



# **MINUTES OF THE COMMON COUNCIL**

**TUESDAY, DECEMBER 11, 2012, 7:00 P.M.**

**COUNCIL CHAMBERS**

**ROOM 203, CITY HALL**

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Tony Wachewicz. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, A. Kocha, J. Moore, D. Boyce, J. Brunette, J. Warner, M. Steuer, B. Danzinger, T. Sladek. Excused: None.

The Pledge of Allegiance was led by Boy Scout Troop 1236 from St. Bernard Parish.

Mayor Schmitt led the invocation.

Moved by Ald. Thomas DeWane, seconded by Ald. Nicholson to approve the minutes of the November 14 and the November 27 meetings. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to approve the agenda. Motion carried.

## **REPORT BY THE MAYOR**

The Mayor read a proclamation for Ed Wiesner, Director of Public Works, who started in 1980 and is retiring at the end of the year.

The next Common Council Meeting will be on Tuesday, January 15.

## **APPOINTMENT BY THE MAYOR**

Director of Public Works  
Steve Grenier

Moved by Ald. Thomas DeWane, seconded by Ald. Nicholson to confirm the appointment. Motion carried.

## **PETITIONS & COMMUNICATIONS**

### **IMPROVEMENT & SERVICE COMMITTEE**

Application for a Tree & Brush Trimmer License by Consciously Fresh Tree Services.

Request by St. Mary of the Angels Parish to set up a payment program for their street improvement on Irwin Avenue.

Request by Ald. Brunette for the installation of street lights at the following locations:

- A. S. Oneida Street between Eighth and Ninth Streets.
- B. Leland Street between Western Avenue and the railroad line.

### **LAW DEPARTMENT**

Request by Ald. Sladek to initiate revision of city ordinance to incorporate State Statute NR 19.60 related to the feeding of wild animals.

### **PARK COMMITTEE**

Request by Ald. Steuer to look at naming the west side trail after Ben Edinger who died in Iraq in 2004.

### **PROTECTION & WELFARE COMMITTEE**

Application to keep three dogs and three cats at 503 Scott Drive.

Appeal by Jamie Croxford to the denial of her Operator License application.

Application for an available Class "B" Combination License by Chip Stacks, Inc. at 414-418 Dousman Street.

Appeal by Desia Tallmadge to the denial of her Operator License application.

Request by Ald. Moore to present and finalize a resolution allowing the Chief of Police to designate certain Community Service Interns authority to issue certain citations.

Moved by Ald. Kocha, seconded by Ald. Tim DeWane to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

## **REPORTS FOR COUNCIL ACTION**

### **REPORT OF THE GREEN BAY PLAN COMMISSION December 11, 2012**

The Green Bay Plan Commission, having met on Monday, November 26, 2012, considered all matters on its agenda and wishes to report and recommend the following:

1. To refer to the Law Department a request for a 30-day waiting period for razing structures.
2. To rezone 139 and 145-151 N. Ashland Avenue from Low Density Residential (R1) to Varied Density Residential (R3).
3. To approve a Conditional Use Permit (CUP) to allow a surface parking lot as the principal use of the property at 314 and 324 N. Chestnut Avenue subject to the following conditions:
  - a) Compliance is required with all applicable regulations of the Green Bay Municipal Code, including site plan approval and necessary building permits.
  - b) The parking lots shall be paved and striped and shall include either curbing or wheel blocks for each stall.
  - c) The layout and landscaping of the parking lot shall be generally consistent with the conceptual plan and shall include, as shown, decorative elements along N. Chestnut Avenue, an end-of-row landscape island along the alley in the southern parking row, and a tree planting buffer along the north property line.
  - d) An exterior lighting plan shall be submitted with the site plan. Lighting shall be provided through one or more freestanding or building mounted fixtures of quality design. Flood lighting is not permitted.
  - e) Lighting for parking and access to the residential units is the highest priority. Lighting shall be provided for 314 N. Chestnut Avenue concurrent with the construction of the parking lot. Lighting shall be provided for 324 N. Chestnut within one year of Conditional Use approval.
4. To authorize a Conditional Use Permit (CUP) for a two-family dwelling in a Low Density Residential (R1) District located at 1301 Crooks Street subject to:
  - a) Necessary permits being obtained by the property owner/representative to complete the code compliant work;
  - b) Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit; and
  - c) Additional gravel being added to better delineate existing parking areas.
5. To rezone 610 and 622 Bellevue Street and 1586 and 1592 E. Mason Street from General Commercial (C1) District to Highway Commercial (C2) District.

