



MINUTES OF THE COMMON COUNCIL

**TUESDAY, AUGUST 21, 2018, 6:00 PM
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

A. ROLL CALL.

Present: Craig Stevens, Veronica Corpus-Dax, Bill Galvin, Mark Steuer, John VanderLeest, Kathy Lefebvre, Brian Johnson, Chris Wery, Barbara Dorff, Randy Scannell, Andy Nicholson, Jesse Brunette

B. PLEDGE OF ALLEGIANCE.

C. INVOCATION.

D. APPROVAL OF MINUTES.

I. Approval of the minutes of the July 17, 2018 meeting.

Moved by Ald. Andy Nicholson, seconded by Ald. Randy Scannell to approve. Motion carried.

E. APPROVAL OF THE AGENDA.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve. Motion carried.

F. REPORT BY THE MAYOR.

The Mayor welcomed Kim Wayte as the new Deputy Clerk.

On Saturday at 9 a.m. at the Allouez Cemetery there will be a ceremony honoring the World War II Vets.

The annual Labor Day picnic will be held on September 3, 2018 from 11 a.m. to 4 p.m. at Bay Beach. The Mayor also thanked everyone for the well wishes he received while he was laid up.

G. ANNOUNCEMENTS.

H. APPOINTMENTS

I. NEW APPOINTMENTS:

Ethics Board

Chari Graham, 115 E. Walnut St., Apt 315, Green Bay, WI 54301
Term to expire: March 1, 2021

Redevelopment Authority

Deby Dehn, 1010 S. Jackson St., Green Bay, WI 54301
Term to expire: March 1, 2021

Zoning & Planning Board of Appeals

Jim Hutchison, 1140 Livingston St., Green Bay, WI 54311
Term to expire: May 1, 2019

Sustainability Commission

Alder Randy Scannell, District 7
Term to expire: Term of Office

Essie Fels, City employee, Transit
Term to expire: August 21, 2019

Chase Hyland, 305 George St., Crivitz, WI 54114
Term to expire: August 21, 2019

Stephanie Ortiz, 520 Pine Terrace, Green Bay, WI 54303
Term to expire: August 21, 2020

Debora Hutchison, 1140 Livingston St., Green Bay, WI 54311
Term to expire: August 21, 2020

Seth Hoffmeister, 1136 Lawe St., Green Bay, WI 54301
Term to expire: August 21, 2021

Mark Walter, 1350 Servais St., Green Bay, WI 54304
Term to expire: August 21, 2021

Moved by Ald. Andy Nicholson, seconded by Ald. Barbara Dorff to confirm the appointments for the Ethics Board, the Redevelopment Authority, and the Zoning & Planning Board of Appeals. Motion carried.

Moved by Ald. Andy Nicholson, seconded by Ald. Kathy Lefebvre to confirm the appointments for the Sustainability Commission. Motion carried.

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I. PRESENTATIONS

I. Anti-harassment training by Rick Bayer, CVMIC Director of Loss Control.

J. PUBLIC HEARINGS.

No one appeared to speak on the ordinances.

1. Misc Ordinance No. 2-18

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay to revise the land use of property located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C).

2. General Ordinance No. 18-18

An ordinance amending and creating sections of Chapter 13, Green Bay Municipal Code, Relating to the Historic Preservation of Sites, Structures and Districts.

3. Zoning Ordinance No. 11-18

An Ordinance creating a Planned Unit Development (PUD) overlay district for Property located at 1060 Gray Court.

4. Zoning Ordinance No. 12-18

An Ordinance creating a Planned Unit Development for the proposed residential development located in the 200 block of North Van Buren Street.

K. ORDINANCES - THIRD READING.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to suspend the rules to take up items 1 through 6 and item 9 with one roll call vote. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to adopt. Motion carried.

Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse

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Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre

1. General Ordinance No. 14-18. An ordinance amending section 29.307, Green Bay Municipal Code, relating to traffic regulations.

2. General Ordinance No. 15-18. An ordinance amending section 29.208, Green Bay Municipal Code, relating to parking regulations.

3. General Ordinance No. 18-18

An ordinance amending and creating sections of Chapter 13, Green Bay Municipal Code, Relating to the Historic Preservation of Sites, Structures and Districts.

4. Misc Ordinance No. 2-18

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay to revise the land use of property located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C).

5. Zoning Ordinance No. 11-18

An Ordinance creating a Planned Unit Development (PUD) overlay district for Property located at 1060 Gray Court.

6. General Ordinance No. 16-18, Section 8.11(4)(a), Green Bay Municipal Code, relating to Unmanaged Plant Growth.

7. General Ordinance No. 19-18, an ordinance creating Section 4.18, Green Bay Municipal Code, relating to Municipal Vehicle Registration Fee.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve item 7. Motion carried. Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, No- Andy Nicholson, John VanderLeest

8. General Ordinance No. 13-18. An ordinance amending Sections 2.04, 2.05 of the Code relating to Protection and Policy Committee.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve item 8. Motion carried. Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre

9. Zoning Ordinance No. 12-18

An Ordinance creating a Planned Unit Development for the proposed residential development located in the 200 block of North Van Buren Street.

L. REPORT OF THE REDEVELOPMENT AUTHORITY (AUGUST 14, 2018).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve with Ald. Brian Johnson abstaining on items 1 and 2. Motion carried.

1. To approve Development Agreement 18-04 with GB Real Estate Investments, LLC, for Whitney Park Townhomes: Phase IV at 827 Cherry Street, 829 Cherry Street, 205 N. Van Buren Street, and 211 N. Van Buren Street (Tax Parcels 10-71, 10-72, 10-72-A, and 10-72-B), subject to minor legal and technical revisions.

The Council may convene in closed session pursuant to Sections 19.85(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. 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.

2. To approve Development Agreement 18-05 with GB Real Estate Investments, LLC, for 901 Main at 901 Main Street, 907 Main Street, and 913 Main Street (Tax Parcels 9-48, 9-47, and 9-46), subject to minor legal and technical revisions.

The Council may convene in closed session pursuant to Sections 19.85(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. 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.

3. To recommend Common Council consent to request by Hometown Bank to release its interest in Historic Tax Credits per the Continuing Guaranty (Limited) RailYard: North at 420 N. Broadway and 520 N. Broadway (Tax Parcels 5-1756 and 5-1757).

The Council may convene in closed session pursuant to Sections 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public
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properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. 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.

M. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (JULY 30, 2018)

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve. Motion carried.

1. To refer to staff to study request by Ald. Galvin for Department of Public Works to develop and implement a five year plan to inspect sidewalks and repair or replace them to code.
2. To receive and place on file the request by Ald. Lefebvre for partial reimbursement (or temporary waiver of wheel tax) for residential properties that paid road improvement assessments in the past three years.
3. To receive and place on file the request by Ald. Lefebvre on behalf of a resident at 1855 Eastman Avenue for a review of the overnight parking ordinance related to multi-family residential property.
4. To approve the request by Ald. Scannell to install monument in public right-of-way on the north side of Main Street at the Fox River Trail.
5. To approve the request by the Department of Public Works to replace sewer combination truck 95 as amended, the Utility must replace the funds borrowed from the replacement fund for this purchase.
6. To approve the request by the Department of Public Works to have approval to award contracts associated with the construction of the Big Wheel ride at the Bay Beach Amusement Park, including site work and foundation construction, and to report out any contracts awarded at the next regularly scheduled meeting of the Improvement and Services Committee.

7. To receive and place on file the report of actions taken by Department of Public Works

A. Award of contracts - None

B. Granting of Licenses

1. Concrete Sidewalk Builders

- a. Complete Flatwork Specialists LLC
- b. Malcore Concrete Inc.

2. Underground Sprinkler System by RainMaster Irrigation Inc.

C. Real estate acquisition for Webster Avenue

1. Agreement for Purchase (Parcel Number, Address, Owner Name, Amount)

13, 1002 Harvey Street, Beverly Moeser, \$108,000
14, 1001-05 Day Street, Brown County, \$8,457.31

2. Relocation Payments (Parcel Number, Address, Owner Name, Amount)

7a, 1108 N. Webster Avenue, Anthony Shea, \$569
22a, 1005 Berner Street, Regina Donaldson, \$89,376
24a, 1008 Vanderbraak Street, Don Lecher, \$360
24a, 1008 Vanderbraak Street, Don Lecher, \$500

3. Administrative Revision (Parcel Number, Address, Owner Name, Amount)

16, 918 N. Webster Avenue, William L. Moehring, \$37,000
17, 1024 N. Webster Avenue, Debra L. Mlezvia, \$85,000
20, 1002 Reber Street, Crooked Wood Corp., \$86,000

N. REPORT OF THE PROTECTION & WELFARE COMMITTEE (AUGUST 13, 2018).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve with the exception of items 10 and 14. Motion carried.

1. To approve a request by Turn it Up! Tap, 1689 E. Mason St., to temporarily extend their licensed premise to hold an outdoor event in their parking lot on Aug 24, Sept 22, and Sept 29, subject to complaint.

2. To approve a request by Richard Craniums, 840 S. Broadway, to temporarily extend their licensed premise to hold an outdoor event prior to each of the 2018 Packer home games, subject to complaint.

3. To approve a request by Richard Craniums, 840 S. Broadway, to temporarily extend their licensed premise to hold an outdoor event on Aug 25 – Aug 26 from 12 pm to 10 pm., subject to complaint.

4. To grant a "Class B" (wine only) license by Badger State Brewing Company LLC at 990 Tony Canadeo Dr. with a licensed premises description of building including production facility, tasting room & offices & patio event garden and beer garden adjacent to building, with the approval of the proper authorities and to waive requirements of ordinance regarding the outdoor patios (requires 2/3 vote).

5. To grant an available "Class B" Combination license by The Tarlton Theatre, LLC at 405 W. Walnut St., with the approval of the proper authorities.

6. To grant a "Class B" Combination license to State Street Pub of GB LLC at 1238 State St. (Formerly Loch's Bar) with a licensed premises description including bar and storage room (description amended to exclude outdoor patio), with the approval of proper authorities.

7. To grant an available "Class B" Combination license by 304 North Adams Green Bay LLC at 304 N. Adams St. with a licensed premises that includes hotel building (see attached), restaurant, bar, banquet and meeting rooms, and guest rooms, with the approval of the proper authorities.

8. To receive and place on file a request by Ald. Wery that all City campaign finance reports shall be accessible on city website for duration of elected official's term and five years after leaving office.

9. To deny an appeal by Lisa Trotter objecting to the decision that her dog was declared dangerous.

10. To deny an appeal by Robert Hudson, objecting to the decision that his dog was declared dangerous.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to open the floor for discussion.

Motion carried.

Moved by Ald. Andy Nicholson, seconded by Ald. Randy Scannell to return to regular session.

Motion carried.

A vote was then taken on the motion. Motion carried. Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre

11. To approve a request by Green Bay Sports Service, Inc. at 1265 Lombardi Ave. to amend their liquor license to include an additional plaza area in front of the Johnsonville Tailgate Village and to waive requirements of the ordinance for fencing (requires 2/3 vote by Council).

12. To approve an appeal by James Tesch in regards to the denial of his operator's license.

13. To approve an appeal by Amy Geronimi in regards to the denial of her operator's license.

14. To approve submitting questions to the Legal Department by September 4 and then refer the ethics ordinance to CityEthics.org for review, at a cost not more than \$500.

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve.

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to amend to include the Code of Conduct. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve as amended. Motion carried.

Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre

15. To receive and place on file the Liquor Violation Report from the Police Department for August

13, 2018.

16. To grant a "Class B" Combination license by Jam-Rock GB, LLC at 700 Bodart St. (Formerly Pour Decisions), with the approval of the proper authorities.

O. REPORT OF THE PROTECTION & WELFARE COMMITTEE GRANTING OPERATOR LICENSES.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve with Ald. Brian Johnson abstaining from Samantha Jo Maass. Motion carried.

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

P. REPORT OF THE PERSONNEL COMMITTEE (AUGUST 14, 2018).

Moved by Ald. Andy Nicholson, seconded by Ald. Randy Scannell to approve with the exception of items 1 and 7. Motion carried.

1. To approve request to award a 3-year contract, with two 1-year renewal options, to provide Health Risk Assessment (HRA) Services for City employees and spouses to Bellin Health for \$216,000 (\$72,000 per year).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve with Ald. Jesse Brunette abstaining. Motion carried.

2. To approve the 2018 - 2020 labor agreement between the City of Green Bay and Local 420, Bus Mechanics.

The Council may convene in closed session pursuant to § 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. The Council may thereafter reconvene in open session pursuant to § 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

3. To approve request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.

- a. Administrative Clerk - Community & Economic Development
- b. Building Inspector - Community & Economic Development
- c. Administrative Clerk - Police
- d. Assistant Fire Chief - EMS, Training and Support

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- e. Carpenter - Parks, Recreation & Forestry
- f. Administrative Clerk - Public Works
- g. Mechanic - Public Works

4. To approve request from the Police Department to fill (1) additional Patrol Sergeant position and all subsequent vacancies resulting from internal transfers.

5. To approve out of state travel for Fleet Manager Nathan Wachtendonk for pre-delivery inspection of two automated sanitation collection trucks at AutoCar Manufacturing in Birmingham, Alabama, September 2018 at no cost to the City for transportation, room or board.

6. To hold review of Compensation for a Shift Change grievance until the next Personnel Committee meeting.

7. To put to binding referendum the following: Beginning with the 2019 election and for all elections thereafter, shall the total length of service for the position of Mayor, Alderperson and Municipal Court Judge be limited so that no person may be elected to consecutive terms totaling more than 12 years.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to approve.

Moved by Ald. Randy Scannell to amend by striking, "Beginning with the 2019 election and for all elections thereafter", and adding to the end, "including current terms." Motioned failed due to not having a second.

Moved by Ald. Brian Johnson, seconded by Ald. Barb Dorff to amend by striking, "Municipal Court Judge." Motion failed with the Mayor breaking the tie with a no vote.

Yes- Barbara Dorff, Brian Johnson, Jesse Brunette, John VanderLeest, Veronica Corpus-Dax, Kathy Lefebvre, No- Andy Nicholson, Bill Galvin, Chris Wery, Craig Stevens, Mark Steuer, Randy Scannell, Mayor James Schmitt

A vote was then taken on the original motion. Motion carried with the Mayor breaking the tie with a yes vote. Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Craig Stevens, Randy Scannell, Veronica Corpus-Dax, Mayor James Schmitt No- Andy Nicholson, Chris Wery, Jesse Brunette, John VanderLeest, Mark Steuer, Kathy Lefebvre

8. To refer to staff to prepare a policy and recommendation on the request by Ald. Galvin that the City adopt Wisconsin Statute 230.35(2d) as it pertains to City employees who are in the process of

being organ donors.

Q. REPORT OF THE PLAN COMMISSION (AUGUST 13, 2018).

Moved by Ald. Andy Nicholson, seconded by Ald. Randy Scannell to approve with the exception of items 1 and 2. Motion carried.

1. To deny the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan Land Use recommendation for properties located in the 3400-3500 Block of E. Mason Street from Commercial to Business Park land use.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Randy Scannell to approve.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Barbara Dorff to open the floor. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to return to regular session. Motion carried.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Barbara Dorff to approve. Motion carried.

2. To deny the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan Land Use recommendation for properties located in the 1600 Block W. Mason Street from Low Density Housing to Commercial land use.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve.

Moved by Ald. John VanderLeest, seconded by Jesse Brunette to open the floor. Motion carried.

Moved by Ald. Andy Nicholson, seconded by Ald. Barbara Dorff to return to regular session. Motion carried.

A vote was then taken on the motion. Motion carried.

Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre

3. To authorize a Conditional Use Permit (CUP) to permit a minor auto repair in a Downtown One (D1) District at 523 N. Broadway, subject to the following conditions:
- a. Compliance with all regulations of the Green Bay Municipal Code.
Stripe stalls as indicated on site plan including one required handicap stall.
 - b. Close portions of Bond Street curb-cut and unneeded pavement and return to grass.
 - c. Close entire North Broadway curb-cut and return to grass.
 - d. Wheel stops be installed for stalls along North Broadway property line/sidewalk.
 - e. No outdoor storage of any materials.
 - f. Outdoor display is in a professionally constructed case that can either be locked or brought in after business hours.
 - g. No inoperable or unregistered vehicles not associated with repair work to be stored on-site.
Those associated with repair may be parked no greater than 30 days.
 - h. No outdoor repair work permitted.
 - i. Hours of operation limited to between 6 a.m. – 10 p.m.

4. To authorize a Conditional Use Permit (CUP) to permit a single-family dwelling in a Varied Density Residential (R3) at 720 N. Broadway, subject to the following conditions:
- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.
 - b. Compliance with the applicable Uniform Dwelling Code (UDC) building requirements related to a single-family dwelling.

5. To rezone the property at 1000 Main Street and 1003 Pine Street from General Commercial (C1) to Highway Commercial (C2).

6. To authorize a Conditional Use Permit (CUP) to permit a two-family dwelling in the Office/Residential (OR) District at 225 N. Ashland Avenue, subject to the following conditions:
- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.
 - b. Submittal of a site plan and building permit(s) establishing minimum parking in compliance with Chapter 13-1700, Green Bay Zoning Code.
 - c. Compliance with the applicable Uniform Dwelling Code (UDC) building requirements related to a two-family dwelling.

7. To rezone a property located at 1532 Shawano Avenue from Office/Residential (OR) to General Commercial (C1).

8. To approve a Plat of Right-of-Way for Sitka Street and Superior Road.

R. REPORT OF THE FINANCE COMMITTEE (AUGUST 14, 2018).

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve with the exception of items 6 and 7. Motion carried.

1. To receive and place on file the 2017 year-end financial results and management letter for the City.

2. A. To pay the 2017 tax amount for the property at 606 S Broadway St., plus accrued interest, less the amount paid by the previous owner during closing from the Contingency Fund.

B. To waive the 2018 taxes for the property at 606 S Broadway St.

3. To refer to staff for further revisions the amendments to Claims Administration Procedure Ordinance (GBMC 7.01 et seq) providing for changes to the City's claims committee and establishing a relief fund.

4. To proceed as directed in closed session regarding the litigation in the following matters:

4A. City of Green Bay v. CVMIC arbitration

4B. Tipler v. City of Green Bay, et al.

4C. City of Green Bay v. Denny, et. al.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose 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.

5. Consideration with possible action on report of the Purchasing Manager.

5A. Request approval to purchase ammunition for GBPD from Kiesler Police Supply Inc. for \$34,028.

5B. Report on the purchase of 16 vehicles for various City Departments off of the 2018 State of Wisconsin Vendornet Contract for \$480,677.

5C. Request pre-approval to purchase new cars and light trucks that have been approved in the 2019 City budget through the State of Wisconsin Vendornet Contract, and report the results back to the Finance Committee after the purchases have been made.

To approve items 5A & 5C, and to approve item 5B as amended changing the number of vehicles purchased off the 2018 State of Wisconsin Contract from 16 to 18.

6. To accept the report of the Claims Committee.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose 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. Randy Scannell, seconded by Ald. Bill Galvin to approve.

