



# **MINUTES OF THE COMMON COUNCIL**

**TUESDAY, FEBRUARY 4, 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, 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. Nicholson, seconded by Ald. Wiezbiskie to approve the minutes of the January 21, 2014, meeting. Motion carried.

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

## **REPORT BY THE MAYOR**

Mayor Schmitt gave a talk on his trip to Washington D.C.

He stated that Cheryl Renier-Wigg and Andy Rosenthal are both doing well after their recent surgeries.

The CP Telethon will be held on March 1 & 2.

The next Council meeting will be on February 17 due to the Spring Primary Election on February 18.

## **PUBLIC HEARING**

Zoning Ordinance No. 1-14

An ordinance rezoning property located at 1026 Ninth Street from Low Density Residential (R1) District to Office Residential (OR) District and 1028 and 1036 Ninth Street from Highway Commercial (C2) District and Low Density Residential (R1) District to Office Residential (OR) District. (Item #18)

No one appeared.

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

## **PETITIONS & COMMUNICATIONS**

### **IMPROVEMENT & SERVICE COMMITTEE**

Application for Tree & Brush Trimmer Licenses by the following:

- A. Holtger Bros., Inc.
- B. Wright Tree Service, Inc.

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

- A. Martell Construction, Inc.
- B. Fischer Ulman Construction, Inc.
- C. Fisher Concrete Sawing, Inc.

Request by Ald. Brunette for discussion, with possible action, regarding pedestrian and handicap accessibility around the Meyer Theatre.

### **PERSONNEL COMMITTEE**

Request by Ald. Moore for a report by HR on open positions in Engineering and implement a plan to hire and maintain minimum turnover in the engineering positions and also a report on pay structure between the City, neighboring or similar size municipalities and the private sector.

Request by Ald. Kocha for discussion and possible action on a review by Human Resources on health insurance benefits as they relate to City employees in domestic partnership relationships that have been legally recognized.

### **PLAN COMMISSION**

Request by Ald. Moore to designate two acres north of City-owned property at Leicht Park, currently leased by the City, from Industrial to Park on the Comprehensive Plan.

## PROTECTION & WELFARE COMMITTEE

Notice of the change of agent for Noodles & Company at 2450 E. Mason Street.

Application to keep three dogs at 1861 East Shore Drive.

Application to keep three dogs at 1097 St. Paul Street.

Notice of the change of agent for Walgreen Co. at 1401 E. Mason Street.

Application to keep four dogs at 1123 Porlier Street.

Request by Ald. Steuer to direct staff to recommend additions to Chapter 15 of the Zoning Code to allow for restoration of properties designated in historical districts to use building standards as set when the building was originally constructed.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to refer the petitions & communications to the appropriate Committee or Commission. Motion carried.

## REPORTS FOR COUNCIL ACTION

### Report of the Green Bay Plan Commission

February 4, 2014

The Green Bay Plan Commission, having met on Monday, January 27, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To deny the request to amend the Green Bay Smart Growth 2022 Comprehensive Plan by revising the future land use classification for properties located in the 400-600 blocks of N Broadway Street, north of Kellogg Street (known as the Larsen Green area), from General Industrial to Commercial, and to approve an amendment that revises the future land use classification for the subject site from General Industrial to Downtown. Additionally, to revise the future land use classification for lands north of the subject site to Other Public or Semi-Public, lands south of the subject site to Dousman Street to Downtown, and lands southeast of the subject site owned by the City of Green Bay to Parks.
2. To approve the request to amend the Green Bay Smart Growth 2022 Comprehensive Plan by revising the future land use map (CPA 14-02) to include properties generally located in the 1650 to 1700 Block of Shawano Avenue from Medium/High Density Housing (M/HDR) to Medium Intensity Retail Office Housing (MIROH).

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

**REPORT OF THE  
TRAFFIC COMMISSION  
February 4, 2014**

The Traffic Commission having met Monday, January 20, 2014, considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the report by the Police Department of the 2013 3<sup>rd</sup> and 4<sup>th</sup> quarters serious injury and fatality crashes.
2. To remove the NO STOPPING OR STANDING 7 AM TO 4 PM SCHOOL DAYS zone on the south side of Deckner Avenue from Danz Avenue to a point 180 feet west of Rose Lane and adopt by ordinance.
3. To establish a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the south side of Deckner Avenue from Danz Avenue to a point 180 feet west of Rose Lane and adopt by ordinance.
4. To remove the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Roosevelt Street from a point 220 feet south of Mason Street to Grignon Street and adopt by ordinance.
5. To establish a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Roosevelt Street from a point 220 feet south of Mason Street to Eliza Street and adopt by ordinance.
6. To establish a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the west side of Roosevelt Street from Emilie Street to Grignon Street and adopt by ordinance.
7. To remove the NO PARKING ON SATURDAYS AND SUNDAYS zone on the east side of Victoria Street from Crooks Street to Main Street and adopt by ordinance.
8. To remove the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Elizabeth Street from Morrow Street to Elm Street and adopt by ordinance.
9. To establish a NO PARKING zone on the east side of Elizabeth Street from Morrow Street to a point 150 feet north of Morrow Street and adopt by ordinance.
10. To establish a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Elizabeth Street from a point 65 feet north of Cedar Street to Elm Street and adopt by ordinance.
11. To establish a NO PARKING zone on the east side of Reggie White Way from a point 150 feet south of Lombardi Avenue to Lombardi Avenue and adopt by ordinance.

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

**REPORT OF THE  
IMPROVEMENT AND SERVICE COMMITTEE  
February 4, 2014**

The Improvement and Service Committee, having met on January 29, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Jason Zuelke to rescind the early set out charge of \$57.00 at 813-815 Gross Court.
2. To approve the request by Tony Henning to rescind the sidewalk snow and/or ice removal charge of \$59.78 at 869 Ninth Street.
3. To refer to Department of Public Works staff for additional investigation the request by Ald. Tim DeWane, on behalf of constituents, to relocate the outdoor warning siren located at Cass and Goodell Streets.
4. To approve the request by Ald. Danzinger for the relocation and/or change of street lighting along Western Avenue between Taylor Street and Military Avenue as follows: The light fixture on pole 83-DD23 shall be relocated to pole 83-EE23; the fixtures on poles 83-FF24, 83-FF25, and 83-AA25 shall be increased from 9,000 lumen fixtures to 14,000 lumen fixtures.
5. To approve the request by Department of Public Works to purchase a used street sweeper from the City of DePere, to fulfill the 2014 Stormwater Utility equipment replacement plan.
6. To approve the Revised State Municipal Agreement for the reconstruction of Monroe Avenue from Cass Street to Main Street and authorize the Director to sign the agreement.
7. To approve the report of the Purchasing Agent:
  - A. To award the purchase of traffic control equipment to TAPCO for \$58,992.
8. To approve the following Awards of Damages for Temporary Limited Easements (TLEs):

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

Rodger T Van Drisse, ETAL

\$250.00

TLE

Parcel 74

Ann M Roskams, ETAL  
Parcel 76

\$250.00

TLE

9. To approve the applications for Tree & Brush Trimmer Licenses by the following:
  - A. A-1 Tree Service, Inc.
  - B. Economy Tree Service
  - C. Trugreen
  - D. Yesterday's Trees, LLC
10. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:
  - A. IEI General Contractors, Inc.
  - B. Bill Weise Construction
11. To receive and place on file the verbal Director's Report on the recent activities of the Public Works Department.

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

## **REPORT OF THE PARK COMMITTEE**

### **February 4, 2014**

The Park Committee, having met on Wednesday, January 29, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Leadership Green Bay to install 1/10 mile markers along the East River Trail contingent upon:
  - All costs are the responsibility of Leadership Green Bay;
  - Final site, design, and placement of the markers must be approved by Park staff;
  - Once installed, the markers become property of the City of Green Bay;
  - All proper permits and insurances being obtained;
  - All materials meeting City building and inspection codes.
2. To approve accepting the donation of property located at 1342 Main Street from the Redevelopment Authority for future East River Trail development.
3. To approve the 2014 proposed improvements to Joannes Stadium including the net behind home plate, the new concession stand on third base line, re-orientate the main entrance to the left field side, and refurbish the exterior of both the existing main concession stand and primary beer service area located on the first base side contingent upon:

- All costs of materials, construction, and installation are the responsibility of the Bullfrogs;
  - Park staff approval of the final site, design, and installation plans;
  - All proper permits and insurances being obtained;
  - All materials must meet City of Green Bay building and inspection codes.
4. To approve the City's Deer Management Program policies and procedures as presented.
  5. To proceed with negotiations as directed in closed session on the proposed partial acquisition of Parcel 21-5 located at 346 S. Northview Road.
  6. To receive and place on file the Director's Report.

