



MINUTES OF THE COMMON COUNCIL

TUESDAY, MARCH 18, 2014, 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, Tim DeWane, A. Kocha, J. Moore, J. Brunette, J. Warner, M. Steuer, B. Danzinger, T. Sladek. Excused: None. Tardy: A. Nicholson, D. Boyce.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to approve the minutes of the March 4, 2014, meeting. Motion carried.

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

REPORT BY THE MAYOR

Dawn Foeller was awarded a Certificate of Achievement in Excellence in Finance Reporting.

PUBLIC HEARING

Zoning Ordinance No. 2-14

An ordinance amending Zoning Ordinance No. 1-91 for modified ground mounted and wall signage for Anduzzi's Sports Club located at 900 Kepler Drive.

No one appeared.

Moved by Ald. Moore, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting the ordinance. Motion carried.

APPOINTMENTS

NEW APPOINTMENT:

Community Services Director

Kimberly Flom

Term to expire: April, 2016

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

RE-APPOINTMENT:

Brown County Housing Authority

Ann LaHaie

Term to expire: March 1, 2019

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to confirm the re-appointment. Motion carried.

PETITIONS & COMMUNICATIONS

IMPROVEMENT & SERVICE COMMITTEE

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

- A. Loch Construction, Inc.
- B. In the Countryside Concrete
- C. Scott R. Weidner Concrete Construction, LLC
- D. Elmer Weise Construction

Request by Ald. Wiezbiskie, on behalf of a constituent, to redesign, possibly deepen, the ditch at 719 N. Northview Road.

PARK COMMITTEE

Request by Ald. Brunette for discussion, with possible action, regarding entering into a memorandum of understanding or drafting a resolution to officially acknowledge the Friends of Colburn Pool group as an advocacy and fundraising part of the City Parks Department.

PROTECTION & WELFARE COMMITTEE

Request by the owners of Los Brasas, 418 S. Military Avenue, to hold an outdoor event on May 3, 2014.

Application for a Class "A" Beverage License by Everardo Curiel at 1807 N. Irwin Avenue.

Appeal by Joy Frank to the denial of her Operator License application.

Request by Ald. Steuer to study various dog leash lengths, which are not specified presently in Section 27.15.

TRAFFIC COMMISSION

Request by Ald. Kocha to discuss, with possible action, removal of the "No Parking to Corner" signs on the northwest corner of Mills and Henry Streets, to make parking on both streets legal on that corner, to accommodate a new business.

Request by Ald. Steuer, on behalf of a constituent, to review the visibility of the traffic signal displays from the stop line over S. Ashland Avenue at W. Mason Street.

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

REPORTS FOR COUNCIL ACTION

REPORT OF THE GREEN BAY ECONOMIC DEVELOPMENT AUTHORITY MEETING March 18, 2014

The Economic Development Authority having met on Wednesday, March 12 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve a three year farm lease with Dairyland Farm, LLC for 62.57 tillable acres located in the University Heights Commerce Park for \$100 per acre.
2. To approve a three year farm lease with Gerald Boucher for 27 tillable acres located near the southwest corner of Mason Street and Erie Road in the I-43 Business Center for \$50 per acre.
3. To approve a three year farm lease with Gerald Stahl for 3.09 acres for \$101 for parcel 21-189-1, 10.31 acres for \$35 for parcel 21-181-2, 38.4 acres for \$100 for parcels 21-11-1, 21-403 and 21-404 in the I-43 Business Center and University Heights Commerce Park.

4. To approve a three year farm lease with Phillips Land Dairy Farm for 38 acres located on the north side of Finger Road, between Grandview Road and Northview Road for \$70 per acre.

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

REPORT OF THE GREEN BAY PLAN COMMISSION March 18, 2014

The Green Bay Plan Commission, having met on Monday, March 10, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve a Conditional Use Permit (CUP) to authorize an existing cemetery use at 1350 North Military Avenue, subject to:
 - a. Any future principal building construction will require a Conditional Use Permit (CUP); new accessory buildings will be permitted as allowed under the current zoning.
 - b. Any interior remodeling of the existing chapel mausoleum will be permitted and subject to site plan and building plan approval.
2. To approve a Conditional Use Permit (CUP) to authorize an educational use, Empire Beauty School, a full service cosmetology school at 713 South Military Avenue.
3. To amend the Planned Unit Development (PUD) uses located at 2430 Finger Road, subject to the draft PUD amendment.
4. To recommend the following actions:
 - a. Rezone 1660 Christiana Street from Varied Density Residential (R3) to Office-Residential (OR)
 - b. Rezone the following parcels from Varied Density Residential (R3) to Office/Residential (OR):

1. 1667 Shawano Avenue	Tax Parcel: 6-345
2. 1677 Shawano Avenue	Tax Parcel: 6-346
3. 1679 Shawano Avenue	Tax Parcel: 6-347
4. 1685 Shawano Avenue	Tax Parcel: 6-348
5. 1691 Shawano Avenue	Tax Parcel: 6-349
6. 1695 Shawano Avenue	Tax Parcel: 6-350
7. Part of 1711 Shawano Avenue	Tax Parcel: 6-368
8. 1680 Christiana Street	Tax Parcel: 6-369
9. 1676 Christiana Street	Tax Parcel: 6-371
 - c. Approve a Conditional Use Permit (CUP) to authorize an existing emergency shelter at 1660 Christiana Street, subject to the submitted program statement/operating plan.

5. To approve the Downtown Master Plan (AuthentiCity: A Strategic Vision for Green Bay's Downtown) and resolution as recommended for adoption by the Citizen Steering Committee.

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

Moved by Ald. Kocha, seconded by Ald. Warner to suspend the rules for the purpose of advancing Zoning Ordinance No. 3-14. Motion carried.

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

REPORT OF THE ADVISORY COMMITTEE March 18, 2014

The members of the Advisory Committee, having met on Monday, March 3, 2014, considered all matters on its agenda and wish to report and recommend the following:

1. To receive and place on file the request by Ald. Kocha to discuss with possible action the Council's legal and ethical issues and expectations of Aldermen who also serve as Brown County Supervisors.
2. To approve the Public Access Television Policy.