6. To approve a Conditional Use Permit (CUP) to authorize a semi-public use in a Public Institutional (PI) District located in the 2900 block of Saint Anthony Drive. The proposed semi-public use is 52 units of supportive housing for veterans. The proposed structures will also exceed the height limitation in the PI district. Approval is recommended subject to the following conditions:
  - a) This Conditional Use Permit authorizes 52 units of veterans housing defined by or consistent with applicant's tax credit application to Wisconsin Housing and Economic Development Authority (WHEDA). The conditions of approval shall be no more restrictive than those set forth by WHEDA and shall establish a preference for filling the units with veterans and include the presence of supportive programming. There shall be no expansion of the use without Plan Commission and City Council approval.
  - b) This Conditional Use Permit also acknowledges the future plans for 30 units of veterans' transitional housing as an integral component of the site. Implementation of the transitional housing is subject to necessary approvals including Plan Commission and City Council approval of the operational plan and conceptual building plan at such time that the future phase moves forward.
  - c) Compliance is required with all applicable regulations of the Green Bay Municipal Code, including site plan approval and necessary building and demolition permits.
  - d) Development of the site (including drives, parking areas, paths, and building construction) shall be consistent with the general intent of the conceptual site plan and building rendering provided to the Plan Commission. Minor modifications are expected, but significant changes are subject to approval by the Plan Commission and City Council.
  - e) It should be understood that there are additional development requirements contained in the Zoning Code that will apply to this site. This includes requirements for landscaping, lighting, trash enclosure screening, and the like.
  - f) This Conditional Use Permit approval is subject to final agreement between the developer and the Brown County Housing Authority as to the allocation of project-based housing vouchers.
  - g) This Conditional Use Permit approval is subject to disposition of the land by Brown County and approval of a land division to facilitate conveyance of the parcel.
  - h) The height of the building is approved consistent with the conceptual rendering.

The Plan Commission further recommended that planning for this area be revisited in six months to report on progress. Brown County and the City of Green Bay should work cooperatively to advance an updated area development plan for the county farm property with special attention to transportation services and pedestrian infrastructure needs resulting from the increase in residential and social services density. The Green Bay Plan Commission urges the provision of the Section 8 housing vouchers for the project.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt the report. Motion carried.

## **REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY December 11, 2012**

The Green Bay Redevelopment Authority, having met on Tuesday, October 9, 2012, considered all matters on its agenda and wishes to report and recommend the following:

1. The Redevelopment Authority approved a budget for use of Community Development Block Grant and HOME funds, as a part of the 2013 Annual Action Plan. This budget was recommended to the Common Council at its October 16, 2012, meeting. The budget was adopted by Common Council and published on October 18, 2012, to allow a 30-day comment period. The comment period ended on November 19, 2012. No comments were received. A summary of the approved budget, as included in the Plan, is attached. The Redevelopment Authority is recommending final approval.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the report. Motion carried.

## **REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY December 11, 2012**

The Green Bay Redevelopment Authority, having met on Tuesday, November 13, 2012, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve a six-month Planning Option with T. Wall Enterprises, LLC for properties along the west shore of the Fox River (greenfield site) for development of market-rate rental housing.
2. To approve the sale of 2111-2121 and 2123 Imperial Lane to Ken Luedke for \$1.00 subject to staff approval of the work to be done on the property as part of the move of the building at 1968 E. Mason Street, subject to Council approval.

Moved by Ald. Wiezbiskie, seconded by Ald. Sladek to adopt the report with the exception of Item #2. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt Item #2.

Moved by Ald. Nicholson, seconded by Ald. Wiezbiskie to suspend the rules to allow interested parties to speak. Motion carried.

Ken Luedke, 1039 Lime Kiln Road, presented a letter explaining the move and a map of the location.

Cliff Wall, 2576 Riverside Drive, the owner of the building, stated that he thinks this would be a good place to move the building.

Moved by Ald. Tim DeWane, seconded by Ald. Wiezbiskie to return to the regular order of business. Motion carried.

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to deny Item #2.

Moved by Ald. Danzinger, seconded by Ald. Wiezbiskie to refer Item #2 back to the Redevelopment Authority. Motion failed.

A vote was then taken on the motion to deny the purchase.

*Roll call:* Ayes: Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: Wiezbiskie. Motion carried.

### **REPORT OF THE TRAFFIC COMMISSION November 14, 2012**

The Traffic Commission having met Monday, October 15, 2012, considered all matters on its agenda and wishes to report and recommends the following:

7. To rescind the 90-day trial of the removal of the NO PARKING zone on the south side of Langlade Avenue from a point 60 feet west of Ridge Road to a point 50 feet east of Ridge Road.
8. To remove and adopt by ordinance the NO PARKING zone on the south side of Langlade Avenue from a point 50 feet west of Gross Avenue to Gross Avenue.
9. To establish and adopt by ordinance a NO PARKING zone on the south side of Langlade Avenue from Spence Street to Norwood Avenue.

