



MINUTES OF THE COMMON COUNCIL

TUESDAY, MARCH 5, 2013, 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.

Boy Scout Troop 1018 from St. Mary's of the Angels Parish led the pledge of allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to approve the minutes of the February 18, 2013, meeting. motion carried.

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

REPORT BY THE MAYOR

Mayor Schmitt reminded everyone that the State of the City Address will be on March 20 at the Meyer Theater. He also stated that there will be a St. Patrick's Day parade on Saturday, March 16 beginning at 10:00 A.M.

PUBLIC HEARINGS

Zoning Ordinance No. 1-13

An ordinance rezoning property located at 2001-2035 Manitowoc Road and the southern portion of 2010-2014 Vine Street from General Commercial (C1) District to Varied Density Residential (R2) District. (Item #20)

No one appeared.

Zoning Ordinance No. 2-13

An ordinance rezoning property located at 1525 and 1545 University Avenue from Light Industrial (LI) District to General Commercial C(C1) District. (Item #21)

No one appeared.

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to suspend the rules for the purpose of adopting the zoning ordinances with one roll call vote. Motion carried.

APPOINTMENTS BY THE MAYOR

RE-APPOINTMENTS:

Green Bay Plan Commission

Timothy Gilbert, 1439 Springdale Lane, Green Bay, WI 54304

Term to expire: May 1, 2015

Redevelopment Authority

Tom Weber, 2811 Antler Trail, Green Bay, WI 54313

Term to expire: March 1, 2018

Water Commission

James Blumreich, 2061 South Point Road, Green Bay, WI 54313

Term to expire: October 1, 2019

Moved by Ald. Nicholson, seconded by Ald. Moore to confirm the re-appointments. Motion carried.

NEW APPOINTMENTS:

Zoning & Planning Board of Appeals

Robert Marx, 3379 Paula Street, Green Bay, WI 54311

Term to expire: March 1, 2016

Traffic Commission

Daniel Theno, 621 Schwartz Street, Green Bay, WI 54302

Term to expire: March 1, 2016

Moved by Ald. Wiezbiskie, seconded by Ald. Nicholson to confirm the appointments.
Motion carried.

PETITIONS & COMMUNICATIONS

IMPROVEMENT & SERVICE COMMITTEE

Application for a Concrete Sidewalk Builder's License by Martell Construction, Inc.

Request by Ald. Brunette to research and improve the conditions around Mason Manor Retirement Community for wheelchair and handicapped traffic.

LAW DEPARTMENT

Request by Ald. Moore for a resolution showing support of the Mayor's Office and Green Bay City Council for program funding of a new, full-service Federal Inspection Station staffed with an appropriate number of U.S. Customs and Border Protection personnel to clear commercial international flights at Austin Straubel International Airport.

PARK COMMITTEE

Request by Ald. Brunette to discuss options for groups to fundraise by advertising in City parks during baseball games.

PROTECTION & WELFARE COMMITTEE

Notice of the change of agent for Bluebird Entertainment, Inc. at 1001 Main Street.

Application for a Class "B" Combination License by Lori Coopman at 636 Lime Kiln Road. (Transfer from David DeGrave)

Notice of the change of agent for Rumors, LLC at 420 N. Clay Street.

Appeal by Ariel Pierson to the denial of her Operator License application.

Appeal by Kevin VandeHei to the denial of his Operator License application.

TRAFFIC COMMISSION

Request by Ald. Brunette to discuss, with possible recommendation, the removal of "No Parking" signs on Ernst Drive.

Request by Ald. Steuer to consider flashing yellow turn lights on Military Avenue as is done on S. Oneida Street by the Mall.

Request by Ald. Steuer to possibly reconfigure the northbound lanes of Oneida Street at Shawano Avenue to allow for left and right turns, as well as forward egress.