CITY OF GREEN BAY GOVERNMENT ACCESS STATION POLICY AND PROCEDURES

Programming Policies

The City of Green Bay Government Public Access Television station (GBPTV), is a government-access channel operated and administered by the City of Green Bay. GBPTV provides information to the public concerning the operations and deliberations of the City government. GBPTV is not a mechanism for advocating for or against a particular candidate or candidates for political office or any measure under consideration by the City of Green Bay Common Council. With respect to any program concerning subjects which may be interpreted to be materially controversial, GBPTV will maintain a position of neutrality.

Allowable Programming

In addition to programming concerning the operations and deliberations of the City government, GBPTV is allowed to transmit educational, cultural and entertainment programs and programs designed for use by schools and school systems in connection

with regular school courses, as well as routine and administrative material pertaining thereto. In addition, the City will accept video submissions from the public, but will only broadcast such video if broadcast time is available (city-produced programs have first priority) and all of the following apply:

- The program meets the same production quality standards as other programs
- The program does not describe or depict sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards
- The program does not contain obscene or indecent nudity
- The City receives no consideration other than the furnishing of the program and the costs incidental to its production and broadcast
- The program does not advocate a particular religious belief or beliefs
- The program is in conformity with the policies and procedures outlined herein

Operational Procedures

GBPTV shall operate on Time Warner Cable Channel 4 and AT&T U-verse Channel 99. The City may utilize five basic modes of transmission: Live, Delayed, Pre-produced programming, Interactive Information Service, and Streaming.

Advertiser Policies

GBPTV does not accept produced advertisements, but businesses may sponsor programs in accordance with this policy. Upon payment of a sponsor fee, the GBPTV will broadcast an official sponsor message at the beginning and end of the sponsored program.

Under 47 CFR § 73.1212, a message may include:

Business or organization name, location, phone number, and web address.

- A description of the business or organization.
- Trade names, products or services.
- A corporate slogan.

A message may not include:

- Language that is qualitative, comparative or promotional.
- Calls to action.
- Pricing information.
- Encouragements to buy or sell.

A business sponsor message shall comply with these rules:

- Announce: That such matter is sponsored, paid for, or furnished, either in whole or in part, and by whom or on whose behalf such consideration was supplied: *Provided, however,* That “service or other valuable

consideration” shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

- In the case of any political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a station as an inducement for broadcasting such matter, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such station in connection with the transmission of such broadcast matter: *Provided, however,* That in the case of any broadcast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the broadcast.
- The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to 47 CFR § 73.121(d) are furnished.
- Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in 47 CFR § 73.121 (b), could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent.
- Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the location specified under 47 CFR § 73.3526. If the broadcast is originated by a network, the list may, instead, be retained at

the headquarters office of the network or at the location where the originating station maintains its public inspection file under 47 CFR § 73.3526. Such lists shall be kept and made available for a period of two years.

- In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purpose of this section and only one such announcement need be made at any time during the course of the broadcast.
- The announcement otherwise required by section 317 of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:
 1. Maintain a list showing the name, address, and (where available) the telephone number of each advertiser; and
 2. Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list. Such list must be retained for a period of two years after broadcast.
- Any announcement required by section 317(b) of the Communications Act of 1934, as amended, is waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.
- No promotional announcements on behalf of for profit entities shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals, or employees. However, acknowledgements of contributions can be made. The scheduling of any announcements and acknowledgements may not interrupt regular programming.

Promotions

Promotional announcements for municipally sponsored events or activities are generally, acceptable for transmission on GBPTV. Public Service announcements for agencies outside of municipal government are subject to appropriateness as determined by GBPTV. No commercial oriented promotions will be considered for transmission.

Copyright Issues

All regular GBPTV productions (i.e. meeting coverage and public affairs programs) and all special video works produced by GBPTV shall be under the copyright control of the City of Green Bay unless one of the following apply:

- The work is produced strictly as a “work for hire” and funding is provided by an entity other than the City of Green Bay (such as Brown County or a non-profit organization).
- Language in a grant or other funding source which pre-exists the production of the work, establishes a different related entity as the copyright holder.
- An agreement is signed, prior to the production of work, granting ownership of copyright to a different related entity, such as the funding source or host/moderator of the program.

Editing Policies

Public Meetings: All public meetings will be covered gavel-to-gavel. No editing of any sort shall be performed, save: 1) addition of title and credit pages for cable casting of taped replays; and 2) coverage lost due to technical considerations.

Special Programs: Any programming prepared by or provided by a governmental department may be modified or edited as appropriate to the policies of this procedures set herein, or as dictated by scheduling and resource requirements.

Community Bulletin Board: Informational messages for use on the character generator bulletin board (Community Bulletin board) shall be edited for clarity and to maximize capacity of the system.

Administration

The Information Technology Department, in consultation with the City Attorney’s Office, shall administer GBPTV by scheduling all programming, applying and enforcing this policy, and controlling all other aspects of its operation.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the report with the exception of Item #1. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt Item #1. Motion carried.

**REPORT OF THE FINANCE COMMITTEE
March 18, 2014**

The Finance Committee, having met on Tuesday, March 11, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To receive and place on file the report of the Clarion Project.
2. To approve the report of the Claims Committee.
3. To forward to the Common Council, with no recommendation, the City's participation in the Meyer Theater expansion.
4. To receive and place on file the unaudited report of the Finance Director of 2013 general fund year end results, approve the request for carryover funds of \$232,500, approve the request to transfer \$431,710 to the sick pay escrow fund to cover costs of retirements of 2013 and to authorize the use of contingency account to cover Municipal Court, Mayor and Police departments that went over budget in 2013.
5. To approve the request by the Mayor to borrow \$7,485,000 plus an additional \$45,000 for the computer assisted mass appraisal data conversion (CAMA), for a total 2014 capital improvement borrowing of \$7,530,000.

2014 Contingency Fund
\$110,000

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

Moved by Ald. Moore, seconded by Ald. Kocha to approve \$50,000 a year for five years and \$50,000 upon securing a tenant for the build out on second floor office space.

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

Jeff Mirkes, President of the Meyer Board, spoke about building out the second floor and recruiting tenants.

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

A vote was then taken on the motion to approve the funding.