Moved by Ald. Chris Wery, seconded by John VanderLeest to go into closed session at 8:05 p.m.
Motion carried.

Chris Wery read the closed session language.

Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, No- Jesse Brunette

Moved by Ald. Mark Steuer, seconded by Ald. Veronica Corpus-Dax to return to regular session.
Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to receive and place on file. Motion carried.

7. To receive and place on file the informational report of the Hotel Northland Audit completed by Cowie Management Group appointed by Paul Swanson, Receiver.

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to open the floor. Motion carried.

Moved by Ald. John VanderLeest, seconded by Ald. Randy Scannell to return to regular session.
Motion carried.

A vote was then taken on the motion. Motion carried.

Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre

S. REPORT OF THE PARK COMMITTEE (AUGUST 15, 2018).

Moved by Ald. Andy Nicholson, seconded by Ald. Randy Scannell to approve with the exception of item 5. Motion carried.

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1. The Park Committee to consider the request to install a baseball field at Red Smith Park at a future Park Committee meeting as part of the 2019 Capital Improvements Plan approval.

2. To approve the transfer of all available 2018 Bay Beach revenue from the Bay Beach 214 Operations fund to the Bay Beach 436 Capital Improvements fund to pay for the site work associated with the Ferris Wheel donation at Bay Beach Amusement Park.

3. To approve the amended Design, Construction & Dedication Agreement with the Green Bay Optimist Club for the construction of a concession stand with restrooms at East River Optimist Park, removing the fee for City inspections listed in Section III.E.

4. To approve a WPS utility easement for the relocation of an electric service at East River Optimist Park for the proposed concession stand, contingent upon the review and approval by the Law Department.

5. To approve the lease agreement for the construction and maintenance of the downtown pocket park contingent upon the review and approval by the Law Department, with the expectation that the final draft will be completed by the next City Council meeting.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve.

Moved by Ald. Jesse Brunette, seconded by Ald. Mark Steuer to amend to add at the end, "to approve substantially as attached and the contract to be reported back to the Park Committee."

Moved by Ald. Randy Scannell, seconded by Ald. Jesse Brunette to approve as amended. Motion carried.

6. To approve the purchase of the Green Bay Council Presidents plaque, contingent that no City funds will be used.

T. COMMITTEE OF THE WHOLE.

I. Consideration with possible action on the request by the Department of Public Works to execute contracts necessary for rehabilitation and buildout of the buildings at 420 S. Broadway associated with the relocation of facilities currently located on the 2200 block of N. Quincy Street. This relocation is necessary as part of the Green Bay Packaging Mill project. Any contracts so awarded shall be reported to the Improvement & Services Committee at the next regularly-scheduled meeting following award.

Moved by Ald. John VanderLeest, seconded by Ald. Bill Galvin to approve. Motion carried.
Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, No- Brian Johnson, Chris Wery, Jesse Brunette, Kathy Lefebvre

U. REPORT OF THE ETHICS BOARD (JUNE 14, 2018)

I. Request for reconsideration of the Council's June 19th decision on the report of the Ethics Board dated June 14th based on reading the opinion of the lawyer representing the Ethics Board.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose 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. Veronica Corpus-Dax, seconded by Ald. Bill Galvin to approve.

Moved by Ald. Chris Wery, seconded by Ald. Andy Nicholson to open the floor. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to return to regular session. Motion carried.

A vote was then taken on the reconsideration. Motion failed.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Randy Scannell, Veronica Corpus-Dax, No- Andy Nicholson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Kathy Lefebvre

V. RECEIVE & PLACE ON FILE.

Moved by Ald. Andy Nicholson, seconded by Ald. Randy Scannell to approve. Motion carried.

I. Building Permit Report for July 2018.

2. Municipal Court Report for July 2018.

W. RESOLUTIONS

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to suspend the rules to adopt the resolutions with one roll call vote. Motion carried.

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to adopt. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, No- Andy Nicholson

1. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Seven (7), Ashland Avenue and Lombardi Avenue Corridors.

2. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Eight (8), Henry and Morrow Streets.

3. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Nine (9), State Highway 54/57 Business Park.

4. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the amendment of Tax Increment District (TID) Number Twelve (12), I-43 Industrial Park.

5. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Seventeen (17), 900 Block North Broadway.

6. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the creation of Tax Increment District (TID) Number Twenty (20), Whitney Park.

7. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the creation of Tax Increment District (TID) Number Twenty-One (21), Green Bay Packaging.

8. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the creation of Tax Increment District (TID) Number Twenty-Two (22), The Shipyard.

9. Resolution for Purchase and Sale of Real Estate for Webster Avenue.

10. Resolution accepting Relocation Claims for North Webster Avenue.

11. Resolution accepting Administrative Revisions for Webster Avenue.

12. Resolution authorizing Conditional-Use approval at N. 523 Broadway.

13. Resolution authorizing Conditional Use approval at 720 N. Broadway.

14. Resolution authorizing Conditional-Use at 225 N. Ashland.

15. Resolution approving a relocation order for Sitka Street from Superior Road to Ontario Road; and Superior Road from Gilbert Drive to Sitka Street; and proposed streets north of Sitka Street between Superior Road and Easy Street; and Superior Road Storm Water Management Facility.

16. Resolution drawing final orders to contractors for August 2018.

17. Resolution authorizing transfer of funds.

X. ORDINANCES - FIRST READING.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to suspend the rules to advance ordinances 1 thru 3 to a third reading. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to advance ordinances 1 thru 3 to a third reading. Motion carried.

1. Zoning Ordinance No. 13-18

An ordinance rezoning property located at 1000 Main Street and 1003 Pine Street from General Commercial (C1) District to Highway Commercial (C2) District.

2. Zoning Ordinance No. 14-18

An ordinance rezoning property located at 1532 Shawano Avenue from Office/Residential (OR) District to General Commercial (C1) District.

3. Planning Ordinance No. 3-18

An ordinance amending the Official Map of the City of Green Bay to approve a Plat of Right-of-Way for Sitka Street and Superior Road.

4. Charter Ordinance - A Charter Ordinance establishing term limits for the office of Mayor, Alderman and Municipal Judge.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to hold until after the referendum. Motion carried.

5. Miscellaneous Ordinance No. 3-18. An ordinance authorizing salary increases for the Mayor effective April 16, 2019, April 21, 2020, April 20, 2021 and April 19, 2022.

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Craig Stevens, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, No- Andy Nicholson, Chris Wery, Jesse Brunette, John VanderLeest, Kathy Lefebvre

Y. REFERRAL OF PETITIONS & COMMUNICATIONS.

A request by Ald. Randy Scannell to the Mayor's Office to coordinate with all departments to send digital files instead of filling mailboxes at City Hall or mailing hard copies.

A request by Ald. Kathy Lefebvre to the Parks Committee to brighten up parks with colorful fences and painted lines on the tennis and basketball courts. The Parks Committee can google colorful basketball courts and basketball stencil silhouettes.

A request by Ald. Andy Nicholson to the Finance Committee/Law Department the records on finances charged by Mr. Kalny for the years of 2016 - 2017 - 2018 with specifics and explanations for each charge to the City of Green Bay.

A request by Ald. Chris Wery to the Improvement & Services Committee to review, with possible action, how sidewalk replacements are funded.

A request by Ald. Kathy Lefebvre to the Improvement & Services Committee to extend special assessment payments for pavement construction from 5 years to 10 years when requested by resident(s).

A request by Ald. Mark Steuer to Community Development to study and report on partial city funding for a garden coordinator position that is presently funded by Brown County. Nearly 3/4 of Community Garden users live in the City of Green Bay.

A request by Ald. Chris Wery to the Protection & Policy Committee a legal opinion from the State Department of Justice office regarding walking quorums, mayors that are legally a member of the city council, and the practice of meeting individually with council members regarding upcoming business that the City Council will be voting on.

A request by Ald. Chris Wery to the Protection & Policy Committee to review, with possible action, city ordinances or policies to allow for action to be taken on the first and second readings of ordinances.

A request by Ald. Chris Wery to the Protection & Policy Committee to review, with possible action, on the City Council's policy and or City's ordinance for reconsiderations.

Moved by Ald. Andy Nicholson, seconded by Ald. Craig Stevens to approve. Motion carried.

Z. ADJOURNMENT.

Moved by Ald. Andy Nicholson, seconded by Ald. Craig Stevens to adjourn at 9:19 p.m. Motion carried.

Kris A. Teske
Green Bay City Clerk

These minutes, in their entirety, are available in the City Clerk's Office and on the City website at greenbaywi.gov.

VERBATIM MINUTES

- So Alderman Johnson, we get you logged on. Who else do we need? You ready?
- [Woman] Ready.
- Alright, I want to call to order the meeting of the Common Council meeting for Tuesday, August 21st. We've all logged on our new system. Clerk, how does it look?
- [Clerk] 12 are present, your honor.
- Alright, great. So we're, obviously have a quorum. All are present. If you could now all please rise for the Pledge of Allegiance, and then remain standing for the invocation.
- [Group] I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.
- Heavenly father, as our summer season comes to a close, we're grateful for the memories created and the wonderful times enjoyed by many here in Green Bay because of the many gifts you bestowed upon us. We're grateful for our summer employees, those who life guarded our aquatic centers, the parkies at our city parks, the summer maintenance staff, and all those who helped bring about community through jobs and volunteerism here in Green Bay. We pray for all the students returning to school. We ask that you watch over their safety and bless them with the gift of wisdom and faith. We pray for all students that they see the many gifts you've given to our communities and to our families. As we approach the Labor Day holiday, let us be mindful of all those who work, and protect, and advocate for the men and women who truly build our community. As always we ask you to be with our military, especially those serving on the U.S.S. Green Bay. We ask this in your name. Amen. Alright, with that, I'll entertain a motion for approval of the minutes. So we have a motion by Alderman Nicholson and seconded by Alderman Scannell to approve the minutes of the July 17th meeting. Any, let's get this on here. Any discussion here? I see no lights. All in favor of those minutes, please signify by saying aye.
- [Group] Aye.
- And those opposed, nays. The ayes have it. The minutes of the July 17th meeting have been approved. I'll entertain a motion to approve the agenda. Motion by Alderman Scannell, and that was seconded by Alderman Steuer to approve the agenda before you. Anything you want to look at here? I see no lights. All in favor of the agenda, please signify by saying aye.
- [Group] Aye.
- And those opposed nays. The ayes have it. The agenda before you has been approved.
- [Woman] Report by the mayor.
- Just a couple things. It's nice to see everybody. It seems like it's been a while. I just want to introduce, I think you all know Kim. But the Deputy Clerk position has been filled by Kim Wayte. Kim will be on board with us now in all the city council meetings. So as you know, she's been down at the clerk's office for what, three years, two years? 12 years. Sorry. Wow. She's been with us some time. And we're glad she's here. And we just want to welcome her to the position of deputy clerk. Say, this Saturday there's an event, there's a lot of events coming up, but one I just want to draw attention to is where they honor the World War II vets. And that's becoming fewer and fewer people. I know there's going to be three of them there. We're presenting a proclamation. That's the Allouez Cemetery, Saturday at 9:00 AM. So there's a lot of events going on in Green Bay, and I usually don't mention them all because I forget one. But this one is very special. My father in law was in World War II. So Saturday at 9:00 AM at the Allouez Cemetery. I mentioned in my invocation Labor Day. That's coming up, obviously Monday September third. And there's always an annual picnic which everyone is invited to. It's great for families, friends. And that's at Bay Beach at 11 o'clock. Goes from 11 til four. That's the Labor Day picnic that the city enjoys and helps celebrate. And lastly, let's see, lastly I just want to thank you. You know I was laid up for a little while a couple weeks ago. And I, I know some of us have our differences, but I sure appreciate the cards and the letters and the emails, and the books. I got a lot of books that you guys sent. And I just want to tell you that it meant a lot to me. It does. I appreciate that. I think that really puts things in perspective. So I just want to thank everybody for being there for me. Alright, clerk, that concludes my report.

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- [Kim] We're on to announcements.

- Okay, we'll begin with Alderman Mark Steuer.

- Thank you, your honor. I'd just like to do a little shout out to D.P.W, Steve Grenier's group. They're fixing the railroad crossings. We have it on military. It's fantastic. Thank you. And Taylor Street's being worked on right now. So thank you again.

- [Mayor Schmitt] Terrific. Alderperson Lefebvre, hang on one second.

- Save the date. Oh, I'm sorry. Should save the date. October fifth of this year from nine to 12:30 PM, there's a press conference at Heritage Hill with a bus tour to follow. It's the fifth annual Bringing Back the Bay Tour, growing our community assets with innovative storm water management. You should have, all the alders and co-supervisors, and different department heads, and community, people in the community that would be interested in should have received an invitation. So I'm hoping that you respond. I do have a couple fliers here if anybody wants. But you can contact Julie Nark at N-O-O-R D-Y-K-I at U-W-G-B dot E-D-U. If you need to see this to write it down and get further information, you can see the fliers that I have. Thank you.

- [Mayor Schmitt] Thank you. Alderman Randy Scannell.

- Thank you, your honor. I'd just like to shout out that Friday from, I believe it's 11 until five at the Festival of Foods, Navaro neighborhood's having a cookout for fundraising. Come and get a brat.

- [Mayor Schmitt] Alright, very good. Thank you. Did you have something else?

- [Kim] Yes.

- [Mayor Schmitt] Okay. Alderperson Lefebvre.

- Yes, and then also I had Kris Teske made some copies of the Brown County directory. I've been hearing from some people that they've been having trouble with contacting people in the county to get their email or their phone number. This is a very inclusive little booklet. It's handy. Also, I gave Cheryl Renner Reed one cause she said this would be very important for her and some other department heads. I will see if I can get a few more. But thank Kris Teske for making copies for everybody. Please use it. It's very valuable information. Although there might be, if you have something in there that is not correct, there's a thing on the back where you can get the printed copy, if you want, by electronic. And you can call them, or notify them and correct if any information's not correct. Thank you.

- [Mayor Schmitt] Thank you. Okay, Chris, do you have any announcements? Alright, let's continue then.

- [Chris] On to appointments. New appointments. Ethics board, Sherry Graham, redevelopment authority, Debby Dane.

- I want to go through a few, do you want to just stop there. No, we have zoning. Let's take zoning and planning and then we'll take those and then we'll do sustainability. Yes. Can we just read one more, Jim Hutchinson.

- [Kim] Zoning Planning Board of Appeals, Jim Hutchinson.

- So we have a motion from alderman Nicholson. Seconded by Alderperson Dorff to approve the appointments to the Ethics Board Redevelopment Authority and Zoning and Planning Commission Board of Appeals. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. Ayes have it. Those appointments' been approved, thank you.

- [Kim] Now new appointments for sustainability commission. Alderman Randy Scannell, SE Fels, Chase

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Highland, Stephanie Oritz, Debora Hutchinson, Seth Hoffmeister, and Mark Walter.

- Alright, so we have a motion by Alderman Nicholson, seconded by Alderperson Kathy Lefebvre. Any discussion here? Alright, I see no lights. All in favor of those new appointments, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. Ayes have it. And the new appointments for the sustainability commission have been confirmed. Thank you.

- [Kim] We're on to presentations. Anti-harassment training by Rick Bayer, CVMIC Director of Loss Control.

- So, we've done this before. As you know, CVMIC is our insurance carrier. And we need to be in compliance with them. Part of what they ask us to do is be trained on sexual harassment. Everybody here, with the exception of the council, has been in this room and been through that. We just need to do this this year. So I've scheduled this for the next three meetings. 20 minutes. Rick has a presentation. He'll take Q and A after. It's, pay attention. So much of this stuff, you can say well, this is common sense. But on the other hand, something that's good to be reminded of this. So Rick, we thank you for being here. We know we moved this date a couple of times. We look forward to this. We enjoy working with CVMIC and we want to be trained on the latest and greatest. So welcome.

- Thank you Mayor.

- [Mayor Schmitt] Use the mic.

- If you could just pull up the presentation.

- [Mayor Schmitt] Okay. And I have that mic on Rick if you want it. But it's up to you.

- [Rick] Do I need to use the mic?

- [Mayor Schmitt] I think it's a little easier. And it also gets recorded then if you use the mic.

- [Rick] That's fine. First of all, thank you mayor and thank you council for having me coming in and doing the training program. What I want to do is I want to provide you with a very quick background of CVMIC just so you know who we are. There are 48 cities in the state of Wisconsin that own our company. Green Bay is one of the owners. We provide for you your general liability, your auto liability, and public officials' liability insurance along with third part administration of your work comp claims, as well as your auto physical damage policies. There are also a variety of other coverages that CVMIC provides for our members on group purchase basis, like cyber liability, crime coverage and a variety of other programs. Our board of directors made a very conscious decision when they formed CVMIC that they wanted to prevent claims from occurring to the greatest extent possible. So we provide a lot of onsite service to our members. Last year, my staff was on site in Green Bay 31 times. The liability staff had 82 contacts with your organization. We did 28 on site programs to 827 of your employees. Along with that, 79 of your employees attended our regional training. I do a lot of regional training here at your police department. We found it to be a great site to host some of our programs. Along with that, 101 of your employees completed e-learning programs. We've got a big, large e-learning library for employees. They attended 14 of our live webinars. We also have a very large recorded webinar area that they attend. You received a \$10,000 grant from us for safety related kinds of needs. Along with that, we've provided, again free to our members, software platform called NEOGOV and Biddle Testing. So those are some of the services that you've received from us just in the last year. Over the last five years, your premiums have been reduced by dividends. And your dividends for the last five years have been somewhere between 45 and 55% of your premium. And that's helped to significantly reduce your cost with respect to your liability program. We also have a lot of other, what we call membership advantage programs. We've got a grant program. We've got the NEOGOV, battery shutoff switch. We have Narcan Program this year for police departments. There's a lot of things we've tried to do to give back to our members. And we've returned over \$3.6 million to our members in terms of services as well as dividends. You have a dedicated claims person who deals with your liability claims. You have a dedicated work comp person. You have a dedicated loss control staff member from my staff, as well as an employment practices liability specialist. And that circle gives you kind of an idea of the different things