Moved by Ald. Moore, seconded by Ald. Wiezbiskie 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 March 5, 2013

The Green Bay Plan Commission, having met on Monday, February 25, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To amend the *Smart Growth 2022 Comprehensive Plan* to revise the future land use map to address modifications for a parcel located on the northwest corner of Elizabeth Street and University Avenue from High Intensity Retail Office Housing (HIROH) to Light Industry, Office and Office-Warehouse.
2. To amend the boundaries for the existing Planned Unit Development (PUD) for Bellin Memorial Hospital for modified signage on the hospital campus located at 744 S. Webster Avenue.

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

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY March 5, 2013

The Green Bay Redevelopment Authority, having met on Tuesday, February 26, 2013, considered all matters on its agenda and wishes to report and recommend the following:

FOR INFORMATIONAL PURPOSES:

The Authority met in closed session to discuss a Planning Option Agreement with T. Wall Enterprises for redevelopment of the Flatley site (Parcel 12-184-A) for 85 market-rate residential units, 7,000 sq. ft. of retail, and two levels of parking and authorized staff to prepare and execute the Planning Option Agreement. The developer and the City agreed that the Planning Option Agreement be expedited for purposes of a fall groundbreaking. A Development Agreement will be brought back to the Authority and City Council for approval.

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

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

The Traffic Commission having met Monday, February 18, 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 Traffic Engineer on Council revisions to the February 5th Traffic Commission Report.
2. To replace the blinker pedestrian-bike signs above East Mason Street at Hartung Street with standard pedestrian-bike warning signs.
3. To remove the pedestrian push buttons, PUSH BUTTON TO TURN ON WARNING LIGHTS signs, and WHEN FLASHING overhead signs at East Mason Street at Hartung Street.
4. To direct staff to determine a safe, long-term solution for the crosswalk at East Mason Street at Hartung Street.
5. To receive and place on file 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.
6. That no new non-standard warning signs are to be installed on any City of Green Bay street.
7. That any existing non-standard warning signs on City of Green Bay streets may be allowed to remain in place until the end of their useful life, or that their need no longer exists, i.e., the person with the disability from the residence moves or dies. End of useful life includes but is not limited to sign knockdown damage, substandard sign retroreflectivity, removal due to conflicts with improvement projects, or change in conditions that make it possible to have the signs removed earlier.
8. To receive and place on file the request of Maria Abella to install AUTISTIC CHILD AREA signs near her residence.
9. That the NO STOPPING OR STANDING 7 AM to 4 PM SCHOOL DAYS zone on the south side of Amy Street from a point 590 feet west of Schoen St to Schoen St be removed and adopted by ordinance.
10. That the NO STOPPING OR STANDING 7 AM to 4 PM SCHOOL DAYS zone on the west side of Schoen Street from Lilac Lane to Amy Street be removed and adopted by ordinance.

11. That a NO STOPPING OR STANDING 7 AM to 4 PM SCHOOL DAYS zone on the south side of Amy Street from a point 590 feet west of Schoen Street to a point 460 feet west of Schoen Street be established and adopted by ordinance.
12. That a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the south side of Amy Street from a point 460 feet west of Schoen Street to Schoen Street be established and adopted by ordinance.
13. That a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the west side of Schoen Street from Amy Street to a point 140 feet south of Amy Street be established and adopted by ordinance.
14. That a NO STOPPING OR STANDING 7 AM to 4 PM SCHOOL DAYS zone on the west side of Schoen Street from a point 140 feet south of Amy Street to a point 240 feet south of Amy Street be established and adopted by ordinance.
15. That a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the west side of Schoen Street from a point 240 feet south of Amy Street to Lilac Lane be established and adopted by ordinance.
16. That the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Broadway from a point 65 feet north Clinton Street to a point 273 feet north of Clinton Street be removed and adopted by ordinance.
17. That the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Broadway from a point 30 feet south of Arndt Street to Clinton Street be removed and adopted by ordinance.
18. That the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Broadway from a point 30 feet south of Arndt Street to a point 365 feet north of Clinton Street be removed and adopted by ordinance.
19. That the NO PARKING zone on the west side of Broadway from a point 30 feet south of Arndt Street to a point 235 feet north of Arndt Street be removed and adopted by ordinance.
20. That the NO PARKING zone on the east side of Broadway from a point 30 feet south of Arndt Street to a point 100 feet north of Arndt Street be removed and adopted by ordinance.
21. That the NO PARKING zone on the west side of Broadway from a point 65 feet north of Clinton Street to Tenth Street be removed and adopted by ordinance.
22. That a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Broadway from 70 feet south of Arndt Street to a point 230 feet south of Arndt Street be established and adopted by ordinance.