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

**REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
March 18, 2014**

The Improvement and Service Committee, having met on March 12, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To refer to Department of Public Works staff to request additional information for the request by Sue Doroba on behalf of Peace United Methodist Church, for a third garbage cart at 919 Schwartz Street.
2. To approve the request by Linda Mommaerts on behalf of Eugene Clark for an exemption to §16.11(b)2, Green Bay Municipal Code, requiring the mandatory connection of sump pump discharge to City's storm sewer system at 2407 Oakwood Drive.
3. To refer to Department of Public Works staff the request by Hagemeister Park to place tables on the sidewalk in front of their business at 325 N. Washington Street.
4. To receive and place on file and recommend resubmission of the communication to the Planning Department the request by Ald. Steuer to look at the need for effective buffers between the businesses on the south side of Velp Avenue and the adjoining residential areas to the south.
5. To receive and place on file the request by Ald. Thomas and Tim DeWane to have Department of Public Works staff survey whether 1458 Porlier Street is really qualified as a flood zone property as indicated by FEMA, with possible action.
6. To approve the 2013 Annual Storm Water Report.
7. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:
 - A. Jeff Basten Concrete Construction, Inc.
 - B. Fischer Ulman Construction, Inc.
 - C. Alliance Construction and Design, Inc.
 - D. Sommers Construction

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

REPORT OF THE PARK COMMITTEE

March 18, 2014

The Park Committee, having met on Wednesday, March 12, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Wisconsin Public Service for a utility easement in the Beaver Dam Creek Greenway near the intersection of Taylor Street and Burns Avenue.
2.
 - A. To approve the request to purchase a new 37' telescopic aerial lift truck for the Forestry Department from Equipment Technology LLC for \$86,517.
 - B. To approve the request to purchase a new 16' rotary gang mower for the Parks Department from Horst Distributing for \$79,995.
 - C. To approve the request to purchase a new 72" front mount riding mower for the Parks Department from Service Motor Co. for \$15,600.
3. To approve the Parks, Recreation, & Forestry Department 2014 Capital Improvements Plan.

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

REPORT OF THE PERSONNEL COMMITTEE

March 18, 2014

The Personnel Committee, having met on Tuesday, March 11, 2014 considered all matters on its agenda and reports and recommends the following:

1. To receive and place on file the update on the hook and ladder program.
2. To approve the requests to fill the following positions and all subsequent vacancies resulting from internal transfers.
 - a. Clerk Typist III – Police
 - b. Engineering Tech (2 positions) – Public Works/Engineering Division
3.
 - a. To receive and place on file the report by Human Resources on the vacant positions in Engineering and a plan to hire and maintain minimum turnover in Engineering.
 - b. To authorize the Human Resources Director to contract with Carlson Dettman Consulting to conduct a classification and compensation study of the engineering occupational job series at a cost of \$10,000 including expenses.
4. To hold the request by Ald. Moore until the next meeting, the request to delay the October 1, 2014 2% general salary increase for newly hired employees until they have been employed for 6-months or consider other options.

5. To hold the request by Ald. Kocha until the next meeting, the issue of revising the overtime payment policy, as it relates to the current requirement for employees to actually work 40-hours per week before overtime is paid.
6. To receive and place on file the report on Police Department out of state travel.
7. To receive and place on file the report of routine Personnel Actions for regular employees.

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

PROTECTION & WELFARE COMMITTEE REPORT March 18, 2014

The Protection & Welfare Committee, having met on Monday, March 10, 2014 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the request by the owners of Pearly Gates, 3551 Finger Road, to hold outdoor events on July 12 and September 6, 2014, and to allow music until midnight at both events. The approval of the request is subject to complaint.
2. To approve the notice of the change of agent for Sam's East, Inc. at 2470 W. Mason Street.

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

REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES March 18, 2014

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

Basten, Tina L	Merline, David D
Beutin, Carly E	Murray, Tavi L
Blanchard, Lisa M	Pietroske, Vicki L
Blazer, Lauralee M	Priebe, Dustin D
Brubaker, Lindsay M	Rady, Mark C
Buchholz, Adam R	Rome, Quenten R
Burton, Spencer J	Routhieaux, Nicole K
Carlson-Hougard, Stacy A	Schaefer, Amber E

Crowley, Nadine K
Curran, Alan G
Domke, Tamara L
Duquaine, Robert J
Forrest, Ivy M
Frechette, Daniele A
Green, Alexandria L
Hallett, Alice W
Hogan, Andrew K
Kleczka, Kailyn E
Kowalski, Shirley J
Lake, Adam M
Langlois, Suzette L
LeClaire, Daniel W
Lemberger, Jacob M
Luck, Jessica L
Madsen, Sherri C
Magle, Melanie D
Marquart, Kayla J
Marta, Jim W
Martell, Michael M
McIntyre, Caprice A
Meltesen, Ashleigh M

Schmechel, Nathan H
Schuh, Jacob B
Schultz, Tonya L
Sisel, Madeline M
Smet, Karina R
Sowell, Ervin T
Thorstenson, Donna M
Vanderleest, Adriana M
VanHaren, Emily A
Willemon, Michael P

Moved by Ald. Tim DeWane, seconded by Ald. Moore to adopt the report. Motion carried with Ald. Danzinger abstaining on the approval of Ivy M. Forrest, Alice W. Hallett, Jessica L. Luck and Karina R. Smet.

RECEIVE & PLACE ON FILE

Building Permit Report for February, 2014.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to receive the report and place it on file. Motion carried.

RESOLUTIONS

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

11. Resolution drawing final orders.

Moved by Ald. Kocha seconded by Ald. Thomas DeWane 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 2013
FINAL REPORT OF TRANSFERS

March 18, 2014

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

That, as per the recommendation of the Finance Committee at its meeting of March 11, 2014, the final transfer of 2013 funds be and the same is hereby authorized:

	<u>ACCOUNT</u>	<u>AMOUNT</u>
From:	101-99-099-000-59001 Contingency	<u>\$514,513.00</u>
To:	101-02-002-000-51201 Mayor – Health Insurance	\$ 25,746.00
	101-16-160-000-53007 Municipal Court – Board of Prisons	3,632.00
	101-30-300-000-51201 Police – Health Insurance	<u>485,135.00</u>
TOTAL:		<u>\$514,513.00</u>

Adopted March 18, 2014

Approved March 19, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Kocha seconded by Ald. Thomas DeWane 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 2013
CARRY-OVER ACCOUNTS

March 18, 2014

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

That, as per the recommendation of the Finance Committee at its meeting of March 11, 2014, certain 2013 appropriations are hereby carried over to the 2014 budget. Said list of appropriations is attached hereto and made a part of this resolution.

