



MINUTES OF THE COMMON COUNCIL

TUESDAY, SEPTEMBER 17, 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.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Steuer, seconded by Ald. Tim DeWane to approve the minutes of the August 20, 2013, meeting. Motion carried.

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

Moved by Ald. Thomas DeWane, seconded by Ald. Kocha to move Item #10 first under Reports For Council Action. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Danzinger to approve as amended. Motion carried.

REPORT BY THE MAYOR

Ald. Boyce requested an update on the Green Bay Sustainable Task Force. This Committee has dissolved due to the fact that the Energy Efficiency Block Grant money has ended but sustainable initiatives are being addressed by the individual departments.

Ald. Boyce also requested an explanation of the City's Communication Policy. Attorney Wachewicz stated that the City Attorney's Office represents the City of Green Bay. That is their client. They represent various staff members, the Mayor, the City Council,

various members of boards and commissions and other appointed officials. The City Attorney's Office has an ethical duty to represent the City and it's up to the public, the individual, to retain their own attorney. The City doesn't have a formal communication policy. The City Attorney's Office is open to communicating with everyone but cannot provide them with advice.

Next Common Council meeting is Tuesday, October 1.

The Mayor is going to Madison to testify on the Historic Tax Credit. This incentive will bring in \$450 million of new development to the State of Wisconsin.

Brown County Crime Prevention Annual Luncheon is on September 26 at the Clarion. Packers Heritage Trail Plaza was dedicated on September 14.

PUBLIC HEARING

Zoning Ordinance No. 12-13

An ordinance rezoning property located in the 900 and 1000 blocks of Auto Plaza Drive and 2300 Auto Plaza Way from General Commercial (C1) District to Highway Commercial (C2) District. (Item #27)

No one appeared.

RECONSIDERATION

Request by Ald. Nicholson to reconsider Resolution regarding the problem of homelessness from August 20, 2013 Council meeting.

Moved by Ald. Nicholson, seconded by Ald. Steuer to reconsider the resolution regarding the problem of homelessness. Motion carried.

Moved by Ald. Steuer, seconded by Ald. Wiezbiskie to refer back the resolution to the Protection and Welfare Committee. Motion carried.

PETITIONS & COMMUNICATIONS

ECONOMIC DEVELOPMENT AUTHORITY

Request by Ald. Moore for a resolution offering support of both the general and commercial aviation industries. The goal of the resolution being to encourage job growth and economic development in the City of Green Bay through suppliers, manufacturing, transportation, sales and education.

IMPROVEMENT & SERVICE COMMITTEE

Application for a Concrete Sidewalk Builder's License by Allied Concrete Construction.

Application for a Tree & Brush Trimmer License by Beaver Tree Specialists.

Request by Ald. Brunette to review street lumination on the corner of Oneida and Liberty with a possible improvement.

Request by Ald. Thomas DeWane to rescind the cost of street work done on Victoria Street owned by St. Phillips Parish per agreement and extension of 25 year park agreement at \$1 per year.

Request by Ald. Thomas DeWane to run water to St. Phillips Park from Chicago and Irene and discuss cost.

PARKS

Request by Ald. Thomas DeWane to put lights on Falcons Football Field at no cost to the City (St. Phillips Park).

PROTECTION & WELFARE COMMITTEE

Application to keep four dogs at 1268 Vanderbraak Street.

Application to keep three dogs at 2946 Emmalane Drive.

Application to keep three dogs at 1124 Lark Street.

Appeal by Scott Van Roy to the denial of his public vehicle operator license application.

TRAFFIC

Request by Ald. Thomas DeWane to install 4 way stop signs on Deckner and Danz.

Request by Ald. Thomas DeWane to install 4 way stop signs on Newberry and Wesley.

REPORTS FOR COUNCIL ACTION

PROTECTION & WELFARE COMMITTEE REPORT September 17, 2013

The Protection & Welfare Committee, having met on Monday, September 9, 2013 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for a "Class B" Combination License by The Roundabout LLC at 1264 Main Street (transfer from Buddies LLC) with the approval of proper authorities.

2. To approve the request by the owners of Back Yard Pub, 813 S. Broadway, to hold outdoor events on September 28 and October 5 and 12. The approval of the request is subject to complaint.
3. To deny the appeal by Tim Hyde to the denial of his Public Vehicle Operator License application.
4. To deny the appeal by Marvin Keys to the denial of his Public Vehicle Operator License application.
5. To approve the appeal by Robert Hillsberg to the denial of his Public Vehicle Operator License application.
6. To approve the appeal by James E. Robinson to the denial of his Public Vehicle Operator License application.
7. To approve the appeal by Lita Zimmer to the denial of her Operator License application.
8. To approve the appeal by Roger Lhost to the denial of his Operator License application. Motion to approve the appeal failed for lack of majority, tied two-two. No Recommendation.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to adopt the report with the exception of Item #8. Motion carried. Item #4 was taken up later in the meeting.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to approve Item #8.

Moved by Ald. Thomas DeWane, seconded by Ald. Boyce to deny Item #8. Motion carried.

REPORT OF THE GREEN BAY PLAN COMMISSION

September 17, 2013

The Green Bay Plan Commission, having met on Monday, September 9, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the amendment to the Lodging (L) District signage requirements for 850 Kepler Drive, Fajita Republic, per the draft amended ordinance.
2. To approve the operation of the temporary homeless shelter located at 411 St. John Street under the current approved Conditional Use Permit (CUP), but for a maximum 84-resident occupancy, subject to the following conditions:
 - a) The physical plant shall be remodeled to meet the 84-capacity requirements.
 - b) No overflow expansion in guest numbers is permitted.
 - c) The Operation Plan shall be revised accordingly and subjected to the approvals referenced in condition (i).

- d) The former condition (j) shall be null and void.
3. To table the declaration of a portion of property surplus located along Radisson Street east of Cofrin Drive for 6 months based on comments received by the Director of Public Works related to the update of the City's Storm Water Plan.

With the statutory 30-day petition period coming to a close as of September 13, 2013, the Green Bay Plan Commission, having met on Monday, August 12, 2013, wishes to also report and recommend the following:

4. To approve the initial operating plan for the Military Avenue Business Improvement District on the basis of its compatibility with the Military Avenue Commercial Corridor plan adopted by the City Council on March 1, 2011, with the correction of the operating plan to include the most current assessment amounts.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried. Items #2 & #4 are reconsidered later in the meeting.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY September 17, 2013

The Green Bay Redevelopment Authority, having met on Tuesday, September 10, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To transfer the Tundra Lodge property located at 865 Lombardi Ave. to Bays Tundra Hospitality and grant authority to draft and execute necessary agreements subject to City Attorney's office approval.

