

**COMMON COUNCIL MEETING
CITY OF DE PERE, WISCONSIN - June 3, 2008**

The Common Council of the City of De Pere, Wisconsin, met in regular session at the Council Chambers in City Hall, on Tuesday, June 3, 2008.

Mayor Walsh called the meeting to order at 7:33 pm. Roll call was taken and the following members were present: Alderpersons James Boyd, Carl Castelic, Michael Donovan, Bob Heuvelmans, Paul Kegel, Dan Robinson, Kathy Van Vonderen and Bob Wilmet. The Opening Prayer was given by Alderperson Wilmet and followed by the Pledge of Allegiance to the Flag.

Alderperson Kegel moved, seconded by Alderperson Van Vonderen, to approve the minutes of the May 20, 2008 Council meeting. Upon vote, motion carried unanimously.

4. Public Comment or other Announcements: None.

5. RECOMMENDATIONS FROM THE LICENSE COMMITTEE

Alderperson Castelic moved, seconded by Alderperson Heuvelmans, to approve an Application for a Class "B" Beer and "Class B" Liquor License for Sidekicks Bar & Grill, 930 Main Ave, De Pere. Upon vote, motion carried unanimously.

6. Resolution #08-50 Authorizing Street Improvements and Levying Special Assessments Against Benefited Property (Lawrence Drive from Scheuring Road to Main Avenue) was presented. This resolution was tabled at the May 20, 2008 Council meeting because there were concerns raised at the public hearing and additional information solicited by council members. Administrator Delo provided background information dealing with the storm sewer assessment on Lawrence Drive and stated additional information was received by Mau & Associates concerning data that conflicts with the Engineering Department's data and the City has not had time to evaluate the information. He recommended the resolution be referred to staff for further evaluation.

Atty Judy Schmidt-Lehman stated a small portion of the state right-of-way on the west side of Lawrence Drive would be draining into the storm sewer system. The statute is vague about benefited property. The Council should assume this state property will benefit albeit minimally. The statute indicates the state is exempt from being assessed and then the city has to be pick-up the state's share. All the properties are being assessed on a front foot basis. We need to look at the state property and determine if the assessment is reasonable when their property is 9,000 lineal feet of narrow frontage and is only contributing 2% of the water that will flow into the system throughout the project. There are other methods of assessment that can be used to treat the uniqueness of the state property more fairly while assessing the other properties in the project. One of those methods is based upon the property's contribution to the storm water run off that is going to be carried by the storm water conveyance system being constructed. The Engineering Department has not put together that type of an assessment and that would be one of the reasons to refer this back to staff so that calculation can be made. Council should assume the state property is benefited from this project and the assessment method has to take into consideration the uniqueness of the state property in determining the reasonable method of assessment for all the properties on Lawrence Drive.

Discussion followed.

Alderperson Kegel moved, seconded by Alderperson Van Vonderen, to open the meeting. Upon vote, motion carried unanimously.

Pat Byrne, 426 S. Huron, spoke on behalf of his mother's property at 1216 Renkens Court and also

Lois Vieau whose residential property is on the corner of Grant, Renkins, & Lawrence Dr. regarding the special assessments on Lawrence. He read a letter from Lois Vieau concerning her corner residential lot stating \$115/lineal foot seems extremely high and inquired whether the assessment followed city policy. They feel the assessment to be high and would like it to be reconsidered.

John Schmidt, 1221 Grant, representing Agri-Partners Cooperative fka Progressive Farmers, stated they happen to be in a unique situation where the other side of the road is owned by the state, which is exempt from the special assessment and is concerned on how equitable that is. He also spoke on the other reconstruction projects over the last several years that impacted their business. This project will be over two summers where people can't get to their business and they have not recovered from the last one. Also, he noted on any other roads businesses on both sides of the road would be contributing to the cost of construction.

Randy Johnson, 939 Lawrence Drive, representing Cummins Great Lakes, stated they didn't ask for work to be done on this road. He can feel the pain of the people who live on the corner. His company has no benefit and sees no need to put curb in on that side of the road.

Bill Gray, 875 Lawrence, representing Cummins Npower, addressed the Council stating he runs the facility next to Randy Johnson and agrees with his comments. Is the project really necessary? If so, he doesn't believe they should be paying such a large assessment. If there were businesses on the other side, they would be paying 50% of the assessment. He stated the assessment is unreasonable and doesn't think it's necessary but if it has to be the cost should be shared by the state or the city.

