



# **AGENDA OF THE COMMON COUNCIL**

**TUESDAY, FEBRUARY 5, 2013, 7:00 P.M.**

**COUNCIL CHAMBERS  
ROOM 203, CITY HALL**

- Roll call.
- Pledge of Allegiance.
- Invocation.
- Approval of minutes of the January 15, 2013, meeting.
- Approval of the Agenda.
- Report by the Mayor.
- Announcements.

## **PRESENTATION**

Green Bay Children's Museum Status Report.

## REFERRAL OF PETITIONS & COMMUNICATIONS

1. Referral of communications and petitions received by the City Clerk.

Late communications.

## REPORTS FOR COUNCIL ACTION

2. Report of the Plan Commission.
3. Report of the Traffic Commission.
4. Report of the Finance Committee.
5. Report of the Improvement & Service Committee.
6. Report of the Park Committee.

With regard to Item #1, the Council may convene in closed session pursuant to Section 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 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.

7. Report of the Personnel Committee.

With regard to Item #10, the Council may convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. 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.

8. Report of the Protection & Welfare Committee.
9. Report of the Protection & Welfare Committee granting Operator Licenses.

## RECEIVE & PLACE ON FILE

City of Green Bay Check Register for December, 2012.

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

Municipal Court Report for December, 2012.

## **RESOLUTIONS**

10. Resolution drawing final orders.
11. Resolution authorizing relocation of polling place for Ward 21.
12. Resolution authorizing discontinuance of a 15-foot public walkway easement on the former mall property.
13. Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes-Asphalt Resurfacing.
14. Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes-Concrete Pavement.
15. Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes-Asphalt Pavement.

## **ORDINANCE - FIRST READING**

16. General Ordinance No. 2-13  
An ordinance repealing and recreating Section 21.09 of the Code relating to cross-connection control program.

## **ORDINANCE - THIRD READING**

17. General Ordinance No. 1-13  
An ordinance amending Section 29.208 of the Code relating to parking regulations.

## **COMMITTEE OF THE WHOLE**

Update on proposal regarding KI Convention Center Expansion Project and Parcel 12-164.

The Council may convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. 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.

Kris A. Teske  
Green Bay City Clerk

*Supporting documents for the numbered items in this agenda are contained in  
the  
Appendix of Supplemental Information.*

**ACCESSIBILITY:** Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.



**APPENDIX OF SUPPLEMENTAL INFORMATION**

**FOR COUNCIL MEETING**

**OF TUESDAY, FEBRUARY 5, 2013**

**7:00 P.M.**

## PETITIONS & COMMUNICATIONS

### IMPROVEMENT & SERVICE COMMITTEE

Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. IEI General Contractors, Inc.
- B. Ramco Construction Services, LLC
- C. Kurowski Construction

Application for a Tree & Brush Trimmer License by A-1 Tree Service, Inc.

### PLAN COMMISSION

Request by Jim Sanderson to name a yet-to-be constructed street in the 300 block of N. Washington Street as "Navarino Street".

### PROTECTION & WELFARE COMMITTEE

Application for an available Class "B" Combination by Pickled Restaurants, LLC at 1301 S. Broadway.

Request by the owners of Pearly Gates, 3551 Finger Road, to hold an outdoor event on July 13.

Request by the owners of Shenanigan's Pub, 1279 Main Street, to have a tent behind their building on March 15-19 and to hold an outdoor event on March 16 and 17.

**REPORT OF THE GREEN BAY PLAN COMMISSION**  
**February 5, 2013**

The Green Bay Plan Commission, having met on Monday, January 21, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. Discontinuance of a 15-foot public walkway easement to make way for the Schreiber Foods development on the former mall property subject to the creation and recording of a new public walkway and public utility easement to serve the existing City of Green Bay and Time Warner Cable facilities.

