



# **MINUTES SPECIAL MEETING OF THE COMMON COUNCIL**

**MONDAY, MARCH 21, 2016, 4:00 P.M.**  
**COUNCIL CHAMBERS,  
ROOM 203, CITY HALL**

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, Assistant City Attorney Joe Faulds. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, M. Steuer, T. Sladek. Excused: B. Danzinger. Tardy: G. Zima.

Pledge of Allegiance.

## **FOR COUNCIL ACTION**

1. To review and discuss, with possible action, the possibilities of an injunction concerning the placement of the cell tower on NEW Lutherans property.

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

*Roll call:* Ayes: Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Wery, Zima, Sladek. Noes: Wiezbiskie, Scannell, Steuer. Motion carried.

Scott Vanidestine, 2410 Hampton Avenue, stated that he was not in favor of the cell tower placement.

Mike Georgia, 2622 Pecan Street, stated that zoning should protect property owners. It's taking the rights of property owners away.

Sarah Hoppe, 2610 Pecan Street, stated that they didn't file as tax exempt for this project.

Katherine Brusky, 2618 Pecan Street, felt that the tower should be relocated.

Joanna Wirtz, 1275 S. Robinson Avenue, also felt the tower should be relocated.

Patrick Boex, 1275 S. Robinson Avenue, stated that the tower should be in an industrial area. He was also concerned about construction.

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

Moved by Ald. Sladek, seconded by Ald. Thomas DeWane to convene in closed session at 4:29 P.M.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Sladek. Noes: None. Motion carried.

Ald. Sladek read the following:

With respect to Item #1, the Council may convene in closed session pursuant to Section 1985(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons or pursuant to Sections 19.85(1)(g), Wis. Stats., for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Ald. Scannell, seconded by Ald. Nicholson to reconvene in open session at 5:03 P.M. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to receive and place on file the possibility of an injunction due to the fact we are seeking more information.

Moved by Ald. Zima, seconded by Ald. Thomas DeWane to file an injunction for the following reasons:

- Cause harm to a wetland
- There are reasonable alternatives
- There is potential harm and danger to our public
- Strong evidence that it would reduce property values in the area which would cause irreparable damage to that neighborhood and also raise taxes to the rest of the City of Green Bay which is going to have to pick up whatever their assessments are lowered as time goes on.

*Roll call:* Ayes: Thomas DeWane, Nicholson, Tim DeWane, Zima, Steuer. Noes: Wiezbiskie, Nennig, Moore, Scannell, Wery, Sladek. Motion failed.

Moved by Ald. Thomas DeWane, seconded by Ald. Zima to deny the permit on the reasoning of:

- The risk to property owners
- Setbacks
- Safety risk
- Possibility of being built on a wetland

*Roll call:* Ayes: Thomas DeWane, Nicholson, Tim DeWane, Zima, Steuer. Noes: Wiezbiskie, Nennig, Moore, Scannell, Wery, Sladek. Motion failed.

A vote was then taken on the motion to receive the matter and place it on file.

*Roll call:* Ayes: Wiezbiskie, Tim DeWane, Nennig, Moore, Scannell, Wery, Sladek.

Noes: Thomas DeWane, Nicholson, Zima, Steuer. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to adjourn at 5:35 P.M.

Motion carried.

Kris A. Teske  
Green Bay City Clerk