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that the staff comes on site to do for your organization. So as I said, our board of directors really has been service conscious for our members. And they are looking to make sure that we provide you with the best risk management, safety, and employment practices, liability services that we can. Alright, that's the commercial. What I'd like to do now is talk a little bit about harassment law. So today's program is a shortened version of what we provide for both your supervisors and your employees. A little bit about me. I've been with CVMIC for 21 years. I am the director of loss control for CVMIC. Got a staff of 10 that work for me. Prior to joining CVMIC, I spent 20 years in the world of human resources. 18 for the city of Appleton just down the road from here, and two for Rock county. During that period of time, I've had ample opportunities to deal with problem situations including 12 harassment and discrimination investigations that I had to conduct. Where harassment or discrimination is going on, we often find out it's because people are simply not informed. We don't know what we don't know. And I see that as being detrimental. The reason we do this, and you're probably the 35th council I've been in front of in the last five years, is that when elected officials are informed, I think that goes a long way to protecting your city from potential claims. A little bit about the history of harassment law in case you're not aware. The 1964 Civil Rights Act was the first large piece of legislation that came out of the federal government. 1980, we saw the Equal Employment Opportunity Commission issue some guidelines on sexual harassment as part in a form of sex discrimination. During that year, there was one complaint made across this country. 1986, in 1986 we saw the Meritor Savings Bank versus Vinson case. In that case, a bank teller was required to have a sexual relationship with her manager to keep her job. She eventually quit, filed suit, and the Supreme Court determined that clearly the actions of that employer were against the 1964 Civil Rights Act. The year before, there had been 10 sexual harassment claims made in this country. After this decision, it went up to a thousand. 1991 Civil Rights Act made compensatory and punitive damages available as well as jury trials. And in a jury trial, who do you think wins more? The employee or the employer? Employee, absolutely. And we saw the number of complaints rise from 6,000 to almost 13,000. The next two, I'm gonna talk a little bit more in detail in just a couple of minutes. But the Supreme Court decision in Faragher versus the city of Boca Raton, and Burlington industries versus Ellerth established what's considered and called the Affirmative Defense for employers. And I'll cover that in a second. Along with that, the Handi Gadgets case created a new level of liability for employers in the state of Wisconsin based on supervisory conduct. And I will cover that, again, near the end of the presentation. So let's talk about what's going on across the country. In 2017, there were 84,000 claims of harassment and discrimination made across this country. And the settlements were \$355 million. The Equal Employment Opportunity Commission litigated only 201 of those complaints. And the payout there was 42.4 million. So that's 400 million, not including the cost incurred by a lot of the legal defense. There were 41,000 retaliation claims, and 26,978 harassment claims. And remember what I said earlier. In 1980, there was one. So there's been a lot that's going on during that period of time. Our 48 cities in the last 10 years have had 303 complaints filed against them. We currently have 18 open claims, 285 of them are settled. We have paid out just a little over \$5.4 million to settle those claims. Now, I want to explain. It looks like we're having a really good three year period. 2016, 17 and 18. And we hope that we'll continue to be good. But we still have 18 open claims. And I can't tell you what the final cost is gonna be for those three years. On a national level, you can see that retaliation represents almost 50% of all the claims made across this country. And that has substantially increased since 2011. And I'll cover why at the very end of the presentation when we talk about the Supreme Court decision that lowered the bar on retaliation claims. Along with retaliation, race, disability, sex and age are the top five claims that you see being made across this country today. This is our top 12 list. Those are the 12 most expensive claims that we've had to date. The \$462,000 claim, we won. That's what we paid our attorneys. The red numbers are those numbers which represent new claims. Consequences. What consequences does an employer face if found guilty? Back pay and front pay, and by the way, there are no caps on front pay. So assume for a moment that you have a 30 year old employee who has filed a complaint of harassment, cannot come back into the workplace and they're awarded front pay. Let's assume now they're 35. They're gonna retire at 65, so they get 35 years of pay at their current rate. That's front pay. Along with that, punitive and compensatory damages can be awarded both at a federal level and a state level. I've seen written apologies in newspapers. One employer was required to put an ad in the New York, New York Times. The whole middle, the whole two middle pages about their inappropriate conduct. Now I can't tell you what that cost. They had to do that for seven days. But I can tell you that when I put an ad in the LA Times in 1980 for a planning economic development coordinator cause we were having problems with recording it, this much was 3,000 bucks. So I'm guessing that that written apology was extremely expensive. Purging of personnel records. Attorney fees, and if we loose, we get to pay our attorney and their attorney. Along with court costs, make whole orders, and front page headlines. I want to share a little story with you in terms of front page headlines. We had a situation in one of our city fire departments years and years ago. It was not your department. Make that clear. But in that department, there were two employees, a white employee and a black employee. And they had nicknames for each other that were racial. And they were friends. And so when they were calling each other nicknames it was

because they were kidding. Move forward 10 years and these two employees are no longer friends. The white employee continues to use racial slurs against the black employee. The black employee stops, goes to his house captain and says I want this to stop. Nothing changed. He then files a suit. It gets into the court system. It's settled for a fairly large six figure settlement. And I was sent in to train all the employees in the fire department, which isn't uncommon when there's issues like this. I get done with one of my training sessions and one of the young firefighters came up to me and he said I want you to know something. He said, the majority of us in this fire department had nothing to do with what was going on. It was just a small handful. But this had been playing out on the front page of the newspaper now for almost a week. I've had my friends, I've had my neighbors, I've had my family call and ask me were you involved in that. He says and I told them no. He says, you know, I used to be proud to tell people that I was a firefighter in this department. Now I don't even want to tell them where I work. It's not just the embarrassment to the city. It is just an embarrassment to everybody that works for the city. And it has taken dramatic tolls on city employees across the state. I've done training in every one of our 48 cities. So I've had an opportunity to spend a lot of time talking to employees, supervisors, managers, directors and elected officials. This is an area that we simply want to make sure isn't going on in an organization. Now everyone in this room is protected under both federal and state laws. And on the next two slides I've got a listing of your protected classes. So under the 1964 Civil Rights Act, race, color, religion, national origin, and sex are all protected classes. Under state law, they have the same five, and they've added a few. Ancestry, age, creed, handicap, marital status, arrest conviction records, sexual orientation, sexual harassment, military service, use or non-use of lawful products off the employer's premises during non-working hours, unfair honesty testing, genetics, and declining to attend a meeting or participate in any communications about religious or political matters. So those are the protected classes with respect to discrimination and harassment at a federal and state level. And I should have said this to start with. If you have a question during the presentation, all you have to do is raise your hand and I'd be happy to stop. But I'm trying to meet your time restrictions. Alright, so what is and isn't harassment? To me, this is a pretty good list. First of all, harassment is deliberate, repeated behavior, unwelcome, not asked for, not returned. It's one sided. It causes and uncomfortable working environment. And it frequently makes someone feel intimidated. That to me kind of lays out a foundation. There are three forms of harassment in the state of Wisconsin. Not in all states, but in the state of Wisconsin there are three forms. The first one is quid-pro-quo. The next one is hostile work environment. Those are both under federal law. And the third one is harassment perpetrated by an agent or supervisor of the employer regardless of whether it creates a hostile working environment. And I'll cover that one in a little more detail in just a minute. So quid-pro-quo. You do something for me, or I will do something, and I will do something for you. Or if you don't do something for me, I will do something to you. And that's normally a power kind of situation. That's a situation where we've got a supervisor and we've got an employee. And when tangible adverse employment actions occur, which means I do a demotion, I take away pay, I give you all the crummy work assignments, that's quid-pro-quo. Hostile working environment. And I thought what I'd do is take this out of the 7th Circuit Court of Appeals decision in 2005. I thought it spelled it out well. Harassment must be both subjectively and objectively so severe or pervasive as to alter the conditions of her employment and create an abusive working environment. Consideration is given to the following circumstances. The frequency and severity of conduct, whether it is threatening or humiliating or merely offensive, and whether the harassment unreasonably interferes with the employee's work. Now I'm going to tell you that that's a relatively high bar. I have read hundreds of hostile work environment cases. And you would be shocked at what wasn't considered a hostile working environment based on conduct in the workplace. We're gonna get to the Sanderson case in just a minute. And that changes things dramatically. Alright, the 1998 Supreme Court decisions, *Boca Raton*, Florida and *Burlington Industries*. They gave us what's called the Affirmative Defense. The court holds the employer vicariously liable for supervisory conduct constituting sexual harassment when a tangible adverse employment action is taken. As I said earlier, we have no defense for you if you have a supervisor, a manager, a director doing this kind of stuff. We're just gonna end up in settlement mode. Absent a tangible adverse employment action, the employer can raise an Affirmative Defense comprised of two elements. The first one, the employer exercised reasonable care to prevent and correct promptly any sexual harassing behavior. What do you think we have to do to meet that one? This is the interactive part of the program. What do we have to do? Alright, so if we see it going on, we have to do an investigation. What else do we have to have in place? Alright, so there's got to be consequences if we find the harassment went on. But let's move it a little further up. What should we start with?

- [Woman] Policy and rule.

- [Rick] Absolutely, we've got to have a policy. That policy, by the way, has to allow for bypassing the harasser. So if the harasser happens to be my supervisor, the policy can't say I've got to go up the chain of command

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because that blocks my ability to report it. Along with that, what are we doing tonight? We're training. And so we've got to train employees. It's not enough to have the policy. Boca Raton had a policy and the male supervisors were sexually harassing the female lifeguards. And they paid huge money. They had a policy but they never trained on that policy. And it's not only training once. It's training and education. And that's an ongoing aspect. If we do those things, we can raise the affirmative defense for you which should get it dismissed early on. The second element within that is the plaintiff employee unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or avoid harm otherwise. So we have a young lady that walks into an employment area. She's dressed provocatively, miniskirt kind of thing. Not really business type of dress. She walks in and there's a group of other employees, other supervisors, and they're telling jokes. So she jumps in and starts telling these jokes with them. But, pretty soon they start teasing her about her appearance and the jokes turn on her. She eventually gets upset. She files a claim, gets to the courts. And the judge dismissed the case. Why? She participated. If you want to have a defense for harassment, then you need to follow your procedures and you've got to say no. You don't participate in this. And there's just story after story after story like that. So one of the things I tell employees, and I've trained literally thousands of employees across this state. What I tell them is we can have fun at work, but there is a line. And you've got to understand that there may be things you do at home or with your friends in the evening that's fun. You just can't do all of that here. And it's that plain and simple. And once we understand crossing that line can put your organization in jeopardy financially, that's where we need to go. Alright, so we've talked about policy that defines harassment, a complaint procedure, communications, training, education, investigation and prompt corrective action. The third form of harassment under Wisconsin state law is harassment perpetrated by an agent or supervisor of the employer regardless of whether it creates a hostile work environment. That's huge. Now, when this case came out, when the Handi gadgets came out, the first thing we did was to contact our attorneys and ask the question, tell us who an agent of the employer is. Are elected officials agents of the employer? And the answer is yes. And that's what really started my coming out and doing these presentations to our councils. It's because we need you to understand this court case. We need you to understand exactly what can happen at any level in your organization. So, the Sanderson case goes like this. The Commission decided that the affirmative defense under federal law does not shield employers from liability of claims of hostile work environment brought under the Wisconsin Fair Employment Act if perpetrated by an agent or supervisor. This is the latest out of the Wisconsin's Equal Rights Digest. I'm not gonna read it to you. It's in your handout. But this pretty much explains that if we have one offensive comment that could rise to the level of violation under state law. Now we've educated supervisors across the state of Wisconsin because we want them to understand that when you take on that supervisory role, you take on a new responsibility. And you become a higher level liability for your organization if your behavior isn't consistent with the law. So from my perspective, it's important for everybody to understand comments and our actions can create a problem for us. And state laws bar is much lower than the federal bar is. Retaliation, there's two types of retaliation which employees are protected from. First of all, opposing any practice made unlawful by anti-discrimination statutes and participating in the proceedings brought pursuant to the law. And employee who files a charge or an employee who participates in any way in the investigation is protected under the law. So there's a female employee working for an insurance company in the state of Wisconsin, not ours by the way. Actually, they got a really nice golf course, but I won't give you the name. And this insurance company's managers, one of the managers, the clerical employee goes to him and says I'm being harassed by my supervisor. The manager goes with the employee to human resource department to make a formal complaint. Move it forward a little bit, the get to the point of moving it to litigation. And the attorney for this insurance company brings the manager in and says your name is on her witness list. Why? And he said well, it's because I know what was going on. And I am a witness. And he said it's not in your best interest to be a witness. She wins her case. Six months later, he gets transferred from Wisconsin to Texas. Six months after that, he gets demoted. And six months after that, he gets terminated. And a year later, he picked up a check for \$1.2 million. It was the first whistleblower's case in the state of Wisconsin. It's not just people who are being harassed or discriminated against that are being protected. It's anybody else who's involved in the process, from witnesses to others. The scope of retaliation dramatically changed based on the Burlington Northern and Santa Fe Railroad case. What they basically said in this case was this. If the supervisor's actions would dissuade other employees from filing a complaint of harassment, those actions rise to the level of retaliation. Now remember when I told you, retaliation's gone from 37 to 48%. It's the number one cause of action against employers across this country. So we have two employees, a white employee and a black employee. The black employee trains the white employee to do a job. A few years later, they both up for a promotion. The white employee's promoted. The black employee files a discrimination suit. The employer won the discrimination suit. But this is what happened while that was going on. The supervisor got upset that the black employee filed a complaint and he brought all of his employees in and he told them I don't want you to talk to this employee. And by the way, I'm moving his office to the other

side of the plant. They win the discrimination suit and they lose a \$400,000 retaliation claim. So, I just want you to know the bar in this world as also dramatically dropped. Our commitment to your organization. We've created a model policy. You got a good policy. We conduct employment practices, liability training on site for supervisors every year. We try to provide harassment, anti-harassment training for employees every two to three years. And the other thing that we do differently than any other insurance company, we don't have to wait for a claim to be filed with us before we're willing to come in and help. And I've helped hundreds of situations with our members over the years that I've been with CVMIC that never got to be a complaint or a claim because we were able to resolve it at an early stage. And that's our commitment to you. Impact. If allowed to go on, harassment can have a devastating impact on an organization. Loss of morale. I saw the entire command staff of a police department leave, the entire command staff, because of the harassment situations that were going on in their organization. Reduced productivity and accidents, increased sick leave, higher health care premiums, turnover and difficulty attracting people. Even though you don't intend to harass someone, you must consider the impact of your behavior. When someone's disrespected in the workplace, how quickly do they get over that? I like the term, just short of never. They lay awake at night figuring out ways to get even. We can disagree on issues, but we don't have to disrespect the people we don't agree with. We can do it in a civil way. And that's where I've seen so many of these cases started with disagreements and then they got into discrimination or harassment. Respect to me in the workplace is critical. If harassment's going on, what should we be doing? We got to report it. We got to see that it stops. Don't be a bystander. Thank you. Any questions that you have?

- [Mayor Schmitt] Thank you Rick. Any questions on anything he talked about? I mean the first part was a little bit more about CVMIC and their role, but, harassment, were there any? We got two more of these sessions to do here to make sure that the council's, all staff is properly trained. Any questions for Rick? Thank you for coming up.

- [Rick] Thank you.

- [Mayor Schmitt] I will see you next month. Right.

- [Kim] We're on to public hearings, miscellaneous ordinance number two dash 18, and ordinance, an amendment to the smart girls 2022 comprehensive plan of the city of Green Bay to revise a land use of property located at 1003 Pine Street and 1000 Main Street for medium intensity retail office housing to commercial. General ordinance number 18-18, and ordinance amending creating sections of chapter 13, Green Bay Municipal code relating to the historic preservation of sites, structures, and districts, and zoning ordinance number 11-18, an ordinance creating a plan unit development overlay district for property located at 1060 Gray Court, and zoning ordinance number 12-18, an ordinance creating a planned unit development for the proposed residential development located in the 200 block of North Van Buren Street.

- Alright, so is there anyone here tonight who would like to comment on any of these four items as stated by the clerk? This is the public hearing on miscellaneous ordinance 218, and general ordinance 1818, zoning ordinance 1118, and 1218. Anyone wish to comment on any of these four? Anyone wishing to be heard? Alright, we'll let the record show no one came forward.

- [Kim] We're on to ordinance's third reading, suspension of the rules, take up items one through nine with the roll call vote.

- [Man] Sustained.

- Alright, there's a motion from Alderman Scannell.

- [Man] Second.

- Seconded by Alderman Steuer to suspend the rule so we can take all of these together. All in favor of suspension, please signify by saying aye.

- [Group] Aye.

- And those opposed, nay. The ayes have it. The rules are suspended. What are your wishes regarding these? Alright, there's a motion. Okay. So, we're gonna take that motion from you, Alderman Scannell, to now take up a Minutes of the Common Council

third reading ordinances, one through six, and item nine. There's a motion to adopt these. Seconded by Alderman Stevens. If you'd use the board up here. I'm not getting this. Because Alderman Nicholson, there's you. And Alderman Vander Leest, Alderman Nicholson. Alderman Nicholson, you have a vote.

- [Man] You're not voting?

- [Alderman Nicholson] What do I hit?

- [Mayor Schmitt] Great system Mark. Do you like the suspense? Actually, it's going to be unanimous. We just, can you guys just take it on a voice vote? Okay, alright. So Alderman Nicholson, alright, we got it. Thank you. So those items one through six, and item nine have been passed by the council on a unanimous vote. So let's go to item seven. What are your wishes regarding general ordinance 19-8, item seven under report? Is a motion to adopt, Alderman Scannell? Second by Alderman Stevens, Alderman Vander Leest.

- Thank you mayor, this is related, number seven is related to the registration fee.

- [Mayor Schmitt] Yes sir.

- \$20 extra for each vehicle. I'm not supporting that. I'll be a nay on that vote on number seven.

- [Mayor Schmitt] Alright.

- Thank you. If we want to get into number eight.

- Let's do seven now, and take these one at a time now. So this is, we're gonna vote now on item seven. Item seven is an ordinance creating the Green Bay municipal code, that's the municipal vehicle registration as the wheel tax. If you want to vote on this, please, item seven. Alright, that passes on a vote of 10 to two. Thank you. We're now on to item eight, which is general ordinance number 13-18. And that is an ordinance really with the name change to protection and policy committee. Alderman Vander Leest.

- Thank you mayor. I would just like to keep the word protection welfare in policy. I talked to our chairman, Mr. Scannell, and he said he was okay with that. He'd like to keep the protection of welfare part of it. In other words, keep the word welfare in there. I think it covers a lot of ground as far as people that are coming for our committee. I want to add just one word, welfare, and keep protection, and just add that one word. That's all.

- [Mayor Schmitt] Look, I'm gonna do whatever you want. I just, the welfare department was transferred over to the county a long time ago. And we never changed the name. But if you want that in there, that's fine alderman. I just want to tell you that that was the discussion and why that was moved out because we no longer have the food stamps. We no longer have the quotes, welfare program. But that's, I just want you to know why that recommendation was made.

- Okay. Well, if that's the case, then I'll rescind it and just keep it as is, as it's written. It depends on--

- [Mayor Schmitt] Look, we have a lot of responsibilities here, but they do over there too. And that's just one of them. But I'm gonna do whatever you want. But I just want to tell you that is the reason.

- Okay. Move along with that then.

- Okay. So with that item, eight is on the floor ready for a vote. And that's the name change to protection and policy committee. And if you use the board here. Alright, thank you. And that passes unanimously. Okay Kris.

- [Kris] We're now on to L, report of the redevelopment authority, August 14th, 2018.

- Alright, does a motion Alderman Scannell, and second Alderperson Dorff to approve the report of the redevelopment authority. And that was for the meeting held on August 14th. Any items in this report you wish to handle separately? Hearing on all in favor of that report, please signify by saying aye.

- [Group] Aye.