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

REPORT OF THE TRAFFIC COMMISSION September 17, 2013

The Traffic Commission having met Monday, August 19, 2013, considered all matters on its agenda and wishes to report and recommends the following:

1. To remove from the heavy traffic route map, Erie Road from Mason Street to Finger Road
2. To remove from the heavy traffic route map, Finger Road from Erie Road to Mason Street

3. To add to the heavy traffic route map, Mason Street from Erie Road to Finger Road
4. To receive and place on file the report of the modified nighttime flash times at the intersection of Henry Street and Deckner Avenue.
5. To receive and place on file the request to address speeding concerns and pedestrian safety in the area of Basten Street near Clement Street.
6. To remove the NO PARKING zone on both sides of Lawe Street from Jackson Street to the cul-de-sac east of Jackson Street and adopt by ordinance.
7. To establish a NO PARKING RESIDENTIAL PERMIT ONLY 8 AM TO 8 PM zone on both sides of Lawe Street from Jackson Street to a point 165 feet east of Jackson Street and adopt by ordinance.
8. To establish a NO PARKING zone on both sides of Lawe Street from a point 165 feet east of Jackson Street to the cul-de-sac east of Jackson Street and adopt by ordinance.
9. To establish a NO STOPPING OR STANDING 7 AM TO 4 PM SCHOOL DAYS zone on the south side of Crest Lane from Pinehurst Avenue to a point 75 feet west of Pinehurst Avenue and adopt by ordinance.

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

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to reconsider item #2 of the Report of the Plan Commission. Motion carried.

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

Alexia Wood, Executive Director of St. John Homeless Shelter and Deacon Tim Riley explained the operation of homeless shelter.

Calvin Farrell and John Duquaine spoke in favor of the homeless shelter.

David Bartikovsky, appointed to the Hope Task Force, stated the Hope Task Force is working very hard to find solutions.

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

Moved by Ald. Kocha, seconded by Ald. Steuer to approve Item #2a.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to amend Item #2a to read "The physical plant shall meet the 84-capacity defined by the City and State requirements."

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to amend Item #2a to read "This property has to meet all Local, State and Federal codes and requirements."

Moved by Ald. Kocha, seconded by Ald. Tim DeWane to adopt Item #2a as amended. Motion carried.

Moved by Ald. Kocha, seconded by Ald. Tim DeWane to approve Item #2b. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to approve Item #2c. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Tim DeWane to deny Item #2d. Motion carried, with Ald. Kocha voting no.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to reconsider Item #4 of the Report of the Plan Commission. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Tim DeWane to approve Item #4. Motion carried.

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

Greg Polachek, 1200 S. Monroe Avenue, a member of the Military Avenue Business Association, talked about the timeline of the Military Avenue BID formation, the summary of changes from 2012 BID effort to 2013 BID effort and the 2014 BID Operation Plan Proposal.

Roger VanderLeest, 1604 9th Street, stated the BID should be per assessed value not by parcel. He is opposed to the BID as presented.

Henry Czachor, owner of 500-504 S. Military Avenue, is in favor of the BID.

Andrea Garder, owner of Green Bay Plaza, is in favor of the BID.

Dave Naniot, Naniot's Auto Service, 712 S. Military Avenue, would like the BID postponed until they pay off the Military Avenue pavement assessment.

Keith Zimmerman, Keith's Haircenter, 904 S. Military Avenue, is in favor of the BID.

David Martin, HJ Martin & Son, 320 S. Military Avenue, is in favor of the BID.

Adam Kersten, 1600 Shawano Avenue, doesn't support having a BID.

Judy Decker, BMO Harris, 201 S. Military Avenue, is in favor of the BID.

Joe Mongin, Vice President of the Military Avenue Business Association, Mongin Insurance, 501 S. Military Avenue, is in favor of the BID.

Moved by Ald. Moore, seconded by Ald. Kocha to return to the regular order of business. Motion carried.

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to refer back.

A vote was then taken on the motion to refer Item #4 back to the Plan Commission.

Motion failed on a 3 to 8 display vote with Ald. Jerry Wiezbiskie abstaining.

Moved by Ald. Steuer, seconded by Ald. Danzinger to approve Item #4.

A vote was then taken on the motion to adopt Item #4. Motion carried on a 10 to 2 display vote.

Moved by Ald. Thomas DeWane, seconded by Ald. Brunette to reconsider item #4 of the Report of the Protection & Welfare Committee Meeting of August 28, 2013. Motion carried.

Moved by Ald. Moore, seconded by Ald. Tim DeWane to approve Item #4. Motion carried.

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

Marvin Keys says he doesn't understand why he was denied.

Josh Schwalbe, 232 N. Danz Avenue, spoke in favor of Marvin Keys.
Moved by Ald. Brunette, seconded by Ald. Moore to return to the regular order of business. Motion carried.
A vote was then taken on the motion to adopt Item #4. Motion carried on an 11 to 1 display vote.

REPORT OF THE FINANCE COMMITTEE September 17, 2013

The Finance Committee, having met on Tuesday, September 10, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To receive and place on file the review of the 2012 year-end financial results for the City.
2. To have the planning director report semi-annually a summary of loan activity and balances directly to the Common Council without having to go through committee.
3. a. To have Finance, Legal, and the Mayor do what is necessary to determine how the values were arrived at for attachment A of the Oneida Service Agreement.

b. To have the assessor's office assess the tribal trust property with a priority towards commercial property, then vacant property, and lastly residential property.
4. To direct legal staff to proceed as directed in closed session regarding the Oneida Tribe's request to designate certain properties as tax exempt.
5. To receive and place on file the review of BID (Business Improvement District) amounts charged by On Broadway and Downtown Green Bay Inc.
6. To approve the purchase of a Portable Platform for the City Deck Ice Rink to Wenger Corp. for \$39,512 subject to fund raising and donations to fund the purchase.
7. To award the purchase of Dugout Covers for the ball field at Beaver Dam Park to J.W. Industries, Inc. for \$15,250.
8. To award the pre-approval request towards the purchase and installation of a Wireless Data Bridge to the low responsive and responsible bidder for an amount not to exceed \$15,000, and report the bid totals and award information back to the Committee at the next meeting.

9. To receive and place on file the report of the Finance Director.

2013 Contingency Fund
\$92,000

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the report. Motion carried with Ald. Kocha and Ald. Nicholson voting no on Item #3a.

REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE September 17, 2013

The Improvement and Service Committee, having met on September 11, 2013 considered all matters on its agenda and wishes to report and recommend the following:

1. To refer to the traffic engineer for further study the request by Ald. Steuer to develop traffic calming pedestrian and yield signage within uncontrolled intersections on major arterial streets, such as Monroe, Webster and Shawano, among others.
2. To approve the request by the Department of Public Works - Parking Division to modify the 2013 vehicle acquisition plan.
3. To approve the request by DPW for approval of an agreement with Kurt Schroeder to provide professional trapping services of nuisance animals at City storm water facilities and authorize the Director to sign the agreement.
4. To approve the request by DPW to review and approve the draft U.S. Environmental Protection Agency's Administrative Consent Order for the City of Green Bay's sanitary sewer collection system and authorize the Mayor and City Clerk to execute the final agreement.
5. To approve the report of the Purchasing Agent:
 1. Report an award to Express Excavating, the low bidder in the amount of \$13,100, for the razing of the structure at 418 N Monroe Av (Body Shop).
6. To award contract PAVEMENT 4-13 in the amount of \$139,000.00 to the low, responsive bidder, Vinton Construction Co.
7. To approve the request by Brown County Library to install a wrought iron fence within the Pine Street right-of-way subject to the execution of a hold harmless agreement with the City, file the required insurance with the City, and to authorize the Mayor and City Clerk to sign the hold harmless agreement.