Adopted March 18, 2014

Approved March 19, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Request for Carryover
City of Green Bay
2013 for 2014 Budget Carryover Requests
As of March 7, 2014

Account Number	Account Title	Description	Requested Amount	
Police	Building Maintenance	HVAC unit in garage1	5,000.00	15,000.00
Public Works	Materials	Salt	210,000.00	210,000.00
Park, Recreation & Forestry	Park	Cricket Field that was budgeted in 2013, however, determination for the location had not been decided in 2013	7,500.00	
Grand Total 2013 for 2014 Budget Carryover Requests				232,500.00

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

RESOLUTION AUTHORIZING CONDITIONAL-USE
APPROVAL AT 713 SOUTH MILITARY AVENUE
(ZP 14-04)

March 18, 2014

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

That, pursuant to Zoning Petition 14-03 and the recommendation of the Plan Commission on March 10, 2014, the City of Green Bay does authorize a conditional-use permit to allow for an educational use (Empire Beauty School, a full-service cosmetology school) on the following described property at 713 South Military Avenue:

Parcel Number 6-169: TANKS SUB PC 2-9W THAT PART OF LOTS 29 & 30 & PRT OF LOT 79 ASSESSORS SUBD NO 1 DESC IN J21196-24 EX ST IN J23954-01 & PRT DESC IN J26904-09

Adopted March 18, 2014

Approved March 19, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

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

RESOLUTION AUTHORIZING CONDITIONAL-USE
APPROVAL AT 1350 NORTH MILITARY AVENUE
(ZP 14-03)

March 18, 2014

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

That, pursuant to Zoning Petition 14-03 and the recommendation of the Plan Commission on March 10, 2014, the City of Green Bay does authorize a conditional-use permit to allow for an existing cemetery on the following described property at 1350 North Military Avenue:

Parcel Number 6-42-D: MILITARY RESERVE THAT PRT OF LOT 58 LYG SLY OF VELD AV & ELY OF MILITARY AV & EX PCLS 162 OF TPP 1450-04- 21-4.27 & 1450-04-21-4.28 & 1450-04-21-4.29

Parcel Number 6-43: MILITARY RESERVE LOT 69 EX RD

Parcel Number 6-44: FT HOWARD MILITARY RESERVE LOT 70 & THAT PRT OF LOTS 57 & 71 LYG SW OF VELD AVE & LAVERNE PLAT LOT 12 & PRT OF VAC ST IN 2073629 & EX PCLS 162 OF TPP 1450-04-21- 4.25 & TPP 1450-04-21-4.26

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

a. Any future principal building construction will require a conditional-use permit; new accessory buildings will be permitted as allowed under the current zoning.

b. Any interior remodeling of the existing chapel mausoleum will be permitted and subject to site plan and building plan approval.

Adopted March 18, 2014

Approved March 19, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Kocha seconded by Ald. Thomas DeWane 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 ADOPTING THE
AUTHENTICITY PLAN: A STRATEGIC
VISION FOR GREEN BAY'S DOWNTOWN
(PP 12-07)

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, Green Bay's downtown is vital to the socio-economic health of the city as a whole and the entire metropolitan region as a dense, diverse, and historic center of employment, government, and culture; and

WHEREAS, community and economic development projects currently pending and completed over the last three years represent more than \$150 million in downtown investment; and

WHEREAS, several Tax Increment Financing Districts and Business Improvement Districts have been established in the downtown area for the purpose of encouraging revitalization, redevelopment, and reinvestment in the heart and soul of the city; and

WHEREAS, the Downtown Master Plan Citizen Steering Committee was formed to engage in this planning process by assembling a diverse cross-section of downtown stakeholders, including business owners, corporate executives, property owners, neighborhood residents, lenders, developers, and other key institutions; and

WHEREAS, the Citizen Steering Committee, on February 27, 2014, recommended by a unanimous vote the adoption of this plan; and

WHEREAS, the Green Bay Plan Commission on March 10, 2014, and the Green Bay Redevelopment Authority on March 11, 2014, passed resolutions recommending adoption of this plan; and

WHEREAS, this planning process included extensive and intensive public outreach and participation including four public workshops, online citizen engagement, stakeholder and property owner interviews, news media coverage, a project web site, and various other forms of information sharing; and

WHEREAS, this plan expresses the results of the public process: a community supported vision for the continued transformation of the downtown into a truly authentic place that looks to the future, honors the past, celebrates community identity, embraces livability, and sustains the environment.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Green Bay adopts the attached Authenticity Plan: A Strategic Vision for Green Bay's Downtown.

Adopted March 18, 2014

Approved March 19, 2014

James J. Schmitt
Mayor

Kris A. Teske
Clerk

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

ORDINANCES - FIRST READING

ZONING ORDINANCE NO. 3-14

AN ORDINANCE
AMENDING ZONING ORDINANCE NO. 21-87
BY MODIFYING USES AT 2430 FINGER ROAD
(ZP 14-05)

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. 21-87 is hereby amended on the following described property:

Parcel Number 21-4578: SCOTTLAND COMPANY SUBD
LOTS 15, 16 & 17

SECTION 2. That pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, Zoning Ordinance No. 21-87 is hereby amended to allow the following changes:

A. Permitted Uses.

1. Professional Office uses as defined in Chapter 13, Green Bay Municipal Code.

2. Boutique Retail.

a. The following uses are permitted:

- (1) Clothing
- (2) Jewelry
- (3) Crafts
- (4) Home décor
- (5) Antiques, collectables and memorabilia
- (6) Sale of vitamins, supplements and related products
- (7) Other similar uses as approved by the Zoning Administrator

b. Uses are not to exceed 4,500 square feet in total area.

3. Health and fitness.

a. The following uses are permitted:

- (1) Medical-related rehabilitation facilities
- (2) Personal training
- (3) Other similar uses as approved by the Zoning Administrator

B. Signage. All proposed signs shall comply with the OR-Office/Residential District requirement of Chapter 13-2008, Green Bay Municipal Code.