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

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to adopt Item #3.

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

Connor Colia and Liz Kern spoke on the improvements to Joannes Stadium.

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

A vote was then taken on the motion to adopt Item #3. Motion carried.

## **REPORT OF THE PERSONNEL COMMITTEE**

### **February 4, 2014**

The Personnel Committee, having met on Tuesday, January 28, 2014 considered all matters on its agenda and reports and recommends the following:

1. To authorize filling seven Fire Fighter positions and one Police Officer position and have the Police Chief and Fire Chief report their staffing plans for 2014 at a subsequent meeting.
2. To approve the requests to fill the following positions and all subsequent vacancies resulting from internal transfers.
  1. Programmer analyst – Finance/IT
  2. Civil Engineer I/II – Public Works/Engineering
3. To approve the request to reorganize the Welder position within the Public Works Operations Division table of organization to a Senior Mechanic position and fill two Senior Mechanic positions and all subsequent vacancies resulting from internal transfers.

4. To hold until the next Personnel Committee meeting the request by Ald. Moore to delay the October 1, 2014 2% general salary increase for newly hired employees until they have been employed for 6-months.
5. To hold until the next Personnel Committee meeting the request by Ald. Kocha to discuss, with possible action, 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 update on labor negotiations.
7. To receive and place on file the report of routine Personnel Actions for regular employees.

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

## **PROTECTION & WELFARE COMMITTEE REPORT FEBRUARY 4, 2014**

The Protection & Welfare Committee, having met on Monday, January 27, 2014 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 Bullseye 708 LLC at 708 Bodart with the approval of the proper authorities. (Transfer from Phase II, Inc.)
2. To approve the amendment to Green Bay Municipal Code Section 27.603(2), relating to the discharge of bows and crossbows within city limits for hunting purposes (referred back from the January 21, 2014 Common Council meeting).
3. To deny the appeal by KB Properties, LLP to the chronic nuisance citation issued at 718-720 Bodart (postponed from the December 9, 2013 and January 13, 2014 meetings).

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

## **REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES February 4, 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**

Barta, Dawn M  
Brotzki, Jason D  
Callender, Emily L  
Castanon-Garcia, Johanna  
Connis, Kelly L  
Delveaux, Amanda L  
Feaker, Tyler J  
Fuerst, Shonna D  
Hermes, Miranda M  
Horn, Robin R  
Iverson, Stephanie L  
Jenquin, Nicholas J  
Krohn, Raven P  
Nowicki, Tad E  
Ostroff, Christine M  
Revolinski, Sherrill L  
Sidor, Dannille M  
Van Gheem, Tammy L  
Watermolen, Jessie L

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to adopt the report. Motion carried with Ald. Danzinger abstaining on the approval of Tammy VanGheem.

## **RESOLUTIONS**

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

### **RESOLUTION APPROVING AWARDS OF DAMAGES FOR TEMPORARY LIMITED EASEMENTS (TLEs) FOR CASS STREET TO MAIN STREET February 4, 2014**

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

To approve the following Awards of Damages for Temporary Limited Easements (TLEs):



Adopted February 4, 2014

Approved February 5, 2014

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

C I T Y O F G R E E N B A Y

BELLEVUE ST  
CASS TO LOUISE

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=====
                21-2037                                704 BELLEVUE ST
                BELLEVUE BAR LLC                       HOWARD ADDN LOT 1 EX SLY 2
                3048 CTH EE                             FT BLK 1
                ABRAMS, WI 54101-9758
                125.0 Square Feet @ $5.00 Sq/Ft      $625.00
                Project (4877) Total                  $625.00

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BOND ST  
ETHEL AND WILSON

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                5-1307                                1173 BOND ST
                KANATALOLOS SKENANDORE                 MILITARY RESERVE THAT PRT O
                1173 BOND ST                             F LOT 185 DES IN 603 R 486
                GREEN BAY, WI 54303-4040                BCR
                100.0 Square Feet @ $5.00 Sq/Ft      $500.00
                Project (4918) Total                  $500.00

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CLAY ST S  
E MASON TO CHICAGO

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                14-861                                514 S CLAY ST
                SAINT PAUL EVANGELICAL                 PLAT OF ASTOR LOTS 1-6 & 11
                LUTHERAN CHURCH                       & N 44 FT OF LOT 10 & N 44
                514 S CLAY ST                           FT OF W 65 FT OF LOT 7 BLK
                GREEN BAY, WI 54301-3906                98 EX RD IN 2253740 & PRT
                605.0 Square Feet @ $5.00 Sq/Ft      $3,025.00
                Project (4872) Total                  $3,025.00

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DESNOYERS ST

ETHEL TO BUCHANAN

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18-980	1144 DESNOYERS ST		
BETTY L JONES	SUBD OF BLOCKS 7,8 & 9 THE		
1144 DESNOYERS ST	PLAT OF COLONIAL VILLAGE		
GREEN BAY, WI 54303-4045	LOT 1 BLK 8		
	75.0 Square Feet @ \$5.00 Sq/Ft	\$375.00	
	Project (4922) Total	\$375.00	

DESNOYERS ST  
WINFORD AND BUCHANAN

=====

18-916	1147 DESNOYERS ST		
MELVIN KOBES	SUBD OF BLKS 4, 5 & 6 PLAT		
1147 DESNOYERS ST	OF COLONIAL VILLAGE LOT 9		
GREEN BAY, WI 54303-4072	BLK 4		
	250.0 Square Feet @ \$5.00 Sq/Ft	\$1,250.00	
	Project (4923) Total	\$1,250.00	

EIGHTH ST  
MEACHAM TO SPENCE

=====

1-1640	1228 EIGHTH ST		
ALICE C SCHWEIGERT	MEACHAM SUBD LOT 15 BLK 2		
1228 EIGHTH ST			
GREEN BAY, WI 54304-2367			
	25.0 Square Feet @ \$5.00 Sq/Ft	\$125.00	
	Project (4895) Total	\$125.00	

ELIZA ST  
IRWIN TO BAIRD

=====

17-535	1317 ELIZA ST		
ERIC J FUSS	PLAT OF ASTOR LOT 23 BLK		
1317 ELIZA ST	134		
GREEN BAY, WI 54301			
	175.0 Square Feet @ \$5.00 Sq/Ft	\$875.00	
	Project (4875) Total	\$875.00	

ELM ST  
NEWHALL TO ELIZABETH

=====

19-60	1551 ELM ST		
ALEJANDRO LOPEZ	NEWBERRYS ADD SUBD #1 E 54		
1551 ELM ST	FT OF W 69.62 FT OF S 1/2		
GREEN BAY, WI 54302-1803	OF LOT 93		
	73.3 Square Feet @ \$5.00 Sq/Ft	\$366.50	
	Project (4883) Total	\$366.50	

HAROLD ST  
HENRY TO NEWTOLS

=====

21-2173-2-3	1832 HAROLD ST		
JEANNE H MILLER	NEWBERRYS ADDN SUBD #1 W 53		

1832 HAROLD ST FT OF E 159 FT OF S 121 FT  
GREEN BAY, WI 54302-3031 OF N 428 FT OF LOT 13  
25.0 Square Feet @ \$5.00 Sq/Ft \$125.00

Project (4884) Total \$125.00

HEYRMAN ST  
CHICAGO TO KIMBALL

=====  
21-1443-30 455 HEYRMAN ST  
MARIA RAMIREZ DUARTE BOERSCHINGERS PLAT LOT 9 BL  
& BRENDA R DUARTE K 3  
455 HEYRMAN ST  
GREEN BAY, WI 54302  
25.0 Square Feet @ \$5.00 Sq/Ft \$125.00

21-1443-31 463 HEYRMAN ST  
MICHAEL J & VICKI A BOERSCHINGERS PLAT LOT 10 B  
WARDEN LK 3  
463 HEYRMAN ST  
GREEN BAY, WI 54302-2861  
50.0 Square Feet @ \$5.00 Sq/Ft \$250.00

Project (4870) Total \$375.00

KELLOGG ST  
ROYAL TO PARK

=====  
5-1678 1294 KELLOGG ST  
WALTER A & BETSY A RITKE THOMAS WILSON SUBD LOT 7 &  
1294 KELLOGG ST E 19 FT 4 IN OF LOT 6 BLK 1  
GREEN BAY, WI 54303-3130  
50.0 Square Feet @ \$5.00 Sq/Ft \$250.00

