



# Common Council

## Regular Meeting

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

### Minutes

Tuesday, June 4, 2019

7:30 PM

De Pere City Hall Council Chambers

I. 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	Present	
Scott Crevier	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Ryan Jennings	Aldersperson	Present	
Amy Chandik Kundinger	Aldersperson	Present	
Casey Nelson	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the May 13, 2019 Special Common Council meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Casey Nelson, Aldersperson
<b>SECONDER:</b>	Dan Carpenter, Aldersperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kundinger, Nelson, Raasch

4. Approval of the minutes of the May 21, 2019 Common Council meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dean Raasch, Aldersperson
<b>SECONDER:</b>	Casey Nelson, Aldersperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kundinger, Nelson, Raasch

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

Alderspersons Raasch and Hansen commended City staff for the new website which was unveiled today, and invited citizens to provide suggestions for content additions and enhancements.

Aldersperson Kundinger shared feedback from citizens regarding concerns about traffic with the proposed Mulva Center and nearby school; they urge government leaders to focus on the Southern Bridge project.

Aldersperson Jennings announced that Definitely De Pere is hosting a Food Truck Rally on June 9th in George Street Plaza (the 400 block of George Street from Broadway to Wisconsin).

6. Presentation by the Fire Department regarding the 100 S Broadway fire.

Fire Chief Al Matzke reported on the Fire Department response to the fire at 100 S. Broadway. He described the events of that night, the strategies they used and the deployment of mutual aid from other jurisdictions in the area. Mayor Walsh commended Chief Matzke and his staff, as well as the surrounding communities that responded, and thanked them for their efforts. Aldersperson Nelson thanked Chief Matzke for the

presentation, and asked if the three people who discovered the fire and took action to alert residents can be recognized. Chief Matzke reported that he was able to thank the 911 caller, and is sure that the other citizens can be found to express the City's thanks as well. He also pointed out the total City response from the Police, Water, Health, and Street departments both during the night of and after the fire. Mayor Walsh thanked the many individuals and organizations that also came together to offer assistance, donations and support, noting that it is great when the entire community comes together after something like this.

7. Recommendation from the Board of Park Commissioners to Approve \$500 Donation from JW Flooring for Upper Level Flooring Project at the Community Center.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dean Raasch, Alderperson
<b>SECONDER:</b>	Amy Chandik Kunding, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

8. Recommendation from the Board of Park Commissioners to Approve donation of approximately \$11,000 from De Pere Girls Softball to Rebuild the Old Batting Cages.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dean Raasch, Alderperson
<b>SECONDER:</b>	Amy Chandik Kunding, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

9. Recommendation from the Board of Park Commissioners to Approve \$500 Donation from Tundra Apparel & Promotions for the Beer Garden

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Casey Nelson, Alderperson
<b>SECONDER:</b>	Ryan Jennings, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

10. Recommendation from the Board of Park Commissioners to Approve Bid from Bluemel's for VFW Playground Surfacing in the Amount of \$64,424.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jonathon Hansen, Alderperson
<b>SECONDER:</b>	Dean Raasch, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

11. Recommendation from the Board of Park Commissioners to approve approximate budget of \$7,141,000 for the construction of VFW Aquatic Facility subject to adjustments based on actual bid prices.

Parks, Recreation, and Forestry Director Marty Kosobucki answered questions about the bid process, consultant selection, and demolition costs.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dean Raasch, Alderperson
<b>SECONDER:</b>	Casey Nelson, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kundinger, Nelson, Raasch

12. Recommendation from the License Committee on an application for a Special Permit allowing consumption of alcohol beverages on public ways. Submitted by Definitely De Pere for the Food Truck Rally on Sunday June 9, July 14, and August 11 from 4:00 p.m. - 8:00 p.m.

<b>RESULT:</b>	<b>ADOPTED [7 TO 0]</b>
<b>MOVER:</b>	James Boyd, Alderperson
<b>SECONDER:</b>	Amy Chandik Kundinger, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Kundinger, Nelson, Raasch
<b>ABSTAIN:</b>	Ryan Jennings

13. Recommendation from the License Committee on an application for a Special Permit allowing consumption of alcohol beverages on public ways. Submitted by Definitely De Pere for Art Walk on Friday, June 14, July 12, and August 9 from 4:00 p.m. - 8:00 p.m.

<b>RESULT:</b>	<b>ADOPTED [7 TO 0]</b>
<b>MOVER:</b>	James Boyd, Alderperson
<b>SECONDER:</b>	Dean Raasch, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Kundinger, Nelson, Raasch
<b>ABSTAIN:</b>	Ryan Jennings

14. Recommendation from the License Committee on an application for a Special Permit allowing consumption of alcohol beverages on public ways. Submitted by Definitely De Pere for the Farmers Market on Thursdays, June 20 - August 29 from 3:00 p.m. - 8:00 p.m.; and Thursdays, September 5 - September 26 from 3:00 p.m. - 7:00 p.m.