#### **THESE ITEMS WERE HELD UP AT THE NOVEMBER 14 COUNCIL MEETING**

Moved by Ald. Brunette, seconded by Ald. Thomas DeWane to suspend the rules to allow interested parties to speak. Motion carried.

No one came forward to speak.

Moved by Ald. Thomas DeWane, seconded by Ald. Brunette to return to the regular order of business. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report. Motion carried.

### **REPORT OF THE TRAFFIC COMMISSION December 11, 2012**

The Traffic Commission having met Monday, November 19, 2012, considered all matters on its agenda and wishes to report and recommends the following:

1. That the request to replace YIELD signs with STOP signs at Chicago Street and Heyrman Street be received and placed on file.

2. That the request to replace the YIELD sign with a STOP sign at Louise Street and Heyrman Street be received and placed on file.
3. That the request to establish metered parking in the closed driveway area on the north side of Doty Street from Jefferson Street to Madison Street be received and placed on file.
4. That a NO PARKING zone on the south side of Humboldt Road from a point 105 feet east of Linden Drive to a point 715 feet east of Linden Drive be established and adopted by ordinance.
5. That the 1-HOUR PARKING 7 AM TO 4 PM SCHOOL DAYS zone on both sides of Bretcoe Drive from Hillside Lane to Skyline Boulevard be removed and adopted by ordinance.
6. That a 1-HOUR PARKING 7 AM TO 4 PM SCHOOL DAYS zone on both sides of Bretcoe Drive from Hillside Lane to Jamesford Avenue be established and adopted by ordinance.
7. That a 2-HOUR PARKING 7 AM TO 4 PM SCHOOL DAYS zone on both sides of Bretcoe Drive from Jamesford Avenue to Maryland Avenue be established and adopted by ordinance.
8. That a 1-HOUR PARKING 7 AM TO 4 PM SCHOOL DAYS zone on both sides of Bretcoe Drive from Maryland Avenue to Skyline Boulevard be established and adopted by ordinance.
9. That the 30-MINUTE LOADING ONLY zone on the east side of Van Buren Street from a point 110 feet south of Walnut Street to a point 235 feet south of Walnut Street be removed and adopted by ordinance.
10. That the NO PARKING zone on the east side of Van Buren Street from a point 140 feet north of Doty Street to Doty Street be removed and adopted by ordinance.
11. That a NO PARKING zone on the east side of Van Buren Street from a point 160 feet north of Doty Street to Doty Street be established and adopted by ordinance.

Moved by Ald. Thomas DeWane, seconded by Ald. Kocha to adopt the report with the exception of Item #1. Motion carried.

Moved by Ald. Tim DeWane, seconded by Ald. Moore to refer Item #1 back to the Traffic Commission. Motion carried.

**REPORT OF THE FINANCE COMMITTEE  
December 11, 2012**

The Finance Committee, having met on Tuesday, December 4, 2012, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the minutes of the Finance Committee meeting of October 23, 2012.
2. To approve the request of Finance Director to refinance City debt.
3. To receive and place on file the report by the Finance Director on financial statements through October 2012.
4. To approve the report of the Claims Committee.
5. To receive and place on file the report of the Finance Director.

2012 Contingency Fund  
\$110.000

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the report. Motion carried.

**REPORT OF THE  
IMPROVEMENT AND SERVICE COMMITTEE  
December 11, 2012**

The Improvement and Service Committee, having met on December 5, 2012 considered all matters on its agenda and wishes to report and recommend the following:

1. To deny the request by Lue Yang to rescind the nuisance litter and solid waste charge of \$98.34 at 413 Fifth Street.
2. To deny the request by Melissa Olejnik to rescind the nuisance litter and solid waste charge of \$98.34 at 1490 Main Street.
3. To deny the request by Syed Mubashar Haqqani to rescind the weed control and unsightly growth charge of \$109.00 at 1204 Marquette Avenue.
4. To hold until the next Improvement & Service Committee meeting the request by Tom Bierke for an annual exemption to the overnight on-street parking restrictions for his residence at 1433 South Chestnut Avenue.

5. To approve the request by Downtown Green Bay, Inc for permission to install eight Winter Farmer's Market banners in the right-of-way along Main Street near the KI Center, and for the Department of Public Works to install them.
6. To hold until the next Improvement & Service Committee meeting the request by Ald. Brunette to review and possibly revise overnight parking restrictions on City Streets.
7. To refer to the Traffic Engineer the request by Ald. Nicholson to evaluate and possibly add sidewalks on the west side of Main Street from Main and Mason Street to Manitowoc Road.
8. To approve the request by Ald. De Wane and Ald. Boyce, on behalf of Enviro Tire Management, to allow overnight street parking on east side Tomlin Road year round subject to annual review and renewal by City staff.
9. To approve the 2013 Sanitary District Rates.
10. To approve the 2013 Storm Water Utility Rates as follows:  
  
Monthly Charge = \$5.87/ERU  
Yearly Charge = \$70.47/ERU
11. To award Overhead Garage Doors & Service Doors Replacement/Repairs to the following low responsive vendors: Project #1 to EZ Glide in the amount of \$22,391 and Project #2 to LaForce in the amount of \$11,554.
12. To approve the Application for Underground Sprinkler System License by Lizer Lawn Care.

