson
SECONDER:	James Boyd, Alderson
AYES:	James Boyd, Jonathon Hansen
NAYS:	Scott Crevier, Ryan Jennings, Casey Nelson, Dean Raasch
EXCUSED:	Dan Carpenter, Amy Chandik Kunding

18. Resolution #19-50 Authorizing Third Amendment to Agreement Between the City of De Pere and Graef-USA, Inc. (James Street Streetscape Design Services).

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

19. Resolution #19-51 Approving Agreement for HVAC Preventative Maintenance Between the City of De Pere and Hurckman Mechanical Industries, Inc.

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

Greg Wierzba of Tweet Garot Mechanical spoke against the proposed agreement. He stated that they have had the contract for the past several years, and also submitted a bid for this agreement. Although they did not come in lowest, he referred to their track record and knowledge of the amount of hours needed to provide maintenance. He questioned the number of hours quoted in Hurckman's bid. He pointed out that Hurckman also did not do a walkthrough of the buildings.

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

Maintenance Supervisor Tom Blohowiak reported that a walkthrough was requested as part of the RFP, and potential bidders were given an equipment list. Hurckman bid from the book and declined a second offer to conduct a walkthrough. Tom stated that he checked the references provided and all were positive. Discussion followed about the bids and previous contracts.

Alderson Raasch moved, seconded by Alderson Crevier to open the meeting. Upon vote, motion carried unanimously. Mr Wierzba answered Council members' questions about price increases. Alderson Raasch moved, seconded by Alderson Crevier to close the meeting. Upon vote, motion carried unanimously.

City Administrator Larry Delo pointed out that because this is a proposal and not a bid, it is not mandatory that Council take the lowest proposal; however the reasons for not choosing the lowest would have to be articulated in detail.

Alderson Raasch moved, seconded by Alderson Boyd, to amend the original motion to include a contingency requiring Hurckman Mechanical to do a walkthrough to confirm their numbers. Upon vote, motion on the amendment carried unanimously. The subsequent vote on the original motion also carried unanimously.

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

20. Resolution #19-52 Authorizing Amendment to Agreement Between the City of De Pere, the Town (Now Village) of Allouez and the Green Bay Metropolitan Sewerage District Regarding Connection to Facilities.

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

21. Resolution #19-53 Authorizing Agreement for Contractor Services Between the City of De Pere and Raiserite Concrete Lifting, Inc. (Concrete Grinding - Sidewalk).

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

22. Resolution #19-54 Authorizing Agreement for Contractor Services Between the City of De Pere and Badger Concrete Lifting, LLC (Mudjacking – Curb & Gutter and Sidewalk).

City Attorney Judy Schmidt-Lehman explained the irregularities she found with the lowest bidder; the LLC listed on the proposal form does not exist. The Legal department will work with Engineering to include a requirement of proof of business existence in future proposal requests.

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

23. Resolution #19-55 Amending Section 6.4 of the City of De Pere Employee Policy Manual Regarding Compensatory Time/Administrative Time.

Human Resources Director Shannon Metzler responded to Council members' questions about the purpose of the changes, the difference between administrative time and flex time, and the use of administrative time as a retention tool.

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

24. Resolution #19-56 Approving the Creation of Police Technical Support Analyst Position and Corresponding Compensation Plan Grade Level Assignment.

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

25. Resolution #19-57 Awarding Official City Newspaper Contract.

Alderperson Hansen asked why the The Press Times did not submit a bid. City Clerk Carey Danen explained that bidders must circulate in a community for two years before qualifying to submit a bid. City Administrator Larry Delo stated that staff has concerns about moving away from a daily paper, which creates conflicts in getting public notices out in a timely manner. Discussion followed about the definition of circulation and whether statewide newspapers could also qualify to bid.

RESULT:	ADOPTED [4 TO 2]
MOVER:	James Boyd, Alderperson
SECONDER:	Casey Nelson, Alderperson
AYES:	James Boyd, Jonathon Hansen, Ryan Jennings, Casey Nelson
NAYS:	Scott Crevier, Dean Raasch
EXCUSED:	Dan Carpenter, Amy Chandik Kunding

26. Resolution #19-58 Approving Robert W. Baird & Co., Incorporated as Underwriter for City Debt Issuances.

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

27. Resolution #19-59 Resolution Establishing Non-Lapsing Funds as of December 31, 2018.

Finance Director-Treasurer Joe Zegers and City Administrator Larry Delo answered questions, explaining that any of the funds that are not used would be returned to the general fund. A request to redirect monies for a different use would have to be authorized by the Finance/Personnel Committee and Council.

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

28. Operator license applications.

Alderperson Boyd moved, seconded by Alderperson Hansen, to table Previously Tabled Application #1. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Hansen to approve Temporary Operator Applications #1-5. Upon vote, motion carried unanimously.

Alderperson Boyd moved, seconded by Alderperson Hansen to table New Operator Applications #4 and 6. Upon vote, motion carried unanimously.

Aldersperson Boyd moved, seconded by Aldersperson Hansen to approve New Operator Applications #1-3, 5, and 7-9. Upon vote, motion carried unanimously.

29. Voucher approval.

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

30. Future Agenda Items.

Aldersperson Hansen asked for an update at a future meeting on the revolving loan fund program.

31. Consideration and possible action regarding the proposed redevelopment of 123 N. Broadway Street (ED-769) submitted by Tadych Investment Partners, LLC (TIP LLC).

Aldersperson Crevier moved, seconded by Aldersperson Hansen to close the meeting at 9:14 PM. Upon vote, motion carried unanimously.

Aldersperson Raasch moved, seconded by Aldersperson Crevier to open the meeting at 9:31 PM. Upon vote, motion carried unanimously.

Aldersperson Crevier moved, seconded by Aldersperson Raasch, to authorize staff to apply for a WEDC grant. Upon vote, motion carried unanimously.

32. Adjournment. Aldersperson Raasch moved, seconded by Aldersperson Crevier to adjourn the meeting at 9:32 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk