

COMMON COUNCIL MEETING CITY OF DE PERE, WISCONSIN - April 2, 2008

The Common Council of the City of De Pere, Wisconsin, met in regular session at the Council Chambers in City Hall, on Wednesday, April 2, 2008.

Mayor Walsh called the meeting to order at 7:36 p.m. Roll call was taken and the following members were present: Alderpersons Holly Arnold, Carl Castelic, Jerome Daanen, Michael Donovan, Sam Dunlop, Paul Kegel, Dan Robinson and Kathy Van Vonderen. The Opening Prayer was given by Alderperson Castelic and followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS

3. A Public Hearing to act on a rezoning request for the end of Biotech Way from I-B-1 (Industrial Business 1) to CON (Conservancy) Parcel WD-1138 is scheduled for 7:35 p.m. The Notice of Public Hearing was published in the City's Official Newspaper, the De Pere Journal on March 6 & 13, 2008. Planning Director Ken Pabich stated the Plan Commission recommended approval to rezone the property.

Mayor Walsh declared the public hearing open for anyone wishing to speak. There was no one present who wished to speak and the public hearing was closed.

Ordinance #08-04 Rezoning Certain Property (Parcel WD-1138) was presented. Alderperson Daanen moved, seconded by Alderperson Castelic, to enact the ordinance. Upon discussion and vote, motion carried unanimously.

4. A Public Hearing to act on a rezoning request for 115 Huron Street from R-2 (Single-Two Family Residence) to B-3 (Highway Business) Parcel ED-1005 is scheduled for 7:35 p.m. The Notice of Public Hearing was published in the City's Official Newspaper, the De Pere Journal on March 6 & 13, 2008. Planning Director Ken Pabich stated the Plan Commission recommended denial of B-3 (Highway Business); however, they recommend amending to B-1 (Central Business) to allow vehicle sales.

Mayor Walsh declared the public hearing open for anyone wishing to speak.

Samantha Jamansky, 121 N. Huron, stated she lives next to the property to be rezoned and moved in ten years ago with intention to raise children there and would like to see it kept as residential and prefers the B-1 rezoning over the B-3 option to protect their property and keep their privacy.

Larry Fisette, 3774 Ryan Rd, stated he made it clear he would be happy to put up whatever trees or fencing requested and B-1 works for allowing their vehicle sales. He will work with the City and neighbors.

There was no one else present who wished to speak and the public hearing was closed.

Ordinance #08-05 Rezoning Certain Property (Parcel ED-1005) was presented. Alderperson Van Vonderen moved, seconded by Alderperson Daanen to enact the ordinance as B-1 (Central Business). Upon discussion and vote, motion carried with 6 ayes and 2 nays. Alderpersons Arnold and Kegel voted nay; all others voted aye.

5. Public Comment or other Announcements: The Mayor thanked outgoing Alderpersons Jerome Daanen, Sam Dunlop and Holly Arnold for their service to the community. Scott Thoresen, Public Works Director, announced the Dept. of Transportation will be starting the storm sewer work on Broadway and George

Street next week followed by pavement restoration and will take two months. The rubbish and brush pick-up will start in April - September with rubbish pick-up the first full week of the month and brush pick-up the third week of the month.

Mayor Walsh provided a statement in response to a situation following the Feb. 20 Council meeting where staff received a request from Alderperson Arnold to place the Bed & Breakfast Rezoning at 903 N. Broadway on the agenda. He explained the procedural process that occurred in approving the rezoning and noted the proper notices were given to the media and surrounding properties based on city ordinance and state law. He explained why this item was not placed on the agenda again because 1) the council no longer has any jurisdiction over the conditional use permit because the public hearing was closed and the conditional use permit was granted; 2) an item can only come back for reconsideration under circumstances like this at the following meeting and only if requested by someone in the majority. It was not brought back at the next meeting and Alderperson Arnold was in the minority with the only dissenting vote; 3) if the city put any item on the agenda, it is and can be subject to action by the Council. In this case, it would be on a matter the Council no longer has any jurisdiction. It constitutes the gathering of testimony after the public hearing is closed and is outside the scope of the conditional use process and outside the authority of the Council. The removal of the agenda item was not done to cut off debate on the issue but to preserve the legal position of the city. He noted there would be a meeting for anyone to attend to address any communication the property owners may have on April 16 at 7:00 p.m. in the Council Chambers.

Mayor Walsh asked if there was anyone present who wished to speak during public comment at 7:58 p.m.

Joe Seroogy, 806 N. Broadway, stated he has concerns with the procedural process relating to the approval of the permit for the Bed & Breakfast. He stated he spoke with a number of council members who indicated they did not have enough information on the Bed & Breakfast. He feels the procedure was not followed, justice was not served, steps should be made to make it right and requested the Council do the right thing.

Susan Gallagher-Lepak, 628 Emily St, Green Bay, stated she would be purchasing the property at 915 N. Broadway and requested clarification on an approved conditional use permit but not issued and other questions she wanted answered before making the purchase. She urged this issue be put back on the agenda for discussion. She has concerns for safety, property values, signage, the shared driveway and looking at a fire escape. She also stated the city policies and ordinances need to support good communities and the proper notification is needed.

Steven Lepak, 628 Emily St, Green Bay, spoke in opposition to the approval of the Bed & Breakfast application stating he is disappointed in the casual manner taken with approval of the permit for the Bed & Breakfast and has the same concerns as his wife. He felt the review form Planning uses is flawed and he objected to the permit being transferable.

Tom Murphy, 823 N. Broadway, stated they were advised by legal counsel the City and Elected Officials may have acted in a manner which disregards property values, safety, and procedural rights granted by ordinance to the residents of the N. Broadway Historic District. They've been denied the rights of notification specified by the City ordinance. He stated a reasonable neighborhood canvass was never performed as required by the city. The result of the establishment of this Bed & Breakfast, a commercial venture in a residential neighborhood, would be a loss of property value and they will pursue all legal avenues to rectify the situation.

Dave Duquette, 720 N. Broadway, expressed his concern about the process that took place for approval of the Bed & Breakfast permit. He understands the city has a process in place. This is a historic district and there was an exception made. He feels this affects everyone in the historic district and everyone should have been notified.

Maureen Vandenhogen, 405 Franklin, addressed the Council in favor of the Bed & Breakfast. She stated she spoke with half a dozen people who are not opposed to it. In her opinion, a Bed & Breakfast adds to a trip and the historic district. She noted maybe the ordinance should be changed and said she would hate to see the City be put through a lawsuit. The people she spoke with are not concerned about property values and maybe problems with signage could be worked out. If everyone in the historic district is contacted, you will find a lot of people are not against the Bed & Breakfast.

Katie Wagner, 414 Randall Ave, stated the differences on the Bed & Breakfast are creating ill will and that will drive property values down. As we look forward, if there is ill will, it will permeate throughout Green Bay that it's the status quo in De Pere and she doesn't think that's a value we want to promote here.

John Wagner, 414 Randall Ave, stated he was alarmed on the procedure for notification. He asked how parking can meet code at the Bed & Breakfast and how will overflow of parking be handled? He would like to know what the conditions are and who is monitoring them to know they are met.

There was no one else present who wished to speak and Mayor Walsh closed public comment at 8:23 pm.

14. Alderperson Dunlop moved, seconded by Alderperson Van Vonderen, to approve the Revolving Loan Fund Request for Harrill Cabinetry and Custom Woodworking LLC for a loan up to \$200,000.

Alderperson Castelic moved, seconded by Alderperson Daanen, to open the meeting at 8:25 p.m..

Ryan Harrill, 2119 Ryan Rd, stated the loan would be for his business in the Industrial Park and would cover working capital and acquisition of equipment. He would be adding 4 to 5 employees as well.

Alderperson Castelic moved, seconded by Alderperson Dunlop, to close the meeting at 8:27 p.m.

Upon discussion and roll call vote, the motion to approve the loan request carried unanimously.

Mayor Walsh left the meeting at 8:24 p.m. Council President Michael Donovan presided over the remainder of the meeting.

RECOMMENDATION FROM THE PLAN COMMISSION

6A. Alderperson Dunlop moved, seconded by Robinson, to approve the 2 lot Certified Survey Map (CSM) at WD-1137. Upon discussion and vote, motion carried unanimously.

7. Ordinance #08-06 Amending Chapter 70 De Pere Municipal Code Regarding Sewerage System Charges was presented. Alderperson Dunlop moved, seconded by Alderperson Kegel, to enact the ordinance. Mike Konecny from Schenck stated there has been significant operating deficits over the years and the two reasons for increase are the GBMSD sale and to take care of operating expenses. Rates are shared by the general customers and paper mills in various proportions and the way it was put together is equitable. He also pointed out the state average and the surrounding area rates as a comparison.

Aldersperson Robinson moved, seconded by Aldersperson Daanen, to open the meeting at 8:58 p.m.

Lee Hammen, Mill Manager at Thilmany, stated everyone has done a good job in working with them. Nicolet Mill has been in business for 116 years and has found ways to survive over the years being diligent in controlling costs. They feel the proposed ordinance is fair and the 10% cap helps them as a business. If there is significant change it will force them out of the system and noted their mill is not causing any degradation to the line. They appreciate how the city has worked with them on this issue.

Aldersperson Donovan moved, seconded by Aldersperson Dunlop, to close the meeting at 9:03 p.m.

Upon discussion and vote, the motion to enact the ordinance carried with 7 ayes and 1 nay. Aldersperson Arnold vote nay; all others voted aye.

8. Resolution #08-33 Establishing Sewer Service Rates was presented. Aldersperson Dunlop moved, seconded by Aldersperson Kegel, to approve the resolution. Upon discussion and vote, motion carried with 6 ayes and 2 nays. Alderspersons Arnold and Daanen voted nay; all others voted aye.

9. Resolution #08-34 Authorizing Agreement Regarding the Sale and Option to Purchase Certain Property Between the City of De Pere and CRG Logics Properties, LLC was presented. Aldersperson Kegel moved, seconded by Aldersperson Dunlop, to approve the resolution. Upon vote, motion carried unanimously.

10. Resolution #08-35 Authorizing Professional Services Agreement with Tweet/Garot Mechanical was presented. Aldersperson Castelic moved, seconded by Aldersperson Dunlop, to approve the resolution. Upon discussion and roll call vote, motion carried unanimously.

11. Resolution #08-36 Authorizing Agreement for Services Between the City of De Pere and Nancy Stacie, Inc. d/b/a Signs & Such was presented. Aldersperson Dunlop moved, seconded by Aldersperson Kegel, to approve the resolution. Upon discussion and roll call vote, motion carried unanimously.

12. Resolution #08-37 Authorizing License and Lease with Department of the Army (Riverwalk and Wildlife Viewing Pier Project) was presented. Aldersperson Kegel moved, seconded by Aldersperson Dunlop, to approve the resolution. Upon discussion and roll call vote, motion carried with 6 ayes and 2 nays. Alderspersons Arnold and Daanen voted nay; all others voted aye.

13. Resolution #08-38 Authorizing Professional Services Agreement with Water Leak Locators, LLC was presented. Aldersperson Daanen moved, seconded by Aldersperson Arnold, to approve the resolution. Upon roll call vote, motion carried unanimously.

15. There was no report from the Beautification Committee.

16. Aldersperson Van Vonderen reported the Sister Cities International Board met in February with a family from Sweden whose son Tobias will be attending Unified School District in De Pere next year. Their next meeting is April 17 at 4:00 p.m. She confirmed their organization was granted approval on there 501 (c) (3) and the crystal bowl from Sweden will hopefully be on display at the Brown County library.

17. Aldersperson Van Vonderen moved, seconded by Aldersperson Dunlop, to approve the vouchers. Upon vote, motion carried unanimously.

18. Alderperson Castelic moved, seconded by Alderperson Arnold, to approve Operator License Applications #1-13. Upon vote, motion carried unanimously.

OPERATOR LICENSE APPLICATIONS FOR APRIL 2, 2008						
	Lic.#	NAME	STREET ADDRESS	CITY	STATE	ZIP CODE
1	626	BRUNGRABER, DONALD G.	1344 BERNER ST.	GREEN BAY	WI	54302
2	627	CHRISTIAN, CRAIG J.	1027 ESTES DR.	DE PERE	WI	54115
3	628	DAVIS, RUSSELL G.	3265 EASTWAY DR.	GREEN BAY	WI	54311
4	629	DERUYTER, STEVE P.	829 GROSS CT.	GREEN BAY	WI	54304
5	630	GERRITS, PAUL E.	1321 ST. GEORGE ST.	GREEN BAY	WI	54302
6	631	GERRITS, ROBERT J.	1230 DESNOYERS	GREEN BAY	WI	54303
7	632	LEPP, DAVID E.	1403 QUINETTE LN.	DE PERE	WI	54115
8	633	MCCORMICK, ROSS S.	1701 SPRING HILLS LANE	DE PERE	WI	54115
9	634	MICHIELS, BENJAMIN J.	1758 PATRIOT WAY	DE PERE	WI	54115
10	635	MOSHER, JAMES R.	437 S. ERIE ST.	DE PERE	WI	54115
*11	636	RYAN, CARISSA L.	719 LEWIS ST.	DE PERE	WI	54115
12	637	SCANNELL, PATRICK M.	1030 PENNINGS AVE.	DE PERE	WI	54115
13	638	ZELAZOSKI, WILLIAM T.	1923 SAGEBRUSH WAY	GREEN BAY	WI	54311

19. Future Agenda Items: None.

20/21. Alderperson Arnold moved, seconded by Alderperson Kegel, to convene in closed session at 9:41 p.m. pursuant to Wis. Stats. §19.85(1)(e) to discuss public land acquisition; Wis. Stats. §19.85(1)(g) for an update on the Fox River Clean-up issue. Upon roll call vote, motion carried unanimously.

Alderperson Dunlop moved, seconded by Alderperson Van Vonderen, to reconvene in open session at 10:06 p.m. pursuant to Wis. Stats. §19.83 and 19.85(2). Upon roll call vote, motion carried unanimously.

Upon motion by Alderperson Dunlop, seconded by Alderperson Robinson, the Common Council unanimously adjourned at 10:07 p.m.

Respectfully submitted,

Charlene M. Peterson
City Clerk-Treasurer