8. To approve the request by NRP Environmental Consultants, Inc., on behalf of Frederick J. Mohr, LLC to place groundwater monitoring wells within the street and alley right-of-way adjacent to 140 S Adams Street and to authorize the Director to sign the associated License to Install and Maintain Groundwater Monitoring Well in public right-of-way.
9. To approve the request by Millennium Architects, on behalf of TOHO Properties, LLC to place a fire escape, electrical panel, gas meter and guard rail to serve Platten Place at 235-243 N. Broadway within the City's alley right-of-way subject to the execution of a hold harmless agreement and/or air rights easement with the City, file the required insurance with the City, and to authorize the Mayor and City Clerk to sign the hold harmless agreement and/or air rights easement.

10. To approve and authorized payment of the following Deeds, TLEs, and PLEs.
MONROE AVENUE – CASS STREET TO MAIN STREET PROJECT ID. # 1481-07-21

Fidelity National Bank Parcel 1	\$250.00	TLE
The Astor House Parcel 4	\$250.00	TLE
Adam W & Ladislava Gaines Parcel 11	\$250.00	TLE
Green Bay Area Public School District Parcel 16	\$1050.00	PLE & TLE
Lynn M Carli Parcel 19	\$800.00	DEED & TLE
KAN Rentals, LLC Parcel 24	\$3100.00	DEED & TLE
Robert Q. Frelich Parcel 26	\$500.00	DEED & TLE
Schiegg Investments, LLC Parcel 28	\$250.00	TLE
Moski Corp., Inc. Parcel 32	\$250.00	DEED & TLE
Madison Monroe Investments, LLP	\$250.00	TLE

Parcel 34		
Warren Family Funeral Homes, Inc. Parcel 36	\$250.00	TLE
John C & Julie A May Revocable Trust Parcel 41	\$250.00	TLE
Provenance LLP Parcel 44	\$250.00	TLE
Mark S & Kathryn A Gigot Parcel 53	\$250.00	DEED & TLE
First United Methodist Church Parcel 54	\$350.00	DEED & TLE
St Vincent Hospital of the Hospital Sisters Parcel 58	\$250.00	TLE
First Church of Christ Scientist Parcel 66	\$250.00	TLE
Trustees of First Church of Christ Scientist Parcel 67	\$300.00	DEED & TLE
Bank Mutual Parcel 70	\$250.00	TLE
Main Oriental Market, LLC Parcel 73	\$250.00	Deed & TLE
Brown County Parcel 77	\$250.00	TLE

11. To approve the application for Concrete Sidewalk Builder's License by the following:

A. Allied Concrete Construction

12. To receive and place on file the verbal Director's Report on the recent activities of the Public Works Department.

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

REPORT OF THE PARK COMMITTEE

September 17, 2013

The Park Committee, having met on Wednesday, September 11, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve Dale R. Livingston's request to host his wedding and reception on the Pine Street Landing and space immediately behind Hagemeister Park in conjunction with the area to the Pine Street Landing on September 28, 2013 between 6:00 p.m and 11:00 p.m. contingent upon:
 - All proper permits and insurances being obtained.
 - No hard liquor allowed on the deck.
 - No sales of beer, wine or liquor on the deck.
 - Glass containers are prohibited.
 - Beer, wine and soda are allowed in the restricted designated area between 6:00 p.m. and 10:30 p.m.
 - Must adhere to all noise ordinances and regulations. Music will be allowed between 6:00 p.m. and 10:30 p.m.
 - Fifteen minutes of fireworks will be allowed between 8:30 p.m. and 9:00 p.m.
2. To authorize staff to apply for the EPA Great Lakes Shoreline Cities Green Infrastructure grant to be used at Bay Beach Amusement Park.
3. The following motions were made pertaining to pools and wading pool repairs:
 - To approve the remaining 2013 budgeted repairs and the 2014 proposed budget repairs as presented at this meeting.
 - To approve to operate Tank wading pool for one more year and have staff work to secure funding to convert this pool into a Splash Pad.
 - To approve to operate the Bay Beach wading pool in 2014 without funding any major repairs and to eliminate it in one to three years per the development of the Bay Beach Master Plan.
 - To authorize staff to use up to \$82,000 of unexpended 2013 budget funds to complete the pool and wading pool repairs.
4. To approve the staff priority list for request for the 2014 Community Development Block Grant park proposals and forward this request to the Redevelopment Authority.
5. To receive and place on file the Director's Report.

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

REPORT OF THE PERSONNEL COMMITTEE September 17, 2013

The Personnel Committee, having met on Tuesday, September 10, 2013 considered all matters on its agenda and reports and recommends the following:

1. To approve the request to fill Patrol Officer vacancies in 2013 that were approved as part of the budget.
2. To approve the requests to fill the following positions and all subsequent vacancies resulting from internal transfers.
 - a. Assistant City Engineer (Special Projects) – Public Works
 - b. Civil Engineer – Public Works
 - c. Equipment Operator (2 positions) – Public Works
 - d. Truck Driver – Public Works
 - e. Tractor Operator – Public Works
 - f. Patrol Officer - Police
3. To approve the request for out-of-state travel for Purchasing Manager, Rick Jensen to accept and serve a 1-year appointment to Onvia’s Agency Advisory Board.
4. To approve revisions to Personnel Policy, Chapter 6 – Recruitment and Selection.
5. To receive and place on file the report of routine Personnel Actions for regular employees.
6. To receive and place on file the update and discussion regarding labor negotiations.

CITY OF GREEN BAY PERSONNEL POLICY	
Title: Recruitment and Selection Policy	Policy Reference: Chapter 6
Policy Source: Human Resources Department	Legal Review Date: September 5, 2013 22, 2011
Personnel Committee Approval: September 10, 2013 27, 2011	City Council Approval: October 4, 2011 September 17, 2013

POLICY STATEMENT

It is the policy of the City of Green Bay to recruit, select, evaluate, promote, compensate, and retain employees on the basis of their ability to perform the duties and responsibilities of the position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry or political affiliation. The City will provide

reasonable accommodation for disabled applicants and employees who are otherwise qualified as long as such accommodation does not create an undue hardship for the City.

It will be the responsibility of the Human Resources Director to administer these policies under the direction of the Personnel Committee. In addition, it is the responsibility of all management staff and governing committees to ensure that recruitment and selection policies are consistently and impartially applied within their respective departments.