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- And those opposed, nays. The ayes have it. And that report's been approved.
- [Man] Mr. Mayor.
- Yes sir?
- [Man] I just have an extension
- Alright, we'll note that.
- [Kris] We're on to M, report of the improvement and service committee, July 30th, 2018.
- I'll entertain a motion by Alderman Scannell. Seconded by Alderman Wery to approve the report of the Improvement and Service Committee that was for the meeting held on July 30th. Any items in this report you wish to handle separately? Hearing none, all in favor of that report please signify by saying aye.
- [Group] Aye.
- And those opposed, nays. The ayes have it. And that report, item M, has been approved.
- [Kris] We're on to N, report of the Protection and Welfare Committee, August 13th, 2018.
- Alright, there's a motion by Alderman Scannell, seconded by Alderman Stevens to approve the report of the Protection and Welfare Committee for the meeting held on August 13th. Are there any items in this report, one through 16, that you'd like to handle separately? Item 10.
- [Woman] Item 14.
- And 14. Okay, so 10 was pulled by Alderman Scannell, 14 by Alderperson Dorff. Hearing none others, all in favor of the remainder of that report, please signify by saying aye.
- [Group] Aye.
- And those opposed, nays. The ayes have it. And all items have been approved with the exception of 10 and 14, which. What are your wishes regarding item 10? The motion to approve Alderman Scannell, second by Alderman Steuer. Alderman Scannell, hang on, let me get your light. Go ahead.
- Thank you, your honor. I know Mr. Hudson is here. And he would like to address the council. So I'd like to make a motion to open the floor.
- [Mayor Schmitt] Alright, so there's a motion by Alderman Scannell, seconded by Alderman Steuer, to open the floor to hear from interested parties. All in favor of that motion, please signify by saying aye.
- [Group] Aye.
- [Mayor Schmitt] And those opposed, nay. So we're discussing one of the report of the Protection and Welfare Committee, specifically item 10. Item 10 is to deny the appeal of Robert Hudson objecting to the decision that his dog was declared dangerous. I have two people who want to speak on that. We'll begin with you, Mr. Hudson, and you're followed by Brian Boshers, B-O-S-E-R-S. And here, I'd like to hold our comments to three minutes. So if you could, you'll have the floor. Let me get you miked up here. And if you just being by stating your name and address please.
- Yep, I'm Robert Hudson. Address is 1228 14th Ave, Green Bay, Wisconsin.
- [Mayor Schmitt] Alright, thanks.
- Good afternoon. I am here to inform you of new information in regards of my dog being deemed dangerous,

and also being blamed for, or accused for an attack of another dog. With the vet records, at this time I've requested numerous times to have the vet record released to me as I have had my dogs jaw measured to verify the bite marks, whether it was or wasn't my dog. Currently, the owner, Karen, is still refusing to release the vet records to me. At the Protection and Welfare meeting, officer Mavis also had photos that were not released to me. And when I spoke to Randy about it a day after, he said that's something I should have been aware of and had in my possession prior to the meeting. Also, at the Protection and Welfare meeting, Karen presented a petition that she had written up. She had a petition that stated the neighbors, after presenting details surrounding the attack. I went to the neighbors that she had listed on her petition of who signed of my dog being dangerous and feeling threatened. They all said the they gave her a verbal sob story of what happened to her attack, and there was no actual petition besides just a signature pad that they had signed. It was stated by several neighbors that only that agreed to sign the petition is basically for her to leave their property so she would move on. It should be noted also the properties that she had listed was on the backside of my property along Worts. Nothing attached or co-lines to my lot. I did draw up my own petition which I brought to the exact same neighbors, including the ones that she had, and had them sign verifying whether they did see the written petition, if they knew what they were signing for. I did receive most of them, did sign mine verifying that they didn't understand what they were truly signing for. I have drawn a map here for everyone here to see. The green square is where I currently reside, where I live. In the blue boxes are the residents that I had sign my petition, which I do have here, stating that they never once felt threatened of my dog, or have seen my dog running loose or at large. The red boxes that you see along Worts here and one on 14th Ave are the ones that signed her petition. I went to the ones with the stars along over here. The ones with the blue stars are the ones that signed my petition stating they didn't understand what they were truly signing. And they signed mine stating that they don't feel threatened or know what my dog, who my dog is or what he looks like. Also, with a witness, or Protection and Welfare meeting, they both, everyone has sworn under oath to tell the truth. They stated under oath that there was no dogs running around the neighborhood at large, which is false. I've seen numerous reports, and I also have a video of a stray dog running up and down our streets with no one around it. So it's basically unsupervised. I also have proof that, or they also said that it could have not been outside of his property--

- [Mayor Schmitt] Can you wrap it up?

- Yeah, due to him not walking Ozo and Snoopy along the streets. I do have a photo of him walking both dogs out on the streets, which does open up that may have been another dog. Also, I have taken the steps of precaution in which Randy did offer of putting up a six foot privacy fence, which would guard any accusing or anything with my dog, regarding my dog being dangerous to anyone else. We did buy the fence. We do have the fence. We are waiting on Digger's hotline to approve us the start digging. I still believe that my dog did not attack Snoopy. As yet to this day, I still have no veterinary report or proof besides Gene's word. And after hearing the lies of when he was under oath, I do believe that Gene is untrustworthy and that he is no longer both a credible witness to this case. Thank you.

- [Mayor Schmitt] Thank you. Question Brian. Alright, next we'll have Brian B-O-S-E-R-S, I think, and Danielle Lind-Paradise. Hi.

- Good evening. Brian Boshers.

- [Mayor Schmitt] Okay, thanks.

- 1117 Jaymar Street. As I had mentioned in the Wellness and Protection Committee, we have been were the dog has been residing since he's no longer welcome in Green Bay until this denial's been heard. He's been in our care for nearly as long as he's actually been at their residence. We have a fenced in yard. We're surrounded by many dogs on several sides. Dogs that come visit neighbors. We've not once had an issue with the dog attempting to get over the fence or even acting threatening towards the dogs through the fence. We currently have a dog he gets along very well with as well as small cats and children. We have seen no signs of aggression or viciousness from this dog. And again, he's been in our care for the last several weeks. And that's just as long as he's been living in Rob Hudson's neighborhood. So I find it hard to believe he would jump the fence there but not in our location.

- [Mayor Schmitt] Thank you. Okay, Danielle. Do you want to just come up to the podium and state your name and address.

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- Hi.

- [Mayor Schmitt] Hi.

- Danielle Lynd-Paradise. 222 Dushane Place, Green Bay, Wisconsin. I met Kane on August 23rd. I'm actually a certified dog trainer. I've been working with dogs for five years plus, plus many, many years working dog kennels. I have seen aggression dogs. I have seen dogs that shouldn't be around other dogs. I brought my own personal dog on August third to meet Kane for the very first time. He never once attacked my dog. He never once went after my dog. I have a two year old border collie shepherd mix named Jarvis. I went up to the fence with Jarvis to meet Kane to see if Kane would jump the fence to go after my dog. He did not. We were by the fence for about five, 10 minutes, had no issues. Then I had the owner of Kane, and I went for a walk. I had both dogs on opposite sides, brought them closely together slowly. No aggression. No issues. No problem. During our walk, we saw a small dog. He showed no aggression. He could care less about that dog. He cared more about going for a walk and having a good time with my dog than the dog that we saw on the corner of the street. Went back to where the dog is staying and Howard. My dog and him were off leash in the back yard. No issues, no aggression, no problems whatsoever. So personally, I don't understand why this dog is being accused of jumping a fence. He's in a four foot fence. He never once jumped it. Again, I've seen dogs over 10 years, 11 year plus. He never once jumped the fence when I was there during that timeframe. I was there about an hour and a half. No aggression, no issues, no problems. Thank you.

- [Mayor Schmitt] Alright, thank you. Then Gene Moss, if you'd like to speak.

- Gene Moss, 994 Ninth Street. I'd like to start off. I don't believe any gentleman would call anybody incompetent unless he could prove it. I am not incompetent. Secondly, I've got about 40 things but I can't give them all.

- [Mayor Schmitt] You've got about three minutes, so thank you.

- I never walked my dog in the driveway, in the road. The only time I walk him in the road, when I go for the curb. Like that. Or when I go see John who lives across the street from Robert. I walk across at an angle cause there's a driveway right there and there's no traffic to speak of. Okay, as far as Karen's other dog biting, doing all this damage, this dog weighs about 24, 25 pounds. Robert's dog, he told us when he came over the same night it happened that weighed 80 pounds. Now all of a sudden it's 67 pound, or 63, I guess it was. I wish I could loose weight like that. There's no way in heck that this dog, Cinnamon's his name, could possibly get his mouth over my black Chihuahua like he did. It come from the side. One of his incisors went in the back bone. The other one went into the bottom. That distance is about that far. It's a fat Chihuahua. Okay, can I tell you please how this all came about. My daughter had cancer. She was in Minnesota and they wanted her to be kind of a goodwill person. And she was on the way back. And she asked me if we'd take care of their three dogs. I said sure. So, they wanted to go in the back yard and potty. So for some reason, I don't know why, I followed them. Usually, I open the door. Dogs take off. They have a ball. This time I opened the door and I followed them. I guess about the middle of my yard, and I tuned like this, and here's this mastiff. Across the fence, I had to look back at my three. He's got his feet up on the fence. This much is above the fence. His elbows, if you want to call it that, are on the fence like this. I look back and here he's on this side of the fence. My side of the fence. First, he takes after Cinnamon. Cinnamon's faster, runs towards my house. Then he grabbed my black Chihuahua and I heard my Chihuahua screaming. So I ran over there, got them separated. That one, it ran towards my sun room. All of a sudden, I'm hearing another dog screaming. That's the one that got seriously hurt. He had it right by the throat. This mastiff had this dog right by the throat. If I wouldn't have walked outside with either one of these dogs, I'd have two dead dogs, maybe three. But I got him off my dog. Snoopy, who's a little Chichester. In fact he's so small, he walks underneath the other dog's belly. Anyway, so I get this mastiff off my daughter's snoopy, a little black and white one. He's screaming his head off. Likewise, my dog is also screaming it's head off in pain. So I get him off and I got a fence here, a wooden fence about four foot. That's mine. I got my back fence here. I got the dog cornered in here. I'm about this far up to the corner. I'm waving my arms like crazy cause the bigger you appear, the best defense you've got.

- [Mayor Schmitt] Right, Mr. Moss, you got another minute, so please--

- So I'm screaming at this dog to get over my fence. Get over, get over to where you belong. Get over where

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you belong. Get over where you belong. I turned around, put his paws up on the fence, took his hind feet, over the fence it went. I'm nine foot from it, don't tell me it didn't climb over this fence. I have never said it jumped over this fence. As a person with a knowing brain at all will tell you that a dog cannot jump over a four foot fence. I don't even think a deer could jump over a four foot fence. And can go on and on and on about things that were said that are untrue, but never got anybody anything. So, the first thing, back at the doctors, the vet knows the emergency hospital cause it was Sunday. And we were there four and a half hours. Got back. I sort around to my own house. The dogs got a tooth coming out of his throat.

- [Mayor Schmitt] Okay.

- I'm almost done, sir. Just give me a minute.

- [Mayor Schmitt] Well, yeah, it's fine. Over five minutes, I'm trying to be consistent so.

- Well anyway, this did happen. And I don't want this dog around. I've got one fence, a fence on all four of my sides of my yard. I don't need another fence. I will not allow another fence in my yard. Thank you.

- [Mayor Schmitt] Thank you sir.

- Any questions?

- [Mayor Schmitt] Alright, thank you.

- Thank you.

- [Mayor Schmitt] That's all I had for people who requested to speak. You want to come up to the podium and make a comment? Try about three minutes.

- Yes.

- [Mayor Schmitt] Alright, go ahead.

- My name is Kim Martinburg. I own the property at 1228 14th. I've owned it for 25 years. Here's my stack of complaints from Gene over all these 25 years that I have lived there complaining over dogs that I did not have, how they were running around neighbors' yards and defecating. He complained to the city when I was building my garage about using rotted woods and the building inspector came out. We were building it and he said what is this, and my dad said Douglas fir. And the building inspector said oh, this is perfect. This is more than what you needed and he left. So we have 25 years of Gene lying and turning us in for everything. I do have reports of Linda turning us in and saying that they complained about tree stumps growing through the fences and how I needed to take care of it. But it was fences on their yard. And then they also stated that I had abandoned my property several times. I was a single mom of four people working a job. I never abandoned my house. I lived there for 20 years. I've been renting it out for the past four. And I'm just tired of being harassed by Gene. And I would love to see these guys get their dog back. I've done research on this type of dog. It's a very mellow dog. Very nice. If you want copies of all this.

- [Mayor Schmitt] No. You can submit that to the clerk if you want it for the record.

- [Mayor Schmitt] Okay.

- I'm just saying, it's all copies. We've written it down. We have for the past 25 years, we have 14 printed pieces. We went through the dates and there's a lot of years that are missing too. There's at least a half a dozen complaints from Gene that are not in here. We had a house fire and he turned us in because there was stuff in our back yard. Well, we had the house fire. The fireman took stuff out. It was being rebuilt. And he turned us in for that. I don't want to keep any more of your time. Thank you so much.

- [Mayor Schmitt] Thank you for being here.

- Oh, and then we just don't get why he's not turning over the records from the vet too. Thank you for your time.

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- Is there anyone else that wanted to speak to this issue? Item 10, to deny the appeal of Robert Hudson?
Anyone else, anyone else wishing to speak?

- [Man] Motion to return to regular order.

- [Mayor Schmitt] Motion by Alderman Nicholson. Second by Alderman Scannell to return to regular order. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- [Mayor Schmitt] And those opposed, nays. Ayes have it. Alderman Scannell, you have the floor.

- Yes, thank you your honor. We went over this pretty thoroughly at committee. At committee, there was a possibility of a compromise where if Mr. Hudson paid the medical bills and put up a six foot fence, that he'd be able to keep his dog. But it would require everyone to be on board with that. And that is not the case. So at committee, I voted to deny his appeal. I appreciate his love for his dog. He's gone to great trouble and expense to defend himself. But there's no way I could look at Mr. Moss in the eye and say he's lying. I don't care what other issues surround him. In this particular issue, he's, it's pretty detailed. And there is nothing to directly counter his testimony. So I feel I have to respect him and his wishes as a victim. And so these cases are never fun. The dog, I'm sure, is a very lovable dog and many particulars, especially to the family, but, I'm going to stand with my original vote and deny the appeal. Thank you.

- [Mayor Schmitt] Thank you. Alderman Chris Wery.

- Thank you Mr. Mayor. I just wanted to mention that I represented Mr. Moss for 10 years when in was on council and had many frequent interactions with him. And it's been my experience that he's a gentleman of the first order. And he's very observant. Yes, he's very observant about his neighborhood and he's very tenacious about it. But I don't doubt a word he said. So I have no reason to go against what the committee did, which I'll follow. Thanks.

- [Mayor Schmitt] Thank you. Alderman. Next is Alderman Mark Steuer.

- Thank you your honor. I'm also on Protection and Welfare. There was an hour and a half or it seemed like it. It was a long process. I stated that this dog probably is great 99% of the time, but it's always that 1% that you have an issue with. And everybody was sworn to tell the truth. And now we have people accusing people of lying. So I, he said she said. We weren't there. We have to kind of understand that they swore to tell the truth. Mr. Moss was the only witness to this. And I'm having a hard time with that. But the fact that, I will ask this though, why can't Mr. Hudson see the vet or police records about the bite marks. I guess that would be my only question. If that were the case, we could look at it. I think the fact that he wanted a six foot fence, I mean that's all find and noble, but the fact that the neighbors don't want it. It's just a very, very difficult case. But I did vote to deny. So unless something else happens, I'm gonna stay with that. Thank you.

- [Mayor Schmitt] Thank you. Alderman Jesse Brunette.

- Yes, thank you Mayor. I did not see Officer Mavis here. I guess the question I would have for the police department is what is it that Office Mavis saw that would make this animal dangerous to the community.

- [Mayor Schmitt] Commander, can you comment on that?

- Certainly can. Our dangerous dog ordinance, all the criteria was met in this particular case. It's ordinance 8.105. Without provocation, and this is without provocation. The dog jumped over the fence. We have one eyewitness to this and that was Gene. The dog attacked all three dogs. And it fell within the ordinance and it was declared dangerous.

- [Jesse Brunette] Is there any behavioral assessment that the police department conducts to determine with their own eyes what this dog has done or will do?

- No, we don't do a behavioral assessment. We go on the assessment of what happened at that particular incident. It's an animal and we, even their own trainer came up and said they were with it an hour and a half and never saw anything. That's a small portion of time with that animal. We don't know what provoked it. And I guess we'll never know because the dog won't be able to tell us.

- [Jesse Brunette] Okay, thank you officer. That's it.

- [Mayor Schmitt] Alright. Alderman Bill Galvin.

- Thank you your honor. I don't know if anyone else received an email from the owner. Okay, she sent it to me alone so I don't know if she was just reaching out to me by mistake. I just want, the owner is not able to be here tonight otherwise she'd be able to give her, maybe she could answer some of those questions about why she's not letting him see the vet bill and things like that. Thank you.

- Thank you. Alderman Brian Johnson.

- These cases are never easy. I mean it's neighbor disputes, I think, are probably one of the most difficult things that any alder will have to address particularly when they're in your own district. And I think here, you know, what we have to do is evaluate kind of what the law is. And I think as it stands right now, the way that the law is written is that the dog has been declared dangerous. And I think there's been a lot of evidence to discuss other things related to this incident to try to discredit witnesses, to, to talk about things like petitions and whether the neighbors want the dog gone or whether they don't, whether they felt duped into a petition, whether they didn't feel that way. I think it's honestly at the end of the day, it's a bit irrelevant in that the ordinance is what it is. And here we have an instance where obviously an eyewitness who observed this in great detail, and I know that there's been discussion about the vet bills and why those haven't been released. Karen, who is the daughter, and who had their dogs at the place, did happen to send me a text late this afternoon sharing those bills indicating that if they need to be made available, that she did not have objection to those, objection to sharing those. And essentially what she indicated is, and I did review these, there's really nothing in there that would indicate the nature of the bite or what it done, and diagnostics at the time that the dog was brought to the vet that the diagnostics were declined. So I think their, I don't want to say refusal, but maybe their reluctance with releasing the vet bill was really nothing more than they didn't say anything other than this is how much you owe us. So I just kind of want to share that and be open with that. But I think my heart on this one is torn, but certainly I think go back again to what the rule of law is. And the rule of law is that the dog has been declared dangerous. And there is a citation to that end. And I think we do need to follow that.

- Alright, thank you. So that's it for lights. We'll use the board on this. This is to approve item, the motion in the second to approve item 10. Item 10 is to deny the appeal. So a yes vote denies the appeal that the dog was declared dangerous. So use the board to vote on this please. I guess we didn't need the board. Yeah, that was an unanimous vote. So the, yeah, the appeal's been denied. Council voted unanimously on that. We're gonna move on. Sorry. Say, just as a housekeeping thing, the two of you have wanted to speak and you were for item five. Mark Mruchi and Tarel Knight. That was approved, so there's really no reason for you to come here and speak unless you really feel like it. Alright, so I just wanted as a housekeeping thing. Some people wait and it's like where's my item. That was approved item five. I know you both wanted to speak on that. But that wasn't necessary and the council approved that. Okay, clerk.

- [Kim] We're on to 14.