Moved by Ald. Kocha, seconded by Ald. Moore to adopt the report. Motion carried.

### **REPORT OF THE PARK COMMITTEE December 11, 2012**

The Park Committee, having met on Wednesday, December 5, 2012, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve Bay Lake Woodturners request to conduct a demonstration by chain saw specialists at Wilder Park on December 15, 2012 providing all proper permits, insurances and a signed hold harmless agreement is obtained.
2. To approve a request by the Green Bay East Side Youth Girls Softball League to install batting cages at the Finger Road Ball Field Complex contingent upon the following:

- All materials, supplies and labor will be the responsibility of the group.
  - Park and Department of Public Works approval of the detailed design and construction supervision.
  - A signed hold harmless agreement, proper permits and insurances being obtained.
3. To authorize staff to proceed with negotiations as directed in closed session.

The Committee may convene in closed session pursuant to Sections 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. The Committee may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

4. To authorize staff to apply for a Wisconsin Coastal Management grant to acquire parcels 7-670 and 8-263 for a future canoe/kayak launch along the East River Trail.
5. To authorize staff to seek appraisals on 501 St. George Street (parcel 7-670) and 433 St. George Street (parcel 8-263).
6. To authorize staffing the Ameriprise Ice Rink at CityDeck and to add all related admission, rental fees and charges to our fees and charges policy.
7. To receive and place on file the marketing presentations by Ecomediacs.com and the Wisconsin Park & Recreation Association.
8. To receive and place the Director's Report on file.

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to adopt the report with the exception of Item #4. Motion carried.

Moved by Ald. Kocha, seconded by Ald. Moore to adopt Item #4. Motion carried.

## **PROTECTION & WELFARE REPORT**

### **December 11, 2012**

The Protection & Welfare Committee, having met on Monday, November 26, 2012, considered all matters on the agenda and wish to report and recommend the following:

1. To postpone to the next Protection & Welfare meeting the application for a "Class B" Combination License by Justin Sobieraj at 1542 University Avenue (postponed from October 22, 2012 meeting). (Transfer from Kathy Broder).

2. To approve the application for a "Class B" Combination License by Leather and Lace Enterprises, LLC at 1351 Cedar Street with the approval of the proper authorities. (Transfer from TGIA LLC).
3. To postpone until the next Protection & Welfare meeting the application for a "Class B" Combination License and an Adult Entertainment License by B.J.R.N., LLC at 418 N. Monroe Avenue. (Transfer from DAFI, Inc.)
4. To approve the renewal application for a Direct Seller's Permit by Thomas Kulhanek. (Hot Dog Cart)
5. To approve the renewal application for a Direct Seller's Permit by Nick Siupski. (Hot Dog Cart)
6. To approve the Notice of the Change of Agent for Howard J. Johnston, LLC at 1263 E. Mason Street.
7. To approve the request by Green Bay Sportservice Inc., 1265 Lombardi Avenue to hold an outdoor event on December 2, 2012. The approval of the request is subject to complaint.
8. To deny the appeal from Raymond Greco formally contesting the "Dangerous Dog" declaration at 3165 Nicolet Drive.
9. To deny the appeal by Seree Staple to the denial of her Operator License application.
10. To receive and place on file the Quarterly Report of chronic nuisance addresses including liquor establishments submitted by the Green Bay Police Department.
11. To approve the draft ordinance adding § 940.255 (1)(d). 1987 Wis. Stats., relating to sexual crimes committed against children, to the sex offender ordinance.
12. To approve the draft ordinance amending Green Bay Municipal Code § 24.03 to include The International Fire Code 2009 Edition Adopted.
13. To approve the draft ordinance adopting § 704.95, Wis. Stats., and ATCP 134. Wis. Admin. Code, relating to landlord-tenant practices and residential rental practices to Chapter 27 of the Green Bay Municipal Code.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the report with the exception of Items #4 and #5. Motion carried.

Moved by Ald. Moore, seconded by Ald. Kocha to adopt Items #4 and #5.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to refer the items back to the

Protection & Welfare Committee.

Moved by Ald. Thomas DeWane, seconded by Ald. Sladek to refer Items #4 and #5 back and extend their current licenses for thirty days.

Moved by Ald. Kocha, seconded by Ald. Thomas DeWane to approve #4 and #5 providing the site locations are approved by the Green Bay Police Department. Motion carried on a 10 to 2 display vote.

### **PROTECTION & WELFARE REPORT December 10, 2012**

The Protection & Welfare Committee, having met on Monday, December 10, 2012, considered all matters on the agenda and wish to report and recommend the following:

1. To form a task force under the guidance of the Protection and Welfare Committee, the Mayor's Office, and Green Bay Police Department to address homelessness in the City of Green Bay.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the report. Motion carried.

### **REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES December 11, 2012**

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

#### **OPERATOR LICENSES**

Ahrens, Joseph E  
Amschler, Tayler L  
Andrews, Zachary J  
Bates, Stephanie L  
Baye, Guy J  
Bayerl, Alyssa L  
Bonnette, Lauren J  
Breitrick, Stacy A  
Brewer, Nicole M  
Brown, Jeremy M  
Christensen, Paul A  
Contois, Andrew L  
De Sotel, Stacy L  
DeBroux, Ashley M

Holtz, Amalia M  
Jarman, Valerie S  
Kawula, Phillip D  
Keomanyvong, Ranee  
Keon, Kursten M  
Kison, Leanne L  
Klitzka, Ashley A  
Knight, Michael D  
Knipp, Dylan P  
Kuchenbecker, Sahra K  
Kurowski, Janice M  
La Fave, Mike D  
Lao, Lori A  
Leyva Quinones, Jennifer L

Strenski, Emily E  
Summers, Bobbie J  
Tignall, Gerald E  
Tolzman, Amanda P  
Tucker, Steven D  
Van Boxel, Alex M  
VanVeldhuizen, Chad A  
Wasmund, Lori J  
Webster, Barbara J.  
Wheelock, Shantell LM  
Wiegand, Barbara A  
Worley, Amanda L  
Wotacheck, Corey L  
Ziemer, Laurie E

Dederich, Lori A  
DeWitt, Michelle R  
Disselhorst, Emily A  
Dougherty, Jill M  
Doxtator, Jacqueline L.  
Endemann, Ryan W  
Englund, Anna K  
Fischer, Melissa M  
Fish, BryAnne R  
Floerke, Tyler N  
Funai, Ashley M  
Gaab, Brady S  
Glesner, Olivia R  
Graham, Tennille M  
Grosshuesch, Tiffany L  
Hartman, Douglas R  
Heckert, Sierra N

Maki, Marissa M  
Maronek, Thomas C  
McNicoll, Dianna M  
Nelson, Brett A  
Newton, Tabitha L  
Nowell, Daniel R  
Olson, Gioia R  
Oswald, Nicholas A  
Pendergast, Arnold J  
Pettigrew, Kimberly D  
Pinch, Howard O  
Potvin, Daniel J  
Ricketts, Dawn M  
Rowe, Tyler A  
Salinas Cano, Jr, Oscar A  
Sciortino, Michael J  
Soquet, Bruce R

Moved by Ald. Kocha, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

### **RECEIVE & PLACE ON FILE**

City of Green Bay Trial Balance Report for October, 2012.

Municipal Court Report for October, 2012.

Moved by Ald. Kocha, seconded by Ald. Moore to receive the reports and place them on file. Motion carried.

### **RESOLUTIONS**

Moved by Ald. Thomas DeWane, seconded by Ald. Nicholson to suspend the rules for the purpose of adopting all the resolutions with one roll call vote. Motion carried.

### **FINAL PAYMENTS RESOLUTION DECEMBER 11, 2012**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. SEWERS 6-11 (INCLUDING WATER MAIN) PART A  
Peters Concrete Co.  
TOTAL AMOUNT EARNED: \$1,108,385.72  
LESS AMOUNT RETAINED: \$ 0.00  
\$1,108,385.72  
LESS AMOUNT PREVIOUSLY PAID: \$1,077,577.16  
AMOUNT DUE THIS ESTIMATE: \$ 30,808.56

ACCOUNT NUMBERS

**501-00-000-000-12201-000000-000-63111: \$1,645.00**  
**403-50-500-502-55355-000000-000-63111: \$29,163.56**  
**PO#104866**

2. SEWERS 6-11 (INCLUDING WATER MAIN) PART B  
Peters Concrete Co.  
TOTAL AMOUNT EARNED: \$1,111,455.86  
LESS AMOUNT RETAINED: \$ 0.00  
\$1,111,455.86  
LESS AMOUNT PREVIOUSLY PAID: \$1,080,970.72  
AMOUNT DUE THIS ESTIMATE: \$ 30,485.14

ACCOUNT NUMBERS

**501-00-000-000-12201-000000-000-63121: \$202.24**  
**403-50-500-502-55355-000000-000-63121: \$30,282.90**  
**PO#104891**