6.1 DEFINITIONS.

6.1.1 Transfer: A transfer is regarded as movement from one permanent City position to any other permanent position within the City's table of organization and may result in a higher salary range and increased level of job responsibilities.

6.1.2 Hiring Authority: The department head or designee directly responsible for employing and establishing job duties of the vacant position.

6.1.3 Immediate Family: For purposes of this policy immediate family means spouse, parent, stepparent, child, stepchild, foster child, sibling, guardian, parent-in-law, grandchild, and grandparent or step grandparent.

6.2 RECRUITMENT. The recruitment will be tailored for the position to be filled and directed to sources likely to yield qualified candidates. Applicants will be recruited from as broad a geographic area as necessary to assure well-qualified candidates for the various types of positions in City service with an attempt, within Affirmative Action guidelines, to achieve a diverse and qualified work force. The City encourages the filling of positions with personnel from the present work force.

6.2.1 Notification. Human Resources will be notified immediately when a need to fill a new or existing position exists. Vacancies open to all City employees must be announced through Human Resources to ensure compliance with Labor Agreements, Personnel Policies and the City's Affirmative Action Plan.

6.2.2 Position Needs Analysis. Prior to filling any vacancy, Human Resources will review all functions of the vacant position, and present a recommendation to the Personnel Committee and City Council for action. At the discretion of the Human Resources Director, the recruitment process may begin prior to receiving approval by the Personnel Committee and City Council however; the position may not be filled prior to approval. Seasonal positions authorized through the budget process are exempt from this process.

Changes to the reporting structure for the classifications of Deputy Director, Assistant Director or Department Head must have the approval of the Personnel Committee and City Council.

The Mayor and Personnel Committee Chairman may authorize emergency filling of certain positions.

6.2.3 Job Announcement. A job announcement will include the job title or classification, pay rate or range, summary of duties, qualifications required, where to apply, and application deadline.

a) At the discretion of the Department Head and with Human Resources' authorization, internal movement within the department may occur prior to announcing a vacancy.

b) Where the job announcement is required by a Labor Agreement it will be posted in accordance with such Agreement.

6.2.4 Continuous Recruitment. The Human Resources Director will determine the need for continuous recruitment for positions in which there is a high degree of turnover or for which it is particularly difficult to recruit qualified employees, and will maintain lists of qualified candidates as appropriate.

6.2.5 Application Form. All applications for employment will be made on forms prescribed by Human Resources which are in compliance with State and Federal regulations regarding employment procedures.

6.3 DENIAL OF APPLICATIONS. The Human Resources Director or designee may deny any applicant further consideration in the selection process if the applicant:

a) Has knowingly falsified the application or practiced deception at any step in the selection process.

b) Has been convicted of a crime which is related to the duties or responsibilities of the position.

c) Is not within legal age limits prescribed for the position or for City employment.

d) Has an unsatisfactory employment record indicating the candidate is not suitable for the position as evidenced by reference checks.

e) Does not meet the minimum requirements established for the position.

f) Is physically or mentally unable to perform the essential function(s) as certified by competent medical authority through a pre-placement exam.

g) Does not reply to mail inquiry within ten 10 calendar days or does not return a telephone inquiry within 2 working days.

h) Fails to accept appointment within 2 working days or to report for duty within the time prescribed in the offer of employment.

i) Does not properly complete the application.

6.4 APPLICANT SCREENING AND RANKING. Human Resources will conduct or authorize all appropriate screening and ranking (testing) procedures based on job analysis and professional personnel management principles to determine the candidates most qualified for the position. Human Resources will confer with the hiring authority before determining the appropriate procedures.

6.4.1 Screening and ranking procedures may include, but are not limited to, the following:

- a) Written examination
- b) Oral examination
- c) Training and experience questionnaire to be rated by the Human Resources Department or an appropriate panel
- d) Performance tests (e.g., typing, data entry, etc.)
- e) Work simulations
- f) Review of applications to determine compliance with minimum qualifications
- g) Physical examinations including drug screen
- h) Background and reference inquiries
- i) Psychological evaluation

Criteria for selection will be based on, but not limited to, relevant work experience, work performance, applicable education and/or training, required skills, knowledge and abilities of the position, and other competencies as deemed appropriate by the hiring authority and Human Resources. When two or more employees are equally qualified with respect to the competencies desired for the position and have demonstrated equal ability and skills through past performance, seniority will prevail.

6.4.2 Confidentiality. All persons participating in the development and maintenance of selection materials will exercise every precaution to insure the highest level of integrity and security. Only the Human Resources Director or designee will handle confidential selection materials.

6.4.3 Notification of Applicants. Each person submitting an application who was not selected to participate in the selection process will be given proper notice by the Human Resources Department of non-selection.

6.4.4 Notification of Final Interviewed Applicants. Each applicant that is interviewed and not hired will be given proper notice from the hiring authority or Human Resources.

6.5 HIRING. Applicants selected for and interviewed in accordance with the selection process will, whenever possible, be at least two more than the number of vacancies.

6.5.1 Rank. After review by Human Resources, the applications of the best qualified candidates will be submitted to the hiring authority for consideration.

6.5.2 Appointment. The hiring authority will make the final selection and placement to the position. First consideration will be given to the best qualified candidates to fill the vacancy. If the hiring authority does not select one of the eligible candidates, justification will be given to the Human Resources Director or designee.

The notice of selection is to be made to the Human Resources Director, or designee. The Human Resources Director or designee is also responsible for issuing a written offer of employment outlining the start date, salary, applicable fringe benefits and any other pertinent data. No offer will be made without the approval of the Human Resources Director or designee.

6.6 ELIGIBILITY LISTS. The City of Green Bay may establish eligibility lists to be used as it deems appropriate in filling future City vacancies.

A candidate may be removed from an eligibility list if the candidate:

- a) Receives a permanent appointment;
- b) Files a written statement indicating unwillingness to accept appointment;
- c) Declines 2 offers of employment;
- d) Fails to respond to any official inquiry regarding availability;
- e) Fails to report for a scheduled interview;
- f) Is disqualified for any reason listed in Section 3 of this chapter.

6.7 TEMPORARY HIRING. Temporary appointments of no more than 6 months will generally be made from applications on hand or temporary employment agencies. However, the Human Resources Director may authorize the appointment of other qualified individuals. The acceptance or refusal by an eligible candidate of a temporary appointment will not affect the candidate's standing for a permanent position if one becomes available. Temporary appointees who become regular City employees may receive service credit from the initial day of employment.

Persons employed by the City under Federal or State manpower programs are considered limited term employees unless specific action is taken to appoint such an employee to a regular position after certification as eligible for such appointment by the Human Resources Director.

6.8 EXPENSES. Certain recruitment efforts may require the City to offer travel expenses to candidates who are being interviewed. When this is necessary, the Human Resources Director may authorize reimbursement for actual expenses incurred when supported by invoice, receipt or other acceptable documentation. The cost for the travel expenses will be the responsibility of the hiring department.