23. That a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Broadway from a point 85 feet north of Clinton Street to a point 295 feet north of Clinton Street be established and adopted by ordinance.
24. That a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Broadway from a point 90 feet south of Third Street to a point 430 feet south of Third Street be established and adopted by ordinance.
25. That a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Broadway from Third Street to a point 60 feet south of Clinton Street be established and adopted by ordinance.
26. That a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Broadway from a point 85 feet north of Clinton Street to a point 245 north of Clinton Street be established and adopted by ordinance.
27. That a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Broadway from a point 50 feet south of Arndt Street to a point 220 feet south of Arndt Street be established and adopted by ordinance.
28. That a NO PARKING zone on the west side of Broadway from Arndt Street to a point 70 feet south of Arndt Street be established and adopted by ordinance.
29. That a NO PARKING zone on the west side of Broadway from a point 230 feet south of Arndt Street to a point 430 feet south of Arndt Street be established and adopted by ordinance.
30. That a NO PARKING zone on the west side of Broadway from a point 80 feet north of Clinton Street to Tenth Street be established and adopted by ordinance.
31. That a NO PARKING zone on the east side of Broadway from Third Street to a point 90 feet south of Third Street be established and adopted by ordinance.
32. That a NO PARKING zone on the east side of Broadway from a point 60 feet south of Clinton Street to a point 85 feet north of Clinton Street be established and adopted by ordinance.
33. That a NO PARKING zone on the east side of Broadway from a point 220 feet south of Arndt Street to a point 385 feet south of Arndt Street be established and adopted by ordinance.
34. That a NO PARKING zone on the east side of Broadway from a point 50 feet south of Arndt Street to a point 85 feet north of Arndt Street be established and adopted by ordinance.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report with the exception of Item #6. Motion carried.

Moved by Ald. Moore, seconded by Ald. Steuer to adopt Item #6. Motion carried.

REPORT OF THE FINANCE COMMITTEE

March 5, 2013

The Finance Committee, having met on Tuesday, February 26, 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 February 12, 2013.
2. To receive and place on file the request by Ald. Mark Steuer to review the assessed value appeal process by the City Assessor.
3. To approve the request by the IT Administrator to enter into a 3 year agreement with CDWG for Smarnet contract maintenance on Cisco switches, routers, unity voicemail, and call manager software for the City's voice over Internet Protocol (VoIP) phone system.
4. To approve the purchase of two used mini-vans for the Fire Department from Stumpf Ford for a total of \$30,000.
5. To approve the Report of the Claims Committee.
6. To receive and place on file the report by the Finance Director.
 - a. To receive and place on file the success of the election from February 19, 2012.
 - b. To receive and place on file the request by the Finance Director to be aware of the budget that was released by the Governor and of any future changes that could affect the City of Green Bay, which will be brought forward when more details are discovered.