3. DPW EAST & WEST SIDE FUEL SYSTEM UPGRADES  
US Petroleum Equipment  
TOTAL AMOUNT EARNED: \$ 159,511.85  
LESS AMOUNT RETAINED: \$ 0.00  
\$ 159,511.85  
LESS AMOUNT PREVIOUSLY PAID: \$ 0.00  
AMOUNT DUE THIS ESTIMATE: \$ 159,511.85

ACCOUNT NUMBERS

**404-50-503-000-55140: \$159,511.85**  
**PO#104897**

Adopted December 11, 2012

Approved December 12, 2012

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Thomas DeWane seconded by Ald. Kocha to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 314 AND 324 N. CHESTNUT AVENUE  
(ZP 12-49)

December 11, 2012

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 12-49 and the recommendation of the Plan Commission on November 26, 2012, the City of Green Bay does authorize a conditional-use permit to allow for a surface parking lot as the principal use of the following described property at 314 and 324 N. Chestnut Avenue:

314 N. Chestnut Avenue: Dousmans Addition, Lot 77 (Parcel No. 5-599)

324 N. Chestnut Avenue: Dousmans Addition, Lots 79 and 80 (Parcel No. 5-602)

Said conditional-use permit shall be granted subject to the following conditions:

- a. Compliance is required with all applicable regulations of the Green Bay Municipal Code, including site plan approval and necessary building permits.
- b. The parking lots shall be paved and striped and shall include either curbing or wheel blocks for each stall.
- c. The layout and landscaping of the parking lot shall be generally consistent with the conceptual plan and shall include, as shown, decorative elements along N. Chestnut Avenue, an end-of-row landscape island along the alley in the southern parking row, and a tree planting buffer along the north property line.

d. An exterior lighting plan shall be submitted with the site plan. Lighting shall be provided through one or more freestanding or building mounted fixtures of quality design. Flood lighting is not permitted.

e. Lighting for parking and access to the residential units is the highest priority. Lighting shall be provided for 314 N. Chestnut Avenue concurrent with the construction of the parking lot. Lighting shall be provided for 324 N. Chestnut within one year of Conditional Use approval.

Adopted December 11, 2012

Approved December 12, 2012

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Thomas DeWane seconded by Ald. Kocha to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 1301 CROOKS STREET  
(ZP 12-50)

December 11, 2012

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 12-50 and the recommendation of the Plan Commission on November 26, 2012, the City of Green Bay does authorize a conditional-use permit to allow for a two-family dwelling in a Low Density Residential (R1) District on the following described property at 1301 Crooks Street:

PLAT OF ASTOR S 85 FT OF LOT 26 BLK 128 (Parcel No. 14-1471)

Said conditional-use permit shall be granted subject to the following conditions:

a. Necessary permits being obtained by the property owner/representative to complete the code compliant work.

b. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.

c. Additional gravel being added to better delineate existing parking areas.

Adopted December 11, 2012

Approved December 12, 2012

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Thomas DeWane seconded by Ald. Kocha to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL IN THE 2900 BLOCK OF ST. ANTHONY DRIVE  
(ZP 12-52)

December 11, 2012

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 12-52 and the recommendation of the Plan Commission on November 26, 2012, the City of Green Bay does authorize a conditional-use permit to allow for a semi-public use in a Public Institutional (PI) District on the following described property in the 2900 block of St. Anthony Drive:

The parcel for this proposed development has not yet been created, but will generally be located in the west 1,000 feet of the north 500 feet of the parent parcel (Parcel No. 21-283) as shown on the attached map. The legal description of the parent parcel is: GOVT LOT 5 S27 T24N R212E ALSO PRT OF PC 46 ESFR DESC IN 703 R 118 & EX PRT LOT 5 SEC 27 T24N R21E DES IN 703 R 252

Said conditional-use permit shall be granted subject to the following conditions:

a. This Conditional Use Permit authorizes 52 units of veterans housing defined by or consistent with applicant's tax credit application to Wisconsin Housing and Economic Development Authority (WHEDA). The conditions of approval shall be no more restrictive than those set forth by WHEDA, and shall establish a preference for filling the units with veterans and include the presence of supportive programming. There shall be no expansion of the use without Plan Commission and City Council approval.

b. This Conditional Use Permit also acknowledges the future plans for 30 units of veterans transitional housing as an integral component of the site. Implementation of the transitional housing is subject to necessary approvals including Plan Commission and City Council approval of the operational plan and conceptual building plan at such time that the future phase moves forward.

c. Compliance is required with all applicable regulations of the Green Bay Municipal Code, including site plan approval and necessary building and demolition permits.

d. Development of the site (including drives, parking areas, paths, and building construction) shall be consistent with the general intent of the conceptual site plan and building rendering provided to the Plan Commission. Minor modifications are expected, but significant changes are subject to approval by the Plan Commission and City Council.

e. It should be understood that there are additional development requirements contained in the Zoning Code that will apply to this site. This includes requirements for landscaping, lighting, trash enclosure screening, and the like.

f. This Conditional Use Permit approval is subject to final agreement between the developer and the Brown County Housing Authority as to the allocation of project-based housing vouchers.

g. This Conditional Use Permit approval is subject to disposition of the land by Brown County and approval of a land division to facilitate conveyance of the parcel.

h. The height of the building is approved consistent with the conceptual rendering.