C. All other standards of the City of Green Bay Municipal Code.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligation, conditions, restrictions and limitations related thereto, shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors

and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. 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 6. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 7. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Kocha, 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. Tim DeWane to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 4-14

AN ORDINANCE
REZONING PROPERTY LOCATED
IN THE 1600 BLOCK OF CHRISTINA STREET AND

THE 1600-1700 BLOCK OF SHAWANO AVENUE
FROM VARIED DENSITY RESIDENTIAL (R3) DISTRICT
TO OFFICE RESIDENTIAL (OR) DISTRICT
(ZP 14-06)

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 Varied Density Residential (R3) District to Office Residential (OR) District:

1660 Christiana Street (Parcel Number 6-374): WILLARD PLAT LOTS 1 & 2 EX THE NLY 10 FT THEREOF & LOTS 33, 34 & 35 BLK 1

1600 Block of Shawano Avenue (Parcel Number 6-344): WILLARD PLAT LOT 3 EX NLY 10 FT THEREOF BLK 1

1677 Shawano Avenue (Parcel Number 6-346): WILLARD PLAT LOT 5 EX NLY 10 FT THEREOF BLK 1

1679 Shawano Avenue (Parcel Number 6-347): WILLARD PLAT LOT 6 EX NLY 10 FT THEREOF BLK 1

1685 Shawano Avenue (Parcel Number 6-348): WILLARD PLAT LOT 7 EX NLY 10 FT THEREOF BLK 1

1691 Shawano Avenue (Parcel Number 6-349): WILLARD PLAT LOT 8 & EX NLY 10 FT THEREOF BLK 1

1695 Shawano Avenue (Parcel Number 6-350): WILLARD PLAT LOT 9 & E 1/2 OF LOT 10 EX NLY 10 FT THEREOF BLK 1

Part of 1711 Shawano Avenue (Parcel Number 6-368): WILLARD PLAT LOT 27 BLK 1 ALSO VACATED ST DESC 75 J 180-15

1680 Christiana Street (Parcel Number 6-369): WILLARD PLAT LOTS 28 & 29 BLK 1 & VAC ST LYG ADJ AS DES IN 75 J180-15

1676 Christiana Street (Parcel Number 6-371): WILLARD PLAT LOTS 30, 31 & 32 BLK 1

1667 Shawano Avenue (Parcel Number 6-345): WILLARD PLAT LOT 4 EX NLY 10 FT THEREOF BLK 1

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

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

Dated at Green Bay, Wisconsin, this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

Clerk

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

ORDINANCES - THIRD READING

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

GENERAL ORDINANCE NO. 6-14

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 8:00 AM – 4:00 PM SCHOOL DAYS zone:

SUSSEX ROAD, west side, from Fagerville Way to Baywatch Drive

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING 8:00 AM – 4:00 PM SCHOOL DAYS zone:

SUSSEX ROAD, east side, from Fagerville Way to Baywatch Drive

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO STOPPING OR STANDING zone:

PINE STREET, south side, from Washington Street to its west terminus

SECTION 4. Section 29.208, Green Bay Municipal Code is hereby amended by adding thereto the following NO STOPPING OR STANDING zone:

PINE STREET, both sides, from Washington Street to its west terminus

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

WEST POINT ROAD, south side, from a point 140 feet east of Dancing Dunes Drive to a point 140 feet west of Dancing Dunes Drive

SECTION 6. Section 29.208, Green Bay Municipal Code is hereby amended by adding thereto the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

WEST POINT ROAD, south side, from a point 140 feet west of Dancing Dunes Drive to a point 110 feet east of Dancing Dunes Drive

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zone:

WEST POINT ROAD, south side, from **a point 160 feet west of** South Point Road to a point 350 feet west of Crestwood Drive

SECTION 8. Section 29.208, Green Bay Municipal Code is hereby amended by adding thereto the following NO PARKING zone:

WEST POINT ROAD, south side, from a point 110 feet east of Dancing Dunes Drive to a **point 160 feet west of** South Point Road

SECTION 9. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 10. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 18th day of March, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Kocha, 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.

GENERAL ORDINANCE NO. 7-14

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

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

SECTION 1. Section 29.307, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-WAY STOP condition:

TONY CANADEO RUN at BART STARR DRIVE

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

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

Dated at Green Bay, Wisconsin this 18th day of March, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Kocha, 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.

GENERAL ORDINANCE NO. 8-14

AN ORDINANCE
AMENDING CHAPTER 6,
GREEN BAY MUNICIPAL CODE,
RELATING TO TAXICAB LICENSING

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

SECTION 1. Section 6.02(2)(j), Green Bay Municipal Code, is hereby repealed.

6.02 **ISSUANCE AND REVOCATION OF LICENSES.**

(2) GRANTING OF LICENSES. The designated officer may issue the following licenses subject to the standards established by this chapter without prior approval of the Council.

~~(j) Public Vehicle Driver's Licenses - City Clerk upon approval by Chief of Police.~~

SECTION 2. Section 6.01(15), Green Bay Municipal Code, is renumbered section 6.01(19m) and amended to read:

6.01 **LICENSES REQUIRED.** A license shall be required for the sale of each of the following or the conduct of the business or activity at the indicated license fee. The license fee shall be for one year unless otherwise indicated.

~~(15)~~ **(19m) PUBLIC VEHICLE DRIVER'S TAXICAB OPERATOR'S LICENSES.**

~~(a) Initial - \$10.~~ **For an operator employed by an organization which is exempt from federal income tax under IRC § 501(c)(3) - \$0**

~~(b) Renewal - \$5.~~ **For an operator employed by a nonprofit corporation under Ch. 181, Wis. Stats. - \$0**

(c) For any other person - \$50

SECTION 3. Section 6.01(19), Green Bay Municipal Code, is hereby amended to read:

6.01 **LICENSES REQUIRED.** A license shall be required for the sale of each of the following or the conduct of the business or activity at the indicated license fee. The license fee shall be for one year unless otherwise indicated.

(19) TAXICAB BUSINESS LICENSES.

~~(a) For vehicles of greater than seven passenger capacity - \$50.~~ **For an organization which is exempt from federal income tax under IRC § 501(c)(3) - \$0**

~~(b) For other vehicles - \$20 for one vehicle and \$5 for each additional vehicle operated by one owner.~~ **For a nonprofit corporation under Ch. 181, Wis. Stats. - \$0**

(c) For any other person - \$25 for each taxicab with a capacity of seven (7) or fewer passengers, not including the driver

(d) For any other person - \$50 for each taxicab with a capacity of eight (8) to fifteen (15) passengers, not including the driver

SECTION 4. Section 6.21, Green Bay Municipal Code, is hereby repealed and re-created to read:

6.21 **TAXICAB LICENSING (Ref.: Wis. Stat. § 349.24)**

(1) DEFINITIONS

(a) "Applicant" means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) "Taxicab" means a vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes, but does not include any of the following:

1. Vehicles operated primarily as funeral cars.
2. Vehicles operated by city, state or federal governments.
3. Vehicles operated primarily as ambulances.
4. Vehicles operated primarily for transporting property.
5. Commercial motor vehicles.