**REPORT OF THE  
TRAFFIC COMMISSION  
February 5, 2013**

The Traffic Commission having met Monday, January 21, 2013, considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the report by the Police Department of the 2012 4<sup>th</sup> quarter serious injury and fatality crashes.
2. To postpone until the February 18, 2013 Traffic Commission meeting the request to establish a NO PARKING 12 AM TO 3 AM zone on the east side of Washington Street from Doty Street to CityDeck Court.
3. That the Police Department conducts a speed study of Chicago Street and Heyrman Street in response to the request to replace YIELD signs with STOP signs at Chicago Street and Heyrman Street.
4. To postpone until the February 18, 2013 Traffic Commission meeting, in order to obtain the Legal Department's opinion, the request to install AUTISTIC CHILD AREA signs near 887 Elmore Street.
5. That the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Quincy Street from Emilie Street to a point 280 feet north of Emilie Street be removed and adopted by ordinance.
6. That the NO PARKING BUS LOADING ONLY 7 AM TO 4 PM SCHOOL DAYS zone on the west side of Quincy Street from a point 230 feet south of Eliza Street to Eliza Street be removed and adopted by ordinance.
7. That a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the west side of Quincy Street from Emilie Street to Eliza Street be established and adopted by ordinance.
8. That the NO PARKING zone on the west side of Bornemann Street from a point 100 feet south of Brook Street to a point 235 feet south of Brook Street be removed and adopted by ordinance.
9. That the NO STOPPING OR STANDING zone on the east side of Maple Avenue from Dousman Street to Kellogg Street be removed and adopted by ordinance.
10. That a NO PARKING 7 AM to 4 PM SCHOOL DAYS zone on the east side of Maple Avenue from Dousman Street to Kellogg Street be established and adopted by ordinance.
11. That the NO PARKING zone on the west side of Maple Avenue from Dousman Street to a point 115 feet north of Dousman Street be removed and adopted by ordinance.
12. That a NO STOPPING OR STANDING zone on the west side of Maple Avenue from Dousman Street to Kellogg Street be established and adopted by ordinance.
13. That the 2-WAY STOP condition on Stuart Street at Jackson Street be removed and adopted by ordinance.
14. That a 1-WAY STOP condition on eastbound Stuart Street at Jackson Street be established and adopted by ordinance.
15. That the 2-WAY YIELD condition on Van Buren Street at Stuart Street be removed and adopted by ordinance.

16. That a 1-WAY STOP condition on westbound Stuart Street at Van Buren Street be established and adopted by ordinance.
17. That a 1-WAY YIELD condition on Eileen Street at Hampton Avenue be established and adopted by ordinance.
18. That a 1-WAY YIELD condition on Robinson Avenue at Hampton Avenue be established and adopted by ordinance.
19. That the NO STOPPING OR STANDING 7 AM TO 4 PM SCHOOL DAYS zone on the north side of Fagerville Way from a point 400 feet west of Sussex Road to Sussex Road be removed and adopted by ordinance.
20. That a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the north side of Fagerville Way from a point 350 feet west of Sussex Road to Sussex Road be established and adopted by ordinance.
21. That that the NO STOPPING OR STANDING 7 AM TO 4 PM SCHOOL DAYS zone on the east side of Gatewood Street from Liberty Street to a point 110 feet south of Biemeret Street be removed and adopted by ordinance.
22. That the NO PARKING zone on the east side of Gatewood Street from a point 110 feet south of Biemeret Street to Biemeret Street be removed and adopted by ordinance.
23. That a NO STOPPING OR STANDING BUS LOADING ONLY 7 AM TO 4 PM SCHOOL DAYS zone on the east side of Gatewood Street from a point 250 feet north of Liberty Street to Biemeret Street be established and adopted by ordinance.
24. That the NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on both sides of Harvey Street from Baird Street to Grove Street be removed and adopted by ordinance.
25. That a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the south side of Harvey Street from Baird Street to Grove Street be established and adopted by ordinance.

**REPORT OF THE FINANCE COMMITTEE**  
**February 12, 2013**

The Finance Committee, having met on Tuesday, January 22, 2013, 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 January 8, 2013.
2. To award the purchase of an 18" Brush Chipper to Vermeer for the amount of \$32,788.
3. To award the purchase for the steel sheets and hole drilling fabrication for the Bay Beach bumper car floor to American-3 Fab Inc in the amount of \$13,895.47.
4. To receive and place on file the report by the Finance Director pertaining to the closing of December 2012, which is now in progress.
  - a. To receive and place on file the report by the Finance Director regarding the Clerk's Office preparation for the 2013 elections occurring on February 19 and April 2.
  - b. To receive and place on file the report by the Finance Director providing tentative dates in regards to the budget meetings for Finance/Personnel and the Common Council for the year of 2013.