Project (4912) Total \$250.00

KENWOOD ST  
ONEIDA TO SPENCE

=====  
1-1423-B-2-A 1167 KENWOOD ST  
SAINT MARK EVANGELICAL TANKS SUB OF PC 12 & N 1/2  
CHURCH OF 13 THAT PRT OF LOT 14 AS  
1167 KENWOOD ST DES IN VOL 353 D 333 BCR  
GREEN BAY, WI 54304-3842  
525.0 Square Feet @ \$5.00 Sq/Ft \$2,625.00

Project (4896) Total \$2,625.00

MAIN ST  
E MASON ST TO GUNS RD

=====  
21-1361 2030 E MASON ST  
NAKOMA TOWERS LLC ASTORS SUBD OF PC 3 TO 7  
6264 NESBITT RD ESMR PART LOT 26 COM NW COR  
MADISON, WI 53719-1948 S25\*12'W 259.5 FT S64\*44'E  
121.55 FT N25\*16'E 157.1 FT  
S64\*44'E 161.21 FT N32\*18'W  
TO N/L W TO BEG & PART OF  
MAIN ST DESC IN J15011-14 &

	PRT IN 1063 R 197 & PRT OF LOT 25 DESC IN 818 R 96 & LOT 1 OF 21 CSM 51 BNG PRT OF LOT 26		
	2,050.0 Square Feet @ \$3.70 Sq/Ft	\$7,585.00	
21-1361-3-6	2056 MAIN ST		
C & H ENTERPRISES LLC	LOTS 2 & 3 OF 21 CSM 51 BNG		
C/O MATTHEW R OLSON	PART OF LOT 26 OF ASTORS		
3472 AMBER LN	SUBD OF PC 3 TO 7 ESFR &		
GREEN BAY, WI 54311	PART OF J14251-15 LYG ADJ		
	666.3 Square Feet @ \$3.70 Sq/Ft	\$2,465.31	
21-453-2	2126 MAIN ST		
PDQ CAR WASHES	LOTS 2 & 3 OF 11 CSM 87 BNG		
PO BOX 22190	PART OF LOT 27 ASTORS SUBD		
GREEN BAY, WI 54305-2190	OF PC 3-7 ESFR & ALSO PART OF J15228-23 LYG ADJ		
	1,105.0 Square Feet @ \$3.70 Sq/Ft	\$4,088.50	
21-453-6	2120 MAIN ST		
PDQ CAR WASHES	LOT 1 OF 11 CSM 87 BNG PRT		
PO BOX 22190	OF LOT 27 ASTOR'S SUBD OF		
GREEN BAY, WI 54305-2190	PC 3-7 ESFR & ALSO PART OF J15228-23 LYG ADJ		
	432.5 Square Feet @ \$3.70 Sq/Ft	\$1,600.25	
21-455-3	2206 MAIN ST		
STEARNS BANK NA ESCROW	LOT 1 OF 57 CSM 112 BNG PRT		
T&LS FUTURE LLC	OF LOTS 27 & 28 OF ASTORS		
PO BOX 7338	SUBD OF PC 3-7 ESFR		
ST CLOUD, MN 56302-7338			
	2,085.0 Square Feet @ \$3.70 Sq/Ft	\$7,714.50	

Project (4931) Total \$23,453.56

MASON ST E  
BELLEVUE TO GEORGE

21-1908-1	1615 E MASON ST		
STEPHANIE F JAEGER	GUESNIERS ADDN S 85 FT OF L		
1615 E MASON ST	OT 10 & S 85 FT OF E 3 FT		
GREEN BAY, WI 54302-2719	OF LOT 9 BLK 1		
	75.0 Square Feet @ \$5.00 Sq/Ft	\$375.00	

Project (4879) Total \$375.00

MONROE AV S  
EMILIE AND GRIGNON

16-104	1133 S MONROE AV		
JOHN & AMY HURCKMAN	PLAT OF ASTOR LOT 11 BLK 72		
1133 S MONROE AV			
GREEN BAY, WI 54301-3207			
	150.0 Square Feet @ \$5.00 Sq/Ft	\$750.00	

Project (4873) Total \$750.00

NANCY AV  
DAVID TO CONOVER

6-2559  
BERKERR FAMILY LP  
9257 DUDZIK RD  
KRAKOW, WI 54137-9713

1807-1811 NANCY AV  
WEST PARK SUBD 1ST ADD LOT  
133

106.5 Square Feet @ \$5.00 Sq/Ft \$532.50

Project (4919) Total \$532.50

NICOLET AV  
HICKORY HILL TO EIGHTH

=====

1-1515  
RICHARD C & JULIE R  
BOGNER JR  
1120 NICOLET AV  
GREEN BAY, WI 54304-2423

1120 NICOLET AV  
MARQUETTE PARK LOT 25 BLK 4

50.0 Square Feet @ \$5.00 Sq/Ft \$250.00

Project (4889) Total \$250.00

NORWOOD AV S  
VICTORY TO LOMBARDI

=====

1-1178  
BRIAN C FETZER  
754 AMBERWOOD DR  
AUBURN HILLS, MI 48326-1134

1806 S NORWOOD AV  
HIGHLAND PARK ADDN LOT 106

250.0 Square Feet @ \$5.00 Sq/Ft \$1,250.00

Project (4897) Total \$1,250.00

NORWOOD AV S  
CLINTON TO W MASON

=====

2-415  
ALVIN J & WENDY J  
TREPANIER  
1895 LAKEVIEW DR  
GREEN BAY, WI 54313-8842

600 S NORWOOD AV  
TANKS 5TH ADD LOT 5 BLK 56

50.0 Square Feet @ \$5.00 Sq/Ft \$250.00

Project (4902) Total \$250.00

OAKLAND AV S  
CLINTON TO W MASON

=====

2-323  
TJV INVESTMENTS I LLC  
PO BOX 11932  
GREEN BAY, WI 54307

602 S OAKLAND AV  
TANKS 3RD ADD LOT 6 BLK 39

350.0 Square Feet @ \$5.00 Sq/Ft \$1,750.00

Project (4899) Total \$1,750.00

ONEIDA ST N  
DOUSMAN TO DIVISION

=====

5-872-A  
SCOTT G & JANE L

315 N ONEIDA ST  
CENTENNIAL PARK SUBD OF LOT

KOHLBECK  
315 N ONEIDA ST  
GREEN BAY, WI 54303-3040

S 5-6-7-8-9-10 DOUSMAN &  
ELMORES 2ND ADD LOTS 17 &  
18 S 54 1/2 FT THEREOF BLK  
2  
50.0 Square Feet @ \$5.00 Sq/Ft \$250.00

Project (4913) Total \$250.00

ONEIDA ST S  
KENWOOD TO THORNDALE

=====

1-2149  
SAINT MARK EVANGELICAL  
LUTHERAN CHURCH  
1167 KENWOOD ST  
GREEN BAY, WI 54304-3842

1804 S ONEIDA ST  
THORNDALE SUB LOT 1 BLK 1  
  
415.0 Square Feet @ \$5.00 Sq/Ft \$2,075.00

1-2490  
JINTANG & XIHUA YU  
1726 S ONEIDA ST  
GREEN BAY, WI 54304

1726-1730 S ONEIDA ST  
SCHMITT PLAT #8 LOT 12 BLK  
4  
125.0 Square Feet @ \$5.00 Sq/Ft \$625.00

Project (4891) Total \$2,700.00

QUINCY ST S  
CASS TO E MASON

=====

14-552  
MICHAEL J & DENISE A  
LAPACZ  
645 S QUINCY ST  
GREEN BAY, WI 54301-3624

645 S QUINCY ST  
PLAT OF ASTOR LOT 9 BLK 45  
  
225.0 Square Feet @ \$5.00 Sq/Ft \$1,125.00

Project (4871) Total \$1,125.00

ROOSEVELT ST S  
LAW E TO IRWIN

=====

17-351  
LILA J THOMSON  
801 S ROOSEVELT ST  
GREEN BAY, WI 54301-3406

801 S ROOSEVELT ST  
PLAT OF ASTOR N 60 FT OF LO  
T 14 BLK 118  
  
25.0 Square Feet @ \$5.00 Sq/Ft \$125.00

Project (4874) Total \$125.00

SHADOW LN  
SPENCE TO FRANK

=====

1-2215  
GARY L BARANOWSKI  
3166 ATLANTIS DR  
GREEN BAY, WI 54313

1239 SHADOW LN  
DENEYS SUB #4 LOT 7 BLK 1  
  
25.0 Square Feet @ \$5.00 Sq/Ft \$125.00

Project (4894) Total \$125.00

SHIRLEY ST  
NEUFELD TO ERNST

=====

6-157-A-1	1342 SHIRLEY ST		
SCOTT S PRIBYL	TANKS SUBD OF PRIVATE CLAIM		
1342 SHIRLEY ST	S 2 TO 9W THAT PRT OF LOT		
GREEN BAY, WI 54304-2245	27 AS DES IN 334 D 192 BCR		
	23.6 Square Feet @ \$5.00 Sq/Ft	\$118.00	
	Project (4890) Total	\$118.00	