- Yep, 14. And what are your wishes regarding item 14? So motion by Alderman Scannell. Seconded by Alderman Wery to approve item 14 under the report of the protection and welfare committee. Alderperson Dorff, I think you pulled that.

- I did. I'm just seeking some clarification. So what does the ethics ordinance cover? Is that ordinance 1.9? Is that what we're talking about? We're not talking about the code of conduct here.

- [Mayor Schmitt] Could I have our attorney comment on that?

- Yes.

- The ethics ordinance and the code of conduct are separate. If you guys felt that both needed to be sent to them, I'm not sure what their quote, if it covers both of them, but there's no problems with them to it.
- [Alderson Dorff] No, I just was curious as to what covers. So we're just talking about 1.9, the ethics.
- Okay.
- [Alderson Dorff] It doesn't say both in the agenda. It doesn't.
- We could just amend it to say ethics ordinance and code of conduct.
- [Mayor Schmitt] Are you okay with that? Alright. So you want to amend item 14 to approve submitting the questions legal department's refer to the ethics ordinance.
- [Alderson Dorff] I don't care to do that. I have more questions about it. But if someone else would like to amend that.
- [Mayor Schmitt] Alright, Alderman Scannell. We're on 14.
- We discussed both and it was to be for both. So I'd like to amend this to include the code of conduct. Amend it, and then refer the ethics ordinance and code of conduct to cityethics.org for review. Thank you.
- [Mayor Schmitt] I just want to get, is there a second on that amendment by Alderman Wery. I'll get back to you. Go ahead.
- Okay, I just wonder what authority the cityethics.org, what is the experience of cityethics.org?
- [Mayor Schmitt] Attorney Chavez, why don't you take that.
- Sure, so I actually reviewed their credentials. They are not licensed attorneys in the state of Wisconsin. They are attorneys who have done a lot of work in Florida. And what they have proposed to do is to do a review of the policy components of it and we would work with them to actually implement anything to insure it actually would be consistent with Wisconsin law.
- [Alderson Dorff] Okay. Thank you. That's all I have.
- [Mayor Schmitt] Dana. I'm learning too, Alderman Wery.
- Thank you Mr. Mayor. I would suggest if any alder people have any questions specific to the policy ordinance forward it to our city attorney and then we'll forward that over to city ethics. I know I've forwarded some emails on city ethics made it very clear that they just work on policy issues. They've done this a number of times. They're not familiar with Wisconsin state law and they would defer to our city attorney on that. So if we can tighten this up and find some things that we can improve on that other cities have already stumbled over, I think we'd be better. Thank you.
- Thank you. Alright, so we have two things on the floor. One is the amendment. So I'm gonna take that up first. There was a motion by Alderman Scannell, second Alderman Wery to amend item 14 for the ethics ordinance and code of conduct. So I'll take a voice vote on this. All in favor of that amendment, please signify by saying aye.
- [Group] Aye.
- And those opposed, nay. Alright, the motion to adopt is amended.
- [Man] Motion to adopt is amended.
- Alderman Scannell, seconded by Wery. If you use the board on this. It's item 14. Alright, that passes unanimously as well. Thank you.

- [Kim] We're on to O, report of the Protection and Welfare Committee granting operator licenses.
- Alright, there's a motion by Alderman Scannell, second by Alderperson Lefebvre to approve the report which grants the operating licenses. Are there any names under this report you wish to handle separately, abstain from, vote no on?
- [Man] I got a question.
- Alright, Alderman, hang on. Alderman Nicholson.
- When I was looking at the list of names there was a name, just DJ. Did anybody else notice that? Can you just have, I don't know, is that an initials or is that a real name? I'm just curious.
- [Kim] When it goes to, when we get those, it does go to PD with a driver's license. So they do the background check by that.
- Thank you.
- Alright, that's all I have.
- Alright, thank you. Go ahead.
- I need to abstain from Samantha Moss as she directly reports to me.
- Alright. So with that, does the motion to second to approve item O. All in favor, please signify by saying aye.
- [Group] Aye.
- And those opposed, nays. Ayes have it with the abstention noted by Alderman Johnson.
- [Kim] We're now on to P, report of the Personnel Committee, August 14th, 2018.
- Alright, there's a motion by Alderman Nicholson, second by Alderman Scannell to approve the report of the Protection and Welfare Committee for the meeting held on August, I'm sorry. The Personnel Committee held on, thank you, August 14th. Any items in this report you wish to handle separately? Item one. Is that Alderman Brunette? Okay, item one was pulled by Alderman Brunette. Item seven by Alderman Scannell. Hearing none others, all in favor of the remainder of that report please signify by saying aye.
- [Group] Aye.
- And those opposed, nays. The ayes have it. All the items have been approved with the exception of item one and seven. What are your wishes regarding item one?
- [Alderman Brunette] Motion to approve.
- So motion to approve by Alderman Scannell. Second by Alderman Stevens. Alderman Scannell, I mean Alderman Brunette.
- I would just like to be noted as abstaining from the vote.
- Okay. Let me just see if there's anybody else.
- [Man] Speak on number seven as well.
- Yeah, we'll get to you.
- [Man] Excuse me. When we abstain, are we supposed to give a reason why we're abstaining?

- [Kim] We, in the past, have asked for reasons why. But we can't actually require a reason why.
- [Alderman Brunette] That's fine. Thank you Alderman Galvin. I forgot to state a reason another time I abstained. And I don't like doing that. So the reason I'm abstaining from this particular vote is my employer is, my wife's employer is
- Okay. So with that, there's a motion, second to improve item one. All in favor of that motion, please signify by saying aye. And those opposed, nays. The ayes have it. Item one has been approved. We're now on to item seven. What are your wishes regarding item seven.
- [Woman] To approve.
- Motion to approve by Alderperson Dorff. Second by Alderman Scannell. Yeah, yeah. Just hit the light. We got a few of you that want to speak on this. We will begin with Alderman Randy Scannell.
- Thank you your honor. I don't approve of term limits, but I certainly approve of the democratic process and democracy. And this is certainly an issue that has been around long enough that I have no problem advancing this on to the ballot and having a discussion and having the voters decide. So I do support it even though I don't support term limits. But I would like to amend it. It seems to me that as a proposal coming from us, it doesn't seem fair that we don't include ourselves. I mean it seems to me that if this is a good idea, it's a good idea and it should be effective immediately and it should include ourselves. And I think that also as far as coming to the voters, makes it more real than just an idea that this is going to take effect on the road. It makes people consider, well this is going to be effective now and there are consequences now. And I think that's a good thing to add to the discussion and debate, a good thing to realize. So I would like to amend the item to, I'd like to strike beginning with the 2019 election, and put in beginning retroactively.
- [Mayor Schmitt] Say beginning with the 2007 election.
- Huh?
- [Mayor Schmitt] That's 12.
- 12.
- [Mayor Schmitt] Well, okay, you want to go retro. I'm saying well, anybody who was here in 2007 and they've been here for 12 years, it's 2019, you know, really, you and I are signing our death certificates here.
- I don't know about any municipal court judges. I don't know how long they've been on the bench.
- [Mayor Schmitt] Tell you what, you word it. But you want to go retro if someone's been here for 12 years is not gonna run again. So you word it.
- I think, well, we could say beginning with, well what if they were elected before two tho-- it would be retroactive to. I think if we just put retroactively, doesn't that cover it. Does it need to be--
- [Woman] You could say
- Okay, let's include To include, okay. So beginning with current terms.
- [Mayor Schmitt] That says that. Beginning with current terms, and for all elections thereafter, shall the total length of service for the position of mayoral, be limited so that no person's elected consecutive terms more than 12 years. So beginning with current terms. Does current mean 2007?
- [Woman] I would beginning with And add including current terms.
- [Mayor Schmitt] Tell me that again.

- [Woman] So agree No person may be elected to consecutive terms totaling more than 12 years, including current terms.

- Okay.

- [Mayor Schmitt] Is that it?

- Yep. That'll do.

- [Mayor Schmitt] Alright, so there's a motion.

- Yeah, thank you.

- [Mayor Schmitt] On the floor by Alderman Scannell stated by the attorney that it begins with shall and ends with including current terms. So is there a second on that? That motion fails for the lack of a second. We're back to the original motion. Alderman Scannell, you still have the floor. Are you done?

- I'll defer for the rest of, I may come back depending upon how the discussion goes. But I think I'm done for now.

- [Mayor Schmitt] Thank you. Alderman John Vander Leest.

- Thank you, mayor. I'm not in favor of, I think every time the citizens go to the ballot box, they have the opportunity to reinstate you or remove you. And it think that that's fine with me. And my thoughts are that we don't need any dictation of so many years. Some people get started. And after a few years, it takes them a few years just to get the just of what takes place in city government. So I feel that ballot box is where the moving forward or being removed, that's where it begins and starts. Thank you. Excuse me, begins and ends. Thank you.

- [Mayor Schmitt] Alderman Chris Wery.

- Thank you, Mr. Mayor. I had some brief points that I put together for the committee and I'll repeat those now. I think this is a solution looking for a problem. Turnover's not an issue on the Green Bay City Council. Look around. Currently, our council breakdown experience is we have five people with zero years experience, three who've had two years, one with four, one with six, and two over 12. So three fourths of our council have four years or less experience. I don't see an issue. It's not like we have six, eight, 10 people here who have been here forever. So the arguments that incumbency is some great benefit, I think at the city council level is greatly overrated. If you don't do your job, you're gone. Number two, it's very undemocratic. Removing a voter's choice is not democratic and it's insulting to the voters. This is exactly telling people who they cannot vote for. Someone's doing really well for your district and you like them, you can't vote for them anymore. It's also kind of, I call it the Zima factor. Representatives from other districts cannot be reached through ordinary city wide voting, but they can be reached through term limits. The majority is imposing a limit on the minority. If some districts have long serving alderman that the rest of the city doesn't really care for, this is one way to supersede the voters of any given district. It's the city telling districts they know what's best for them. Three, new is not always better. It can be. I've seen many, many, many new alder people come through here, some are raring to go, fresh ideas. They really have the best interest in the city. Some come in and they just, they don't pan out. And they're definitely not better. So, do we want just new people, new faces, or do we want people who have proven they've done the job, or have the excitement about it. Number four, benefits of experience. Many long term elected officials maintain their passion and vision. I think everyone would agree that our mayor in his fourth term has had plenty of ideas and passion in these past four years. Are we saying that his last term really was wasted? I think he brought forward a lot of interesting initiatives. Longterm representatives build relationships with decision makers. They know the ins and outs of government. They know the history of issues. I don't know how many times through my tenure we've turned to Alder Neneg or Alder Zima or Alderman Tyson, people who've been here 20, 30 years and they can well, this is the way we've done it. And no one else knew anything about them. We need a blend of experience and new blood. So I would ask that we say no to this, and it's actually this mayor driven referendum, and it should be worded as that. That's where it came from. It should be a citizen driven initiative. I don't see a great ground swell from this in the community, people demanding this, demanding that they're up in arms that we have to have it. I haven't, haven't seen that at all. It's come from one

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place. So, I remember back on the removal vote for the mayor, we had a couple alder people say that we shouldn't be voting on this. This really should be driven by the people. If they want it, they should go out and raise the signatures and put it on the ballot. Same should be here. They have that avenue. If they want to put it on the ballot, go out and get the signatures and put it on. Thanks.

- [Mayor Schmitt] Thank you. Alderman Galvin.

- Thank you, your honor. I've listened to Chris, read some of the articles you've sent me, and I find compelling arguments to vote against term limits. At the same time, I've heard some other very good, compelling arguments to vote for term limits. I've had two constituents reach out to me. They're in favor of term limits. But that's it. I've only had two. And we've had a lot of other issues before council where I've had a lot more input from people. Like I said, I'm on the fence. I'm gonna support the referendum. And we'll let the voters decide. It's their democratic process. I think if they want term limits, then they should have it. Thank you.

- [Mayor Schmitt] Thank you. Alderperson Lefebvre.

- I'm not gonna support this one here. I believe in referendums, but I believe that the people need to, those who are pushing who want this, they need to come forward with signatures. I was involved with move to amend and we got our signatures. I forgot how many thousands we had to get. It took us months. We worked diligently on this to get the signatures. We presented it to the council, reasons why and who signed. It was a non-partisan issue. It was overwhelmingly people, everybody said oh yes, yes, we believe in this. And we presented it and the council then approved, put it on the ballot, and it passed. So that was a real good one that was done. Now I would like to see the citizens to come forward with the petition with the required number of signatures, then I will vote for it. Thank you.

- [Mayor Schmitt] Thank you alderperson. Alderman Brian Johnson.

- Question for legal. Vanessa, to your knowledge is initiative and referendum allowed in the state of Wisconsin?

- [Vanessa] Yes.

- Meaning that they can put it directly on the ballot and it doesn't just get referred back to council to decide if it goes on the ballot?

- [Vanessa] That's correct.

- Okay. So I guess a couple, and the other question that I have is should this pass, do the rules still rest with council in terms of deciding what the terms could be, meaning that if this council wanted to decide that the length of terms, could that be altered later?

- [Vanessa] Yes.

- So changing council to two or to a three or four year term, or the mayor to a two year term, and we have that flexibility to do that?

- [Vanessa] Correct. It would just be limiting it to the total number of 12 years.

- Okay. Okay, so a couple things. I mean, you know, I couldn't agree, I mean I agree with alder Wery when he says new is not better. The way that this charter ordinance is written however is it doesn't inhibit an individual from running again. And so I think that's important is that if the new comes in is not better, certainly you can run again and replace that person if there voters were to have you there. And the fact that it's undemocratic, I would ask what's more democratic than a referendum and asking the people what they want. So I am gonna support this because I do believe in people's choice and their right to be able to choose how they want to impose, I guess the rules within the council that's elected to represent them. With that in mind though, I would like to propose an amendment to this ordinance as it exists. Specifically, I would move to amend to eliminate the municipal court judge. And the reason that I would do that is because that particular position requires a different set of skills. It's judicial in nature. Again, requires a different set of skills versus a legislative or an executive level position that just, again, it doesn't require the same set of skills.

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- [Woman] I'll second that.

- [Mayor Schmitt] Alright. So that's what's on the floor right now. We have a motion and a second to strike municipal court judge on item seven. Anything else alderman?

- No.

- [Mayor Schmitt] Okay, that's what's on the floor right now is the amendment. Alderman Scannell.

- Yes, I don't support that amendment. I do agree it's a little different and I do think it's a little unfortunate that they're not really part of this process. We're kind of making things for them, making judgements for them. But if 12 years is, if that's what people think is a good thing, that term limits is a good thing, I believe it's a good thing across the board, including the judges. The skillset may be different, but the principle's the same in that you don't want somebody sitting there for too long. Like I said, I disagree with term limits. I think there's plenty good arguments against it. But I do believe that this process is democratic. I mean this country, from it's founding fathers, have had term limits for the presidency, both as a convention and after FDR, it was quotted into law. I disagree with that, but again, that's our democracy. That's the way it is. And there's been talk for decades about term limits for other offices. So I don't think this is coming out of the blue. I do agree it doesn't seem to be a big groundswell for this. I think it's an issue a lot of people are interested in. I've always been interested in, and I have no problem advancing it and having the discussion. But I, I think without having heard from the municipal court judges, I'd be loath to pull them out. I think if we're gonna do term limits, we should do term limits and they should be included, thank you.

- I'm going to convey to you what the judge told me. He supports this. I talked to him today. I talked to the judge today. He read the resolution, the issue to him. He supports it. He was at my State of the City, so he didn't know it was coming up tonight, but he supports it. I talked to Judge Hansen today. Anyway, this is on the amendment. Alderman Wery. It's on the amendment, striking the municipal judge. You're good? Alderman Vander Leest, you want to speak on striking the judge? No, okay. I want to handle this. So there's a motion and a second to remove the word municipal court judge from item seven. Could you use a yes vote would remove it. A no vote keeps it there. Please use the board. A yes vote removes municipal court judge. A no vote, it stays in the motion. Okay. So that's a tie vote. Did I count that right? Six to six. As chair, I vote no. So the municipal court judge stays in item seven. So we're back to the original motion on the floor. Alderman Jon Vander Leest, did you want to speak again to this? Nope. Alderperson Barb Dorff.

- [Man] I got a question.

- Yep.

- [Man] Could you just repeat that again.

- [Mayor Schmitt] Well item seven talks about referendums for 12, to hold the length of service for 12 years. It would be for the executive branch, which is me, the legislative branch, which is you. Yeah, I want to explain it. And the municipal judge is in there as well. So no one would serve more than 12 consecutive years. There was a motion and a second to remove the municipal judge from the original motion. That motion failed so we're back to the original motion which is the 12 years of service for executive, legislative and judicial. What did you just, Alderperson Dorff.

- Thank you, your honor. So I've already said most of what I want to say. I do want to remind us all that on April 4th, 1995, 15,000 citizens voted yes to in an advisory ballot to limit the terms, and that was only to two consecutive four year terms. And the alder person to three consecutive two year terms. But 15,000 citizens voted yes and 8580 voted no. So this has been around for a long time. This didn't just come out of the blue. I think there are a lot of good reasons and I think we've heard most of them already. I don't need to repeat them, but I'm definitely in favor of putting this binding referendum to a vote by the citizenry, by the voters of the city of Green Bay and seeing what their wishes are. Thank you.

- [Mayor Schmitt] Thank you. Alderperson Jesse Brunette.

- Yes, thank you, Mr. Mayor. I like the idea for term limits on federal positions, state positions where you have political parties that have made a mess of our governments on those two levels. On the local level, I don't see the threat for long term public servants because that's more what I think we are, public servants. I don't think that we're a political bunch. I do think that political parties, special interests groups, people who write big campaign checks have infiltrated local politics. I think that would be much more of a threat to our democracy and the efficient operation of our government and keeping competitive races more so than long term public servants. Because I see this body and the county board as non-partisan public servants. I know not enough about the third district, or the first district, or the 10th district for me to be as arrogant to suggest that I think that I should vote on limiting the candidates that those voters, and residents, and tax payers have to choose from. If they're happy with their alderperson, they should be able to vote them back in. Simple as that. I think term limits are very effective on the state or federal level. That'll never happen. We think we're gonna have this groundswell, this grassroots thing where we impose it on a local level. And it will go up to the ladder to the state and federal level. I've grown much too cynical to ever think that that could happen. So for the local level, I'm gonna try to make these races, any race that I'm involved in so that the average person who's not politically connected, that doesn't accept endorsements from special interests groups or people who write campaign checks, that's all nonsense. I mean really that's the biggest threat than someone who has the heart and desire and time and passion to serve their community and all in a position that we all know is very difficult to attain, and very difficult to retain. Lazy alders do not get reelected. Lazy alders who don't campaign very well don't get reelected. That's just my experience. I've been following local politics. I've been involved. I was able to defeat some longterm incumbents and in this race, there were four of us who ran. And I wouldn't be sitting right here if I didn't work hard and have a passion. And that's something I'm gonna carry on. So, I like the idea, just on the local level, like Alder Chris Wery said, I think it's, it's a solution looking for a problem. Thank you.

- [Mayor Schmitt] Thank you. Alderperson Lefebvre.