2013 Contingency Fund  
\$110,000

**REPORT OF THE  
IMPROVEMENT AND SERVICE COMMITTEE  
February 5, 2013**

The Improvement and Service Committee, having met on January 23, 2013 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request to allow on-street parking immediately adjacent to 1342 South Broadway from 3:00-3:30 AM on Friday and Saturday nights, subject to annual review.
2. To repeal and recreate Section 21.09 of the Green Bay Municipal Code relating to cross-connection control program.
3. To communicate the option of payment to St. Mary of the Angels Parish representatives and to Ald. Tim De Wane.
4. To refer to staff to coordinate with Ald. Brunette on the review of the overnight parking policy for possible clarification of exceptions.
5. To have the existing streetlight arm on Oneida Street extended by 6 feet, on pole #106-HH43 to increase to a 14,000 lumen light and have City Forestry trim the trees near the light.
6. To approve the 2013 Department of Public Works service charges as follows:

**SANITATION:**

Recycling Cart 64	\$41.00 Each
Recycling Cart 96	\$47.00 Each

**SNOW AND ICE CONTROL ON PUBLIC SIDEWALKS:**

\$ .15 Per Lineal Foot Plus \$51.00 administrative charge per parcel

**EARLY SETOUT CHARGES:**

Minimum: \$57.00

**BULK COLLECTION RATE:**

\$45.00 per cubic yard

Moveouts ≤ 3 CY	\$70.00	Each Stop
Moveouts ≥ 3 CY	\$140.00	Each Stop
Moveouts ≥ 10 CY	\$210.00	Each Stop

**APPLIANCE COLLECTION:**

Refrigerators/freezers	\$35.00 Each
Other Appliances	\$25.00 Each

**WEED CUTTING:**

Fixed Charge Per Parcel	\$44.00
Plus Labor Per Hour	\$34.00
Plus Equipment Per Hour	\$32.00
Minimum Charge – ¼ Hour	\$60.50

**ASPHALT PAVEMENT REPAIR:**

Concrete Base Street:	\$46.00/Sq. Yd
Gravel Base Street:	\$90.00/Sq. Yd

7. To adopt the policy to allow private Utility Contractors access to City owned sanitary and storm sewers as presented.
8. To approve the changes to the bulk/special collection policy and move forward with the proposed implementation plan.
9. To approve the applications for Tree & Brush Trimmer Licensees by the following:
  - A. Economy Tree Service
  - B. Ripley's Stump Grinding
  - C. A Four Season Tree Care
  - D. Yesterday's Trees
  - E. Asplundh Tree Expert Co.
  - F. Best Stump Grinding
  - G. Casey Tree Service
  - H. Trugreen
  - I. Holtger Brothers, Inc
10. To receive and place on file the verbal Director's Report on the recent activities of the Public Works Department.

**REPORT OF THE PARK COMMITTEE**  
**February 5, 2013**

The Park Committee, having met on Wednesday, January 23, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To authorize staff to proceed with negotiations as directed in closed session pertaining to a conservation easement as an alternative to property acquisition of parcel 21-6099 and 21-6137 located along Mahon Creek in the proposed Largo Ridge Estates Subdivision Development, seconded by Ald. Warner and carried.

**REPORT OF THE PERSONNEL COMMITTEE**  
**February 5, 2013**

The Personnel Committee, having met on Tuesday, January 22, 2013 considered all matters on its agenda and reports and recommends the following:

1. To deny the request from Tom Molitor for an exception to the City's residency policy on a 3-1 vote. Ald. Kocha voted no.
2. To approve the request to fill the Clerk Typist III position in Public Works and all subsequent vacancies resulting from internal transfers.
3. To approve the request to fill (9) Fire Fighter vacancies in the Green Bay Metro Fire Department and all subsequent vacancies resulting from internal transfers.
4. No recommendation on the request to fill the Naturalist and Teacher positions for the 4K Nature Program in the PRF/Wildlife Sanctuary and all subsequent vacancies resulting from internal transfers. 2-2 vote.
5. To report back at the next Personnel Committee meeting on the contracts presented to City Council with Ashwaubenon, DePere and Allouez for animal control services and the motion approved by City Council.
6. To receive and place on file the report on the budget restraints regarding the six additional patrol officer positions.
7. To invite Police & Fire Commissioner Nelsen or Goldhahn to the next Personnel Committee meeting to provide information regarding why the Assistant Chief isn't automatically appointed as the Interim Police Chief when the Police Chief vacates the position.
8. To request the Web & Graphic Designer document the amount of time spent with the Mayor over the next couple of months and report back to the Committee.
9. To receive and place on file the report on the comparison of job duties in the Web & Graphic Designer job description and the Graphic Artist job description and the reason for the changes.
10. To proceed with labor negotiations as discussed in closed session.
11. To receive and place on file the report of routine Personnel Actions for regular employees.