SPENCE ST  
LIBERTY TO RALEIGH

=====

1-2447	1702 SPENCE ST		
SISTERS OF ST FRANCIS OF	SCHMITT PLAT #8 LOT 7 & E		
THE HOLY CROSS	23.5 FT OF LOT 6 BLK 2		
3110 NICOLET DR			
GREEN BAY, WI 54311-7212			
	125.0 Square Feet @ \$5.00 Sq/Ft	\$625.00	
	Project (4888) Total	\$625.00	

ST AGNES DR  
LIBERTY TO LOCUST

=====

6-2763	1819 ST AGNES DR		
ROBERT A & KAREN L LYTE	ROSEWOOD SUBD LOT 9		
1819 ST AGNES DR			
GREEN BAY, WI 54304-3033			
	32.5 Square Feet @ \$5.00 Sq/Ft	\$162.50	
	Project (4926) Total	\$162.50	

STONY BROOK LN  
SPRUCE TO BIRCH

=====

6-791	807 STONY BROOK LN		
RICHARD & SHARON TOTH	MEACHAMS BIRCH VALLEY ADDN		
807 STONY BROOK LN	LOT 8		
GREEN BAY, WI 54304-2127			
	25.0 Square Feet @ \$5.00 Sq/Ft	\$125.00	
	Project (4928) Total	\$125.00	

THORNDALE ST  
ONEIDA TO SPENCE

=====

1-2150	THORNDALE ST		
SAINT MARK EVANGELICAL	THORNDALE SUB LOT 2 BLK 1		
LUTHERAN CHURCH			
1167 KENWOOD ST			
GREEN BAY, WI 54304-3842			
	50.0 Square Feet @ \$5.00 Sq/Ft	\$250.00	
1-2151	1170 THORNDALE ST		
SAINT MARK EVANGELICAL	THORNDALE SUB LOT 3 BLK 1		
LUTHERAN CHURCH			
1167 KENWOOD ST			

GREEN BAY, WI 54304-3842	50.0 Square Feet @ \$5.00 Sq/Ft	\$250.00
1-2152	1176 THORNDALE ST	
SAINT MARK EVANGELICAL	THORNDALE SUBD LOT 4 BLK 1	
LUTHERAN CHURCH		
1167 KENWOOD ST		
GREEN BAY, WI 54304-3842	25.0 Square Feet @ \$5.00 Sq/Ft	\$125.00
	Project (4893) Total	\$625.00

UNIVERSITY AV  
HUMBOLDT RD TO 450' E OF ST ANTHONY DR

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=====
21-1234-1                2645 UNIVERSITY AV
T FUTURES LLC            THAT PRT GOVT LOT 1 SEC 33
C/O TOONEN COMPANIES INC T24N R21E DESC IN J12722-40
2830 CURRY CT STE 4
GREEN BAY, WI 54311-4877
1,017.2 Square Feet @ $3.70 Sq/Ft $3,763.64
21-1234-1-1             2657 UNIVERSITY AV
VBR LLC                  PRT GOVT LOT 1 S33 T24N R21
1100 ST CHARLES DR      E COM SE COR PC 44E N 26
GREEN BAY, WI 54311-5836 DEG E 755.4 FT TO BEG N 26
                        DEG E 16 FT S 55 DEG 16 MIN
                        43 SEC E 395.56 FT S 35 DEG
                        18 MIN E 199.77 FT S 62
                        DEG 47 MIN W 201.78 FT N 30
                        DEG 03 MIN W 537.75 FT TO
                        BEG
983.0 Square Feet @ $3.70 Sq/Ft $3,637.10
21-1234-2              UNIVERSITY AV
CLAGB LLC                PRT GOVT LOT 1 S33 T24N R21
2830 CURRY CT STE 4      E COM SELY COR PC 44E NELY
GREEN BAY, WI 54311-4877 ALG E LINE 512 FT S 29 DEG
                        56 MIN 27 SEC E 391.49FT TO
                        CL HWY SWLY ALG HWY 424 FT
                        NLY TO BEG EX 301 D 365 BCR
1,382.4 Square Feet @ $3.70 Sq/Ft $5,114.88
21-1234-2-1           2635 UNIVERSITY AV
ROBERT WAGNER            PRT GOVT LOT 1 S33 T24N R21
3370 PEBBLE BEACH CT     E COM SE COR PC 44E S 29
GREEN BAY, WI 54311      DEG 56 MIN 27 SEC E 85.03 F
                        T TO CL HWY N 62 DEG 47 MIN
                        E 274 FT TO BEG N 62 DEG 47
                        MIN E 150 FT N 29 DEG 56
                        MIN 27 SEC W 165 FT S 62 DE
                        G 47 MIN W 150 FT S 29 DEG
                        56 MIN 27 SEC E 165 FT TO B
                        EG EXC HWY
747.4 Square Feet @ $3.70 Sq/Ft $2,765.38
21-280-1               2735 UNIVERSITY AV
NEW IDEAL PROPERTIES LLC PART OF SW1/4 SEC 27 & PART
2476 DANDY LION CT       SE1/4 SEC 28 & PRT NW1/4
GREEN BAY, WI 54313-4129 NW1/4 SEC 34 ALL IN T24N
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	R21E & PART OF PC 45 ESRF DESC IN 75J274-32 & PART OF PC46 ESRF DESC IN J25686-20		
	4,250.3 Square Feet @ \$3.70 Sq/Ft	\$15,726.11	
21-429-2	2809 UNIVERSITY AV		
GREEN BAY SENIOR APARTMENTS UNIVERSITY LL 2 E MIFFLIN ST STE 801 MADISON, WI 53703-4270	PRT PC 46 E & SW 1/4 SW 1/4 S27 T24N R21E COM INSECTN S LINE PC 46E & W LINE HWY 57 NLY ALG HWY 169.8 FT N 64 DEG W 548.5 FT S 26 DEG W 165 FT S 45 DEG 35 MIN 30 SEC E 481.06 FT TO W LIN E HWY NLY 160 FT TO BEG 2.88A		
	1,649.0 Square Feet @ \$3.70 Sq/Ft	\$6,101.30	
21-8103	2585-2615 UNIVERSITY AV		
CLAGB LLC 2830 CURRY CT STE 4 GREEN BAY, WI 54311-4877	PARCELS 1 & 5 DESC IN 2553103 BNG PRT OF PC 44 ESFR & PRT OF GOVT LOTS 1 & 2 SEC 33 T24N R21E		
	2,240.0 Square Feet @ \$3.70 Sq/Ft	\$8,288.00	
	Project (4938) Total	\$45,396.41	
VAN BUREN ST N CHERRY TO PINE =====			
10-41	219 N VAN BUREN ST		
ROBERT J DETRIE JR 701 PINE ST GREEN BAY, WI 54301-4928	NAVARINO PLAT S 40 FT OF LO T 502 & S 40 FT OF E 1/2 OF LOT 503		
	25.0 Square Feet @ \$5.00 Sq/Ft	\$125.00	
	Project (4887) Total	\$125.00	
WEST PLAIN DR PARKLAND TO NANCY =====			
6-2264	318 WESTPLAIN DR		
JAMES H & LYNN K DUTCHER 318 WESTPLAIN DR GREEN BAY, WI 54303-3352	WEST PARKLAND SUBD 1ST ADDN LOT 41		
	25.0 Square Feet @ \$5.00 Sq/Ft	\$125.00	
	Project (4925) Total	\$125.00	
	***** Grand Total *****	\$90,754.47	

Moved by Ald. Moore, seconded by Ald. Kocha 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**

GENERAL ORDINANCE NO. 3-14

AN ORDINANCE  
AMENDING SECTION 27.603(2),  
GREEN BAY MUNICIPAL CODE,  
RELATING TO BOWS AND CROSSBOWS

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

**SECTION 1.** Section 27.603(2), Green Bay Municipal Code, is hereby amended to read:

(2) BOW AND CROSSBOW

(a) Use and Discharge Prohibited. No person shall use or discharge an arrow from a bow or a bolt from a crossbow in the City.

(b) Exceptions. A bow and arrow or crossbow may be used under the following conditions:

1. As part of a supervised activity sponsored by a public or private institution of learning duly licensed by the State of Wisconsin.