- If this council votes to go ahead with referendum, I would like to make a request that it not be on the fall election. That it be on the next spring because that's when all these positions are usually on the spring election. And because there might be a confusion as

- [Alderman Brunette] Brunette.

- Yeah. As he mentioned that people might think that this goes up to the state and the federal. Sometimes people don't read things properly. You know, they'll quick read it and say oh yeah, term limits. Yeah. And they might confuse it. So I would like it to be on the spring election. Thank you.

- [Mayor Schmitt] Alderman Mark Steuer. Hang on. Alderman Mark Steuer.

- Thank you your honor. When I hear the word term limits or term term limits, I always think of probably the federal government more so. I mean as we grew up over time, when you look at politics, you look at people that have been in office 10, 20, 30, 40 years. They have large PACs. They have large amounts of money, that type of thing. I kind of defer a little bit to what Alderman Brunette said about the fact that we're local. Granted, we are politicians, but the bottom line is it's the ballot box that takes care of that. If you work hard, I ran against an incumbent as well. I walked a lot of miles, knocked on a lot of doors. I think that is the bottom line. Let the voters decide. I realize you're talking about a referendum. There may be some folks that are well versed in this and maybe others that are not. I think the ultimate test here is the vote, the voting booth. I concur with alders Brunette and Wery on this. Thank you.

- [Mayor Schmitt] Alright. Use the board. This is item seven. It's to put together a binding referendum beginning with the 2019 election for all elections thereafter, length of service, mayor, alderperson, municipal court judge should be limited so no person may be elected to consecutive terms more than 12 years. Alright. The vote on item seven is tied at six to six. As chair, I'm gonna cast a vote affirmative so that passes on a vote of seven to six.

- [Man] Question.

- [Mayor Schmitt] Yep. Good, hang on, go ahead.

- I would ask then that we hold this item until we receive an opinion from the Wisconsin Department of Justice
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regarding open meetings violations and walking quorums. We've received notice that members of the city council can't meet with each other individually because we're going to be voting on items. Now, it's well known, at least to me and other people that the mayor, by state law, is a member of our city council. It's the 13th member, and has voting privileges as we just saw, and therefore should be held to the same standards. And many other states put this right in their, their statutes. Now ours has been silent on it so far. I have messages into league of municipalities and I spoke verbally with the Department of Justice. While they concur verbally, they need a written request. Now I know on a lot of issues recently, and especially on this item, many people spoke to you by phone and came in. And so I think that's a violation of the open meeting violation.

- [Mayor Schmitt] So my State of the City is a violation?

- Mr. Mayor, you're not here to debate. Also in our ordinances, if you want to debate, you have to step down by our ordinance. Do not debate me. Do not interrupt me.

- [Mayor Schmitt] I'm not debating you, but I'm telling you that--

- I did not ask you a question, Mr. Mayor.

- [Mayor Schmitt] So that we can get this on the ballot--

- I did not ask you a question.

- [Mayor Schmitt] Alright.

- Okay. Don't interrupt me, alright. Don't interrupt.

- [Mayor Schmitt] You didn't win.

- Who didn't win?

- [Mayor Schmitt] You.

- I didn't win?

- [Mayor Schmitt] Now, I mean come on. Now you're calling for some opinion.

- So you just told me I didn't win.

- [Mayor Schmitt] Right, you're mad. And now you--

- No.

- [Mayor Schmitt] Go ahead.

- Usually you reserve those comments for Alderman Zima, but he's not here, so I guess I get them. The point is when you have people in one at a time, such as when if we would do it as council members, we could persuade people whatever it took. You know each person's personality. You know what it'll take, the soft sell, the hard sell, whatever you need to get your six votes, or seven if it's an alderman. That's why it's not allowed. Those discussions need to be held in public forum so everybody can see it, not behind closed doors. That's the reason for it. So I'm challenging your vote.

- Okay. Anyone else? Oh no, I'm not changing it. I mean that State of the City, everybody knows I'm in favor of term limits. I just explained my position again like I do on a lot of things. Alright, are we moving on? Let's continue.

- [Kim] We're now on to Q, report of the Planned Commission, August 13th, 2018.

- There's a motion by Alderman Nicholson, seconded by Alderman Scannell to approve the report of the Minutes of the Common Council

Planned Commission for the meeting held on August 13th. Are there any items in this report you wish to handle separately?

- [Woman] One.

- Item one.

- [Man] Two.

- Two. Corpus-Dax said pull it? Okay. Alright, hearing none others, all in favor of the remainder of the report, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. So report Q has been approved with the exceptions of item one and two. What are your wishes regarding item one? Is the motion to approve by Alderperson Corpus-Dax, seconded by Alderman Scannell. Alderperson Corpus-Dax.

- I believe there is representation on the seller's behalf here that would like to speak. I just wanted a motion to open the floor.

- [Woman] Second.

- So we have a motion by Alderperson Corpus-Dax, seconded by Alderperson Dorff to open the floor to hear from interested parties. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. The ayes have it. The council's now discussing a report of the Planned Commission, specifically item one. That was to deny the request to amend the city of Green Bay Smart Growth comprehensive plan for the properties located at 3400, 3500 block of East Mason Street from commercial to business park land use. Anyone here tonight who'd like to speak to that specific item? Anyone wishing to speak to that item? Sir, if you want to just come up. State your name and address for the record. Yeah. Except items one and two. Hi.

- Hi, my name's Road right across from the number one. I've lived there for 40 years. And we don't need any more big buildings and trucks out there. We have trucks going seven days a week now across the street on East Mason. And that's enough. And the staff commission recommended denying it. The committee recommended too, so. That's it.

- [Mayor Schmitt] Are you in, you're then in support of--

- Yes, denial.

- [Mayor Schmitt] Okay. Alright, thank you, sir. Any questions for this. Alright, thank you. Anyone else wish to speak to this? Okay, I'll entertain a motion to return to regular order.

- [Alderman Scannell] Motion to return to regular order.

- [Mayor Schmitt] By Alderman Scannell, second by Alderman Steuer. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. The ayes have it. We're back in regular session. Alderperson Corpus-Dax, you have the floor.

- Just looking to, yeah, move to approve. I thought the, the representation for the sellers were here and had

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asked to have the item pulled. So that's why I pulled it.

- [Mayor Schmitt] Okay.

- But they're not here.

- Alright. So we have a motion by you. Seconded by Alderperson Dorff to approve item one, which is the denial of the request. Any other discussion here? Okay, seeing no other lights, all in favor of that item one, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. The ayes have it. And item one has been approved. We're now on to item two. Item two is to deny the request to amend the city of Green Bay smart growth plan. The property is located at 1600 block West Mason Street from low density housing to commercial use. What are your wishes regarding this report? Is a motion to approve Alderman Scannell, second by Alderperson Lefebvre. Alderman Vander Leest.

- Thank you, mayor. I'd like to make a motion to open the floor for an interested party to speak.

- [Mayor Schmitt] Alright, so we have a motion by Alderman Vander Leest, second by Alderman Brunette to open the floor to hear from interested parties. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- [Mayor Schmitt] And those opposed, nay. The council's now discussing, again, the report of the Planning Commission, specifically item two. Item two is to deny the request to amend the smart growth plan. This is for the property located on the 1600 block of West Mason Street from low density housing to commercial land use. This is the Arbys property? Anyone here who wants to speak to that specific item? If you just want to queue up behind the podium. Anyone want to speak to that tonight? Anyone wishing to be heard? Oh here, here, what I ask if you would just come up to the podium and let us know your thoughts. I do have some people who asked to speak to this. Is Richard Toth here? T-O-T-H. Oh, why don't you come on up here, Richard. You want to say something about this? Oh, you did. You're right, you're right. Your wife is here as well. And Mary Mathys is here and didn't want to speak. Audrey Coles here, didn't want to speak. But, Candace Cole does want to speak.

- [Candace Cole] Hi, that's me.

- [Mayor Schmitt] Right.

- My name is Candace Cole. I live at 1650 Burt Street. I am here to oppose the Arbys change. I've lived in that neighborhood. Well first of all, I'm a teacher in the Green Bay City Schools and I've noticed a lot of families moving out of the Green Bay area to surrounding areas such as Howard-Suamico, Ashwaubenon, East and West Peer. So we're loosing a lot of families. This neighborhood that I currently live in, I was born and raised in that neighborhood. My mother, who is 83, still lives in the same house I was born and raised in for 62 years. Many of the neighbors have been there. That neighborhood started 65 years ago. And at that time, it was a very rural setting. Obviously we are now in the midst of a you know, a more urban setting. But we have neighborhoods there, neighbors who have been there over 60 years. This is a small neighborhood, all single residents owned by the original owner or perhaps second or third owner. But they're all owner occupied. It's a very quaint neighborhood. There's one entrance and one exit in and out of the neighborhood. We have generations living in this neighborhood, grandparents, siblings, cousins. When somebody moves out, one of their siblings takes over that home or somebody else in the family. So this is one of those few neighborhoods left in the city of Green Bay that I think that we should be fighting to keep. One of the current problems there is traffic. There's an inadequate way of getting in and out. If you want to get out of that neighborhood and go right or head east onto Mason Street, you can take the right turn. But if you want to exit and go left, or west on to Mason street, it's a long, long wait.

- [Mayor Schmitt] Another minute.

- Well, I'm the only one. So I was there this morning. I took lots of photographs. To get out on to Mason Street,

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there was an elderly man crossing the road. The green light gave him three seconds to cross. He only made it to the meridian, and then the light changed and traffic moved. So I sat and documented. It takes four minutes wait to get out on to Mason Street. We've complained to the city numerous times about getting that changed. So building an Arbys there would not be in the best interest of our residents there. The original zoning was for single and multi family. When we went to the council, the city planning, they denied Arbys request. I think the families in this neighborhood are much more valuable, an asset to the city than Arbys who is owned by a man that lives in Ohio. And the woman who owns those homes lives in Oak Creek. So none of them have a vested interest in this community. I, and all of those people in the back row are here because they don't want to see their neighborhood changed. We took a look at Arbys today. I took photographs. They have promised to do some things if we give them this land, or if they're allowed to purchase this land. I went there and took photographs. There's potholes in their current parking lot. They have dumpsters outside of their fenced in area. One of their fences has a hole in it, about four feet in diameter. Obviously if they're not gonna take care of their current property, they're not gonna keep the privacy in this quaint neighborhood.

- [Mayor Schmitt] Alright.

- It's what we deserve.

- [Mayor Schmitt] Thank you. Alright, Lynn Duine.

- [Woman] Mr. Mayor.

- [Mayor Schmitt] Yes.

- [Woman] Can I ask a question.

- [Mayor Schmitt] Oh, sure. Hang on. Candace, Alderperson Dorff.

- Yes. Thank you Candace. And thank you. I watched the Planning Commission and I heard all of the arguments. And I'm just wondering if you are aware that Arbys has decided to stop pursuing this site given the negative reaction at the Planning Commission last month.

- No, we're all here because we were called. And all of those people in the back row have been here for over two hours.

- [Alderperson Dorff] I was given this information via an email, and I just happened to look at my email. And I thought perhaps it might be something that you would be interested in.

- Of course we'd be interested.

- [Mayor Schmitt] Alright, thank you. Alright, Lind, is it Linda Wine or Linda Twine on Mason Street. Did you want to speak? It said you would like to speak. Okay, is Tim Matthews here? Tom Matthews?

- [Tom Matthews] Yes.

- [Mayor Schmitt] Okay, sir, if you'd like to come up to the podium. That's all I had. And after him, anyone else who wants to speak to this item is more than welcome.

- Good evening. My name's Tom Thice. I reside at 801 Mitchell Street. I've lived there for 25 years. And that is the intersection where Arbys was going to put the exit. I'm completely against rezoning it to any kind of light industrial, light commercial whatever. Leave it light housing simply because it's gonna be a traffic mess no matter what is built there. There's three houses, or I should say, yeah, three houses there. And an apartment that's on the corner that's really on Mitchell Street. They, the traffic issues that we're gonna have no matter what's put there. So I'm against rezoning it at all because I know what's gonna happen. When she said that there is one way in and one way out. That's one street, Mitchell Street, that's the only way in and out of that cul de sac. And to have an entrance of any kind on there is gonna be a traffic problem. We have a fire department. Firemens park. It's in and out of there. The fire trucks come back that way up Mitchell Street ever time they go out, and it's very often. So any kind of development there is gonna be bad.

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- [Mayor Schmitt] Alright.
- Thank you.
- [Mayor Schmitt] Thank you, sir. Anyone else wishing to speak to this item? This whole Arbys thing on Mason Street? Anyone else want to comment on that? Anybody else, anybody else? Okay.
- [Man] Motion to return to regular--
- Motion by Alderman Nicholson, second by Alderperson Dorff to return to regular order of business. All in favor of that motion, please signify by saying aye.
- [Group] Aye.
- And those opposed, nay. Do you have a, John? Okay.
- I recommend that the denial for the request be upheld due to the neighborhood association and all the neighbors that have been forth. And also the city staff, their recommendation was for denial. So that's my thoughts on it. And I thank you.
- [Mayor Schmitt] Thank you. So if you want to use the board here. A yes vote denies this. Right, this one item two, to deny the request to amend the plan. Alright, so that passed unanimously. So the denial was upheld. Thank you for being here tonight. Sorry to keep you here for a couple hours, but it was worth the wait for you. Alright.
- [Kris] We're now on to R, report of the Finance Committee, August 14th, 2018.
- Alright, there's a motion by Alderman Scannell, second by Alderman Galvin to approve the report of the Finance Committee. And that was for their meeting held on August 14th. Any items in this report you wish to handle separately? Item six and item seven. Hearing none others, all in favor of the remainder of that report, please signify by saying aye.
- [Group] Aye.
- And those opposed, nays. The ayes have it. All items under report R have been approved with the exception of item six and seven. What are your wishes regarding item six?
- [Alderman Scannell] To approve.
- Motion to approve by Alderman Scannell, second by, who was that? Oh, Alderman Galvin, Alderman Wery.
- Thank you Mr. Mayor. I guess this would be a question for the city attorney. All claims against the city are public record, just not the discussion about them or, how do we?
- [Vanessa] It depends on the, where we're at in the claims process. So the claim itself is public record. The discussion is not. And the result, the result is. The information we have regarding our investigation does not turn into public record until after the statute of limitations is run.
- Okay. So, to clarify, it was a complaint here, a claim by Alderman Zima, correct. Allegations of defamation, defamation, denial of first amendment rights and conspiracy against Mayor Schmitt and yourself, attorney Chavez, correct?
- [Vanessa] Yes.
- Okay. And the committee's action was to do nothing, correct?
- [Vanessa] To deny.

- Okay. And in order to discuss that, would we have to go in a closed session?

- [Vanessa] Yes.

- Okay. Thank you. I make a motion to go into closed session.

- [Man] Say again.

- [Mayor Schmitt] There's a motion and a second to go into closed session to discuss item six. And Alderman Wery, I'm gonna ask you to read that language on there for the record.

- The council may convene in closed session pursuant to section 19.85 subsection one, subsection G Wisconsin statutes for the purpose of conferring with legal council for the governmental body who's rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved. The council may thereafter be convened in open session pursuant to section 19.85 section two Wisconsin statutes to report the results of the closed session and consider the balance of the agenda.

- Alright, we'll use the board here. This to go into closed session would be a yes vote. A no vote would keep us here. Alright Alderperson Dorff and Alderman Scannell, you guys got to vote. Huh? Oh, they're both gone. I can't put the board up. Yeah, I don't know. We were just taking a break. They the only ones with kidneys in this place? Bladders, I should say. Come on. Closed session, yes or no.

- [Alderman Scannell] Yes.

- Alright, then hit your green light. And Alderperson Dorff. No, true. Do I just hit that without her being here? No. Hell, I can't vote for myself.

- [Alderman Scannell] I voted.

- We're waiting for Alderperson Dorff.

- [Alderman Scannell] I make a motion to take a voice vote.

- You think you can hear from down there?

- [Alderman Scannell] I mean she doesn't have to be here to do a voice vote, right.

- I'm pretty sure closed session has to be board vote. Right. Actually, you guys can leave. I mean you can go in my office cause I'm just gonna hit the button. It's gonna pass. I just, Alderperson Dorff, closed session, yes or no. Alright. Alright that passes on a vote of 11 to one. So we're in closed session. We'll be as quick as we can. I'm gonna hit the pause button. And those opposed, nay. The ayes have it. Please get this queued up. We're back in regular session. Okay.

- [Alderman Scannell] There's not anything we have to report out is there?

- No, that was, we discussed item, item six. Do we get a motion to second and receive this and place it on file? Item six? Alright, there's a motion by Alderperson Dorff. Second by Alderman Scannell to receive and place on file item six. All in favor, please signify by saying aye.

- [Group] Aye.

- And those opposed, nay. Ayes have it. Item six has been received and placed on file. We're now on to item seven. What are your wishes regarding this item?

- [Alderman Scannell] Motion to approve.

- So a motion to approve by Alderman Scannell. Second by Alderman Wery. Alderman Wery.

- Thank you Mr. Mayor. I had a few questions regarding this.

- [Mayor Schmitt] Alright.

- I don't know if our finance director, director would want to answer it, but in reading through the report, there's a lot of information there that doesn't delve down super deep into the details like maybe a forensic audit would do in which we probably do need. How much money was unaccounted for in the project? We're not sure where it went. I mean we know it's within the project, air quotes, but how much money was there? Yourself or Director Vonck.

- [Mayor Schmitt] Director Vonck, do you want to?

- Sure. We also have representative, the receivers here this evening who ordered this examination, can talk a little bit more about the specifics if you have questions about the process in terms of specific methods or procedures that were used in this examination. In terms of what was provided through this and money that was unaccounted for, the money is, at least to our understanding, is through the project, the money is all into the project. Maybe not necessarily matching up with some of the receipts that were provided. But that the examination did find that all the money that was put into the project went in to the project itself.

- [Alderman Wery] Let me rephrase the question. How much money is there that we're unsure of exactly where it went? Maybe it went to a ghost expense, or an inflated cost, like the \$600,000 that was supposed to go towards kitsch equipment that we went, that's why I used air quotes to the project. But there's a lot within the project that could be shady, that we're not sure where it went to. We just don't.

- Sure. So it all went into the project. If you look at the

- [Alderman Wery] Air quotes.

- And in the end, the attachments in exhibit B talks about the grand total of all payments goes through and shows money that did go into the project. And that's where it comes out and will show for the city's concern the perspective what money was used in section 108 funds. But you'll see that all of the moneys that were put into the project went into the project. I guess there's no missing money from the project.

- [Alderman Wery] Perhaps I'll try a third time. How much money that we paid to the project are we not sure that it went for what it said it was for? I think there's a specific couple paragraphs in there about it. Like I mentioned the \$600,000 for the kitsch equipment. There's a few other things like that. I mean if you don't know, we can bring the expert up too.

- Sure, so if you're talking about the things on page seven, there's a total variance between what was provided in receipts to the city and what was actually accounted for through this examination. And that different was \$850,000. \$850,948. That is the variance between the receipts that were submitted to the city and then what the examination found was actually spent in terms of those receipts. With that, going through and looking at the money into the project, that money was accounted for in other parts of the project, including the same expenditures which were HUD eligible under this terms of the loan.