**PROTECTION & WELFARE COMMITTEE REPORT**  
**February 5, 2012.**

The Protection & Welfare Committee, having met on Monday, January 28, 2013 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the minutes from the December 17, 2012 meeting.
2. To approve the application for a Class "B" Beverage and a "Class C" Wine License by The Noodle Shop Co.-Colorado, Inc. and a variance to the fence requirements for an outdoor area at 2450 E. Mason Street with the approval of proper authorities.
3. To approve the notice of the change of agent for Harp and Eagle, LLC at 234 S. Washington Street.
4. To approve the request by Keggers, LLC to amend their liquor license at 231 N. Broadway to include 233 N. Broadway as well as expanding their beer garden behind that building contingent upon a business plan amendment and signed license stipulation and with the approval of the proper authorities.
5. To approve the application to keep three dogs at 2460 Valiant Lane with the stipulation that upon the death of one of the dogs the applicant must appear back before this Committee for permission to keep more than two dogs.
6. To deny the appeal by Andrew W. Becks to the denial of his Operator License application.
7. To postpone until the next meeting the request by Ald. Sladek to revise the Green Bay Municipal Code to incorporate Wis. Admin. Code NR 19.60 relating to feeding of wild animals.
8. To postpone until the next meeting the request by Ald. Wiezbiskie to develop an ordinance to address the issue of spreading manure on fields, and any other nuisance dumping or spreading that is occurring.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE  
GRANTING OPERATOR LICENSES

February 5, 2013

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

Angelucci, Nicole M	Moorman, Jill P
Austin, Robert A	Nielsen, Robyn L
Beernstsen, Benjamin J	Pavlik, Kayla M
Beggs, Sarah L	Reuter, Jennifer L
Bergsbaken, Renee E.	Santos, Tammy T
Bulgatz, Joseph W	Scheiwe, Daniel E
Buss, Stacy L	Selner, Lisa J
Carlson, MacKenzie E	Steffen, Andy C
Carlton, Jacqueline S	Wenzel, Christina M
Carroll, Scott E	York, James M
Coe, Stephen D	
Crutcher, Stephanie N	
Detke, Tyler A	
Dexter, Andrew J	
Everetts, Pamella J	
Eyler, Bart M	
Flick, Ali S	
Gunderson, Savanah R	
Heelan, Daniel J	
Helgeson, Andrew J	
Herzog, Annie L	
Ibsen, Michelle L	
Johnson, Lynda L	
Jones, Simo'ne R	
Karbowski, Andrew R	
Kasal, Megan R	
Klemp, Keith D	
Lemke, Phillip M	
Mencheski, John J	
Mendolla, Shauna M	
Miller, Sally A	

A.

**FINAL PAYMENTS RESOLUTION**  
**February 5, 2013**

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 2-12 (INCLUDING WATER MAIN)**

**De Groot, Inc.**

TOTAL AMOUNT EARNED:	\$ 525,049.12
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 525,049.12
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 511,922.95</u>
<b>AMOUNT DUE THIS ESTIMATE:</b>	<b>\$ 13,126.17</b>

**ACCOUNT NUMBERS**

403-50-500-502-55355-000000-000-63022: \$8,148.15  
412-50-500-501-55355-000000-000-63022: \$4,978.02  
PO#105068

**2. ARNIE WOLFF SOCCER FIELDS – PARKING LOT**

**MCC, Inc.**

TOTAL AMOUNT EARNED:	\$ 342,893.25
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 342,893.25
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 314,407.89</u>
<b>AMOUNT DUE THIS ESTIMATE:</b>	<b>\$ 28,485.36</b>