2. At a licensed sportsmen's club, gallery, or range.

3. In conformity with the conditions of subsection ~~(1)(b)3~~, (1)(b)4, or (1)(b)5.

**4. While hunting at least 100 yards from a building located on another person's land and only if discharging the arrow or bolt toward the ground.**

**5. While hunting with the permission of any person who owns a building within 100 yards and only if discharging the arrow or bolt toward the ground.**

**SECTION 2.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

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

MISCELLANEOUS ORDINANCE NO. 1-14

AN ORDINANCE  
ADOPTING AN AMENDMENT TO THE  
SMART GROWTH 2022 COMPREHENSIVE PLAN  
OF THE CITY OF GREEN BAY PERTAINING  
TO PROPERTY GENERALLY LOCATED IN THE  
300 – 600 BLOCKS OF NORTH BROADWAY  
AND THE 200-300 BLOCKS OF DOUSMAN STREET  
(CPA 14-01)

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

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

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 14-01; and

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

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

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

**SECTION 2.** The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 14-01 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

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

Dated at Green Bay, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

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

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

#### MISCELLANEOUS ORDINANCE NO. 2-14

AN ORDINANCE  
ADOPTING AN AMENDMENT TO THE  
SMART GROWTH 2022 COMPREHENSIVE PLAN  
OF THE CITY OF GREEN BAY PERTAINING  
TO PROPERTY GENERALLY LOCATED IN THE  
1650 TO 1700 BLOCK OF SHAWANO AVENUE  
(CPA 14-02)

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

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

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 14-02; and

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

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

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

**SECTION 2.** The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 14-02 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

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

Dated at Green Bay, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

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

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

## **ORDINANCES - THIRD READING**

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

### **GENERAL ORDINANCE NO. 25-13**

#### **AN ORDINANCE AMENDING CHAPTER 9, GREEN BAY MUNICIPAL CODE, RELATING TO SOLID WASTE COLLECTION AND DISPOSAL**

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

**SECTION 1.** Chapter 9, Green Bay Municipal Code, is hereby amended. A copy of the changes to Chapter 9 is attached hereto.

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 4th day of February, 2014.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
Clerk

**SOLID WASTE COLLECTION AND DISPOSAL**

9.01 **DEFINITIONS.** (Rep. & Rec. GO 47-03) The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) DEPARTMENT. The Department of Public Works.

(2) PERSON. Any individual, household, group of individuals, contractor, firm, corporation, partnership, association, state, county, city, village, township, sanitary district, or other government corporation.

(3) CITY. The City of Green Bay.

(4) NON-RESIDENTIAL PROPERTIES. Commercial, retail, industrial, institutional, manufacturing, and governmental facilities and properties.

(5) SOLID WASTE. Solid waste ~~consisting~~ **consists** of garbage, refuse, and other discarded, or salvageable, **and recyclable** material, including waste material resulting from domestic use, public service activities, commercial, manufacturing, and industrial operations. Solid waste consists of the following categories:

(a) Residential Waste. Garbage, refuse, ashes, and other waste **generated from typical residential activity. This type of waste including includes**, but **is** not limited to, metal, ~~glass, paper,~~ **cardboard, plastic, cans, bottles**, wood, rags, ~~plastic,~~ rubber, **glass**, cloth, ~~cans, bottles,~~ litter, leaves, shrubbery, tree trimming, branches, trunks and stumps, grass clippings, brush, and small quantities of construction and/or demolition waste, **which are either recycled or disposed of.**

(b) Commercial Waste. Wastes resulting from the operation of business enterprises including, but not limited to, offices, stores, restaurants, and similar businesses.

(c) Industrial Waste. Wastes resulting from industrial processes and operations.

(d) Manufacturing Waste. Waste resulting from manufacturing processes and operations.

(e) Garbage. Waste resulting from the handling, cooking, processing, preparation, serving, storage, and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors.

(f) Refuse. Miscellaneous combustible and noncombustible, non-recyclable waste material resulting from residential and commercial activities including, but not limited to, cans, bottles, plastic, papers, ashes, glass, lawn and garden waste, metals, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard.

(g) Bulky Waste. Discarded articles of such size ~~as are that do not fit in the collection cart not normally collected with residential waste~~ including, but not limited to, appliances, **large furniture items, bicycles, exercise equipment, play equipment, and other household items**, ~~plumbing fixtures, windows, and doors, but all of which would be considered residential wastes.~~

(h) Construction and/or Demolition Waste. Waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as **windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops**, concrete, stone, asphalt, sod, earth, dirt, and brick, except as indicated in §9.01(5)(a), Green Bay Municipal Code.

(i) Hazardous and/or Toxic Wastes. Waste material or substances which during normal storage or handling may be a potential cause of harm, sickness, or death, such as explosives, petroleum products, medical or pharmaceutical materials, corrosive chemicals, poisonous or pathogenic substances, pesticide chemicals, radioactive materials, toxic materials, and all other similar harmful substances whether in solid, liquid, or gaseous form.

(j) Nauseous and/or Offensive Wastes. Those wastes that are unwholesome or have an unpleasant smell or are otherwise nauseous and/or offensive, such as manure, filth, slops, carcasses, carrion, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns, or similar materials.

(k) Sewage Plant Refuse. Debris collected on the primary screens of the sewage treatment plant consisting of sticks, rags, etc.

(l) Recyclable Waste. That portion of miscellaneous combustible and noncombustible waste material resulting from residential and commercial activities that can be recovered through processes to regain that material for human use including, but not limited to, the following:

1. Yard Waste. Yard waste means leaves, grass clippings, garden debris, and brush, including clean woody vegetative material no greater than 6" in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

2. Paper. That portion of paper which remains in substantially original condition at the time of disposal so that material is suitable for commercial-grade recycling. Paper does include the paper commonly used in the production of newsprint, magazines, books, and other physical media for written materials, cardboards, and other container boards. Paper is not suitable for recycling purposes when in a state which makes separation unreasonable or unduly expensive ~~for reasons which include, but are not limited to, the following:~~

~~\_\_\_\_\_ a. The **because the** paper has been put to another use, such as wrappings for other wastes items that soiled the paper, and is thus rendered rendering it unfit for commercial recycling.; and~~

~~\_\_\_\_\_ b. The paper is no longer flat and folded to the approximate dimensions of its original condition.~~

3. Major Appliances. Major appliances are residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier, or water heater.

4. ~~Co-mingled~~ **Co-Mingled Containers**. Co-mingled **containers** ~~recyclables~~ are glass bottles and jars which contain a food or beverage product, aluminum beverage cans, plastic containers made of polyethylene terephthalate (PET) or high density polyethylene (HDPE), and steel and bi-metal cans which contained a food or beverage product.

5. Waste tire. Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

~~(m)~~ **(6) Mobile Home Park MOBILE HOME PARK.** As defined in Wisconsin Statutes §66.0435, means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for the accommodation.

~~(6)~~ **(7) SOLID WASTE DISPOSAL OPERATION.** The site, facility, operating practices, and maintenance thereof for the utilization, processing, or final disposal of solid waste including, but not limited to, sanitary landfill, incineration, composting, reduction, shredding, compression, salvage, and resource recovery.

~~(7)~~ **(8) SANITARY LANDFILL.** A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, but utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and by covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

~~(8)~~ **(9) COLLECTING AND TRANSPORTING SERVICE.** A municipal or privately-operated agency, business, or service for collecting or transporting solid waste for disposal purposes.

~~(9)~~ **(10) CONDOMINIUM.** (Cr. GO 13-11) A residential property which is subject to the provisions of Ch. 703, Wis. Stats, and governed by a declaration or bylaw that requires all units to be owner-occupied.

9.02 **SOLID WASTE COLLECTION REGULATIONS.** (Rep. & Rec. GO 47-03), (Amd. GO 8-13)

(1) (Amd. GO 59-04) Residential and commercial waste shall be collected by the Department from all properties, provided such waste is properly handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. ~~Waste~~ **Refuse Residential waste** collection shall be provided once per week at no charge for a maximum of ~~four 32~~ **one 96**-gallon containers ~~or equal volume~~ per property or ~~two 32~~ gallon containers ~~or equal volume~~ per dwelling unit, whichever is greater. **The garbage cart must be one which was purchased from the City. All refuse must fit inside the garbage cart with the lid fully closed. Refuse Residential waste placed outside the garbage cart will not be collected.**

(2) (Amd. GO 59-04) Recyclable waste to include co-mingled **containers** and paper shall be collected by the Department for all residential properties, up to and including six dwelling units, provided such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. Recycling is mandatory, and residents will be required to comply with recycling regulations. Curbside recycling waste collection shall be provided once every two weeks to each household. **There is no limit on the number of recycling carts collected at each resident.** The

recycling cart must be one which was purchased from the City. Recycling waste shall be placed out for collection separate from other solid residential waste on the regular refuse collection day. **All recycling waste must fit inside the recycling cart with the lid fully closed. Recycling waste placed outside the recycling cart will not be collected.**

(3) Special Assessment for Extra Solid Waste Pickup.