- [Alderman Wery] But it is quite possible that some of those items that went for might not be what they appear. It could be inflated costs, or I mean otherwise why would they not submit the correct amount? Would a forensic, forensic accounting look into that? I've heard some talk of perhaps looking at a fraud on Mr. Horenda.

- Sure, I mean if you want to open the floor, I can defer to the receiver in terms of the specific examinations as performed.

- [Mayor Schmitt] I'm good with that. Alright, so there's a motion and a second to open the floor to hear from interested parties. All in favor of that motion, please signify by saying aye.

- [Group] Aye. And those opposed, nays. Ayes have it. The floor's open. So we're discussing item seven under Minutes of the Common Council

the report of the finance committee. Item seven specifically to receive in place on file the information report of Hotel North audit completed by Cowie Management Group, which is appointed by Paul Swanson, the receiver. Anyone here who would like to speak to that? Mr. Swanson?

- I'm Paul Swanson, the court appointed receiver and here to answer your questions. In particular, your question, alderman. Quite frankly, all the money that the city invested in this project went into the project. I think that my conclusion, after looking at the entire thing is that frankly they didn't have enough money to finish the project. And when they lost the, he made some mistakes in his depository accounts. He then lost the commitment of Huntington Bank for the 12 million dollars or so that he was going to get, which was supposed to be the final commitment and he could not replace that financing. And I think I know why. And that's because he couldn't finish it for the 12 million dollars. It would have cost several million more plus the FF and E which was another three to four million dollars. So it became apparent why no other bank, I think to me anyway, would finance the completion of the project without a significant equity contribution. And I believe that Mr. Horenda tried to raise that equity. At least I think he did. And he couldn't do it. And ultimately the secured creditor here, Octagon Partners, couldn't let it go any further. And then god they stepped in. And I got to commend the city, quite frankly, on it's participation in this project, it's support. Your staff has done an outstanding job and the continued promotion of the project, which is going to be one heck of a project is very much appreciated. Mr. Horenda, I don't know where the criminal stuff comes in. I'm not a criminal lawyer, but I think it's just a matter of, I'm a bankruptcy lawyer. And I've been a bankruptcy lawyer for a long time, and presided as a trustee, and do still up here in Green Bay. I do a lot of work up here. This is just another developer that just didn't have the horsepower behind him to, financially speaking, to take it across the finish line. And it's a great project. It's actually almost completed as planned. So I think if you've been through the project, you understand that it's, it's gonna be something for the city. But I'll answer any specific questions you have. I did commission the accountant to do this, Mr. Cowie works with me quite a bit. He is a forensic accountant. He does this type of things. I do a lot of fraud examinations myself. I have an accounting degree as well as a law degree. So I'm pretty familiar with the numbers.

- [Mayor Schmitt] Anything else? Go ahead.

- Thank you Mr. Swanson. I appreciate you've been closer to this than anybody, really. You had mentioned the person who did the work is a forensic accountant. But that didn't mean he did a forensic audit on it, right.

- [Mr. Swanson] Oh he did.

- He did, so this was a forensic audit.

- [Mr. Swanson] Well I had him dig deep. You know, there was a lot of things swirling around this one when I first became involved. And there were a lot of unpaid claims here and everybody was kind of wondering what happened here. So I really had him dig deep. That's not to say that the, I don't know what the profit margins were. I know what the original contract, I think it was 30 to 31 million in hard costs to take it to the completion, plus FF and E. If you add up the numbers, he didn't have 31 million bucks to do it.

- Alright, that's all I have for now. Thank you.

- [Mayor Schmitt] Alright, thank you. Alderman Bill Galvin.

- Thank you, Mr. Swanson. And thank you for all the work you've done on this project.

- [Mr. Swanson] You're welcome.

- I just want to clarify some things. So you feel a audit was done that got right down to the nitty gritty. And after seeing that audit, you do not have any concerns about any kind of illegal activity or fraud on the part of anyone from the city?

- [Mr. Swanson] Oh no. No. Not at all. I think really the, the problem, and probably the one thing that KP Eight, well actually Hotel Northland did was ask both Octagon and the city to fund committed funds to an account which they knew was against the loan covenance, not the city or the Octagon but, Hotel Northland. And that was the element where funds came into a BMO account instead of the Huntington Bank or First Merit account.

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That was a violation of the underlying loan agreement and that allowed Huntington to say you violated this and therefore we're not gonna honor our commitment. And I think Huntington, remember First Merit merged into Huntington or was acquired. And I believe that the new bank came in and re- you know, took a look at the loan because it had been committed what a year, a year and a half before and things had changed. And I think they were a little looking sideways at it thinking I don't think this guy can do it. And this gave them the opportunity to frankly, I think probably, rightfully, cancel the commitment. So the blame rests firmly on Mr. Horenda for doing that. At least that's my understanding. Mr. Horenda may take a different position on that. I think he does. But that's the hook upon which Huntington hung its termination of the loan agreement on. But the money that came in, Mr. Cowie pretty much did allocate, I mean he traced it out to where it went. While it may not have been, for example, I think that the FF and E, the equipment, there was a bunch of invoices attached to one of the draw requests saying that well, the \$690,000 worth of equipment, I'm gonna pay for with this money. He didn't pay for the equipment with that money, but he paid other legitimate bills with that money. So I think that's what we're sort of getting at here. And I don't know that there's anything really wrong with that. Maybe there is.

- Kind of rob Peter to pay Paul to get money.

- [Mr. Swanson] It just kind of reallocating stuff. Maybe the loudest voice got paid. When I took over, there were eight million dollars worth of unpaid lien claims out there. Assuming he would have got the \$12 million commitment, eight million would have gone to the lien claim as he would four million to finish the project. I had to borrow another 12 plus to do it. That leaves a shortfall of eight in my, if my math is correct.

- Okay. And if you had seen any, anything that led you think any kind of a crime might have been committed, you would have turned this over to the authorities.

- [Mr. Swanson] Sure.

- And you don't see that at this time.

- [Mr. Swanson] No.

- Okay. Thank you very much.

- [Mr. Swanson] Sure.

- [Mayor Schmitt] Alderman Brian Johnson.

- Thank you, Mr. Swanson. I'm seeing in your report in a couple of places that it's referred to as an examination as opposed to an audit, or as Alderman Wery had eluded to a forensic audit. Could you maybe explain to me the difference?

- [Mr. Swanson] Well, I don't think there is. It's an examination, an audit is an examination. When you do an audit, you're examining all the base information, sources, uses of cash. He dove down and looked at the invoices. He looked at the check registers. He traced every penny that went through all the accounts. We subpoenaed or were provided with records from all the banks. He went down and sat at the KPH offices and went through all the invoices. He looked at the subsidiary companies that Mr. Horenda had, KPSU Environmental, tied out all the money that went through there. There was another related company that supplied labor. Now that's not to say there were markups in these things. I mean I think, you know, when you dig down into it and really take a look at how much was charged and what the markup was, there may have been some profit in there that could have been contributed back. But I mean they signed the contract with KPH. So remember that at the time, the contractor signed, there were two partners, Franz and Horenda. What are you gonna do? When they sign a contract at a number, I can't really change that.

- So, at this point, I mean we're talking semantics, I mean the difference between those examination, audit, financial--

- [Mr. Swanson] It's the same. He really dived into this. This is a pretty deep audit.

- Okay, and this might be the newby in the room here. As part of the receivership, how was the cost of this

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paid?

- [Mr. Swanson] The receivership?

- No, the cost of this examination or audit.

- [Mr. Swanson] Oh, I'll tell you. It came out of the money that was advanced by Octagon.

- Okay, so this was not part of the city funding that paid for this?

- [Mr. Swanson] Oh no.

- Okay.

- [Mr. Swanson] The city, the city's money was spent on the project before I ever got involved.

- Okay. And through this process, unless I've missed it, I didn't see anything in terms of identifying deficiencies and internal control with the city or a breakdown in city practice. Would you say that that's--

- [Mr. Swanson] No, actually, I think the city advanced pursuant to the process that was in place. I mean there was a draw request. It was backed up by invoices. They matched, the numbers matched. And I would assume from if the city was looking at it, they would say yeah, this is appropriate and they advanced.

- Okay. In your professional opinion, I mean we have some money that's been advanced from HUD. It sounds like we can't necessarily trace it back to HUD qualifying expenses. Do you feel that the city has any liability or exposure where HUD could potentially ask us to repay those funds.

- [Mr. Swanson] Oh, that's beyond the scope of my expertise.

- Okay, so that doesn't fall within the scope of this examination?

- [Mr. Swanson] Let's face it. I mean the hotel that's being delivered is what was promised. And the expenses are all in there. So I don't know how HUD does it. But I mean if you go back and reallocate, obviously all of those things that were represented to be completed are. The money is spent on them. Historic tax credit money, I think actually more money was spent on the restoration so there may be, I know they're taking a look at the ultimate funding on that.

- And when your auditor does the, I guess the deep dive or the forensic approach, do they typically review transactions for inflated costs or for items that might not be relevant to the project?

- [Mr. Swanson] No, I think he tied everything out to the contracts, actually. Was it above or below. And there was a question, I guess, when I took over, was it 60% complete, was it 70% complete. That's a hard one. I've asked them to give me a percentage. But obviously, I don't think, well in hindsight, I can, I can say that they couldn't have come in at the contract price. They would have been over the contract price.

- Okay.

- [Mr. Swanson] Cause it is over. Not by much, but a little bit.

- Okay, thank you.

- [Mr. Swanson] Well, several million. Maybe more than a little bit.

- [Mayor Schmitt] Anybody else want to speak? Anybody else want to speak? You got to hit your light.

- [Mr. Swanson] That's it.

- [Mayor Schmitt] Done. Hit your light, but for the record. Okay, go ahead.

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- Thank you, your honor. Is that on? Thank you Mr. Swanson for coming in. I think a number of us have been involved in this project on and off for the last six years. So it's been a long, long process to say the least. The question I had was you hired Martin Cowie, correct?

- [Mr. Swanson] Correct.

- To be the forensic, is he a forensic auditor?

- [Mr. Swanson] He's worked with me on and off for the last 20 plus years.

- I think the question I have is that if you look up Martin Cowie, he was involved in some lawsuits and a few other things found in Oshkosh. I don't know if you can just elaborate on that. Did that compromise his ability to do the job?

- [Mr. Swanson] I don't think any of that impacts on his ability to perform a forensic audit. Cowie got into business himself for a while. He wasn't working for me at the time. And you know, had some problems. But that doesn't really effect his ability to do an audit.

- That's all I've got.

- Anyone else for Mr. Swanson? Alright, is anyone else wishing to speak to this? This is the item seven. Yeah, I think. Alright, I'll entertain a motion. Motion by Alderman Vander Leest, second by Alderman Scannell to return to regular order. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. Ayes have it. We're back in regular session. Motion on the floor is to receive and place on file Alderman Wery's floor. You're good?

- I'm good.

- Anybody else? Let's use the board and vote on this. Item seven under the report of the Finance Committee. Alright, and that item seven's been approved unanimously. Thank you.

- [Kris] We're now on to item S, report of the Park Committee, August 15th, 2018.

- Alright, there's a motion by Alderman Nicholson, second by Alderman Scannell to approve the report of the Park Committee. As the clerk said, the meeting held on August 15th. Are there any items in this report you wish to handle separately?

- [Man] Five.

- Number five.

- Okay, hearing none others, all in favor of the remainder of that report, would you please signify by saying aye.

- [Group] Aye.

- And those opposed, nay. Ayes have it. Items one, two, three, four and six have been approved what are your wishes regarding five? There's a motion by Alderman Scannell, second by Alderperson Dorff. Alderman Brunette. Hang on, just one second. Alderman Brunette.

- Yes, thank you, Mr. Mayor. If I could, I'll make a motion to amend the motion to approve substantially as attached. And I can explain after a second if I could.

- [Mayor Schmitt] Just wait. So it's to approve the lease agreement for the construction and maintenance of the downtown pocket park contingent upon the approval of the law department with the exception of the final draft

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will be completed by the next city council meeting. Tell me what you want.

- So I talked to--

- [Mayor Schmitt] Just give me the words so I can just get a second.

- Approve substantially as attached.

- [Man] Second.

- [Mayor Schmitt] Okay, so we're going to amend it to add the words approved substantially attached.

- [Mayor Schmitt] As attached, yes.

- And the reason is part--

- [Mayor Schmitt] Okay, there's a motion and a second on the floor. Go ahead.

- Sure. Prior to the meeting, co-director Ditscheit asked me, gave me an update on this. We approved it at the Parks Committee on Wednesday. The Law Department did not have an opportunity to do what the committee asked them to do prior to this meeting. It required time to contact the person involved. So that's the motion. If Attorney Chavez could comment on this, or Director Ditscheit, or someone so we have an understanding what the status is.

- [Mayor Schmitt] You or Dan.

- I can answer. We had conducted a review of the agreement. We were waiting to hear back from the lease orb as to whether or not they agreed to it. And so we were still just waiting for that. It's been through legal approval, or legal review at this point. We're just waiting to see how many revisions to it. But we don't anticipate anything substantially. It would just be technicalities at this point.

- [Alderman Brunette] Sure, and it was very quick timeline to get this project up and running. And I think that was, I think Alderman Johnson, at the committee level, expressed concern. He didn't want this to be common practice that we're approving things and trying to get pieces in place after the facts. So, obviously I made the motion, so I'm in support of it. Thank you.

- [Mayor Schmitt] Alright, so what we have on the floor now is to amend this approval as substantial attached. This doesn't sound like good English to me.

- [Alderman Brunette] It was foreign to me as well, but--

- [Mayor Schmitt] But those are the words.

- Substantially attached.

- [Mayor Schmitt] Huh?

- Substantially attached.

- As substantially attached. Alright, so all in favor of that amendment, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. Ayes have it. I'll need a motion to adopt his amendment. Alright, by Alderman Scannell, second by

- [Man] I have my light on here.

- Yeah, you know, got a bad connection cause I don't see it on here. Thank you for bringing that to my attention. Pam, do you see the light on? Alright. Alderman Johnson.

- So I was just gonna attempt to add a friendly amendment to that just to have that final contract reported back to the Parks Department at it's next meeting. It's not really substantive change, but just a request to have that contract reported back.

- [Mayor Schmitt] Okay. So we'll approve this with a notation that this contract comes back to the Park Committee.

- Yeah.

- [Mayor Schmitt] Alright.

- I'm not requesting any action needs to be taken, just that we get an opportunity--

- [Mayor Schmitt] Dan's here and he's shaking his head yes. So, alright, so there's a motion, second to adopt this as amended. All in favor, please signify by saying aye.

- [Group] Aye.

- [Mayor Schmitt] And those opposed, nays. Ayes have it. And the contract will, Dan, go back to the Park Committee as requested by the alderman. Okay, Kris.

- [Kris] We're on to T, Committee of the Whole.

- So, we are now on to the committee of the whole. And Alderman Grenier asked for this. This has to do with the Green Bay Packaging Mill and some other things. And evidently the INS Committee did not meet, will not be meeting that timely fashion to address this. So Director Grenier, I'd like you to explain this and then I'll look for a motion to adopt this.

- Certainly. The Improvement Service Committee last met, I believe on July 30th and will not meet again until the second week of September. We, as part of the Green Bay Packaging Project, have to get out of the 2200 block of North Quincy Street where the old, the old Quincy Avenue incinerator building is. We've got a number of facilities out there, not the least of which is the police evidence storage facility. And that has to be built to certain standards for evidence needs. We're gonna be moving that evidence storage facility over to the Badger Sheet Metal property and we need to be able to execute contracts in order to allow that to happen. And the Green Bay Packaging Project has very strict timelines associated with it. Those timelines are not conducive to what our meeting schedule is. So the committee and the council has granted us the authority and in certain circumstances to award other public works contracts. And one of the large conditions that was attached to that that we insisted on as staff, was that it had to be part of and approved capital improvements program. This contract, obviously, the entire Green Bay Packaging Project came up after the Capital Improvement Program for the year had been adopted. So we're simply asking for the same latitude in executing contracts in a timely fashion to help that Green Bay Packaging Project move forward. So everything we're asking for here, these will be contracts over at the Badger Sheet Metal Project, or property, but they directly related to our removing out of the Quincy Street facility for the Green Bay Packaging Project, which was adopted, I think, two months ago.

- [Mayor Schmitt] So I would look--

- [Man] Motion to approve.

- [Mayor Schmitt] A motion. There's a motion by Alderman Vander Leest, seconded by Alderman Galvin to approve item T one, which is the request by Public Works, as just explained by Steve. The authority to award these contracts to get the evidence storage moved out and relocated in the Badger Sheet Metal. Any discussion on this, Alderman Wery.

- Thank you Mr. Mayor. I did have two, and apologize if I missed it. But Director Grenier, what are our expected costs and what's the funding source for this?

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- The funding sources is going to be a combination of there are some funds that were already allocated for other projects this year, specifically there were some fiber optic interconnects that were anticipated to go out to Quincy that are no longer needed. We're gonna take that money, turn it back around and a taff. At this point, we are still working up what the expected costs are going to be. I've got Berner Shoburt doing the design. When the design is completed, we'll have the, the budgetary estimates.

- [Alderman Wery] Alright, thank you. That's my only question. But I do have a comment.

- [Mayor Schmitt] Alright, go ahead.

- This is untimely not because of improvement and services meeting schedule, it's really because we're meeting once a month. If we had been meeting regularly, twice a month, we easily would have been able to handle this. But because we chose to meet once a month in September for some reason, which I was opposed to, we should easily be able to handle this. I think this is something we should look at. We don't even know the cost. This is all involving buying the land over on Broadway as part of the shipyard project. But we're gonna move our storage over there. We don't even know the cost of what we're doing. So I really don't want to just, we just heard how we don't want to sign off on things without seeing it. I think this should go to INS, maybe work with our chairman, Chairman Nicholson, and try to get an early meeting. I'm gonna vote no. I think this type of cost, and we're reallocating funds. I don't remember ever approving reallocating funds. Maybe we want those for some other street issues or potholes, or something like that. I'm not interested in reallocating funds for this. So I'm gonna vote no. I think we can handle it, and INS can't be that time consuming. We should have planned better. Thanks.

- Thank you. Alright, so we have a motion and a second to approve item T one. If you'd please use the board. And that passes on a vote of eight to four. Alright, thank you. Kris.

- [Kris] We are on to U, report of the Ethics Board, June 14th, 2018.

- This is a request for reconsideration of the council's June 19th decision on the report of the Ethics Board, which is dated June 14th. Based on a reading opinion of a lawyer representing the Ethics Board. So the way this works is I will ask for a vote for reconsideration. Then the item's reconsidered. Then it's just back to where it was. And then we need a vote to do whatever you want with it. But the first vote I'm gonna ask for is a motion and a second for reconsideration.

- [Man] Motion.

- Alright, there's a motion by Alderman Scannell, second by Alderman Galvin, to reconsider this item.

- [Kris] To clarify, mayor, it needs to be somebody who voted in favor of it, for the motion. The second can be anybody.