2013 Contingency Fund
\$110,000

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

REPORT OF THE

IMPROVEMENT AND SERVICE COMMITTEE

March 5, 2013

The Improvement and Service Committee, having met on February 27, 2013 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Bellin Health for an Air Rights Easement to allow a sign to be installed on the overhead walkways spanning Webster Avenue and Cass Street subject to proof of insurance and the execution of a hold harmless agreement with the City.
2. To approve the draft ordinance language related to the storage of recycling and garbage carts and forward to Law Department to place in final Ordinance form.
3. To approve the request by the Department of Public Works to adopt the implementation schedule for mandatory cart use and automated collection of recyclables.
4. To approve the request by Department of Public Works to change the rate for 96 gallon recycling carts from \$47.00 each to \$52.00 each.
5. To approve the request by the Department of Public Works to have the Redevelopment Authority award and administer contract CD 13-01, West Side Railroad Corridor Trail.
6. To approve the request by the Department of Public Works to award contract for miscellaneous Architecture and Engineering services to Berner-Schober Associates Inc. for 2013-2014 and to authorize the Director to sign.
7.
 - A. Approve the request to purchase for 2013 High Performance Cold Patch from Scott Construction, not to exceed the budget amount of \$7,580.
 - B. Approve the request to purchase for 2013 Asphalt Hot Mix from Northeast Asphalt, Inc., not to exceed budget amount of \$87,360.
 - C. Approve the request to purchase for 2013 Crack Sealant from Sherwin Industries, the low responsive bidder, not to exceed budget amount of \$44,000.
 - D. Approve the request to purchase for 2013 Pavement Marking Paint from Baltimore Paint & Chemical, not to exceed budget amount of \$29,000.
 - E. Approve the request to purchase for 2013 Glass Sphere Beads for painting roads from Flex-O-Lite, not to exceed budget amount of \$11,800.
8. To approve and authorize the following relocation payment:

VELP AVENUE FROM NORWOOD AVENUE TO MILITARY AVENUE
PROJECT ID. # 1450-04-21

Sea Dragon ride at Bay Beach Amusement Park contingent upon available funding.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the report with the exception of Items #1, #2, and #3. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to adopt Items #1, #2 and #3.

Park Director Dawne Cramer, Dan Ditscheit, and Jason Arnoldi gave a PowerPoint Presentation on the Bay Beach Master Plan.

A vote was then taken on the motion to adopt Items #1, #2 and #3. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE March 5, 2013

The Personnel Committee, having met on Tuesday, February 26, 2013 considered all matters on its agenda and reports and recommends the following:

1. To approve the request by the Fire Department for out-of state travel for two employees to attend the Scott Certified Air Supplied Technician Course in Kalamazoo, Michigan, March 19 – 21, 2013.
2. To give 30-day notice to end the animal control service agreements with the Villages of Allouez and Ashwaubenon and City of DePere.
3. To receive and place on file the update on labor negotiations.
4. To receive and place on file the report of routine Personnel Actions for regular employees.

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

PROTECTION & WELFARE COMMITTEE REPORT March 5, 2013

The Protection & Welfare Committee, having met on Monday, February 25, 2013 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the minutes from the February 11, 2013 meeting.
2. To approve the request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events on March 16 and 17, 2013. The approval of the request is subject to complaint.

3. To approve the application contingent upon receiving an approved business plan prior to the March 5 Common Council meeting for a Class "B" Beverage and a "Class C" Wine License by Auten's Eatery LLC at 1015 W. Mason Street with the approval of proper authorities.
4. To postpone for one month the application for an Entertainment Facility License by Monica Phelps at 913 E. Walnut Street.
5. To deny the appeal by Star Hill to a nuisance charge at 2526 Trojan Drive.
6. To refer to the Law Department 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 (postponed from the January 28, 2013 and February 11, 2013 meetings).

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report with the exception of Items #3 and #4. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt Item #3. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt Item #4.

Moved by Ald. Kocha, seconded by Ald. Moore to amend Item #4 by deleting "postpone for one month" and replacing it with "deny". Motion failed.

Moved by Ald. Thomas DeWane, seconded by Ald. Tim DeWane to adopt Item #4.