BE IT FURTHER RESOLVED that the Plan Commission further recommends that planning for this area be revisited in six months to report on progress. Brown County and the City of Green Bay should work cooperatively to advance an updated

area development plan for the county farm property with special attention to transportation services and pedestrian infrastructure needs resulting from the increase in residential and social services density. The Green Bay Plan Commission urges the provision of the Section 8 housing vouchers for the project.

Adopted December 11, 2012

Approved December 12, 2012

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Thomas DeWane seconded by Ald. Kocha to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION ACCEPTING STREETS FOR CONCRETE PAVEMENT,  
ASPHALT PAVEMENT OR ASPHALT RESURFACING  
December 11, 2012**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the Director of Public Works has reported on and recommends the acceptance of the following streets for concrete pavement, asphalt pavement or asphalt resurfacing.

**BR CO PAVEMENT 2010  
EAST MASON STREET – Erie Road to Finger Road**

NOW, THEREFORE, BE IT RESOLVED, that the above streets be and are hereby accepted and that the City Clerk be and is hereby instructed to issue statements against the abutting property in accordance with the final resolutions and the final assessments on file.

Adopted December 11, 2012

Approved December 12, 2012

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Thomas DeWane seconded by Ald. Kocha to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

### **ORDINANCES - FIRST READING**

GENERAL ORDINANCE NO. 35-12

AN ORDINANCE  
AMENDING SECTION 29.307,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO TRAFFIC REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 29.307, Green Bay Municipal Code, is hereby amended by removing therefrom the following ONE-WAY STOP conditions:

THOMAS STREET at VELP AVENUE  
LARK STREET at VELP AVENUE  
SYRINGA BOULEVARD at LARK AVENUE

**SECTION 2.** Section 29.307, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-WAY STOP condition:

MORGAN LANE at HAMPTON AVENUE

**SECTION 3.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Warner, seconded by Ald. Danzinger to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 36-12

AN ORDINANCE  
AMENDING SECTION 24.03(4),  
GREEN BAY MUNICIPAL CODE,  
RELATING TO FIRE PREVENTION

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 24.03(4), Green Bay Municipal Code, is hereby amended as follows:

(4) International Fire Code® ~~2006~~ **2009** Edition Adopted. The International Fire Code® (“IFC”) ~~2006~~ **2009** Edition is hereby adopted and by reference made part of this Chapter as though fully set forth herein.

**SECTION 2.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

APPROVED:

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Mayor

ATTEST:

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Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Warner, seconded by Ald. Danzinger to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 37-12

AN ORDINANCE  
AMENDING SECTION 24.08(2),  
GREEN BAY MUNICIPAL CODE,  
RELATING TO REDUCTION IN  
FIRE INSPECTION FREQUENCY

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 24.08(2), Green Bay Municipal Code, is hereby amended as follows:

(2) Reduction in Fire Inspection Frequency. Pursuant to ~~§ Comm 14.01(11)(b)6., Wis. Adm. Code,~~ the Fire Chief may reduce the frequency of fire prevention inspections of public buildings and places of employment that have passed 2 consecutive inspections from once in each non-overlapping 6-month period per calendar year to at least once per calendar year, provided the interval between those inspections does not exceed 15 months. **SPS 314.001 (13)(b)7.a. the fire chief is authorized to reduce the frequency of fire inspections to not less than once per calendar year, provided the interval between those inspections does not exceed fifteen (15) months.**

**SECTION 2.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

APPROVED:

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Mayor

ATTEST:

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Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Warner, seconded by Ald. Danzinger to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 38-12

AN ORDINANCE  
CREATING SECTION 23.50,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO RESIDENTIAL RENTAL PRACTICES

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 23.50, Green Bay Municipal Code, is hereby created to read:

**23.50 RESIDENTIAL RENTAL PRACTICES**

(1) STATE LAW ADOPTED. Ch. ATCP 134, Wis. Adm. Code, and section 704.95, Wis. Stats., as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(2) ENFORCEMENT. The Director of Community Development is designated as a city official who may sign and issue citations with respect to this section and may delegate the authority to employees.

(3) PENALTIES. Any person who violates this section shall, for each offense, forfeit not less than \$25 nor more than \$5,000.