- Did you vote in favor of this?

- [Alderman Scannell] I voted in favor of it.

- Okay, alright, so we're good. On June 14th, Okay, so, I think it would be appropriate that if you would make, do you want to make the motion to reconsider this?

- [Woman] Motion to reconsider.

- Alright, that's second by Alderman Galvin. Alderman Wery.

- Mr. Mayor, I do have a point of order. And I know there's some emails that went around regarding this. Since 2002, it's always been my knowledge, and Alderman Nicholson can probably back me up on this, our policy as a city has always been you can reconsider items 24 hours before the next council meeting so that it can be on the agenda and then debated whether or not you reconsider it at that meeting. That's been our policy. If Alderman Zima were here, he'd probably tell you it was for 40 years. He's probably say in time, in memorium, or

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something like that, a little more flowery. In speaking with previous city clerk, they can concur. In speaking with Anita Rowley, who just retired, she concurred. In speaking with village of Ashwaubenon, who has the same policies, they concurred. They said if you don't get it in in time, too late, too bad. In speaking with Sandy Juno at the Brown County Clerk's office, she also agreed to that. She said they followed the same guidelines. So I just really want us to ensure that all rules we have here are being applied equally to everyone and not being changed here and there. I just, this has been our policy. It's the policy of those around us. I think we should deny this as untimely. Or, hold this and get a legal opinion from the League of Municipalities regarding reconsideration guidelines. One or the other, if we're not gonna deny it, we should hold it and get some clarification. This is an important one, otherwise, now reading the opinion that we have all two years during our term to reconsider untimely items. I mean that's interesting. So I think we should deny this as untimely. Here as long as I have, or Alderman Nicholson. Alderman Nicholson, I don't know if you want to concur on that. But I know people who have been denied cause they didn't get it in time. They were just told too bad.

- [Mayor Schmitt] Do you want to comment on that? Is this, I mean I read your opinion. I want to hear this in front of the council, but this is not out of order. I'm not going to rule it out of order.

- Per the city-- Per the city's ordinance 2.06, subsection seven, which governs reconsideration, it states that motions for reconsideration shall conform to Robert's Rules of Order, Newly Revised, except appointments of city officers shall not be subject to reconsideration whether confirmed or rejected by the council. And what I sent you was an explanation of Robert's Rules and I quoted directly from it so that you all are aware. It's up to you how you guys want to deal with things, but this is, you guys have already received my explanation of Robert's Rules.

- Alderman Galvin.

- [Alderman Galvin] Thank you, your honor.

- Just hang on a second, Bill. I'm sorry. Go ahead.

- Alright, thank you, your honor. Chris, you mentioned policy. Is it a written policy or just one of those past practice things that we hear about all the time? So past practice. Like we talk about new blood in the council, I don't know why we should be holding the past practices unless we all agree to follow it. Well, that's their past practice. Are they establishing how we-- Well, it's not written down.

- [Mayor Schmitt] Just wait you guys.

- I'm sorry.

- [Mayor Schmitt] I'm the chair.

- Okay.

- [Mayor Schmitt] So yes.

- So it's not a written policy. We do follow Robert's Rules of Order. That's my understanding. So I mean if it was written down that that's how we had to do it, then I'd say yes. Let's go with that. But we've got a legal opinion based on Robert's Rules, and I think that's the way our council should go moving forward. To have to be held hostage to old past practices that may or may not have been correctly used or done, I think is wrong. And part of the reason why you want to get new blood into a council is to maybe change some of these old past practices. So I'm in favor of the reconsideration. Thank you.

- Alderman Brunette.

- Thank you, Mr. Mayor. I don't know who would best answer this question. But when was the report of the Ethics Board available to this council, on what date? Does anyone know? I recall reading the report when we, reading something that led us all to vote the way that we did. What day was that report available? Was it available for the June council meeting? Is that correct?

- [Mayor Schmitt] Yes, the meeting was on June 14th.

- Sure. So we had that report available to us. So the motion, it just seems rather unseemly to me that we would two months later then decide to change votes. I mean whether we agree with this person involves actions or their ability to appeal, whatever your personal position is on this, this now has been going on for two months. And I believe is possible that they were preparing to appeal to the Ethics Board for the action of this council. And I don't think that that's a good practice to do. You don't turn something down and then two months later change your mind because someone is involved in this process that is affected.

- [Mayor Schmitt] Alderman Brunette, just for the record, we were notified at the next council meeting that this was coming.

- The person made a communication. Right. I do recall that. I'm not angry or frustrated. It just doesn't seem like good practice when someone is involved with the decision that this council makes, then for a month or two months later, then has to go back to the original. When this report was available to everyone. In fact, many of us voted the way that we did based on the report. So I just think it's bad practice for someone who's effected. Thank you.

- Alright, thank you. I don't, Alderperson Veronica Corpus-Dax.

- Thank you, Mr. Mayor. So the reason that I submitted the request for reconsideration is because I had actually not seen the opinion of attorney Kalny when I looked at the agenda packet for the June meeting, my understanding is that it wasn't attached. I hadn't seen it. And I had spoken with other alders afterwards and they hadn't seen it either. I know at least one other alder had not seen that opinion. So that's why I brought it back. And then also, as well as speaking with and getting and understanding from attorney Kalny himself.

- Okay. So, there's a motion and a second to reconsider this item. Alright, Alderman Wery.

- Mr. Mayor, I'll make a motion to hold this item and have legal staff opinion and opinion from the League of Municipalities regarding reconsideration guidelines.

- [Woman] If I am not mistaken, it does not allow anything else to happen.

- Well then I think the reasons are, are numerous enough that the waters are pretty muddy for us to be waiting this long. We heard that information was available to everyone. If you're not prepared, that's not on us. That's on the individual. And I think we're going against all of our entire history of what we've done. And to say well, now we can do whatever we want. Careful with that. Thanks.

- Alderman Brunette, did you have a comment?

- [Alderman Brunette] I just turned it off, thank you.

- Alright, okay. Alright, so you were checking to see if a hold trumps the motion for reconsideration. And if it doesn't, we're gonna vote on this.

- [Man] I got a question.

- Hit your light. Alderman Scannell, I see your light's on.

- since and no action's been taken on this item, and we're dealing with a newer alder, I got no problems, as long as we're not violating anything. If we're going against our own convention, we can do that. I have no problem supporting this. If action had already been taken on it, it'd be different. But no action has been taken. So nothing's been done. I got no problem with supporting this. Thank you.

- [Mayor Schmitt] Thank you. Alderman Nicholson.

- Question, do we need Mr. Kalny here?

- [Mayor Schmitt] Well, you'd have to open the floor to hear from interested parties.
- The question is, do we need him here.
- [Mayor Schmitt] Well, that's not my--
- Is he charging us right now for sitting, listening to our meeting?
- [Mayor Schmitt] I would think, most attorneys I know--
- You should know, mayor. If we don't need him, we should dismiss him.
- [Mayor Schmitt] Well you don't know if you need him. You don't know if an alderperson wants to hear from him.
- That's why I'm asking. Do we need him or not?
- I don't want to talk to him. But I'm just wondering--
- [Mayor Schmitt] I would think if the item is reconsidered, one might want to hear from him. That was my understanding.
- Okay, so then, it's a yes then. We do need him here.
- [Mayor Schmitt] I would say yes.
- Okay.
- We were asked to have him here, thank you. Okay. Alright, we got time. Alderman Wery.
- [Alderman Wery] Make a motion to open the floor.
- [Mayor Schmitt] Alright. A motion by Alderman Wery, second by Alderman Nicholson to open the floor to hear from interested parties. All in favor of that motion, please signify by say-- On reconsideration.
- [Man] But we haven't even gotten to--
- [Man] What are we waiting for?
- We're waiting, we're waiting for, we're waiting to vote. But the reason we're not voting is because he asked for a motion, hang on. He asked for a motion to hold and you know how a referral like some things trump, but with a reconsideration, I don't think anything trumps it. I think it's the issue on the floor. It's a standalone. That's what she's looking up right now.
- [Man] Okay.
- You cannot postpone to, postpone indefinitely. You can postpone to a certain time.
- [Mayor Schmitt] Alright, so you want to, what do you want to do? Do you want to open the floor or do you want to postpone to a certain time? It's up to you. Alright, so there's a motion and second to open the floor to hear from interested parties. All in favor, please signify by saying aye.
- [Group] Aye.
- [Man] What specifically are we opening the floor on? Is it on motion to be able to reconsider?
- [Mayor Schmitt] I am going to turn to the audience and I'm going to read them what is on the floor. Request for a reconsideration council, June 19th decision and see if there's anyone who wants to weigh in on that.

- [Man] Okay, do we first vote to see if we are gonna reconsider. If we're not gonna reconsider--

- [Mayor Schmitt] What if they influence your decision to reconsider?

- [Man] Okay

- [Mayor Schmitt] Alright, so we have a motion and a second. I don't know if we totally need your vote, but I want to hear it again. A motion to second to open the floor to hear from interested parties. All in favor, please signify by saying aye.

- [Group] Aye.

- And opposed, nay, ayes have it. Floor is open. So, we are discussing report of the Ethics Board. That was a meeting that took place back in June, 14th. There's a motion, we're discussing possible reconsideration of the council's June 19th decision on the report of the Ethics Board, dated June 14th, based on the written opinion on the lawyer representing the Ethics Board. Anyone here that wishes to speak to this?

- Ladies and Gentlemen, I just want to say one thing. That words just flow off my tongue right into my brain. You have a serious procedural problem.

- [Mayor Schmitt] We need your name and address, please.

- My name is Guy Zima, 1121 12th Ave, Green Bay, Wisconsin.

- [Mayor Schmitt] Alright, thank you.

- Serious procedural problem. The irregularities in how you've been treating reconsiderations is quite amazing. I think you'll open yourself up to a whole lot of possible litigations. That's just my opinion. I'm not a lawyer. But I believe there are some written policies. I tell you over in the county, there's a written policy about reconsideration. And I think the council actually has a lot of policies. I just don't know where they are. There was a time when we had them, but a lot of records just get thrown out the door. So, what are our council policies and procedures? Where are they? I think somebody ought to look for them. But I'll tell you, as a matter of fact, it has been the practice that I believe is based on policy. And I know we have a written policy over in the county that speaks to it directly. And I believe there's one in the city. Just where is it? Maybe the clerk ought to try to find it. But we have acted that person can always reconsider up til the next meeting. And, if someone made it actually the same day, then it had to be held off for another meeting. But it always had to be in writing to the clerk. And of course, we've had, your honor, you have ruled that what we got to start following rules of order in leu of any other amendments that the council has. We have a right to policies outside of Robert's Rules of Order. And I think there is a policy book, policy somewhere. I just don't know where it is. I'd have to ask the clerk to get it. But here you are, not only wasn't it untimely, it came actually at the meeting in the form of a communication. Oh, you were aware of it? Well whoopy do. I'm aware of Mr. Nicholson and some other people's attitudes about certain things. That doesn't mean anything until you put it in writing. And it doesn't count if you don't put it in writing and get it into the clerk's office, and get it down. I think it's just a political pressure going on and in all due fairness, you have new people. I can appreciate that they can change their mind about things because they are hearing arguments for the first time. But this one is a no-brainer to me in all my experience. You don't get to, if you're going to do it the same day, you still got to go put it in the clerk's office the day before, some time before the meeting, not at the meeting, at the end of a meeting. It's very problematic.

- [Mayor Schmitt] Thank you. Anyone else wish to speak to address the council regarding item U one?

- James Kalny, 918 Georgia Drive, De Pere, Wisconsin. I'm not in the position to address the issue of the reconsideration. I don't know that it's appropriate for me to. I can't say that I've researched it. I can't comment on that day on if the request to reconsider was filed the day of the next meeting. I don't know that. I haven't looked into it. I'm here to address if you do in fact reconsider, I'm here to address the opinion and to make clear why I don't believe it's in the best interest of the city to proceed.

- Thank you. Anybody else? Okay, somebody make the motion to return to regular order. Alright, Alderman

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Scannell, second by Alderperson Lefebvre. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- And those opposed, nay. Alright, yeah, yeah, yeah, hang on. Alderman Wery.

- Thank you, Mr. Mayor. I did look up in our city code. It's section two, and I just lost the page here. And it says we adhere to the Robert's Rules of Order, newly revised. And if you look in Robert's Rules of Order under reconsideration, if the vote on some motion isn't reconsidered on the day the vote was taken, or the next succeeding day, the vote can't be reconsidered at the next or later meeting. So if we're following Robert's Rule of Order, we've been out of order. If we're following our own policy, we're out of order. If we're following the revised Robert's Rules, past practice rules of order, subsection two, subsection three, amended twice.

- [Mayor Schmitt] Alright.

- [Vanessa] Robert's Rules makes a distinction based on the session, which is the language I provided to you. This council has been acting both ways. And so there has never been a requirement that the, that it has to be done at that meeting. And so with that, this council has elected to move forward with reconsiderations. I provided you guys with the language. That's all I can do at this point.

- Alright, Alderperson Lefebvre.

- I do serve on the county board. And as Alder Nicholson had mentioned, or Mr. Zima, yes, I have asked to reconsider a vote and I had to go into the county office and make the request personally, to have the vote reconsidered. And I had to be before the next board meeting. And I did so. It came up on the board agenda and they had a vote whether I could reconsider my vote. And they allowed me to. And that's the way the county handles it thank you.

- Thank you. Alright, I'm gonna allow it. A yes vote, this is reconsidered. A no vote, it's not. Use the board. Okay. Seven. Alright. So the reconsider motion fails on a vote of seven to five. Seven, five. Okay, so clerk, let's continue.

- [Kris] We are now on to V, receive and place on file building permit report for July 2018, and municipal court report for July, 2018.

- So there's a motion by Alderman Nicholson, second by Alderman Scannell to receive and place on file the two reports as stated by the clerk. Any discussion here? Is your light still on, Alderman Wery? Okay. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays, the ayes have it. The two reports have been received and placed on file.

- [Kris] We're on to W, resolutions. You may, under suspension of the rules, adopt resolutions one through 17, together with one roll call vote.

- [Alderman Scannell] Suspend.

- Alright, we have a motion from Alderman Scannell. Second by Alderman Stevens to suspend the rules for that purpose. All in favor of suspension, please signify by saying aye.

- [Group] Aye.

- And those opposed, nays. Ayes have it. The rules are suspended. A motion to adopt by Alderman Johnson.

- [Alderman Scannell] Second.

- Second by Alderperson Scannell. Use the board on this please. Alright, and those resolutions pass on a vote

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of 11 to one. Thank you.

- [Kris] We're on to X, ordinances first reading. You may enter suspension of the rules, advance ordinances one through five to a third reading.

- [Alderman Scannell] Suspend.

- Alright, so we have a motion and a second to advance these to the third reading. Item four is not appropriate. So, we'll take that one up separately. That just needs to be received and placed on file. So what we're doing is we're suspending the rules to take up first reading, advance it to the third reading, one, two, three and five.

- [Man] Five separate.

- Okay. One, two and three. All in favor of suspending the rules for that purpose, please signify by saying aye.

- [Group] Aye.

- And those opposed, nay. And the motion to advance.

- [Alderman Scannell] Advance.

- There's a motion to advance by Alderman Scannell. Second by Alderman Stevens. We can do this on a voice. All in favor of advancing, please signify by saying aye.

- [Group] Aye.

- And those opposed nays. Items one, two, three have been advanced to the third reading. A motion and a second to receive and place on file item four.

- [Vanessa] Actually, just hold it mayor. It just needs to be held.

- Oh, it needs to be held.

- [Vanessa]to the referendum.

- Oh, it's off to, okay. Motion by Alderman Scannell. Second by Alderman Stevens to hold item four. All in favor, please signify by saying aye.

- [Group] Aye.

- And those opposed, nay. Alright, and what are your wishes regarding item five?

- Alright, by Alderman Scannell, second by Alderman Bill Galvin. Alderperson Brunette.

- No discussion, I'm just gonna vote no.

- [Mayor Schmitt] Alright, fine. So with that, we'll do a voice vote. This is to advance it to the third reading. All in favor of advance. Yep, okay.

- [Man] Thank you mayor.

- You're fine. Okay. No, we're good. And that passes on a vote of seven to five. Okay, clerk.

- [Kris] We're on to Y, referral of petitions and communications.

- We will begin with Alderman Mark Steuer.

- Thank you, your honor. This one is to community development, to study and report on partial city funding for a
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garden coordinator position that is presently funded by Brown county. Nearly three quarters of community garden users live in the city of Green Bay. Thank you.

- [Mayor Schmitt] Thank you. We will go to Alderman Andy Nicholson.

- Thank you, mayor. I have one for, I believe, finance requesting the records of finances charged by Mr. Kalny for the years of 2016, 2017, 2018 with specifics and explanations for each charge to the city of Green Bay. Thank you, mayor.

- [Mayor Schmitt] Thank you. Alright, Kris, you got any?

- [Kris] No, I do not.

- [Mayor Schmitt] Okay. Alderman Wery.

- Thank you, Mr. Mayor. I have a couple. The first is protection of policy. Review with possible action on the city council's policy and our city ordinance for reconsiderations. Improvement and service with possible action on how sidewalk replacements are funded. Third, protection of policy. Review with possible action, city ordinances or policies to allow for action to be taken on the first and second readings of ordinances. Fourth is protection of policy, request a legal opinion from the state department of justice office regarding walking quorums, mayors that are legally a member of the city council and the practice of meeting individually with council members regarding upcoming business that the city council will be voting on. Thank you.

- [Mayor Schmitt] Thank you. Alderman Scannell.

- Yes, to the mayor's office, to coordinate with all departments to send digital files instead of filling mailboxes at City Hall or mailing our copies, please.

- [Mayor Schmitt] Alright, alright.

- [Alderman Lefebvre] No.

- [Mayor Schmitt] Thank you.

- For alders that want it.

- [Mayor Schmitt] Alderman Lefebvre.

- I've already sent it to you.

- [Mayor Schmitt] Yeah.

- Okay. I have two of them. To improvement and services. Request to extend special assessment payments from five years to 10 years when requested by residents or residences. And then to the Park Board, request to brighten up parks. Colorful fences, painted lines on tennis and basketball courts. You can google colorful basketball courts or baseball stencil silhouettes. Thank you.

- [Mayor Schmitt] Okay, what we've been looking for. Motion to adjourn.

- [Alderman Nicholson] So move.

- [Mayor Schmitt] By Alderman Nicholson, second by Alderman Stevens. Oh, hey, first and a second referring all late petitions and communications. So motion by Alderman Nicholson, second by Alderman Stevens to refer all late communications to the proper authorities. All in favor of that motion, please signify by saying aye.

- [Group] Aye.

- [Mayor Schmitt] And those opposed, nay. Now, a motion to adjourn by Alderman Nicholson, second by

Minutes of the Common Council

Alderman Stevens. All in favor of adjournment, please signify by saying aye.

- [Group] Aye.

- [Mayor Schmitt] And those opposed, nay. Ayes have it. We're adjourned. Thank you. Oh god.

- [Woman] Oh, thank you.

- Can you keep that on, Kris? I got to check the--

- [Kris] I don't have mine.