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

**REPORT OF THE PROTECTION AND WELFARE COMMITTEE
GRANTING OPERATOR LICENSES
March 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

Aude, Chad R
Bailey, Jessica A
Blazer, Miranda L
Collins, Christel A
DuBois, Leah M
Duesing, Rhonda L
Glinski, Lisa M
Hafeman, Tina R

Jannusch, Brian P
Jeske, Alexandria I
Kocken, Stormey R
Krahn, Michelle C
McGillivray, Jesse J
Molzahn, Michael C
Rummel, Tami L
Schleis, Autumn M
Tourtillott, Jessica R
Wery, Matthew J
Williquette, Desiree M
Wolter, Donald T

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

RESOLUTIONS

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

FINAL PAYMENTS RESOLUTION MARCH 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 2-11 (INCLUDING WATER MAIN)	
Advance Construction, Inc.	
TOTAL AMOUNT EARNED:	\$ 561,536.30
LESS AMOUNT RETAINED:	\$ 0.00
	\$ 561,536.30
LESS AMOUNT PREVIOUSLY PAID:	\$ 533,129.57
AMOUNT DUE THIS ESTIMATE:	\$ 28,406.73

ACCOUNT NUMBERS

501-00-000-000-12201-000000-000-63021: \$3,722.43
403-50-500-502-55355-000000-000-63021: \$24,684.30
PO #104759

2. RESURFACING 2-12	
MCC, Inc.	
TOTAL AMOUNT EARNED:	\$ 266,691.04

LESS AMOUNT RETAINED:	\$ <u>0.00</u>
	\$ 266,691.04
LESS AMOUNT PREVIOUSLY PAID:	\$ <u>260,691.04</u>
AMOUNT DUE THIS ESTIMATE:	\$ 6,000.00

ACCOUNT NUMBERS

401-50-500-501-55303-000000-000-61062: \$6,000.00
PO #105091

3. SEWERS 3-12 (INCLUDING WATER MAIN) PART A
David Tenor Corp.

TOTAL AMOUNT EARNED:	\$ 597,572.71
LESS AMOUNT RETAINED:	\$ <u>0.00</u>
	\$ 597,572.71
LESS AMOUNT PREVIOUSLY PAID:	\$ <u>573,617.05</u>
AMOUNT DUE THIS ESTIMATE:	\$ 23,955.66

ACCOUNT NUMBERS

501-00-000-000-12201-000000-000-63032: -\$1,572.50
430-50-500-502-55355-000000-000-63032: \$7,436.00
412-50-500-501-55355-000000-000-63032: \$17,604.66
410-60-600-000-53001-000000-000-99502: \$487.50
PO #105071

4. SEWERS 3-12 (INCLUDING WATER MAIN) PART B
David Tenor Corp.

TOTAL AMOUNT EARNED:	\$ 558,687.52
LESS AMOUNT RETAINED:	\$ <u>0.00</u>
	\$ 558,687.52
LESS AMOUNT PREVIOUSLY PAID:	\$ <u>542,177.83</u>
AMOUNT DUE THIS ESTIMATE:	\$ 16,509.69

ACCOUNT NUMBERS

501-00-000-000-12201-000000-000-63042: \$0.00
403-50-500-502-55355-000000-000-63042: \$6,254.32
412-50-500-501-55355-000000-000-63042: \$10,255.37
408-50-500-502-55360-000000-000-63042: \$0.00
PO #105070

Adopted March 5, 2013

Approved March 6, 2013

James J. Schmitt

Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Warner 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 APPROVING RELOCATION PAYMENT
FOR VELP AVENUE FROM NORWOOD AVENUE
TO MILITARY AVENUE
MARCH 5, 2013**

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

To approve and authorize the following relocation payment:

VELP AVENUE FROM NORWOOD AVENUE TO MILITARY AVENUE
PROJECT ID. # 1450-04-21

Scott R. Elsner	\$10,000.00
Parcel 36	

Adopted March 5, 2013

Approved March 6, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Warner 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.