(a) In those instances where the periodic solid waste pickup is not followed by residents or property owners, the Director of Public Works, or his designee, is hereby authorized, when scheduling time permits, to dispatch City crews to remove the following: (a) solid waste, (b) tires, (c) batteries, (d) waste oil, (e) yard waste, (f) electronic waste, or (g) **construction, remodeling, and demolition waste, (h) bulky waste, or (i) other items** that are placed out for collection that would not normally be collected. Any items removed are subject to removal charges noted below and any cost of disposal.

(b) The costs of such removal shall be the hourly rate (including fringe benefits) per employee dispatched, plus truck charges and administration fees, for the time spent collecting such solid waste from the time of dispatch to the time the truck returns to the municipal garage. There shall be a three-tenths hour minimum charge for such dispatch. Should City crews be dispatched at a time to collect such solid waste items which requires the City to incur overtime, the appropriate hourly rate will be charged (whether time and one-half or double time).

(c) Should the property owner fail to pay such charge as invoiced within 30 days of the date of the invoice, the same shall become a lien upon the property as provided in §66.0627, Wis. Stats., and §9.02(8), Green Bay Municipal Code, on behalf of the City of Green Bay and carrying such interest as has been determined by the Common Council.

(d) **The City will schedule two (2) bulky waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to two (2) cubic yards of bulky waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.**

(e) **The City will schedule four (4) overflow residential waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to four (4) 32-gallon bags of waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.**

**(f) Bulky waste may be disposed of by residents using the bulky waste drop-off location(s) provided by the City at no cost to the resident. The drop-off location(s) is/are for bulky waste only. Disposal of overflow volumes of residential waste at the drop-off location(s) is prohibited.**

(4) Separation of Recyclable Waste.

(a) The following recyclable materials from single family and 2 to 6 unit residences, multifamily dwellings and non-residential facilities and properties shall be separated from **other** solid waste:

1. lead acid batteries
2. major appliances
3. waste oil
4. yard waste
5. aluminum containers
6. bi-metal containers
7. corrugated paper or other container board
8. foam polystyrene packaging
9. glass containers
10. magazines
11. newspaper
12. office paper
13. rigid plastic containers made of PETE, and HDPE
14. rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins
15. steel containers
16. waste tires
17. electronic waste or E-waste.

(b) Separation Requirements Exempted. The separation requirements of 9.02(4)(a) do not apply to the following:

1. Occupants of single family and 2 to 6 unit residences, multiple-family dwellings and non-residential facilities and properties that send their solid waste to a processing facility licensed by the Wisconsin Department of Natural Resources that

recovers the materials specified in 9.02(4)(a) from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from solid waste burned as supplemental fuel.

3. A recyclable waste item specified in 9.02(4)(a)1. through 15. for which a variance has been granted by the Department of Natural Resources under § 159.11(2m), Wisconsin statutes, or § NR 544.14, Wisconsin Administrative Code.

(5)(a) Recyclable waste shall not be collected **by the City** from buildings containing seven or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which was banned January 1, 1995, from landfills as provided in 1989 Wisconsin Act 335.

Items included in 1989 Wisconsin Act 335 are: aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, or other material printed on similar paper, newspaper or other material printed on newsprint, office paper, rigid plastic containers, steel containers, bi-metal steel/aluminum containers for carbonated and malt beverages.

All owners or designated agents of ~~these buildings~~ **rented and leased residential properties** are required to do all the following:

1. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

2. Provide adequate, separate containers to tenants for the separation of recyclable waste included in the 1995 ban.

3. Provide for the collection and recycling of recyclable materials separated from solid waste by the tenants, and the delivery of the materials to a recycling facility.

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation and a contact person, including a name, address and telephone number.

All owners of these buildings are required to comply with State Statutes which ban the items listed above from landfilling and incineration beginning January 1, 1995.

(b) The requirements specified in 9.02(5)(a) do not apply to the owners or designated agents of multi-family dwellings if the solid waste generated within the dwellings is treated at a processing facility licensed by the Department of Natural

Resources that recovers for recycling the materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(6)(a) Recyclable waste shall not be collected **by the City** from non-residential facilities and properties. **Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which was banned January 1, 1995, from landfills as provided in 1989 Wisconsin Act 335.**

(b) Recycling laws apply ~~not only~~ to **both** residential properties ~~but also~~ **and** non-residential facilities and properties. All non-residential facilities or properties are required to separate the materials subject to §159.67, Wis. Stats., which bans said material from landfills on January 1, 1995.

(c) Owners or designated agents of non-residential facilities and properties shall do all of the following to the materials specified in 9.02(4)(a)5. through 15.:

1. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

2. Provide adequate, separate containers for the collection of recyclable materials.

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(d) The requirements specified in 9.02(6)(b) do not apply to the owners or designated agents of non-residential facilities and properties if the solid waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(7) The Director of Public Works is hereby authorized to control the collection, removal, and hauling of solid waste in the City in conformity with the following administrative regulations:

(a) Solid Waste not Collected by the City. (Amd. GO 59-04)

1. Industrial waste.

2. Manufacturing waste.

3. Hazardous and/or toxic wastes.
4. Nauseous and/or offensive waste.
5. Sewage plant refuse.
6. Batteries.
7. Tires.
8. Waste oil.
9. Medical and infectious waste.

(b) Preparation. (Amd. GO 59-04)

1. Residential solid and commercial waste including miscellaneous refuse may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.

2. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.

3. Recyclable material such as glass, plastic bottles, tin, paper, cardboard and aluminum cans shall be co-mingled and placed in one container.

4. To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other non-recyclable materials.

5. Branches, limbs, and cuttings from trees shall be cut in ~~less than 3-8'~~ **3-foot to 8-foot** lengths and must be at least 1/2" in diameter when set out for collection. No brush will be picked up by the City when generated from vacant property or new building construction or from any contracted job. If said brush is not disposed of properly by the owner or contractor, the City will dispose of it and charge the property owner the actual cost.

6. Bulky waste will be picked up by a special collection crew. All amounts collected will be charged a fee **except as designated in 9.02(3)(d) above**. Said fee is to be a charge per cubic yard and will be established by resolution annually by the City Council. Items placed out due to periodic change of tenancy (move outs) from residences shall be charged for said service and proper disposal.

7. Hot cinders, ashes, or any smoldering embers shall not be placed in any collection container; **however, Cold** Ashes shall not be placed in cardboard or paper

containers, but shall only be placed in sealed/tied plastic bags ~~for~~ **of** a type and composition suitable for handling **and disposal**.

(c) Container Tipper Cart - Garbage and Refuse.

1. **The cost of all garbage ~~containers~~ tipper carts provided by the City shall be at a charge established by resolution. One (1) tipper cart shall be provided to each property with a maximum capacity of 96-gallons. All ~~containers~~ tipper carts must be purchased from the City. ~~One-way disposable plastic bags are preferred, made of polyethylene, plastic material with a securing twist tie, consisting of a minimum of 1-1/2 mil. thickness.~~**

~~2. If plastic bags are not used, the container shall be durable, rust-resistant, non-absorbent, watertight, rodent proof, and easily cleaned with close-fitting fly-tight cover. The container shall be made of metal or plastic only, having adequate handles or bails attached to the outside of the container to facilitate handling.~~

~~3. The total weight of the container and contents shall not be more than 50 pounds.~~

~~4. The container shall be no greater than 32-gallon capacity.~~

~~5~~ **2. All ~~containers~~ tipper carts for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.**

~~6~~ **3. Any ~~container~~ tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.**

~~7~~ **4. Any defective ~~container~~ tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.**

(d) Container Tipper Cart - Recycling.

1. The cost of all recycling ~~containers~~ tipper carts provided by the City shall be at a charge established by resolution. A minimum of one ~~container~~ tipper cart is required at each residential unit as long as there are no more than six such units in a building. All ~~containers~~ tipper carts must be purchased from the City.

2. All ~~containers~~ tipper carts for the storage of recyclable waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

3. Any ~~container~~ tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

**4. Any defective container tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.**

(e) Storage and Collection. (Amd. GO 13-11)

1. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.