**ACCOUNT NUMBERS**

410-60-600-000-53001-000000-92512: \$28,485.36  
PO#104898

**3. PARKING RAMP REPAIRS - 2012**

**Central Restoration, LLC.**

TOTAL AMOUNT EARNED:	\$ 331,086.00
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 331,086.00
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 315,712.00</u>
<b>AMOUNT DUE THIS ESTIMATE:</b>	<b>\$ 15,374.00</b>

**ACCOUNT NUMBERS**

430-50-500-000-55305-000000-000-64042: \$15,374.00  
PO#105148

Adopted \_\_\_\_\_, 2013

Approved \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

mms

18.

RESOLUTION AUTHORIZING RELOCATION OF  
POLLING PLACE FOR WARD 21

Green Bay, Wisconsin  
February 5, 2013

WHEREAS, the polling place for Ward 21 was lawfully established at 1807 N. Irwin Avenue greater than 30 days prior to the 2013 Spring Primary election pursuant to Wis. Stat. § 5.25(3);

WHEREAS, the City was informed less than 30 days prior to the 2013 Spring Primary election that the facility at 1807 N. Irwin Avenue is unable to fulfill its obligations;

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

That the polling place for Ward 21 shall be relocated to the following location:

Green Bay Metro Transit Center  
901 University Avenue

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

ar

RESOLUTION AUTHORIZING  
DISCONTINUANCE OF A  
15-FOOT PUBLIC WALKWAY EASEMENT  
ON THE FORMER MALL PROPERTY

February 5, 2013

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

That the Mayor is hereby authorized to release the City's rights to a 15-foot public walkway  
easement on the former mall property.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Attachments

DESCRIPTION OF PUBLIC WALKWAY EASEMENT DESCRIBED IN  
BROWN COUNTY DOCUMENT NUMBER 1601041 TO BE DISCONTINUED

That part of Lot 2 of Certified Survey Map Number 1363 recorded in Volume 5, of Certified Survey Maps, Page 167 (being part of Lots 77, 78, 79, 80, 81, 108, 109, 110, 111, 112, 139, 140, 141, 142, 143, 144, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 385 and 386, Plat of Navarino) City of Green Bay, Brown County, Wisconsin lying easterly of the following described line:

Beginning at the southeast corner of said Lot 2; thence N64°-04'-30"W, 15.00 feet along the south line of said Lot 2, to the start of said described line; thence N25°-55'-30"E, 240.68 feet; thence N54°-59'-30"E, 18.11 feet; thence N25°-55'-30"E, 23.44 feet; thence S64°-04'-30" E, 44.80 feet; thence N25°-55'-30"E, 76.00 feet; thence S64°-04'-30"E, 49.00 feet; thence N25°-55'--30"E, 55.70 feet to a point on the north line of said Lot 2, said point being the end of said described centerline.

Part of Tax Parcel Number 11-2.

DESCRIPTION OF PEDESTRIAN EGRESS EASEMENT DESCRIBED IN  
BROWN COUNTY DOCUMENT NUMBER 1775485 TO BE DISCONTINUED

That part of Lot 3 of the Certified Survey Map recorded in Volume 5, Page 167, Map No, 1363 (being part of Lots 77, 78, 79, 80, 81, 108, 109, 110, 111, 112, 139, 140, 141, 142, 143, 144, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 385 and 386, Plat of Navarino) City of Green Bay, Brown County, Wisconsin described, as follows:

Commencing at the southwest corner of said Lot 3; thence N25°-55'-30"E 236.79 feet along the west line of said Lot 3; thence continuing N25°-55'-30"E 28.21 feet along said west line; thence S64°-04'-30"E 8.80 feet; thence S25°-55'-30"W, 12.38 feet; thence S54°-59'-30"W 18.11 feet to the point of beginning.

Also that part of said Lot 3, of the Certified Survey Map recorded in Volume 5, Page 167, Map No. 1363, Brown County Records described as follows:

Commencing at the southwest corner of said Lot 3; thence N25°-55'-30"E, 265.00 feet along the west line of said Lot 3; thence S64°-04'-30"E, 47.60 feet to the point of beginning; thence N25°-55'-30"E 76.00 feet; thence S64°-04'-30"E, 6.00 feet; thence S25°-55'-30"W, 76.00 feet; thence N64°-04'-30"W, 6.00 feet to the point of beginning.