**FINAL RESOLUTION AUTHORIZING
ASPHALT PAVEMENT IMPROVEMENTS
AND LEVYING SPECIAL ASSESSMENTS
AGAINST PROPERTY
MARCH 5, 2013**

WHEREAS, the Improvement & Service Committee of the City of Green Bay, Wisconsin, held a public hearing at the City Hall at 7:00 pm on the 27th day of February, 2013 for the purpose of hearing all interested persons concerning the preliminary resolution and Report of the Director of Public Works on the proposed improvement and has heard all persons desiring audience at such hearings on the following streets or portions of streets:

FIFTH STREET – BROADWAY TO GREENWOOD AVENUE

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

1. That the Report of the Director of Public Works pertaining to the construction of the above described improvement, including plans and specifications therefore as modified, having been reviewed and discussed by members of the Improvement & Service Committee, is hereby adopted and approved.
2. That the Improvement & Service Committee is directed to advertise for bids and to carry out the work of such improvement in accordance with the Report of the Director of Public Works as approved and authorized by the appropriate Committee.
3. That the payment for improvements be made by assessing the cost to the property as indicated in said Report of the Director of Public Works.
4. That the assessments shown on and confirmed by the Report of the Director of Public Works as modified are true and correct, and found to be in the public interest are hereby confirmed.
5. That those special assessments not paid in cash shall be payable to the City of Green Bay in five (5) annual installments with interest thereon at the rate of four and three-quarters percent (4.75%) per annum.
6. That the City Clerk shall be directed to publish this resolution in the official newspaper of the City of Green Bay.

7. That the City Clerk shall be further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll, whose post office address is known, or can with reasonable diligence be ascertained.

Adopted March 5, 2013

Approved March 6, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Warner 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

ZONING ORDINANCE NO. 3-13

AN ORDINANCE
AMENDING THE BOUNDARIES FOR THE
EXISTING PLANNED UNIT DEVELOPMENT FOR
MODIFIED SIGNAGE FOR BELLIN MEMORIAL HOSPITAL
LOCATED ON THE HOSPITAL CAMPUS
(ZP 12-45 Amended)

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

SECTION 1. Zoning Ordinance No. 16-12, amending the Planned Unit Development for Signage for Bellin Health Hospital and Bellin Health owned and operated ancillary buildings located at 744 South Webster Avenue, which was adopted

on November 14, 2012, is hereby amended to include the following properties within the boundaries of the Planned Unit Development:

Parcel No. 14-856: LOT 3 OF 50 CSM 233 BNG ALL OF LOTS 15 & 16
BLK 96 PLAT OF ASTOR

Parcel No. 14-855: PLAT OF ASTOR LOT 14 BLK 96

Parcel No. 14-852: LOT 4 OF 50 CSM 233 BNG ALL OF LOTS 9 THRU
13 BLK 96 & BNG ALL OF LOTS 15 & 16 BLK 95 PLAT OF ASTOR

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:

Clerk

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

MISCELLANEOUS ORDINANCE NO. 1-13

AN ORDINANCE
ADOPTING AN AMENDMENT TO THE
SMART GROWTH 2022 COMPREHENSIVE PLAN
OF THE CITY OF GREEN BAY PERTAINING TO
PROPERTY LOCATED ON THE NORTHWEST CORNER OF
ELIZABETH SREET AND UNIVERSITY AVENUE
FROM HIGH INTENSITY RETAIL OFFICE HOUSING (HIROH)

TO LIGHT INDUSTRY, OFFICE AND OFFICE-WAREHOUSE
(CPA 12-03)

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 12-03; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

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

SECTION 1. The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

SECTION 2. The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 12-03 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

SECTION 3. This ordinance shall take effect upon passage by a majority of the members-elect of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

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

ORDINANCES - THIRD READING

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to suspend the rules to adopt all of the general ordinances with one roll call vote. Motion carried.