The Human Resources Director is authorized to offer moving expenses to Department Head candidates in an amount up to \$10,000. Human Resources will work in conjunction with Purchasing when offering any moving expenses. A report will be provided to the Personnel Committee of any authorized moving expenses. Moving expenses for any other positions or requests in excess of \$10,000 will require prior approval of the Personnel Committee and City Council. The Personnel Committee may authorize the Human Resources Director to include reimbursement of moving expenses in the offer of employment. Such reimbursement may cover actual costs as evidenced by paid receipt or other supporting documentation. The City will recover the reimbursed amount from any employee who is terminated or voluntarily resigns during the first 18 months of employment.

6.9 NEPOTISM. No member of the immediate family of an alderperson, citizen member of a committee or commission, elected official, management personnel or other supervisor may be hired or transferred into a department where a potential supervisor-subordinate relationship would exist. A request for exemption from this section requires Personnel Committee approval.

6.10 ADA COMPLIANCE. The City re-affirms its commitment to comply with the regulations of the U.S. Equal Employment Opportunity Commission implementing Title I of the Americans with Disabilities Act of 1990, codified at 29 C.F.R. Part 1630. Accordingly, the City assures the following:

- a) The City will not discriminate on the basis of disability in its hiring or employment practices.
- b) The City will not ask a job applicant about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform essential job functions. Medical examination or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.
- c) The City will make reasonable accommodation for the known physical or cognitive limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship for the operation of the City's business. If an applicant or an employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the City may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodation.
- d) The City will maintain employees' medical records separate from personnel files and keep them confidential.
- e) The City will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the City's selection criteria have the effect of disqualifying an

individual because of disability; those criteria will be job-related and consistent with business necessity.

6.11 TRANSFER. The City encourages and recognizes the value of providing opportunities for transfer from within and to improve the upward mobility potential for qualified City of Green Bay employees. Reasonable efforts will be made to fill vacant positions from within the City. Job announcements will be posted in areas that are accessible to all employees. At the discretion of the City, outside recruiting sources will be used and internal candidates may be considered simultaneously with outside candidates. This policy is intended to provide equal opportunity to all employees and job applicants.

6.11.1 Regular full and part-time employees who have completed their probation period and are otherwise in good standing will be allowed to seek a transfer. An employee accepting a transfer will not be allowed to transfer again for 12 months. Exceptions to this provision must be authorized by the Human Resources Director.

6.11.2 Regular position vacancies will be posted City-wide for a minimum of 5 work days. Eligible employees will be required to submit required an application materials to Human Resources by the date noted on the job announcement to be considered for the position. As noted previously, the selection process will be utilized to hire the best qualified individual for the position.

6.11.3 Transferring employees will retain their vacation and sick leave. Probationary employees who successfully attain a transfer, will serve out the balance of the probationary period upon transfer to the new position.

6.12 TESTING POLICY.

6.12.1 Provisions. Human Resources is responsible for administering all employment testing. If it is determined that an employee is qualified for the position and a test is required, the employee will be tested. If a passing score is not achieved, the candidate will not be given further consideration for the position. Re-testing will be permitted every 90 days for employees with unsuccessful typing or data entry scores. Typing, data entry and other test scores will remain valid for a period of 5 years.

Other examples of tests administered for purposes of transfer may include money counting, calculator skills, oral directions, data entry, basic math or other general job skill testing.

6.12.2 Requirements. Minimum requirements are established by Human Resources according to class specifications. A candidate may be required to demonstrate minimum competency by successfully passing approved tests, background checks and medical exams when required.

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

PROTECTION & WELFARE COMMITTEE REPORT September 17, 2013

The Protection & Welfare Committee, having met on Wednesday, August 28, 2013 considered all matters on the agenda and based on authority granted to them by the City Council on August 20 wishes to report that final approval was given for the following actions:

1. To approve the request by the owners of Robyn's Nest (formerly the Den), 1623 Cass Street, to hold an outdoor event on September 7. The approval of the request is subject to complaint.
2. To approve the request by the owners of Back Yard Pub, 813 S. Broadway, to hold outdoor events on September 14 and 21. The approval of the request is subject to complaint.
3. To deny the request by Green Bay Sportservice, Inc., 1265 Lombardi Avenue, to hold an outdoor event on September 17.

Informational only

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

REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES September 17, 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

Aho, Amy M	Dillenburg, Taylor V	Madrigal, Irene M
Arterbum, Katie E	Drettwan, Jody L	Mathewson, Adam L
Baldwin, Alex D	Driessen, Craig A	McCotter, Michael L
Bartlett, Joseph J	Duffeck, Mykel LA	Miller, Bridget M
Baucom-Orlofsky, Tadhg	Duranceau, William F	Nasgovitz, Peter J
Beightol, Thomas D	Enke, Amy M	Noonan, Kathleen A
Beyer, Britany R	Fabry, Andrew J	Nowak, William B
Beyer, Michael W	Feltz, Hailey F	Opolka, Scott M
Bilitz, Thomas R	Ferry, Colleen E	Oshefsky, Necole L
Bomski, Dale R	Fogle, Nate D	Othrow, Erin M

Bos, Cecelia K
Bowman, Brianne N
Boyea, Brian S
Bredael, Taylor A
Broady-Thompson, Quintin
Brokaw, Mara L
Brown, Freeman
Burkard, Matthew J
Burkhalter, Karen L
Chisolm, Tavaras
Chmelka, Abigail J
Chuillia, Dawn A
Clark, Bradley J
Collazo, Jr., Martin
Corn, Tawnya A
Danforth, Yenvstakwas A
Dean, Corey R
Delveaux, Alex L
Demmith, Joshua L
Derong, Michael R
Diehl, Christopher J

Gazella, Casey R
Gonion, Rebecca A
Hermann, Daniel R
Holmes, Joseph P
Holtmeier, Russell F
Hoogland, Matthew J
Hoover, Jennifer A
Hutchinson, Hope R
Irmick, Natalia RA
Jacobs, Leigh JL
Karklus, Angela M
Kiefert, Cassie A
Kohl, Allison M
Konshak, Christopher V
Krings, Taylor J
Lambert, Marylynn J
Lange, Lawrence W
Lederhaus, Jason M
LeNoble, Bruce B
Lovelace, Tonya C
Maass, Ryan P

Paque, Denise J
Pena, Jill R
Perkins, Boris L
Prahl, Dave A
Prevost, Tami L
Proper, Stacie E
Reeves Jr., Bobby L
Reyment, Caroline E
Rodriguez, Diane L
Rortvedt, Colleen T
Ruiz, Julia E
Sablich, Dillon A
Sabourin, Lori A
Sager, David R
Schroeder, David P
Sebo, Jean M
Shavlik, Connor J
Smith, Craig A
Smits, Allie E
Thompson, Marlon K
Tilkens, Natasha L

Tilot, Jacque M
Vallier, Kathleen A
Van Dreel, Kayla M
Vanderhoof, Peter J
Volz, Karen M
White, Rachel E
Wilcox, Heidi S
Wilson, Amanda M
Wood, Benjamin G
Wood, Matthew R
Woodson, Shaun B
Yeagle, Shauna C
Zastrow, Robert K
Zelle, Michelle A
Zuidmulder, Jessica L

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried with Ald. Danzinger abstaining on the approval of Allie E. Smits.