Part of Tax Parcel Number 11-1.

DESCRIPTION OF PEDESTRIAN EGRESS EASEMENT DESCRIBED IN  
BROWN COUNTY DOCUMENT NUMBER 1775486 TO BE DISCONTINUED

That part of Lot 2, of the Certified Survey Map Number 1363, recorded in Volume 5, Page 167 (being part of Lots 77, 78, 79, 80, 81, 108, 109, 110, 111, 112, 139, 140, 141, 142, 143, 144, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 385 and 386, Plat of Navarino) City of Green Bay, Brown County, Wisconsin, lying easterly of the following described line:

Beginning at the southeast corner said Lot 2; thence N64°-04'-30"W, 15.00 feet along the south line of said Lot 2 to the start of said described line; thence N25°-55'-30"E., 280.0 feet; thence S64°-04'-30"E, 53.6 feet; thence N25°-55'-30"E, 76.00 feet; thence S64°-04'-30"E, 49.00 feet; thence N25°-55'-30"E, 55.70 feet to a point on the north line of said Lot 2, said point being the end of said described line.

Part of Tax Parcel Number 11-2.

All subject to the creation and recording of a new public walkway and public utility easement to serve the City of Green Bay and Time Warner Cable facilities.

<u>PARCEL NUMBER AFFECTED</u>	<u>OWNERS NAME &amp; MAILING ADDRESS</u>
11-1	MANOS HOLDINGS GREEN BAY LLC 11711 W BURLEIGH ST MILWAUKEE WI 53222-3108
11-2	CITY OF GREEN BAY REDEVELOPMENT AUTHORITY 100 N JEFFERSON ST GREEN BAY WI 54301-5006
11-7	CITY OF GREEN BAY-CLERK 100 N JEFFERSON ST GREEN BAY WI 54301-5006



**PRELIMINARY RESOLUTION DECLARING INTENT  
TO EXERCISE SPECIAL ASSESSMENT POWERS  
UNDER SECTION 66.0703, WISCONSIN STATUTES  
February 5, 2013**

**ASPHALT RESURFACING**

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

1. The Common Council hereby declares its intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, and levy special assessments upon property fronting or abutting the streets hereinafter enumerated for the installation of ASPHALT RESURFACING on said streets:

**BOND STREET - Gray Street to Wilson Avenue**  
**CONCORDIA LANE - Laverne Drive to Van Caster Lane**  
**CROOKS STREET - Irene Street to Abrams Street**  
**GOODELL STREET - Chicago Street to E. Mason Street**  
**GROSS AVENUE - Langlade Avenue to Liberty Street**  
**GROSS AVENUE - Thorndale Street to Shadow Lane**  
**HAROLD STREET - 490' W of Elizabeth Street to Henry Street**  
**HARTUNG STREET - Deckner Avenue to 150' S of Crooks Street**  
**HENRY STREET N - Preble Avenue to Eastman Avenue**  
**HIGHVIEW LANE - Ernst Drive to Ridge Road**  
**IRONWOOD DRIVE - Knotty Pine Drive to Wood Lane**  
**PEARL STREET N - Walnut Street to Hubbard Street**  
**PORLIER STREET - 216' E of Van Buren Street to Webster Avenue**  
**SEMINOLE LANE - Sequoia Lane to Sumac Place**  
**SHANNON STREET - 620' N of Biemeret Street to cul-de-sac north**  
**SMITH STREET - Elizabeth Street to Henry Street**  
**SUMAC PLACE - Sumac Drive to Seminole Lane**  
**TRAEGER STREET - 620' N of Biemeret Street to cul-de-sac north**  
**WEBSTER AVENUE - 280' S of E Mason St to 350' S of Porlier St**  
**WOOD LANE - West Point Road to Hazelwood Lane**

2. Said public improvement shall include placing of a hot mix ASPHALT surface over the existing street in accordance with the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction.
3. The total amount assessed against all parcels in the project shall not exceed the total cost of the improvement.
4. The assessments against any parcel may be paid in cash within thirty (30) days of the date of billing, or in five (5) annual installments with interest thereon at four and three-quarters percent (4.75%) per annum.