**SECTION 2.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.  
Moved by Ald. Warner, seconded by Ald. Danzinger to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 39-12

AN ORDINANCE  
AMENDING SECTIONS 27.621(2) AND 27.622(2),  
GREEN BAY MUNICIPAL CODE,  
RELATING TO SEXUAL OFFENDER PROXIMITY  
AND RESIDENCY RESTRICTIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 27.621(2), Green Bay Municipal Code, is hereby amended to read:

**27.621 SEXUAL OFFENDER PROXIMITY RESTRICTIONS**

(2) PROXIMITY RESTRICTION. No person who has been convicted or found not guilty or not responsible by reason of mental disease or defect of **§ 940.225(1)(d), 1987 Wis. Stats.**, any crime listed in Ch. 948, Wis. Stats., or any crime from another jurisdiction that is similar to any crime listed in Ch. 948, Wis. Stats., and, as a result of such crime, is required to register under § 301.45, Wis. Stats., and on extended supervision or parole, may enter any area within 150 feet of a parcel of land upon which there is a public, parochial, private, or tribal school educating one or more grades between Kindergarten and grade 12, a licensed child care center, a playground, a park, or a licensed entertainment facility.

**SECTION 2.** Section 27.622(2), Green Bay Municipal Code, is hereby amended to read:

**27.622 SEXUAL OFFENDER RESIDENCY RESTRICTIONS.**

(2) RESIDENCY RESTRICTION. No person who has been convicted or found not guilty or not responsible by reason of mental disease or defect of **§ 940.225(1)(d), 1987 Wis. Stats.**, any crime listed in Ch. 948, Wis. Stats., or any crime from another jurisdiction that is similar to any crime listed in Ch. 948, Wis. Stats., and, as a result of such crime, is required to register under § 301.45, Wis. Stats., may reside within 2,000 feet of a parcel of land upon which there is a public, parochial, private, or tribal school educating one or more grades between Kindergarten and grade 12, a licensed child care center, a playground, a park, or a licensed entertainment facility.

**SECTION 3.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.  
Moved by Ald. Warner, seconded by Ald. Danzinger to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 18-12

AN ORDINANCE  
REZONING PROPERTY LOCATED  
AT 139 AND 145-151 N. ASHLAND AVENUE  
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT  
TO VARIED DENSITY RESIDENTIAL (R3) DISTRICT  
(ZP 12-48)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density Residential (R1) District to Varied Density Residential (R3) District:

139 N. Ashland Avenue: ORIGINAL SURVEY LOT K AND 3 FT STRIP  
ADJ NLY OF LOT (Parcel No. 4-261)

145-151 N. Ashland Avenue: DESNOYERS ADDN LOTS 28, 29 & 30  
BLK F ALSO S 16 FT OF LOTS 178, 179 & 180 OF DOUSMANS ADDN  
(Parcel No. 4-176)

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Warner, seconded by Ald. Danzinger to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 19-12

AN ORDINANCE  
REZONING PROPERTY LOCATED  
AT 610 AND 622 BELLEVUE STREET AND  
1586 AND 1592 E. MASON STREET  
FROM GENERAL COMMERCIAL (C1) DISTRICT  
TO HIGHWAY COMMERCIAL (C2) DISTRICT  
(ZP 12-48)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Commercial (C1) District to Highway Commercial (C2) District:

610 Bellevue Street: GUESNIERS 2ND ADD NLY 44 FT OF LOTS 15 & 16 BLK 1 & S 1/2 VAC ALLEY LYG ADJ (Parcel No. 8-411)

622 Bellevue Street: GUESNIERS 2ND ADDN S 54 FT OF LOTS 15 & 16 BLK 1 EX J14655-40 FOR ST (Parcel No. 8-412)

1586 and 1592 E. Mason Street: GUESNIERS 2ND ADD LOTS 1 & 2 EX 899 R 333 & EX 1046 R 545 & LOT 3 EX ST IN 1038 R 252 & ALSO 1/2 VAC ALLEY LYG ADJ BLK 1 (Parcel No. 8-396)

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

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Mayor

ATTEST:

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Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Warner, seconded by Ald. Danzinger to advance the ordinance to the third reading. Motion carried.

### **COMMITTEE OF THE WHOLE**

Update and discussion on litigation with regards to the Oneida Seven Generations Corporation, with possible action.

Moved by Ald. Kocha, seconded by Ald. Moore to convene in closed session.

Ald. Kocha read the following: "The Council may convene in closed session pursuant to Sections 19.85(1)(g), Wis. Stats., for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda."

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

The Mayor reconvened the meeting in open session at 8:35 P.M. without objection. Attorney Wachewicz advised not opening the floor because of pending litigation.

Moved by Ald. Danzinger, seconded by Ald. Thomas DeWane to continue as discussed in closed session. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Boyce to adjourn at 8:40 P.M. Motion carried.

Kris A. Teske  
Green Bay City Clerk