RECEIVE & PLACE ON FILE

Trial Balance Report for July, 2013.

Building Permit Report for August, 2013.

Municipal Court Report for August, 2013.

Check Register for August, 2013.

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

RESOLUTIONS

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt all of the resolutions, with the exception of resolutions #13 and #19, with one roll call vote. Motion carried.

**RESOLUTION APPROVING DEEDS, TEMPORARY
LIMITED EASEMENTS (TLEs), AND
PERMANENT LIMITED EASEMENTS (PLEs)
FOR MONROE AVENUE
FROM CASS STREET TO MAIN STREET
September 17, 2013**

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

TO APPROVE AND AUTHORIZED PAYMENT OF THE FOLLOWING DEEDS, TLES,
AND PLES.

MONROE AVENUE – CASS STREET TO MAIN STREET PROJECT ID. # 1481-07-21

Fidelity National Bank Parcel 1	\$250.00	TLE
The Astor House Parcel 4	\$250.00	TLE
Adam W & Ladislava Gaines Parcel 11	\$250.00	TLE
Green Bay Area Public School District Parcel 16	\$1050.00	PLE & TLE
Lynn M Carli Parcel 19	\$800.00	DEED & TLE

KAN Rentals, LLC Parcel 24	\$3100.00	DEED & TLE
Robert Q. Frelich Parcel 26	\$500.00	DEED & TLE
Schiegg Investments, LLC Parcel 28	\$250.00	TLE
Moski Corp., Inc. Parcel 32	\$250.00	DEED & TLE
Madison Monroe Investments, LLP Parcel 34	\$250.00	TLE
Warren Family Funeral Homes, Inc. Parcel 36	\$250.00	TLE
John C & Julie A May Revocable Trust Parcel 41	\$250.00	TLE
Provenance LLP Parcel 44	\$250.00	TLE
Mark S & Kathryn A Gigot Parcel 53	\$250.00	DEED & TLE
First United Methodist Church Parcel 54	\$350.00	DEED & TLE
St Vincent Hospital of the Hospital Sisters Parcel 58	\$250.00	TLE
First Church of Christ Scientist Parcel 66	\$250.00	TLE
Trustees of First Church of Christ Scientist Parcel 67	\$300.00	DEED & TLE
Bank Mutual Parcel 70	\$250.00	TLE
Main Oriental Market, LLC Parcel 73	\$250.00	Deed & TLE
Brown County Parcel 77	\$250.00	TLE

Adopted September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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 THE CREATION OF
BUSINESS IMPROVEMENT DISTRICT NO. 4,
MILITARY AVENUE, AND APPROVING ITS
FIRST YEAR OPERATING PLAN
(ALDERMANIC DISTRICTS 8, 10 AND 11)**

September 17, 2013

This resolution establishes a Business Improvement District, pursuant to Wisconsin Statutes, for the area bounded by the Military Avenue commercial district as defined by the parcel map submitted within the first year Operating Plan; encompassing 1601-1801 Arnold Drive, 1551-1561 Biemeret Street, 1807-1833 Careful Court, 1400 Lombardi Avenue, 123 N. - 1450 S. Military Avenue, 1830 Military Access Road, 1204-1208 S. Florence Avenue, 1559-1577 Langlade Avenue, 1530-1540 Leo Street, 1505-1616 W. Mason Street, 1559 Ninth Street, 1410-1722 Saint Agnes Drive, 1603-1626 Seventh Street, 1521-1606 Shawano Avenue, 1590-1596 Sixth Street, 1560-1598 Western Avenue. This resolution also adopts a first year Operating Plan and budget for the BID, creates a District Board and authorizes special assessments based on current year assessed values for taxable properties in the BID.

WHEREAS, the Military Avenue business district is a vital and integral part of the City of Green Bay (City); and

WHEREAS, a Business Improvement District (BID), as authorized by Section 66.1109, Wisconsin Statutes, provides a financing method to allow the Military Avenue business district to become self-sustaining; and

WHEREAS, the Military Avenue Business Association has submitted petitions requesting the City to establish a BID in the area; and

WHEREAS, an initial Operating Plan has been prepared which describes proposed activities within the District and which acts in accordance with applicable Wisconsin Statutes; and

WHEREAS, said Operating Plan has been reviewed and adopted by the City Plan Commission following a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY that Business Improvement District No. 4, Military Avenue, and the associated District Board are hereby created; and

BE IT FURTHER RESOLVED that the initial Operating Plan for BID No. 4, a copy of which is on file in the Clerk's Office, is hereby adopted; and

BE IT FURTHER RESOLVED that the City Treasurer, City Comptroller and other affected departments are hereby directed to collect and disburse BID No. 4 assessments in accordance with the Operating Plan; and

BE IT FURTHER RESOLVED that all City officials, departments, boards and commissions are directed to take all actions and provide such assistance, as needed, to carry out the intent and purpose of this resolution and the adopted Operating Plan for BID No. 4.

Adopted September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Kocha, seconded by Ald. Wiezbiskie to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: Nicholson. Motion carried.

**RESOLUTION APPROVING TOHO PROPERTIES, LLC TO PLACE
A FIRE ESCAPE, ELECTRICAL PANEL, GAS METER
AND GUARD RAIL TO SERVE PLATTEN PLACE
September 17, 2013**

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

To approve the request by Millennium Architects, on behalf of TOHO Properties, LLC to place a fire escape, electrical panel, gas meter and guard rail to serve Platten Place at 235-243 N. Broadway within the City's alley right-of-way subject to the execution of a hold harmless agreement and/or air rights easement with the City, file the required insurance with the City, and to authorize the Mayor and City Clerk to sign the hold harmless agreement and/or air rights easement.

Adopted September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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 THE BROWN COUNTY
LIBRARY TO INSTALL A WROUGHT IRON FENCE
WITHIN THE PINE STREET RIGHT-OF-WAY
September 17, 2013**

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

To approve the request by Brown County Library to install a wrought iron fence within the Pine Street right-of-way subject to the execution of a hold harmless agreement with the City, file the required insurance with the City, and to authorize the Mayor and City Clerk to sign the hold harmless agreement.

Adopted September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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 GRANTING A TEMPORARY LIMITED
EASEMENT ACROSS CITY OWNED LANDS REQUIRED FOR THE
RECONSTRUCTION
OF MONROE AVENUE FROM CASS STREET TO MAIN STREET
PROJECT I.D. 1481-07-21
September 17, 2013**

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

A Temporary Limited Easement for the reconstruction of Monroe Avenue be granted across the following described City owned property.