Stuart Frankenthal, Jass Realty Co., LLC and owner of 421 Lawrence and Krista Heath, Mau & Associates stated they respectfully disagree with Counsel's definition of 2% benefit for the state property. They have determined there are 10 inlets in the ditch installed by the City along this 9000-foot strip. They understand it would be 2012-2013 before the state system is in place. The courts have not addressed a five-year delay. He noted property owners are to be charged only for the special benefit they receive from the installation of the improvements. It's their position the city and state are benefiting from the water runoff. Two thirds of the water runoff from 41 will go into the sewer system. There is no control over where the run off comes from. The statute is very clear in the event the state benefits the city is responsible for picking up that portion. He asked Council to consider the concept the property is benefited, by state statute, by equitable relief that says take the lineal footage, which is the system in place in the city, instead of a percentage of water runoff when computing the assessment. He also read comments from the General Manager of Peterbuilt, 201 Lawrence, stating he budgeted \$30,000 in 2008 based upon 2007 discussions on 511lineal ft @ \$65/ft and was shocked when he found out he was being charged for both sides of the road. Krista Heath stated she received the Dept. of Transportation plans yesterday, which are very preliminary and noted it will take years to complete them so she doesn't see how the city can estimate an exact area of water coming off Hwy 41. She believes it will be difficult to assess by area and without the state plans being completed how can it be fair.

Craig DeCleene, 625 Lawrence Dr, concurred with the other speakers regarding the special assessments. The footage on the opposite side of the road should not be his responsibility. He noted if they are responsible for curb and gutter they should pay for just their side of the street.

Aldersperson Van Vonderen moved, seconded by Aldersperson Robinson, to close the meeting. Upon vote, motion carried unanimously.

Discussion followed. Aldersperson Donovan moved, seconded by Aldersperson Wilmet, to refer the resolution to staff for further review and place on the June 17 Council agenda. Upon vote, motion carried with 7 ayes and 1 nay. Aldersperson Castelic voted nay; all others voted aye.

7. Resolution #08-61 Authorizing Software Licensing and Annual Software Maintenance Agreement

with Tyler Technologies was presented. Alderperson Boyd moved, seconded by Alderperson Robinson, to approve the resolution. Upon roll call vote, motion carried unanimously.

8. Council discussed the sex offender issue. Alderperson Wilmet stated he requested this discussion since he had a number of constituents ask about it. He would like to see it referred to the proper department for review and make a recommendation to the Council. Discussion followed. Captain Dale Haagen shared research he conducted on the WI Sex Offender Registration Program that began in June 1997. The intent of the program is to gather information on sex offenders that are being released and monitor/track them within the community to enhance the safety of those living within the community. There have been some changes to the law that provides public access to the sex offender registrant's address, which created more public awareness but at the same time also created public concerns. He noted, currently, the City of De Pere has 36 registered sex offenders and there were 15 last fall. There is not a lot of information within the state on restrictions dealing with sex offenders so he had to look outside the state. He provided information on Iowa's statewide ordinance and a study in Minnesota and ordinances that were passed in surrounding areas. He noted in Iowa's experience they found no correlation between residency restrictions and a reduction of sex offenses against children or improving safety of children in the community. Research did not support children are more likely to be victimized by places protected by the ordinances than places not protected by the ordinance. Residency restrictions cause some offenders to become homeless and fail to comply with reporting laws or simply disappear. No tracking mechanism is left in place, which is contrary to the intent of putting together the registry. There was a drain on law enforcement resources in an effort to enforce the restriction and the restriction removes the registrants from support (family, community resources, affordable housing) that are critical to the success of the registrant. Locally, Green Bay adopted a sex offender residency restriction in April 2007. No studies have been done to determine its impact on child protection or the number of sexual assault complaints or investigations. Green Bay's restriction has created additional manpower and resource needs to conduct background and compliance checks on those believed to be in areas restricted by the ordinance, and meet the needs of the review board.

Also, in 2007 Minnesota conducted a study on sex offender repeat offenders. Of the 240 cases studied, each of the subjects indicated they were not deterred by a residency restriction. Ashwaubenon recently adopted a residency restriction along with a loitering restriction for specified locations for sex offender registrants. Their ordinance does not include a review board. It's too early to tell the impact this will have. He noted it's too early to tell what impact this will have on the City of De Pere but it may cause additional sex offender registrants moving and registering in the city. Adopting a similar residency restriction will not resolve the issue. It will cause those currently registered or moving in to "go underground" and they will not be able to track or monitor offenders.

The Department of Correction Bureau of Offender Programs oversees the Sex Offender Registrant Program and should be able to assist in researching alternative strategies.

Alderperson Donovan moved, seconded by Alderperson Wilmet, to open the meeting. Upon vote, motion carried unanimously.