2. Mobile Home Park and Condominium Waste. On the scheduled day of collection, mobile home park and condominium solid waste shall be properly prepared and placed at the curblines of the adjacent public street. No collection will be made on private property **or in alleys, unless provided for by the Common Council and meeting the following conditions:-**

a. The property owner and lessee, if applicable, shall provide the City with an indemnification and hold harmless agreement protecting the City from any and all liability for coming upon such private property, in a form to be approved by the City Attorney's Office.

b. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City Insurance Department, in which the City of Green Bay shall be named as an additional insured, protecting it from any and all liability for coming upon said property.

c. City collection vehicles are able to enter and leave the private property while proceeding in a forward motion, the private driveways or streets are of an adequate width to safely accommodate City collection vehicles and the solid waste is placed out for collection in an open area readily accessible for collection.

d. If waste stored on private property is not disposed of properly, the City will see that proper disposal is made and charge the property owner the actual cost of said disposal.

3. Residential Waste. **Waste materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Residential waste shall be placed in a garbage cart and placed at the curb a minimum of four (4) feet from regular recycling waste for collection.** ~~Residential waste shall be properly prepared and placed at the curblines. Pickups shall not be made on residential private property or in the alley adjoining residential property, except for mobile home parks and condominiums as defined above. Pickups shall not be made in the alley adjoining residential property. No collection shall be made on private property except for mobile home parks and condominiums as defined above.~~

4. Recyclable Waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes

shall be placed in a recycling cart and placed at the curb a minimum of 4 feet from regular solid waste for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pickups shall not be made on residential, private property, or in the alley adjoining residential property except for mobile home parks and condominiums as defined above.

5. Mobile Home Park and Condominium Waste. Waste from mobile home parks and condominiums shall be considered residential waste and shall be stored and collected under the provisions of §9.02(7)(e)2, Green Bay Municipal Code.

6. Any solid waste, when placed out for collection, shall be out by 6:00 A.M. from June 1 through August 31 and shall be out by 7:00 A.M. from September 1 through May 31 on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.

7. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.

8. All solid waste placed out for collection becomes City property upon being collected.

9. (Rep. & Rec. GO 43-04) Garbage, recycling, or refuse containers shall be stored during the time period between collection days in the following locations:

a. ~~Garbage, recycling or refuse~~ **Tipper** carts shall not be stored within 15' of the public right-of-way.

b. ~~Garbage, recycling or and refuse~~ **Tipper** carts shall not be stored on any street side **or alongside** of a building unless the cart is completely screened from view **of an observer located** at the public right-of-way.

c. ~~Garbage, recycling, or and refuse~~ **Tipper** carts shall be stored in the backyard, garage, or any other convenient discreet location.

d. All ~~collection containers~~ **tipper carts** must be stored with the lids ~~securely~~ **completely** closed.

e. Do not store carts near a furnace, grill or any other heat source.

10. There shall be no variance from this section without the prior approval of the Director of Public Works therefore.

11. Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of §9.02(7)(e)9. above, shall be subject to the following:

a. The Director of Public Works shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in his determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

b. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.

c. All structures ordered under this section shall be at least three sided and constructed of opaque materials sufficient to ensure the waste is impervious to view from the exterior of the three sides. The walls of the structure shall be of a height equal to 1' taller than the garbage or refuse receptacle, but in no event in excess of 6' in height, and shall be maintained in a neat and orderly manner.

d. Any person aggrieved by such an order by the Director of Public Works to enclose said waste containers shall have the opportunity to bring such order before the Improvement and Service Committee for its review within 30 days of the issuance of the order.

(8) All charges by the City of Green Bay for early set-out as defined in §9.02(7)(e)6 and bulk pickups must be paid by **within** 30 days after billing date or said charge will become a lien on the property according to §66.0627, Wis. Stats., and will be added to that year's taxes with interest.

#### 9.04 **SOLID WASTE DISPOSAL.** (Rep. & Rec. GO 47-03)

(1) Following collection, all solid waste shall be disposed of under the direction of the Director of Public Works in a manner approved by him with the concurrence of the Brown County Solid Waste Authority in conformance with the State Department of Natural Resources, Solid Waste Disposal Standards under terms approved by the Council.

(2) Prohibitions on Disposal of Recyclable Wastes Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in §9.02(4)(a)1. through 15., Green Bay Municipal Code, which have been separated for recycling, except:

(a) waste tires may be burned with energy recovery in a solid waste treatment facility, and

(b) microwave ovens may be disposed of in a landfill after the capacitor has been removed.

(3) No person shall burn any solid waste outdoors at any time within the City.

(4) No person in the City shall deposit, throw, place, or leave any solid waste upon any street, court, lane, alley, business, square, public enclosure, vacant lot, house yard, body of water, or any **public** place except in a container herein required. No person shall upset or turn over the contents of any waste containers in any street, alley, and other public place. No person shall remove any waste from containers on private premises without the consent of occupant, owner, or lessee of the premises, and no person shall remove any waste from a container which has been set out on public right-of-way for collection. No person shall remove any waste from public trash receptacles placed on public property.

(5) DISPOSAL OF CONSTRUCTION AND/OR DEMOLITION WASTE. (Amd. GO 59-04) All construction and/or demolition waste shall be disposed of ~~by a builder or contractor~~ at the Brown County Landfill Site or other licensed landfill site except as indicated in §9.02(4)(a), Green Bay Municipal Code. **If collected by the City, rules contained in 9.02(3) shall apply.** ~~Construction and/or demolition waste generated by a residential owner from his or her residential property shall be collected as long as the waste does not exceed 3 cubic yards. If the waste exceeds 3 cubic yards, the owner will be charged for the entire cost of collection for yardage over 3. Collection of construction and/or demolition waste greater than 3 cubic yards will take place in seven calendar days from the date of verbal notice or written notice to the owner.~~

Excavated material consisting of sand, clay, or other earth and broken concrete, brick, or rubble free of debris may be used for filling private property as herein provided. Prior to placing fill material, the owner of the property shall apply to the Director of Public Works for a permit to conduct the filling operation. The property owner shall cover the fill material with at least 6" of dirt and grade and level the site. When such property owner neglects to do so after sufficient notice, the Director of Public Works shall do the required work. The expense thereof shall be charged against the property involved and may be placed on the City tax roll as previously agreed by such property owner.

(6) DISPOSAL OF INDUSTRIAL AND/OR MANUFACTURING WASTE. Industrial and/or manufacturing waste shall be disposed of by the owner or occupant at the Brown County Landfill Site or other licensed landfill site.

(7) DEAD ANIMALS.

(a) Small Animals. The owner or custodian of dead dogs, cats, and other animals weighing less than 100 pounds shall notify the humane officer, who shall arrange to have such animals removed.

(b) Large Animals. The owner or custodian of dead animals weighing over 100 pounds shall be required to deliver such dead animals to the Brown County Landfill Site at ~~his~~ **their** own cost. Dead animals weighing over 100 pounds shall be brought to the Brown County Landfill Site promptly after death. If any owner or custodian of a dead animal refuses to bring such animal to the Brown County Landfill Site within 24 hours after death thereof, the Director of Public Works may arrange for the collection and disposal of such animal; and all costs of collection, including truck service and any other expense, shall be charged against ~~him~~ **them** as a special ~~tax~~ **charge** and collected in the same manner as other ~~taxes~~ **special charges** are collected.

(8) DISPOSAL OF ANIMAL OFFAL AND OTHER OFFENSIVE WASTES. Animal offal, the droppings from pet animals, manure, and night-soil shall not be collected by the City ~~collection service~~. It shall be the responsibility of the owner of such animals to dispose of such wastes in a sanitary **and responsible** manner.

(9) DISPOSAL OF INFECTIOUS MATERIAL. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the Director of Public Works or his representative. Such refuse shall not be placed in containers for regular collection with normal solid waste.

(10) EXPLOSIVE MATERIAL. No person shall place or deposit any explosive material such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gun powder, gasoline, or similar material in a container for collection or disposal at any dumping grounds, private or municipal. **It shall be the responsibility of the owner of such items to dispose of such wastes in a safe and legal manner.** ~~Contact the Department of Public Works Sanitation Division for proper disposal procedure.~~

(11) DOUBT OF PROPER DISPOSAL. When any person is in doubt as to the proper preparation, handling, and disposal of any type of solid waste, ~~he~~ **they** shall ~~communicate with~~ **contact** the Department of Public Works ~~Sanitation Division~~ for information concerning ~~such~~ **safe, legal and proper** handling and disposal.