(c) "Taxicab business" means any enterprise that owns a taxicab or manages the operation of a taxicab.

(2) LICENSES REQUIRED

(a) **BUSINESS LICENSE.** No person may engage in a taxicab business unless each taxicab used in the business is licensed. A taxicab business license shall expire on July 1 of each year.

(b) **OPERATOR'S LICENSE.** No person may operate a vehicle for taxicab purposes upon a highway unless the person is licensed as a taxicab operator. A taxicab operator's license shall expire on July 1 of each year.

(3) BUSINESS LICENSE APPLICATION PROCESS

(a) **APPLICATION.** A person wishing to obtain a taxicab business license shall apply to the city clerk upon an approved form and pay to the clerk the proper license fee for each taxicab managed by the person. The clerk shall forward the application to the police department for review. If the police department approves the application, the clerk shall place the application upon the next available Protection & Welfare Committee meeting for consideration. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
3. The applicant made a false statement on the application.
4. The applicant is under eighteen (18) years old.

(b) APPEAL. If the police department denies an application for a business license, the person may appeal within fifteen (15) days after the clerk mails a notice of denial to the person. If the person files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

(c) HEARING BEFORE COMMITTEE. The Protection & Welfare Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

(d) ISSUANCE. The clerk shall issue the taxicab business license if the applicant has been approved by the common council and has satisfied all other provisions of this section.

(e) VEHICLE INSPECTION. Before a taxicab business may operate a taxicab on a highway, the taxicab shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each motor vehicle inspection, and \$10 for inspecting any other vehicle. This paragraph does not apply to a vehicle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.

2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

(f) POLICE DEPARTMENT REVIEW. The police department shall affix a license sticker to the vehicle if the department determines that the vehicle is:

1. Licensed with the city clerk.

2. In a safe operating condition.

3. Registered pursuant to Wis. Stat. Ch. 341.

4. Insured as required by Wis. Stat. § 344.15(1).

5. Conspicuously displaying on the exterior of the vehicle:

a. The name or trade name of the taxicab business.

b. The phone number of the taxicab business.

c. A unique number assigned by the taxicab business that identifies the particular vehicle.

- d. All rates or fees charged to passengers.
- 6. Conspicuously displaying within the passenger compartment:
 - a. Proof of insurance.
 - b. A display holder within which taxicab operators can show their licenses while operating the taxicab.

(4) OPERATOR'S LICENSE APPLICATION PROCESS

(a) APPLICATION. A person wishing to obtain a taxicab operator's license shall apply to the city clerk upon an approved form and pay to the clerk the proper license fee and submit an acceptable passport-sized photo. The clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
3. The applicant made a false statement on the application.
4. The applicant is under eighteen (18) years old

(b) HOSPITALITY TRAINING. Prior to issuance of a permanent operator's license, an applicant must complete a hospitality training course which has been approved by the City of Green Bay and evidenced by a certificate of completion. The hospitality training course shall be provided free of charge to the licensee.

(c) APPEAL. If the police department denies an application for an operator's license, the person may appeal within fifteen (15) days after the clerk mails a notice of denial to the person. If the person files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

(d) ISSUANCE.

1. **Temporary License.** The clerk shall issue a temporary taxicab operator's license if the applicant has been approved by the police department or the common council, and has satisfied all other provisions of this section except for the completion of an approved hospitality training

course within the last twelve (12) months. A temporary operator's license shall expire upon ninety (90) days after the date of issuance or upon issuance of a permanent operator's license. Only one temporary operator's license may be issued within a twelve (12) month period.

2. **Permanent License.** The clerk shall issue a permanent taxicab operator's license if the applicant has been approved by the police department or the common council, has completed an approved hospitality training course within the last twelve (12) months, and has satisfied all other provisions of this section.

(5) **TAXICAB REGULATIONS.** The owner and operator of a taxicab are both responsible for ensuring compliance with this subsection.

(a) **MAINTENANCE.** No person may operate a vehicle registered under this paragraph unless the vehicle complies with all the conditions necessary to become a licensed taxicab at the time it is in operation.

(b) **RECEIPTS.** Upon a customer's demand, the operator of a taxicab shall provide a receipt at the time of payment in legible type or writing containing the firm name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment.

(c) **RATES.** Taxicabs may charge for service at a rate per unit of time, a flat rate per ride, or by using a taximeter.

1. **Report to Clerk.** The owner or operator of a taxicab shall at all times maintain a schedule of rates on file with the city clerk and may not charge any rate higher than the rate on file with the city clerk.

2. **Taximeters.** A taxicab may use a taximeter to determine the cost of service, subject to the following regulations:

a. No person shall use or permit to be used upon any taxicab a taximeter which is in error more than 4% in efficiency and more than 1% in excess interval under test.

b. After sundown, the face of the taximeter shall be illuminated by suitable light so arranged as to be readily discernible to the passengers.

c. The case of the taximeter shall be sealed and have its cover gear intact.

(d) **OPERATOR ID DISPLAY.** No person may operate a taxicab unless the person who is licensed to operate it is displaying his or her operator's license.

(6) **LICENSE SUSPENSION OR REVOCATION.** Any person may file a complaint with the city clerk alleging a licensee has violated any

provision of this Code or state law that substantially relates to the licensed activity. The common council may require the complainant to post surety of up to \$500. If the common council determines that the complaint is true, it shall revoke the license or suspend the licensee's license for not less than ten (10) and not more than ninety (90) days. If the common council determines the complaint to be unsubstantiated, it shall dismiss the complaint and return any surety posted by the complainant. If the common council determines the complaint is false and the complainant acted in bad faith, it shall dismiss the complaint and award the complainant's surety to the licensee. Chapter 68, Wis. Stats., shall not apply to taxicab licensing decisions.

