



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

10. Report of the Protection & Welfare Committee Meeting of September 9, 2013.

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.

2. Report of the Plan Commission.

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

3. Report of the Redevelopment Authority.

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

4. Report of the Traffic Commission.

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.

5. Report of the Finance Committee.

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.

6. Report of the Improvement & Service Committee.

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

7. Report of the Park Committee.

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

8. Report of the Personnel Committee.

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

9. Report of the Protection & Welfare Committee Meeting of August 28, 2013.

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

11. Report of the Protection & Welfare Committee granting Operator Licenses.

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.

12. Resolution approving deeds, temporary limited easements (TLEs), and permanent limited easements (PLEs) for Monroe Avenue from Cass Street to Main Street.

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.

13. Resolution authorizing the creation of Business Improvement District No. 4, Military Avenue, and approving its first year operating plan.

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.

14. Resolution approving Toho Properties, LLC to place a fire escape, electrical panel, gas meter and guard rail to serve Platten Place.

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.

15. Resolution approving the Brown County Library to install a wrought iron fence within the Pine Street right-of-way.

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.

16. Resolution approving granting a temporary limited easement across City-owned lands required for the reconstruction of Monroe Avenue from Cass Street to Main Street (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.

17. Resolution approving granting a temporary limited easement across City-owned lands required for the reconstruction of Monroe Avenue from Cass Street to Main Street (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.

18. Resolution approving the draft U.S. Environmental Protection Agency's Administrative Consent Order.

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.

19. Resolution authorizing amendment of the conditional-use approval at 411 St. John Street adopted on August 21, 2012.

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

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

20. Resolution accepting streets for concrete pavement, asphalt pavement or asphalt resurfacing.

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.

21. Final Resolution authorizing concrete pavement improvements and levying special assessments against property.

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.

22. Final Resolution authorizing sanitary sewer and sanitary sewer lateral improvements and levying special assessments against property.

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.

23. Final Resolution authorizing storm sewer and storm sewer lateral improvements and levying special assessments against property.

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.

24. Final Resolution authorizing water main and water lateral improvements and levying special assessments against property.

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

25. Zoning Ordinance No. 13-13
An ordinance amending Zoning Ordinance No. 1-91 for modified round mounted signage along East Mason Street for Fajita Republic, 850 Kepler Drive.

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

26. General Ordinance No. 18-13
An ordinance amending Section 29.208 of the code relating to parking regulations.

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.

27. 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.

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