<b>RESULT:</b>	<b>ADOPTED [7 TO 0]</b>
<b>MOVER:</b>	James Boyd, Alderperson
<b>SECONDER:</b>	Dan Carpenter, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Kundinger, Nelson, Raasch
<b>ABSTAIN:</b>	Ryan Jennings

15. Recommendation from the License Committee on an application for a premises description change submitted by Gregory J. Cornell, DBA C & C Pub and Grill, 600 George St.

Alderperson Hansen explained that the business owner had concerns about the City ordinance requiring that sidewalk cafe tables and chairs be brought inside each night. He requested a discussion about a potential ordinance change that could address these concerns. City Attorney Judy Schmidt-Lehman answered questions about revocable occupancy permits (ROPs), which are approved and issued by City staff. Any ROP for a sidewalk cafe requesting permission to serve alcohol must come before Council for a premises description change.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Boyd, Alderperson
<b>SECONDER:</b>	Jonathon Hansen, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

16. 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 Licenses.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Boyd, Alderperson
<b>SECONDER:</b>	Dan Carpenter, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Boyd, Alderperson
<b>SECONDER:</b>	Jonathon Hansen, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

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

Alderperson Boyd moved, seconded by Alderperson Carpenter to table application #4 for Island Sushi. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Hansen to approve applications #1-3 and #5-8. Upon vote, motion carried unanimously.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Boyd, Alderperson
<b>SECONDER:</b>	Dan Carpenter, Alderperson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

17. Recommendation from the License Committee on a request of the Chief of Police to conduct a pre-hearing on the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor Licenses issued to McLanes Bowl LLC.

A. McLanes Bowl LLC (DBA Fox Y Moo - Bowling Alley/Front Bar), 132 S. Broadway.

B. McLanes Bowl LLC (DBA Fox Y Moo - Rear Dance Bar), 132 S. Broadway.

Mayor Walsh announced that this item would be moved forward for consideration after agenda item #5. Alderperson Hansen moved, seconded by Alderperson Nelson to open the meeting. Upon vote, motion carried unanimously. Business owner Bryan Kaster answered questions and explained the events of that night. Chief Beiderwieden reviewed the incident and also answered Council members' questions. City Attorney Judy Schmidt-Lehman explained the difference between license non-renewal and license suspension or revocation. If Council approves the recommendation to not renew both licenses, the Clerk must notify the licensee, who would have 15 days to contest the non-renewal. The only difference between a non-renewal and a suspension/revocation is that the onus is on the licensee to request a hearing. If the licensee decides to request a

hearing, there is no difference in the type of hearing that would be conducted. The non-renewal would be effective July 1st, but if the hearing could not be scheduled by then, the licenses would continue until that date.

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

Alderson Boyd moved, seconded by Alderson Hanson to deny renewal of both licenses issued to McLanes Bowl LLC for the reasons set forth in the memo of the Chief of Police. Upon vote, motion carried unanimously.

18. Resolution #19-60 Disallowance of Claim (Jesse George).

Alderson Raasch moved, seconded by Alderson Carpenter to open the meeting. Upon vote, motion carried unanimously.

Property owner Jesse George outlined the reasons for his claim and described the events leading up to it. Assistant City Engineer Chase Kuffel and Public Works Director Scott Thoresen answered Council members' questions.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Boyd, Alderson
<b>SECONDER:</b>	Dean Raasch, Alderson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

19. Resolution #19-61 Approving Contractor Agreement Between the City of De Pere and Ranger Services, Inc. (2019 Street Tree Inventory Update).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dean Raasch, Alderson
<b>SECONDER:</b>	Casey Nelson, Alderson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

20. Voucher approval.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dean Raasch, Alderson
<b>SECONDER:</b>	Dan Carpenter, Alderson
<b>AYES:</b>	Boyd, Carpenter, Crevier, Hansen, Jennings, Kunding, Nelson, Raasch

21. Operator license applications.

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

Alderson Boyd moved, seconded by Alderson Carpenter, to deny Previously Tabled Application #2 for failure to fill out the application properly and for not attending a License Committee meeting when requested. Upon vote, motion carried unanimously.

Alderson Boyd moved, seconded by Alderson Hansen to approve Previously Tabled Application #3. Upon vote, motion carried unanimously.

Alderson Boyd moved, seconded by Alderson Carpenter to approve New Operator Applications #1-6, #8-15, and #17-24. Upon vote, motion carried unanimously.

Alderson Boyd moved, seconded by Alderson Hansen, to table New Operator Applications #7 and #16. Upon vote, motion carried unanimously.

22. Future Agenda Items.

Aldersperson Hansen requested that a review on the section of the ordinance that pertains to liquor license be scheduled, to discuss a possible amendment to allow cafe seating to stay out overnight.

23. Adjournment.

Aldersperson Hansen moved, seconded by Aldersperson Nelson to adjourn the meeting at 9:01 PM. Upon vote, motion carried unanimously.

Respectfully submitted,  
City Clerk Carey Danen