~~6.21 **PUBLIC VEHICLE LICENSING** (Rep. & Rec. GO 5-07)~~

~~————(1) **DEFINITIONS**. (Amd. GO 27-07)~~

~~————(a) **Bona Fide Non-Profit Organization**. A non-profit organization or corporation as defined in §108.02(19) or §181.0103(17), Wis. Stats.~~

~~(b) **Public Vehicle**. Any vehicle which transports passengers for hire or compensation, except vehicles operated solely as funeral cars or ambulances, municipally-owned vehicles, and vehicles which are regulated by the Public Service Commission operating on established routes.~~

~~————(c) **Public Vehicle Operator**. Any person who operates a vehicle or vehicles which transport passengers for hire or compensation, except vehicles operated solely as funeral cars or ambulances, municipally-owned vehicles, and vehicles which are regulated by the Public Service Commission operating on established routes.~~

~~————(d) **Taxicab**. A public vehicle using a method of setting rates described in subsections (6)(b) and (6)(c) or a non-motorized public vehicle.~~

~~————(2) **PUBLIC VEHICLE LICENSE**.~~

~~(a) **Requirement**. (Amd. GO 22-13) All public vehicles shall be licensed pursuant to this section and properly registered through the Wisconsin Department of Transportation. The annual license fee for each vehicle shall be \$25. Such license shall terminate on December 31 annually, unless sooner revoked or suspended.~~

~~————(b) **Application**. The owner of a vehicle desiring to secure a public vehicle license shall make application to the City Clerk. The application shall be upon a form approved by the City Clerk.~~

~~————(c) **Insurance**. Every public vehicle shall be covered by liability insurance coverage containing limits of liability of not less than \$500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. The insurance coverage must include an endorsement stating: "Thirty days advance written notice of cancellation or non-renewal shall be sent to the City of Green Bay, Risk~~

Management Division, 100 North Jefferson Street, Green Bay, WI 54301-5026." A certificate of insurance coverage specific to each vehicle shall be filed with the Risk Management Division.

~~———— (d) Inspection. Upon compliance with subsections (b) and (c), the City Clerk shall forward the application to the Green Bay Police Department for vehicle inspection. The department shall collect a fee of \$20 per inspection, per vehicle. Upon passing the inspection and approval of the Chief of Police, the Police Department shall affix a license sticker to the vehicle valid for the term of the license year. The license sticker shall be in a form and affixed in a manner approved by the Chief of Police. No public vehicle shall be deemed licensed unless a valid license sticker for the current license year is properly affixed to the vehicle by the Green Bay Police Department.~~

~~———— (e) (Cr. GO 32-07) Exemptions for Bona Fide Non-Profit Organizations. Public vehicles in use by bona fide non-profit organizations shall be exempt from paying the license fee in subsection (a) and from Green Bay Police Department public vehicle inspections in subsection (d) provided that the Green Bay Police Department receives annual proof of approved State of Wisconsin vehicle inspection.~~

~~———— (3) CONDUCT OF BUSINESS.~~

~~(a) Failure to Comply. Any public vehicle not in compliance with any provision of this section shall be considered unlicensed.~~

~~———— (b) Information Display. All public vehicles shall contain a device in which the operator's license is displayed at all times. The device shall also contain a notice to passengers indicating that the vehicle must be in safe operating condition, and if the passenger believes the vehicle is not in safe operating condition, he or she should notify the Green Bay Police Department. This device shall be displayed in a conspicuous area visible to passengers inside the vehicle.~~

~~———— (c) Operator Responsibility. The operator of a public vehicle shall ensure the compliance of the vehicle and its operation with the provisions of the Green Bay Municipal Code.~~

~~———— (d) Owner Responsibility. The owner of a public vehicle shall ensure the compliance of the vehicle and its operator with the provisions of the Green Bay Municipal Code.~~

~~———— (e) Proof of Insurance. Every public vehicle shall carry proof of valid insurance pursuant to subsection (2)(e) at all times when carrying a passenger.~~

~~———— (f) Receipts. Upon demand, the operator shall provide the person paying for the hiring of the public vehicle a receipt at the time of payment in legible type or writing containing the firm name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment.~~

~~———— (g) Vehicle to be in Safe Operating Condition. Every public vehicle shall be maintained in safe operating condition. Any police officer reasonably believing a public vehicle to be unsafe may order the vehicle to be re-inspected. Until passing re-inspection, the vehicle shall be considered unlicensed. The fee for such re-inspection shall be \$20.~~

~~———— (4) TAXICAB REQUIREMENTS.~~

~~(a) Vehicle Marking. The name or trade name of the owner of the taxicab and number under which the vehicle is operated shall be placed on the front door on the right and left sides of the vehicle in letters and numbers of at least 3" high in a contrasting color.~~

~~———— (b) Open Intoxicants Prohibited. No bottle or receptacle containing alcohol beverages shall be kept in the passenger compartment of a taxicab if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed. A utility compartment or glove compartment is considered to be within the passenger compartment.~~

~~———— (5) RATES. (Amd. GO 15-11) Public vehicles may use any of the following manners of rate setting under the regulations set forth herein.~~

~~———— (a) Vehicle Rental. A public vehicle may be rented on an hourly, daily, or weekly basis pursuant to a written contract, which shall contain the time of commencement and termination of rental, a schedule of rates, and an estimate of the total charge.~~

~~———— (b) Flat Rate. A public vehicle may be rented on a per ride or flat rate basis.~~

~~1. Posting. The owner or operator of a public vehicle shall post in a conspicuous place within the passenger compartment the per ride or flat rate and the amount of any other charges, including charges for additional stops, waiting periods, membership fees, and other potential costs.~~

~~2. Report to Clerk. The owner or operator of a public vehicle shall at all times maintain a current schedule of the per ride or flat rates charged on file with the city clerk and may not charge any rate higher than the rate on file with the city clerk.~~

~~———— (c) Taximeters. A public vehicle may use a taximeter to determine the cost of service, subject to the following regulations:~~

~~———— 1. Inaccuracy. No person shall use or permit to be used upon any taxicab or public vehicle for hire a taximeter which is in error more than 4% in efficiency and more than 1% in excess interval under test.~~

~~———— 2. Illumination of Dial. After sundown, the face of the taximeter shall be illuminated by suitable light so arranged as to be readily discernible to the passengers.~~

~~3. Case to be Sealed. The case of the taximeter shall be sealed and have its cover gear intact.~~

~~4. Posting. The operator shall post in a conspicuous place within the passenger compartment taximeter rates and the amount of any other charges, including charges for additional stops, waiting periods, membership fees, and other potential costs.~~