Patricia Jansen, 1411 Weatherstone Trail, stated she moved to the City of De Pere two years ago. She was a victim as a child by a babysitter across the street and she was 43 before she told her parents. She is a survivor and not a victim anymore. She urged the Council not to follow what the City of Green Bay did since in her opinion it's not keeping anyone safe. This usually happens in the family's home and it's not usually a stranger. She stated Green Bay and Ashwaubenon residency restrictions are detrimental to keeping children safe. Having residency restrictions is not going to keep anyone safe. She asked what the difference was between a drug abuser, a sex offender, and a

drunk driver who killed someone and where they live? She urged the Council to be careful when making the restrictions.

Aldersperson Van Vonderen moved, seconded by Aldersperson Robinson, to close the meeting. Upon vote, motion carried unanimously.

Aldersperson Wilmet moved, seconded by Aldersperson Heuvelmans, to refer this matter to staff for input and a recommendation regarding a residency restriction, and/or loitering restriction options, or not to pursue it at all and return the matter in two to four weeks. Upon discussion and vote, motion carried unanimously.

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

10. Applications for Operator Licenses #1- 7 in current licensing period were presented:

OPERATOR LICENSE APPLICATIONS FOR JUNE 3, 2008						
CURRENT LICENSING PERIOD: Thru June 30, 2008						
	LIC.#	NAME	ADDRESS	CITY	ST	ZIP
1	678	ANTONI, LACIE R.	1901 RIDGEWAY DR., #42	DE PERE	WI	54115
2	679	DEGROOT, LESLIE A.	2132 S. BROADWAY ST.	GREEN BAY	WI	54304
3	680	FINENDALE, JENNIFER M.	1596 AMY ST.	GREEN BAY	WI	54302
4	681	GAUTHIER, PATSY A.	315 JOHNSON ST., BOX 491	PULASKI	WI	54162
5	682	HURLBUT, CELENA R.	1948 NEWBERRY AVE.	GREEN BAY	WI	54302
6	683	TOFTNESS, MANDI E.	525 W. PEARL ST.	SEYMOUR	WI	54165
7	tabled	VAN STRATEN, SCOTT D.	2501 VALIANT LN.	GREEN BAY	WI	54304

Aldersperson Wilmet moved, seconded by Aldersperson Castelic, to approve Operator License Applications #1-6 listed above. Upon vote, motion carried unanimously.

Aldersperson Wilmet moved, seconded by Aldersperson Castelic, to table Operator License Application #7 listed above. Upon vote, motion carried unanimously.

Applications for Operator Licenses #1 - 54 for the 2 yr renewal-licensing period July 1, 2008 thru June 30, 2010 were presented:

LICENSING PERIOD: July 1, 2008 thru June 30, 2010						
		NAME	ADDRESS	CITY	ST	ZIP
1	57	ALBERTS, BONITA A.	2054 CHARLES ST.	DE PERE	WI	54115
2	58	ALBERTS, JOSEPH N.	3499 TRESTLE	GREEN BAY	WI	54311
3	59	ANTONI, LACIE R.	1901 RIDGEWAY DR., #42	DE PERE	WI	54115
4	60	BAETEN, DAVE D.	602 HELENA ST.	DE PERE	WI	54115
5	61	BAETEN, MARY JANE	602 HELENA ST.	DE PERE	WI	54115
6	62	BILOTTI, ANGELA R.	1223 ROBIN ST.	DE PERE	WI	54115
7	63	BILOTTI, MARIO F.	1104 CHICAGO ST.	DE PERE	WI	54115
8	64	BOROWSKI, AMY JO	601 GREENBELL ST.	GREEN BAY	WI	54301
9	65	BRUNETTE, JOSEPH A.	1410 ORLANDO DR.	GREEN BAY	WI	54313
10	66	BUSH, ERIC ROBERT	1615 WINDSOR DR., APT. 1	GREEN BAY	WI	54302