Moved by Ald. Tim DeWane, seconded by Ald. Wiezbiskie 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. 1-14

#### 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 adding thereto the following NO PARKING 8:00 AM – 4:00 PM SCHOOL DAYS zones:

ROBINSON AVENUE, south side, from a point 600 feet east of Edgewood Drive to a point 130 feet west of Radinz Road

ROBINSON AVENUE, west side, from a point 35 feet south of Radinz Road to a point 335 feet east of Radinz Road

**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:

ROBINSON AVENUE, south side, from a point 130 feet west of Radinz Road to a point 35 feet east of Radinz Road

**SECTION 3.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

FRANK STREET, east side, from a point 35 feet south of Rockdale Street to Rockdale Street

ROCKDALE STREET, south side, from Frank Street to a point 35 feet east of Frank Street

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

TILKENS STREET, both sides, from Tommark Street to Spence Street

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

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

Dated at Green Bay, Wisconsin this 4th day of February, 2014.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
Clerk

Moved by Ald. Tim DeWane, seconded by Ald. Wiezbiskie 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. 2-14

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 YIELD conditions:

FRED STREET at BASTEN STREET

PETERS STREET at BASTEN STREET

SQUARE TERRACE at OPEN GATE TRAIL

**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 4th day of February, 2014.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
Clerk

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

GENERAL ORDINANCE NO. 4-14  
AN ORDINANCE  
CREATING SECTION 21.10,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO WELL HEAD PROTECTION

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

**SECTION 1.** Section 21.10, Green Bay Municipal Code, is created to read:

**21.10 WELL HEAD PROTECTION.**

- (1) **PURPOSE.** Certain land use practices and activities can threaten or degrade groundwater quality. The purpose of the "Well Head Protection Ordinance" is to institute land use regulations and restrictions to protect The Green Bay municipal well water supply and to promote the public health, safety and general welfare of the residents of the City of Green Bay.
- (2) **DEFINITIONS.**
  - (a) **Aquifer** - A saturated permeable, geologic formation that contains and will yield significant quantities of water.
  - (b) **Cone of Depression** - The cone-shaped area around a well, in which the water level is lowered by pumping of the well. The cone of depression for Green Bay Municipal Well has been estimated.
  - (c) **Groundwater** - Any of the waters of the state, as defined in § 281.01(18), Wis. Stats., occurring in a saturated subsurface geological formation of rock or soil.
  - (d) **Groundwater Divide** - A ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions.

The line of highest hydraulic head in the water table or potentiometric surface.

- (e) Hazardous Substance - Any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may:
  - 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
  - 2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (f) Nonconforming Use - An existing lawful use of land, structure, building or accessory use which is not in conformity with the provisions of this ordinance.
- (g) Petroleum Product - Any fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products.
- (h) Potable Water - Any water that is satisfactory for drinking, culinary, and domestic purposes meeting current State and Federal drinking water standards.
- (i) Primary Management Zone - The area within a 1,200 foot radius of a well. The setbacks to contamination sources as set forth in the Wisconsin Administrative Code Chapter NR 811 shall be part of this ordinance and enforceable under the ordinance.
- (j) Primary Protection Area - An area calculated as the zone of influence characteristic to each individual well supply of potable water to any community water system. It begins at the well head and extends radially outward a distance of 500 feet from the well.
- (k) Recharge Area – The total land area contributing water to a well.
- (l) Well – Any drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface and is constructed for the purpose of obtaining groundwater.
- (m) Well Head – The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

- (n) Well Head Protection Area – The surface or subsurface area surrounding a water well or well field, supplying a public water system, an area through which contaminants are reasonably likely to move toward and reach such water well or well field.
- (o) Well Field - A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) WELL HEAD PROTECTION AREA.

- (a) Separation from Contamination Sources. Section NR 811.12(5)(d), Wisconsin Administrative Code, as it may be amended from time to time, is hereby adopted in its entirety as though fully set forth herein.
- (b) Prohibited Uses. The following uses are prohibited uses within the Primary Management Zone(s):
  1. Pesticide and/or fertilizer storage and use
  2. Septage and/or sludge spreading
  3. Animal waste land spreading
  4. Animal waste facilities
  5. Animal confinement facilities
  6. Gas stations
  7. Vehicle repair establishments, including auto body repair
  8. Printing and duplicating
  9. Truck terminals
  10. Repair shops
  11. Wastewater treatment facilities

12. Spray wastewater facilities
13. Junk yards or auto salvage yards
14. Bulk fertilizer and pesticide facilities
15. Asphalt products manufacturing
16. Dry cleaning facilities
17. Salt storage
18. Electroplating
19. Exterminating shops
20. Paint and coating manufacturing
21. Hazardous and toxic materials storage and use
22. Hazardous and toxic waste facilities
23. Radioactive waste facilities
24. Tire and battery services
25. Garage and vehicular towing
26. Public and municipal maintenance garages

- (4) **EXEMPTIONS.** Individuals and/or Facilities may request the City to issue a permit for a special exception use in the Well Head Protection Area. All requests shall be in writing to the City of Green Bay Water Utility and include an Environmental Assessment Report prepared by a licensed professional engineer. Said report will be forwarded to the Water Utility for recommendation and final decision by the Green Bay Water Utility Commission. The individual/facility shall reimburse the City for all consultant fees associated with this review at the invoiced amount plus administrative costs. Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the City.

- (5) **NONCONFORMING USES.** The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
- (a) No modifications or additions to nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words “modification” and “addition” shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.
  - (b) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the land, structure or building shall conform to the appropriate provisions of this ordinance.
- (6) **REQUIREMENTS FOR EXISTING FACILITIES.**
- (a) Facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the City of Green Bay Water Utility.
  - (b) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City of Green Bay Water Utility, which may include, but are not limited to, storm water runoff management and monitoring.
  - (c) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
  - (d) Facilities shall have the responsibility of devising and filing with the City of Green Bay Water Utility a contingency plan satisfactory to the Water Utility for the immediate notification of the Water Utility officials in the event of an emergency.
- (7) **SPECIAL CHARGE.** In the event the individual and/or facility causes the release of any contaminants which endanger the City of Green Bay, the activity causing said release shall immediately cease and a cleanup satisfactory to the City shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, City of Green Bay consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include but are not limited to:

- (a) The cost of City of Green Bay employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
  - (b) The cost of City equipment employed.
  - (c) The cost of mileage reimbursed to City employees attributed to the cleanup.
- (8) **PENALTIES.** Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
- (9) **AUTHORITY TO ISSUE CITATIONS.** The following City employees are authorized to sign and issue citations for violations of this section and may designate other city employees who may sign and issue citations on their behalf:
- (a) The Water Utility General Manager
  - (b) An attorney representing the City
- (10) **CONFLICT AND SEVERABILITY.**
- (a) **Conflict with other Ordinances.** In case of a conflict between this ordinance, or any part thereof, and the whole or part of any existing or future ordinances, the most restrictive provisions shall apply.
  - (b) **Severability.** If any word, clause, phrase, portion, or provision of this ordinance is held invalid or unconstitutional by any duly authorized court in the State of Wisconsin, such a decision shall not affect the remainder or any other provision of this ordinance.

**SECTION 2.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this 4th day of February, 2014.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
Clerk

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

ZONING ORDINANCE NO. 1-14

AN ORDINANCE  
REZONING PROPERTY LOCATED  
AT 1026 NINTH STREET  
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT  
TO OFFICE RESIDENTIAL (OR) DISTRICT  
AND 1028 AND 1036 NINTH STREET  
FROM HIGHWAY COMMERCIAL (C2) DISTRICT AND  
LOW DENSITY RESIDENTIAL (R1) DISTRICT  
TO OFFICE RESIDENTIAL (OR) DISTRICT  
(ZP 13-41)

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 Low Density Residential (R1) District to Office Residential (OR) District:

1026 Ninth Street: WARREN & CADYS SUBD OF LOT 41 OF TANKS  
SUBD OF PC 2-9 W 52 FT OF LOT 35 BLK B (Tax Parcel Number 1-105)

**SECTION 2.** 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 Highway Commercial (C2) District and Low Density Residential (R1) District to Office Residential (OR) District:

1028 Ninth Street: WARREN & CADYS SUBD OF LOT 41 OF TANKS  
SUBD OF PC 2-9 E 75 FT OF LOT 70 BLK B (Tax Parcel Number 1-135)

1036 Ninth Street: WARREN & CADYS SUBD OF LOT 41 OF TANKS  
SUBD OF PC 2-9 W 55 FT OF LOT 70 & ALL OF LOT 69 BLK B (Tax  
Parcel Number 1-134)

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

**SECTION 4.** 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 4th day of February, 2014.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
Clerk

Moved by Ald. Moore, seconded by Ald. Steuer 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. Wiezbiskie to adjourn at 7:47 P.M.  
Motion carried.

Kris A. Teske  
Green Bay City Clerk