GENERAL ORDINANCE NO. 3-13

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 TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zone:

QUINCY STREET, west side, from Emilie Street to a point
280 feet north of Emilie Street

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING BUS LOADING ONLY 7:00 AM – 4:00 PM SCHOOL DAYS zone:

QUINCY STREET, west side, from a point 230 feet south of
Eliza Street to Eliza Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

QUINCY STREET, west side, from Emilie Street to Eliza Street

MAPLE AVENUE, east side, from Dousman Street to Kellogg Street

FAGERVILLE WAY, north side, from a point 350 feet west of Sussex Road to Sussex Road

HARVEY STREET, south side, from Baird Street to Grove Street

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

BORNEMANN STREET, west side, from a point 100 feet south of Brook Street to a point 235 feet south of Brook Street

MAPLE AVENUE, west side, from Dousman Street to a point 115 feet north of Dousman Street

GATEWOOD STREET, east side, from a point 110 feet south of Biemeret Street to Biemeret Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO STOPPING OR STANDING zone:

MAPLE AVENUE, east side, from Dousman Street to Kellogg Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING zone:

MAPLE AVENUE, west side, from Dousman Street to Kellogg Street

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

FAGERVILLE WAY, north side, from a point 400 feet west of Sussex Road to Sussex Road

GATEWOOD STREET, east side, from Liberty Street to a point 110 feet south of Biemeret Street

SECTION 8. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING BUS LOADING ONLY 7:00 AM – 4:00 PM SCHOOL DAYS zone:

GATEWOOD STREET, east side, from a point 250 feet north of Liberty Street to Biemeret Street

SECTION 9. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

HARVEY STREET, both sides, from Baird Street to Grove Street

SECTION 10. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 11. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 5th day of March, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

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

GENERAL ORDINANCE NO. 4-13

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 TWO-WAY STOP condition:

STUART STREET at JACKSON STREET

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

Eastbound STUART STREET at JACKSON STREET

Westbound STUART STREET at VAN BUREN STREET

SECTION 3. Section 29.307, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-WAY YIELD condition:

VAN BUREN STREET at STUART STREET

SECTION 4. Section 29.307, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-WAY YIELD conditions:

EILEEN STREET at HAMPTON AVENUE

ROBINSON AVENUE at HAMPTON AVENUE

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 5th day of March, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

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

GENERAL ORDINANCE NO. 5-13

AN ORDINANCE
AMENDING SECTION 16.07(1),
GREEN BAY MUNICIPAL CODE,
REGARDING BUILDING SANITARY SEWERS

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

SECTION 1. Section 16.07(1), Green Bay Municipal Code, is amended to read as follows:

16.07 **BUILDING SANITARY SEWERS.**

(1) **REQUIRED.** Every building shall have a separate and independent connection with a public main sanitary sewer and private sewage treatment and disposal system or private main sanitary sewer. Each private main sanitary sewer shall conform to City standards for public sewers and shall be approved by the Plumbing Supervisor. Manholes shall be located not less than 25' from any building.

(a) EXEMPTION. Upon proof of the following, the Director of Public Works, or designee, may grant an exemption from the requirements of sub. (1):

1. The building is zoned Low Density Residential (R1) and is located within the City's Urban Expansion District,

2. The purpose of the exemption is to retrofit existing infrastructure that has been installed but not dedicated to the public and/or accepted as public right-of-way,

3. An easement shall be placed on the face of the recorded subdivision plat, certified survey map (CSM) or replat which addresses the location of any shared lateral and identifies the ownership and maintenance responsibilities for the shared lateral from the common point of connection back to the sanitary sewer main.

4. Compliance with any other requirement that the Director of Public Works, or designee, deems necessary.

(b) APPEAL. Any individual or entity, whose request for an exemption has been denied by the Director of Public Works, or designee, may appeal such determination to the Improvement and Services Committee. Upon appeal, the Improvement and Services Committee shall determine if the Director of Public Works determination was reasonable and in accordance with para. (a). After making such determination the Improvement and Services Committee shall forward its recommendation to the Common Council.

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 5th day of March, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the ordinance.

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

GENERAL ORDINANCE NO. 6-13

AN ORDINANCE
REPEALING AND RECREATING SECTION 8.14,
GREEN BAY MUNICIPAL CODE,
RELATING TO FEEDING WILD ANIMALS

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

SECTION 1. Section 8.14, Green Bay Municipal Code, is repealed and recreated to read as follows:

8.14 FEEDING OF WILD ANIMALS PROHIBITED. Section NR 19.60, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted as though fully set forth herein.