11	67	BUSHMAKER, ELIZABETH D.	1224 SHADOW RIDGE WAY, #5	DE PERE	WI	54115
12	68	DACUS, TAMARA S.	1103 ANDERSON DR., #14	GREEN BAY	WI	54304
13	69	DAVIS, DEBRA A.	1224 SHADOW RIDGE WAY	DE PERE	WI	54115
14	70	DEHN, PETER A.	822 MARVELLE LN., APT. B	GREEN BAY	WI	54304
15	71	DEL GIACCO, DANIELLE A.	262 NOB HILL LN.	DE PERE	WI	54115
16	72	DELARUELLE, CRYSTAL A.	848 FRIBOURG ST.	GREEN BAY	WI	54115
17	73	DIEDERICH, SARA A.	W320 ALPINE DR.	DE PERE	WI	54115
18	74	DOBERSTEIN, JEFFREY A.	506 S. 6TH ST.	DE PERE	WI	54115
19	75	DOBERSTEIN, ROSEMARIE A.	506 S. 6TH ST.	DE PERE	WI	54115
20	76	DOXTATOR, TARA	W1430 TALLFEATHER WAY	SEYMOUR	WI	54165
21	77	EVERSON, KIM M.	634 LAVERNE DR.	GREEN BAY	WI	54311
22	78	FERRON, CHRISTOPHER D.	1331 BELLEVUE ST., LOT 356	GREEN BAY	WI	54302
23	79	FINENDALE, JENNIFER M.	1596 AMY ST.	GREEN BAY	WI	54302
24	80	FLOCK, NICOLE J.	1085 ECHO LN.	GREEN BAY	WI	54304
25	81	GARBE, KIM M.	1011 DIVISION ST.	GREEN BAY	WI	54303
26	82	GARRITY, LYNN M.	6693, HWY 57, #51	GREENLEAF	WI	54126
27	83	GAUTHIER, PATSY A.	315 JOHNSON ST., BOX 491	PULASKI	WI	54162
28	84	GEORGIEVA, STILIANA H.	1260 PERSHING RD., #96	DE PERE	WI	54115
29	85	GRIB, JOSEPH S.	1019 BERNER ST.	GREEN BAY	WI	54302
30	86	GROTH, AMANDA AR.	1808 MONROE ST.	TWO RIVERS	WI	54241
31	87	HENDRA, STACEY N.	1808 ELDORADO DR., #5	GREEN BAY	WI	54302
32	88	HERMUS, JODY K.	W3780 KROPP RD.	SEYMOUR	WI	54165
33	89	HEssel, CAROL K.	2264 NINTH ST.	GREEN BAY	WI	54304
34	90	HURLBUT, CELENA R.	1948 NEWBERRY AVE.	GREEN BAY	WI	54302
35	91	HUXFORD, NICOLE A.	429 N. SUPERIOR ST.	DE PERE	WI	54115
36	92	JOHNSON, THOMAS M.	909 4TH ST.	DE PERE	WI	54115
37	93	KARST, REBECCA C.	1275 CARMEN CT.	DE PERE	WI	54115
38	94	KEPPLINGER, PAMELA J.	1180 SCHEURING RD.	DE PERE	WI	54115
39	95	KERSKE, TINA L.	2493 HEATHER RD.	GREEN BAY	WI	54311
40	96	KOSHALEK, LAUREN M.	373 KENNY ST.	GREEN BAY	WI	54301
41	97	KVALHEIM, SARAH L.	2334 WOODROW WAY	GREEN BAY	WI	54301
42	98	LAATSCH, ERICA D.	2225 RED TAIL GLEN	DE PERE	WI	54115
43	99	LUEDTKE, RONALD R.	1484 BARBARA	DE PERE	WI	54115
44	100	MASON, LAURA L.	127 S. WISCONSIN ST., #8	DE PERE	WI	54115
45	101	MATHISON, EDWARD F.	560 N. OLDEN GLEN RD.	DE PERE	WI	54115
46	102	MEIXL, JACQUELINE D.	519 N. BROADWAY ST.	DE PERE	WI	54115
47	103	PASZKIEWCZ, BRUCE J.	3287 S. PINETREE RD.	ONEIDA	WI	54155
48	104	SMITS, SAMUEL	991 ALDRIN ST.	DE PERE	WI	54115
49	105	SMITS, TANYA A.	6126 CTY. PP	GREENLEAF	WI	54126
50	106	STALBERGER, LEON E.	917 BLUEDBIRD ST.	DE PERE	WI	54115
51	107	THOMPSON, ROBERT W.	2045 SCHANOCK DR.	GREEN BAY	WI	54303
52	108	TOFTNESS, MANDI E.	525 W. PEARL ST.	SEYMOUR	WI	54165

53	109	TREML, TERRI A.	933 AMHART DR.	DE PERE	WI	54115
54	tabled	VAN STRATEN, SCOTT D.	2501 VALIANT LN.	GREEN BAY	WI	54304

Aldersperson Castelic moved, seconded by Aldersperson Heuvelmans, to approve Operator License Applications #1-53 listed above. Upon vote, motion carried unanimously.

Aldersperson Castelic moved, seconded by Aldersperson Wilmet, to table Operator License Application #54 listed above. Upon vote, motion carried unanimously.

11. Future Agenda Items: Aldersperson Kegel requested a discussion on what to do with the land west of Broadway on George.

Upon motion by Aldersperson Van Vonderen, seconded by Aldersperson Boyd, the Common Council unanimously adjourned at 9:40 pm.

Respectfully submitted,

Charlene M. Peterson
City Clerk-Treasurer