~~5. Report to Clerk. The owner or operator of a public vehicle shall at all times maintain a current schedule of the taximeter rates charged on file with the city clerk and may not charge any rate higher than the rate on file with the city clerk.~~

~~(6) OPERATOR'S LICENSE. No person shall operate a public vehicle without first obtaining an Operator's License from the City of Green Bay. All applicants must be at least 18 years old and hold a valid Wisconsin driver's license. All public vehicle operators must obtain an operator's license within 90 days of the effective date of this ordinance.~~

~~(a) Employer's Responsibility. No applicant will be approved for an Operator's License without the potential employer first conducting a background check of the applicant and submitting two hard copies to the City Clerk to forward to the Police Department for their review and recommendation. The following background systems must be utilized by the employer for submission to the Police Department:~~

~~1. Circuit Court Access System (CCAP);~~

~~2. Crime Information Bureau (CIB); and~~

~~3. Department of Transportation (DOT).~~

~~(b) Applications.~~

~~1. Application for Operator's Licenses shall be made to the City Clerk on a form supplied by the City Clerk's Office.~~

~~2. (Amd. GO 27 07, Amd. GO 22 13) The license fee shall be \$50.00 and shall be submitted with the application along with a passport sized photo. Public vehicle operators employed in that capacity by bona fide non-profit organizations shall be exempt from paying the above license fee.~~

~~3. All applications shall be accurately completed in its entirety or shall be rendered void by the City Clerk.~~

~~4. Upon receipt of an application, the City Clerk shall forward the application to the Police Department for verification of the veracity of the application as well as research into the qualifications of the applicant furnished by the employer.~~

~~5. (Rep. & Rec. GO 15-07) Operator Licenses may be issued by the City Clerk without further review of the Common Council in the event the Police Department approves of the application.~~

~~6. The License shall be issued for a period of one licensing year ending June 1st of each year. At all times while engaged in activities requiring a license issued pursuant to this section, the licensee shall keep the following items available for production upon request of any City or State inspecting officer: the operator's license and a valid Wisconsin driver's license.~~

~~(c) DENIAL OF OPERATOR'S LICENSE.~~

~~1. If the Police Department determines that any portion of the application is false or that the applicant does not possess the qualifications subject to Chapter 111, Wis. Stats., the license may be denied by the Police Department.~~

~~2. The Police Department shall notify any applicant so denied.~~

~~3. Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Welfare Committee. Upon appeal, the Protection and Welfare Committee shall determine if the applicant possesses the requisite qualifications. After making such determination, the Protection and Welfare Committee shall forward its recommendation to the Common Council.~~

~~(d) ISSUANCE OF LICENSE. The City Clerk shall not issue any operator's license until all the requirements above have been satisfied.~~

~~(7) DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The Chief of Police may deny, suspend, or revoke any license applied for or issued pursuant to this section if the licensee lacks the necessary qualifications for the license, has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive, or has violated any provision of the Green Bay Municipal Code or the Wisconsin Statutes that substantially relates to the licensed activity. Review or appeal of this decision shall be made pursuant to Ch. 68, Wis. Stats. The Common Council hereby designates the Protection and Welfare Committee as the decision-making body for any appeal of a decision to deny, suspend, or revoke a license pursuant to this section.~~

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

Dated at Green Bay, Wisconsin this 18th day of March, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Kocha, 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.

GENERAL ORDINANCE NO. 9-14

AN ORDINANCE
AMENDING SECTION 6.38(1)(c),
GREEN BAY MUNICIPAL CODE,
RELATING TO LOBBYIST REGISTRATION

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

SECTION 1. Section 6.38(1)(c) Green Bay Municipal Code, is hereby amended as follows:

6.38 **LOBBYIST REGISTRATION.** (Cr. GO 10-11)

(1) Definitions. For the purposes of this ordinance, the phrases below are defined as follows:

(c) "Lobbyist" means a person, **other than a full-time employee of the client**, who is paid consideration by another to engage in lobbying.

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

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

Dated at Green Bay, Wisconsin this 18th day of March, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Kocha, 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.

ZONING ORDINANCE NO. 2-14

AMENDING ZONING ORDINANCE NO. 1-91
FOR MODIFIED GROUND-MOUNTED AND
WALL SIGNAGE FOR ANDUZZI'S SPORTS CLUB
LOCATED AT 900 KEPLER DRIVE
(ZP 14-02)

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. 01-91 is hereby amended on the following described property:

Commencing at the North 1/4 corner of Section 10; thence along the East line of the Northwest 1/4 of said Section 10, S00°17'49"E, 1273.52 feet; thence S89°42'11"W, 40.00 feet to the Westerly right-of-way of Kepler Drive, also being the point of beginning; thence along said Westerly right-of-way line, S00°17'49"E, 1390.25 feet; thence 425.18 feet along the arc of a curve to the right with a radius of 1530.00 feet and a chord of 423.81 feet which bears S07°39'51"W to the Northeast corner of Lot 1, 54 CSM 99; thence along the North line of said Lot 1, S89°18'38"W, 897.08 feet to the Easterly right-of-way line of Highway 43; thence along said Easterly line, N10°24'12"E, 1134.51 feet; thence continuing along said Easterly right-of-way line, N11°32'57"E, 500.10 feet; thence continuing along said Easterly right-of-way line, N19°49'49"E, 225.67 feet to the Southerly line of Green Bay Lodging Commercial Condominium; thence along said South line, N89°42'11"E, 564.79 feet to the point of beginning; subject to all easements and restrictions of record. (Part of Tax Parcel Number 21-153)

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. Kepler Drive Monument Sign - Anduzzi's Sports Club.
1. One ground-mounted sign is permitted along the Kepler Drive frontage no closer than 10 feet from the right-of-way.
 2. The sign shall not exceed 8 feet in overall height with a maximum 2-foot high masonry base.
 3. The sign shall not exceed 30 square feet in total size per side. An electronic message center/readerboard is permitted not to exceed 24 square feet per side.

- B. Wall Signage. Wall sign may be permitted on the south, east and west building elevations and shall not exceed 60 square feet per sign for a total of 180 square feet of total wall signage.
- C. All signs shall meet 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.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

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

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

Moved by Ald. Thomas DeWane, seconded by Ald. Kocha to adjourn at 7:41 P.M.
Motion carried.

Kris A. Teske
Green Bay City Clerk