5. The improvements contemplated in this resolution shall constitute an exercise of the police powers of the Common Council under Section 66.0703(5)(d), Wisconsin Statutes.
6. The Director of Public Works is directed to prepare a report in accordance with Section 66.0703(5), Wisconsin Statutes.
7. Upon receiving the report, the City Clerk shall give to the property owners notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes, to be held before the Improvement & Service Committee in the City Hall at such times as set by the City Clerk.

Adopted \_\_\_\_\_, 2013

Approved \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

nag

**PRELIMINARY RESOLUTION DECLARING INTENT  
TO EXERCISE SPECIAL ASSESSMENT POWERS  
UNDER SECTION 66.0703, WISCONSIN STATUTES  
February 5, 2013**

**CONCRETE PAVEMENT**

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

1. The Common Council hereby declares its intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, and levy special assessments upon property fronting or abutting the streets hereinafter enumerated for the installation of CONCRETE PAVEMENT on said street:

**BART STARR DRIVE – Tony Canadeo Run to Potts Avenue**

2. Said public improvement shall include the grading of these streets to the grade established therefore by City ordinance as recorded in the Office of the City Clerk, placing concrete pavement on said streets, with integral curb on both sides in accordance with the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction.
3. The total amount assessed against all parcels in the project shall not exceed the total cost of the improvement.
4. The assessments against any parcel may be paid in cash within thirty (30) days of the date of billing or in five (5) annual installments with interest thereon at four and three-quarters percent (4.75%) per annum.
5. The improvements contemplated in this resolution shall constitute an exercise of the police powers of the Common Council under Section 66.0703(5)(d), Wisconsin Statutes.
6. The Director of Public Works is directed to prepare a report in accordance with Section 66.0703(5), Wisconsin Statutes.
7. Upon receiving the report, the City Clerk shall give to the property owners notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes, to be held before the Improvement & Service Committee in the City Hall at such times as set by the City Clerk.

Adopted \_\_\_\_\_, 2013

Approved \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

nag

14

**PRELIMINARY RESOLUTION DECLARING INTENT  
TO EXERCISE SPECIAL ASSESSMENT POWERS  
UNDER SECTION 66.0703, WISCONSIN STATUTES**

**February 5, 2013**

**ASPHALT PAVEMENT**

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

1. The Common Council hereby declares its intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, and levy special assessments upon property fronting or abutting the streets hereinafter enumerated for the installation of ASPHALT PAVEMENT on said streets:

**FIFTH STREET – Broadway to Greenwood Avenue  
HOWARD STREET– Twelfth Avenue to Oak Street**

2. Said public improvement shall include the grading of these streets to the grade established therefore by City ordinance as recorded in the Office of the City Clerk, installation of gravel base and ASPHALT pavement with curb and gutter on both sides of the street in accordance with the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction.
3. The total amount assessed against all parcels in the project shall not exceed the total cost of the improvement.
4. The assessments against any parcel may be paid in cash within thirty (30) days of the date of billing, or in five (5) annual installments with interest thereon at four and three-quarters percent (4.75%) per annum.
5. The improvements contemplated in this resolution shall constitute an exercise of the police powers of the Common Council under Section 66.0703(5)(d), Wisconsin Statutes.
6. The Director of Public Works is directed to prepare a report in accordance with Section 66.0703(5), Wisconsin Statutes.
7. Upon receiving the report, the City Clerk shall give to the property owners notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes, to be held before the Improvement & Service Committee in the City Hall at such times as set by the City Clerk.

Adopted \_\_\_\_\_, 2013

Approved \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
nag

GENERAL ORDINANCE NO. 2-13

AN ORDINANCE  
REPEALING AND RECREATING SECTION 21.09,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO CROSS-CONNECTION CONTROL PROGRAM

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

**SECTION 1.** Section 21.09, Green Bay Municipal Code, is hereby repealed:

21.09 **CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION.** (Rep. & Rec. GO 18-02)

(1) Definitions.

(a) Backflow. The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Green Bay Water Utility (hereinafter "Utility") distribution pipes of the potable supply of water from any source.

(b) Backflow Preventer. A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

(c) Backpressure. An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.

(d) Back-siphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.