~~**FEEDING OF DEER PROHIBITED.** (Cr. GO 42-01) No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.~~

~~———(1) PRESUMPTION. There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:~~

~~———(a) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than six feet off the ground.~~

~~———(b) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.~~

~~———(2) EXCEPTIONS. This ordinance shall not apply to the following situations:~~

~~—— (a) Hunting. The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.~~

~~—— (b) Naturally Growing Materials. Naturally growing grain, fruit or vegetable material, including gardens.~~

~~—— (c) Bird Feeders. Unmodified commercially purchased bird feeders or their equivalent.~~

~~—— (d) Authorized by the Common Council. Deer feeding may be authorized on a temporary basis by the Common Council for a specific public purpose as determined by the Common Council.~~

~~—— (e) Counting. Deer feeding may be authorized on a temporary basis by the Deer Control Officer for the purpose of determining the deer population.~~

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 5th day of March, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the ordinance.

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

ZONING ORDINANCE NO. 1-13

AN ORDINANCE
REZONING PROPERTY LOCATED
AT 2001 – 2035 MANITOWOC ROAD AND

THE SOUTH PORTION OF 2010 – 2014 VINE STREET
FROM GENERAL COMMERCIAL (C1) DISTRICT
TO VARIED DENSITY RESIDENTIAL (R3) DISTRICT
(ZP 13-01)

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 Varied Density Residential (R3) District:

2001 Manitowoc Road (Parcel No. 21-1358-3); THAT PRT OF E 1/2 OF LOT 25 ASTORS PLAT OF PC 3-7 ESRF DESC IN 885 R 440

2021-2025 Manitowoc Road (Parcel No. 21-1358); ASTORS SUBD OF PC 3 TO 7 E E 1/2 LOT 25 LYG N & E OF MANITOWOC ROAD & EX PRT DESC AS PCL A OF 1 CSM 641 BCR & EX PCLS B & C IN 2 CSM 365 BCR EX PRT DES IN 818 R 96 EX PRT DESC IN 885 R 440 & EX PRT DESC IN 936 R 412 & EX 1009 R 188

2035 Manitowoc Road (Parcel No. 21-1358-4); ASTORS SUBD OF PC 3-7 ESRF THAT PRT OF E 1/2 OF LOT 25 AS DESC IN 1009 R 188

2010-2014 Vine Street (Parcel No. 21-1361-3); THE SOUTHERN 175 FEET OF THE PARCEL THAT IS PART OF LOTS 25 & 26 PLAT OF PC 3-4-5-6 & 7 DESC IN 936 R 412 & EX ST IN 1064 R 293

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 5th day of March, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

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

ZONING ORDINANCE NO. 2-13

AN ORDINANCE
REZONING PROPERTY LOCATED
AT 1525 AND 1545 UNIVERSITY AVENUE
FROM LIGHT INDUSTRIAL (LI) DISTRICT
TO GENERAL COMMERCIAL (C1) DISTRICT
(ZP 13-04)

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 Light Industrial (LI) District to General Commercial (C1) District:

1525 University Avenue (Parcel No. 19-586): L LARSCHEIDS SUBD OF LOTS 40-41-42 & PART OF 43 NEWBERRYS SUBD #1 LOTS 12 & 13 E 10 FT OF LOT 11 & S 33 FT OF LOTS 26 & 27

1545 University Avenue (Parcel No. 19-50): PRT OF LOTS 14 & 28 LORENZ LARSCHEID'S SUBD & PRT OF LOT 43 NEWBERRYS ADDN SUBD # 1 DESC IN 1702965 & 1/2 VAC ST ADJ IN 2343476

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 5th day of March, 2013.

APPROVED:

James J. Schmitt

Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt the ordinance.

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

COMMITTEE OF THE WHOLE

The Mayor stated that the KI Convention Center Expansion Project and Parcel 12-164 are on track.

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to adjourn at 8:15 P.M.
Motion carried.

Kris A. Teske
Green Bay City Clerk