Beginning at the intersection of the North right-of-way line of Moravian Street and the West right-of-way line of Monroe Street; thence Northerly along said West right-of-way line of Monroe Street 25.00 feet; thence Southwesterly to a point on the North right-of-way line of Moravian Street said point being 25.00 feet Westerly of the intersection of the North right-of-way line of Moravian Street and the West right-of-way line of Monroe Street; thence Easterly 25.00 feet along said North right-of-way line of Moravian Street to the Point of Beginning.

Also beginning at the intersection of the South right-of-way line of Howe Street and the West right-of-way line of Monroe Street; thence Westerly along said South right-of-way line of Howe Street 20.00 feet; thence Southeasterly to a point on the West right-of-way line of Monroe Street said point being 20.00 feet Southerly of the intersection of the South right-of-way line of Howe Street and the West right-of-way line of Monroe Street; thence Northerly 20.00 feet along said West right-of-way line of Monroe Street to the Point of Beginning.

Containing 512 square feet of land more or less.

A Temporary Limited Easement (TLE) is a right for construction purposes, including the right to operate the necessary equipment, the right of ingress and egress as required, the right to remove and replace existing paved surfaces or install new paved surfaces (paved surfaces may include sidewalks, driveways, steps, and retaining walls), and the right to preserve, protect, or plant any vegetation.

The TLE will expire at the completion of the project for which this instrument is given.

Adopted September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Project No.: 1481-07-21 Monroe Avenue

County: Brown

Parcel No.: 48

Moved by Ald. Steuer, seconded by Ald. Boyce 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 GRANTING A TEMPORARY LIMITED
EASEMENT ACROSS CITY OWNED LANDS REQUIRED FOR THE
RECONSTRUCTION
OF MONROE AVENUE FROM CASS STREET TO MAIN STREET
PROJECT I.D. 1481-07-21**

September 17, 2013

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

A Temporary Limited Easement for the reconstruction of Monroe Avenue be granted across the following described City owned property.

The West 8.00 feet of the following described parcel:

The South 47 feet of the North 121 feet of Lot Two Hundred Fifty-nine (259) and the South 44 feet of Lot Two Hundred Fifty-Nine (259), except the South 6 inches thereof and Lot Two Hundred Sixty (260), except the Westerly $\frac{1}{2}$ of the Southwesterly 6 inches thereof, and except Volume 733 Records, page 114, Plat of Navarino, in the City of Green Bay, East Side of Fox River, Brown County, Wisconsin.

Less and excepting that portion currently occupied by an existing building.

Containing 458 square feet of land more or less.

A Temporary Limited Easement (TLE) is a right for construction purposes, including the right to operate the necessary equipment, the right of ingress and egress as required, the right to remove and replace existing paved surfaces or install new paved surfaces (paved surfaces may include sidewalks, driveways, steps, and retaining walls), and the right to preserve, protect, or plant any vegetation.

The TLE will expire at the completion of the project for which this instrument is given.

Adopted September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Project No.: 1481-07-21 Monroe Avenue

County: Brown

Parcel No.: 82

Moved by Ald. Steuer, seconded by Ald. Boyce 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 THE DRAFT
U.S. ENVIRONMENTAL PROTECTION AGENCY'S
ADMINISTRATIVE CONSENT ORDER
September 17, 2013**

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

To approve the request by DPW to review and approve the draft U.S. Environmental Protection Agency's Administrative Consent Order for the City of Green Bay's sanitary sewer collection system and authorize the Mayor and City Clerk to execute the final agreement.

Adopted September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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 AMENDMENT OF THE
CONDITIONAL-USE APPROVAL AT 411 ST. JOHN STREET
ADOPTED ON AUGUST 21, 2012
(ZP 13-03)**

September 17, 2013

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

That, pursuant to Zoning Petition 13-03 and the recommendation of the Plan Commission on September 9, 2013, the City of Green Bay does authorize an amendment of the conditional-use permit to allow for a temporary homeless shelter located on the following described property at 411 St. John Street:

Lots 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 22, Plat of Astor (Tax Parcel No.13-106)

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

a. ~~The physical plant shall be remodeled to meet the 84-capacity requirement.~~ **This property has to meet all local, state and federal codes and requirements.**

b. No overflow/expansion in guest members is permitted.

c. The operation plan shall be revised accordingly and subject to the approvals referenced in condition i. of the August 21, 2012, resolution:

i. An operational plan shall be approved by the Community Police and Case Management of the Brown County Human Services Department and implemented by the Catholic Diocese of Green Bay for the opening of the temporary emergency homeless shelter facility located at 411 St. John Street within 30 days.

d. ~~Condition j. of the August 21, 2012, resolution shall be null and void:~~

~~j. The Catholic Diocese of Green Bay will provide the City a copy of all agendas and minutes of meetings regarding the shelter advising the City of monthly progress toward finding a new facility outside the City of Green Bay for next year's continuation of the shelter program.~~

Adopted _____

Approved _____

Mayor

Clerk

Moved by Ald. Moore, seconded by Ald. Tim DeWane to adopt the resolution as previously amended.

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

**RESOLUTION ACCEPTING STREETS FOR CONCRETE PAVEMENT,
ASPHALT PAVEMENT OR ASPHALT RESURFACING
September 17, 2013**

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.

**PAVEMENT 1-
12**

BROADWAY - ARNDT STREET (E) TO 140' S OF CLINTON STREET

**WDOT PAVEMENT
2012**

**MATHER STREET - NORWOOD AVENUE TO VELD AVENUE
VELD AVENUE - MATHER STREET TO MILITARY AVENUE**

WDOT PAVEMENT 2012 (CONCRETE SIDEWALK)

VELD AVENUE (S.S.) - PLATTEN STREET TO MILITARY AVENUE

RESURFACING 1-13

**PEARL STREET N - WALNUT STREET TO HUBBARD STREET
SEMINOLE LANE - SEQUOIA LANE TO SUMAC PLACE
SHANNON STREET - 620' N OF BIEMERET STREET TO CUL-DE-SAC NORTH
SUMAC PLACE - SUMAC DRIVE TO
SEMINOLE LANE
TRAEGER STREET - 620' N OF BIEMERET STREET TO CUL-DE-SAC NORTH**

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 September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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
CONCRETE PAVEMENT IMPROVEMENTS
AND LEVYING SPECIAL ASSESSMENTS
AGAINST PROPERTY
September 17, 2013**

WHEREAS, all of the owners of property deemed benefited by the following proposed improvement have expressly waived all special assessment notices and hearings pursuant to Section 66.0703(7)(b), Wisconsin Statutes, thereby admitting that such public improvements will benefit said properties and have consented to the levying of special assessments against said premises:

BART STARR DRIVE – TONY CANADEO RUN TO POTTS 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 September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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 SANITARY SEWER
AND SANITARY SEWER LATERAL IMPROVEMENTS
AND LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY**

September 17, 2013

SANITARY SEWER AND/OR LATERALS

WHEREAS, all of the owners of property deemed benefited by the following proposed improvement have expressly waived all special assessment notices and hearings pursuant to Section 66.80(18), Wisconsin Statutes, thereby admitting that such public improvements will benefit said properties and have consented to the levying of special assessments against said premises:

BART STARR DRIVE – TONY CANADEO RUN TO POTTS 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 the special assessments that were not required to be prepaid and were not paid in cash within thirty (30) days of the date of billing shall be payable 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 September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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 STORM SEWER
AND STORM SEWER LATERAL IMPROVEMENTS
AND LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY
September 17, 2013**

STORM SEWER AND/OR LATERALS

WHEREAS, all of the owners of property deemed benefited by the following proposed improvement have expressly waived all special assessment notices and hearings pursuant to Section 66.80(18), Wisconsin Statutes, thereby admitting that such public improvements will benefit said properties and have consented to the levying of special assessments against said premises:

BART STARR DRIVE – TONY CANADEO RUN TO POTTS 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 the special assessments that were not required to be prepaid and were not paid in cash within thirty (30) days of the date of billing shall be payable 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 September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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 WATER MAIN
AND WATER LATERAL IMPROVEMENTS
AND LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY
September 17, 2013**

WATER MAIN AND WATER LATERALS

WHEREAS, all of the owners of property deemed benefited by the following proposed improvement have expressly waived all special assessment notices and hearings pursuant to Section 66.0703(7)(b), Wisconsin Statutes, thereby admitting that such public improvements will benefit said properties and have consented to the levying of special assessments against said premises:

BART STARR DRIVE – TONY CANADEO RUN TO POTTS AVENUE

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

1. That the Report of the General Manager of the Water Utility 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 General Manager of the Water Utility 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 General Manager of the Water Utility.
4. That the assessments shown on and confirmed by the Report of the General Manager of the Water Utility as modified are true and correct, and found to be in the public interest are hereby confirmed.
5. That the special assessments that were not required to be prepaid and were not paid in cash within thirty (30) days of the date of billing shall be payable in five (5) annual installments with interest thereon at the rate of four and three-quarters percent (4.75%) per annum.
6. That the special assessments that were required to be prepaid and were not deposited with the City prior to the awarding of the contract shall be payable to the City of Green Bay within thirty (30) days of the date of billing or they will be placed on the current tax roll as a lien against the property.
7. That the City Clerk shall be directed to publish this resolution in the official newspaper of the City of Green Bay.
8. 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 September 17, 2013

Approved September 18, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Steuer, seconded by Ald. Boyce 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.

ORDINANCE - FIRST READING

ZONING ORDINANCE NO. 13-13

AN ORDINANCE
AMENDING ZONING ORDINANCE NO. 1-91
FOR MODIFIED GROUND MOUNTED SIGNAGE
ALONG EAST MASON STREET FOR
FAJITA REPUBLIC, 850 KEPLER DRIVE
(ZP 13-24)

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

SECTION 1. Pursuant to Section 13-108, Green Bay Municipal Code, together with the zoning map and statutory authority referred to therein, the Planned Unit Development created by Zoning Ordinance No. 1-91 is hereby amended on the following described property:

GREEN BAY LODGING COMMERCIAL CONDOMINIUMS UNIT 1
TOGETHER WITH AN UND INT IN COMMON ELEMENTS & FACILITIES
ETC IN 2203858 (Tax Parcel: 21-7899)

SECTION 2. That pursuant to Section 13-1900 et seq., Green Bay Municipal Code, as they apply, Zoning Ordinance No. 1-91 is hereby amended to allow the following changes:

A. East Mason Street Monument Signage – Fajita Republic

1. One ground mounted is permitted along the East Mason Street frontage. The sign shall be no closer than 15 feet from the East Mason Street right-of-way.
2. The sign shall not exceed 8 feet in overall height with a maximum 3-foot high base that has a masonry appearance.
3. The sign shall not exceed 60 square feet in overall signage per side. Four lines of manual/non-scrolling readerboard is permitted.
4. The proposed sign meets all other applicable standards of the I-43 Business Center Design Criteria.

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

SECTION 4. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 5. 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 and has no financial impact on the City.

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

APPROVED:

Mayor

ATTEST:

Clerk

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

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to advance the ordinance to the third reading. Motion carried.

ORDINANCES - THIRD READING

GENERAL ORDINANCE NO. 18-13

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 zone:

CREST LANE, north side, from Pinehurst Avenue to a point
75 feet west of Pinehurst Avenue

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

CREST LANE, north side, from Pinehurst Avenue to a point
75 feet west of Pinehurst Avenue

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING 12:00 AM – 3:00 AM SATURDAY AND SUNDAY zones:

WASHINGTON STREET, east side, from Doty Street to
Walnut Street

WASHINGTON STREET, west side, from Cherry Street to
Pine Street

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

ERNST DRIVE, both sides, from Shirley Street to a point
415 feet south of Shirley Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 5:00 PM MONDAY - FRIDAY zone:

PEARL STREET, east side, from a point 50 feet north of
Walnut Street to Hubbard Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following PARKING BY PERMIT ONLY 7:00 AM – 5:00 PM MONDAY - FRIDAY zone:

PEARL STREET, east side, from a point 50 feet north of
Walnut Street to Hubbard 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 17th day of September, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane 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. 12-13

AN ORDINANCE
REZONING PROPERTY LOCATED

IN THE 900 AND 1000 BLOCKS
OF AUTO PLAZA DRIVE AND
2300 AUTO PLAZA WAY
FROM GENERAL COMMERCIAL (C1) DISTRICT
TO HIGHWAY COMMERCIAL (C2) DISTRICT
(ZP 13-23)

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:

900 and 1000 Blocks of Auto Plaza Drive

Tax Parcel Number 21-127-3: PCL 2 OF 4 CSM 523 BNG PART OF SE1/4 NW1/4 SEC 9 T23N R21E EX 1536836

Tax Parcel Number 21-127-10: LOT 3 OF 14 CSM 341 BNG PRT OF SEC 9 T23N R21E

Tax Parcel number 21-127-11: LOT 2 OF 24 CSM 65 BNG PART OF LOT 29 ASTORS SUBD OF PC 3-7 ESFR & BNG PART OF GOV'T LOT 2 SEC 9 T23N R21E

2300 Auto Plaza Way

Tax Parcel Number 21-458-4: PCL 3 OF 4 CSM 523 BCR BEIN G PRT OF PC 3-7 ESFR

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 17th day of September, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Moore, seconded by Ald. Thomas DeWane 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.

Moved by Ald. Thomas DeWane, seconded by Ald. Boyce to adjourn at 12:15 A.M.
Motion carried.

Kris A. Teske
Green Bay City Clerk