(e) Cross-connection. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) Cross-Connection Prohibited. No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.

(3) Inspections. It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected on a 10-year interval. All non-residential properties serviced by the Utility shall be inspected on a 2-year interval. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.

(4) Right of Entry. Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under §66.0119, Wis. Stats. The Utility shall charge the property owner a fee of \$20 per day for refusal to allow entry to examine any property. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

(5) Authority to Discontinue Service. The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in subsection (7) of this section.

(6) Reconnection of Service. Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(7) Emergency Discontinuance of Service. If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Such hearing shall be before the City of Green Bay Water Commission and shall conform to all existing due process requirements.

(8) Owner Responsibility. The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 811 and Comm 82. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control", unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

(9) Additional Protection. In the case of premises having (a) internal cross-connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

(10) Wisconsin Administrative Code. Wisconsin Administrative Comm 82 is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 811 is hereby adopted.

(11) Plumbing Code. This section does not supersede the State of Wisconsin Plumbing Code, Comm 81 – 87, or the City Plumbing Code, Ch. 16, Green Bay Municipal Code, but is supplementary to them.

**SECTION 2.** Section 21.09, Green Bay Municipal Code, is recreated as follows:

**21.09 CROSS-CONNECTION CONTROL PROGRAM.** The Green Bay Water Utility shall cause a cross-connection survey to be conducted and enforce this subsection.

(1) **ADOPTED STATE LAW.**

(a) **Definitions.** Section SPS 381.01, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(b) **Cross-Connections.** Sections NR 810.15 and SPS 382.41, Wis. Adm. Code, as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(c) **Local Well Regulation.** Section NR 810.16, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(2) **SURVEYS.** Cross-Connection Surveyors must meet the qualifications contained in the City of Green Bay's Cross-Connection Control Plan as approved by the Wisconsin DNR. The water utility shall cause a survey for every residential service on a schedule matching meter replacement. The water utility shall cause a survey of every industrial, commercial and public authority service a minimum of once every two (2) years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties. The water utility may obtain a special inspection warrant if consent to entry for survey purposes has been refused.

(3) **DISCONTINUANCE OF WATER SERVICE.** Section PSC 185.37, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(4) **REGULATIONS.** The owner of a property shall install a backflow preventer, air-gap separation, or other mechanism at the service connection to protect the public water system upon demand of the water utility for any of the following reasons:

(a) An internal cross-connection cannot be permanently corrected or controlled.

(b) Plumbing system is designed in a manner that it is impracticable or impossible to ascertain whether cross-connections exist.

(c) A dangerous material is handled in such a manner on site that it creates an actual or potential health hazard to the public water system.

(d) The plumbing system services a sewage treatment plant, hospital, mortuary, plating plant or car wash.

(e) An undue health threat is posed because of the presence of toxic substances at the plumbing system's site.

**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

KJD:bc

02/05/13

GENERAL ORDINANCE NO. 1-13

AN ORDINANCE  
AMENDING SECTION 29.208,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO PARKING REGULATIONS

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

**SECTION 1.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

LANGLADE AVENUE, south side, from a point 50 feet west of Gross Avenue to Gross Avenue

VAN BUREN STREET, east side, from a point 140 feet north of Doty Street to Doty Street

**SECTION 2.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

LANGLADE AVENUE, south side, from Spence Street to Norwood Avenue

HUMBOLDT ROAD, south side, from a point 105 feet east of Linden Drive to a point 715 feet east of Linden Drive

VAN BUREN STREET, east side, from a point 160 feet north of Doty Street to Doty Street

**SECTION 3.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following ONE-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

BRETCOE DRIVE, both sides, from Hillside Lane to Skyline Boulevard

**SECTION 4.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

BRETCOE DRIVE, both sides, from Hillside Lane to Jamesford Avenue

BRETCOE DRIVE, both sides, from Maryland Avenue to Skyline Boulevard

**SECTION 5.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

BRETCOE DRIVE, both sides, from Jamesford Avenue to Maryland Avenue

**SECTION 6.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following 30-MINUTE LOADING ONLY zone:

VAN BUREN STREET, east side, from a point 110 feet south of Walnut Street to a point 235 feet south of Walnut Street

**SECTION 7.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 8.** 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

bc

01/15/13